

Atebion i Gwestiynau Ysgrifenedig y Cynulliad i'w hateb ar 14 Mai 2013

Answers to the Written Assembly Questions for answer on 14 May 2013

*Cyhoeddir atebion yn yr iaith y'u darparwyd, gyda chyfieithiad Saesneg o atebion yn y Gymraeg.
Answers are published in the language in which they are provided, with a translation into English of responses provided in Welsh.*

[R] *yn nodi bod yr Aelod wedi datgan buddiant/signifies that the Member has declared an interest.*

[W] *yn nodi bod y cwestiwn wedi'i gyflwyno yn Gymraeg/signifies that the question was tabled in Welsh.*

Cynnwys

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Gofyn i'r Gweinidog Cymunedau a Threchu Tlodi
To ask the Minister for Communities and Tackling Poverty

Mohammad Asghar (Dwyrain De Cymru): A wnaiff y Prif Weinidog ddatganiad am greu Comisiynydd Anabledd i hyrwyddo buddiannau pobl anabl yng Nghymru? (WAQ64671)

Mohammad Asghar (South Wales East): Will the First Minister make a statement on creating a Disability Commissioner to promote the interests of disabled people in Wales? (WAQ64671)

Derbyniwyd ateb i'w gyhoeddi ar 16 Mai 2013
Answer received for publication on 16 May 2013

The Minister for Communities and Tackling Poverty (Huw Lewis): Our priority is to finalise and implement our Framework for Action on Independent Living for Disabled People. A summary of consultation responses to the draft framework was published on the Welsh Government website at the end of March. The responses reflect what we learned during the development of the framework, that disabled people support our aim to create an enabling environment in which they have access to the same opportunities as everyone else. We are focusing on key priority areas identified by disabled people themselves, and setting out how the barriers to equality can be addressed in each of these areas. This is consistent with the Social Model of disability, which we adopted in 2002, and which focuses on barriers to inclusion rather than people's impairments.

The Framework for Action also focuses on strengthening the voice of disabled people so that they have greater choice and control over the services that they receive. We have engaged extensively with disabled people and their representative organisations during development of the framework and during the consultation period. They have informed us that they want practical action that removes barriers to equality and inclusion for disabled people living in Wales.

Gofyn i Weinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth
To ask the Minister for Economy, Science and Transport

Mohammad Asghar (Dwyrain De Cymru): A wnaiff y Gweinidog ddatganiad am gyfuno tocynnau bysiau a threnau rhatach i bobl anabl yng Nghymru? (WAQ64670)

Mohammad Asghar (South Wales East): Will the Minister make a statement on combining concessionary bus and train passes for disabled people in Wales? (WAQ64670)

Derbyniwyd ateb i'w gyhoeddi ar 08 Mai 2013
Answer received for publication on 08 May 2013

The Minister for Economy, Science and Transport (Edwina Hart): I am reviewing concessionary travel on buses and trains, and will announce my decisions at the appropriate time.

Gofyn i'r Gweinidog Addysg a Sgiliau
To ask the Minister for Education and Skills

Kirsty Williams (Brycheiniog a Sir Faesyfed): A wnaiff y Gweinidog ddatganiad am y cyfleoedd addysg bellach sydd ar gael i fyfyrwyr Gwyddor Cartref yng Nghymru? (WAQ64669)

Kirsty Williams (Brecon and Radnorshire): Will the Minister make a statement on the further education opportunities available for Domestic Science students in Wales? (WAQ64669)

Derbyniwyd ateb i'w gyhoeddi ar 13 Mai 2013
Answer received for publication on 13 May 2013

The Deputy Minister for Skills and Technology (Jeff Cuthbert): Home Economic qualifications are approved for use in Wales and are available to schools and colleges. These qualifications are available to students to study at key Stage 4 and within the post 16 local curriculum.

There are various subjects that sit within the broader title of Home Economics. These include subjects such as Food and Nutrition, Child Development and Textiles. The subjects are available through a variety of awarding bodies and are available at various levels, to suit the needs of the student.

There are currently 12 providers offering at least one of these qualifications within its post-16 curriculum offer.

Angela Burns (Gorllewin Caerfyrddin a De Sir Benfro): O ran WAQ64600, a wnaiff y Gweinidog esbonio sut y mae'r gwahaniaeth yn lefel y cyllid fesul disgybl fesul blwyddyn yn cymharu â disgyblion ysgolion dau gyfrwng? (WAQ64672)

Angela Burns (Carmarthen West and South Pembrokeshire): With regards to WAQ64600, will the Minister explain how the difference in the level of funding per pupil per year compares to pupils of dual medium schools? (WAQ64672)

Derbyniwyd ateb i'w gyhoeddi ar 15 Mai 2013
Answer received for publication on 15 May 2013

Leighton Andrews: The delegated school revenue outturn expenditure for 2011-12 by sector, English Medium, Welsh Medium and Dual Medium schools, is enclosed below.

I also refer you to my reply to WAQ64657, WAQ64658 and WAQ64659 which highlights the pitfalls of a per pupil comparison, as this does not isolate language medium from the broad range of additional factors taken into account in determining school budgets, and therefore school expenditure.

	£ per pupil
Primary schools	
Welsh medium	3,667
English medium	3,604
Dual Medium	3,913
Secondary schools	
Welsh medium	4,714
English medium	4,386
Dual	4,773

Notes: The data in the table above has been obtained from the 2011-12 Section 52 Outturn returns and 2011 PLASC returns. 'Dual medium' schools here include all language classifications apart from Welsh Medium (WM) and English Medium (EM). These classifications are:
Primary school – dual stream; transitional; English with significant Welsh, and
Secondary schools – AB; BB; CB; Ch; English with significant Welsh.

Data provided in previous WAQs on this matter will not match as mixed language schools were included within the most appropriate category, English or Welsh medium.

Angela Burns (Gorllewin Caerfyrddin a De Sir Benfro): A wnaiff y Gweinidog nodi beth y mae Llywodraeth Cymru yn ei wneud i helpu plant byddar yn ysgolion Cymru i gyrraedd lefel cyrhaeddiad addysgol eu cymheiriaid sy'n clywed? (WAQ64673)

Angela Burns (Carmarthen West and South Pembrokeshire): Will the Minister specify what the Welsh Government is doing to help deaf children in Welsh schools reach the educational attainment level of their hearing peers? (WAQ64673)

Derbyniwyd ateb i'w gyhoeddi ar 13 Mai 2013
Answer received for publication on 13 May 2013

Leighton Andrews: The Welsh Government is committed to meeting the educational needs of all hearing impaired learners in order that they may reach their full potential. However, the duty to ensure that these learners receive appropriate educational provision rests with local authorities.

Through our plans for special educational needs (SEN) Reform, we propose to replace the statutory framework for the assessment and planning of provision for children and young people with SEN with a simpler, more person-centred system. This approach takes account of the fact that all children and young people, including those with hearing impairment, have individual needs. In the classroom, good quality teaching will ensure that a range of teaching approaches are deployed to meet the diverse range of pupils' needs.

Where, due to their identified and assessed needs, children and young people continue to fail to make progress or experience problems accessing the curriculum, a more individualised approach is needed; their needs should be met by the school or other provider. This approach also takes account of the small number of children and young people with more significant needs who will require the input of specialist services and the additional support of the local authority, local health board and other organisations to provide appropriately for their needs.

We believe that the approach we are taking through the SEN Reform agenda will have a positive impact on all our hearing-impaired learners as we understand the importance of early intervention when addressing their educational requirements. Coupled with improvements we are introducing to increase teaching awareness and practice of SEN provision, we feel this ambitious piece of work will lead to improved outcomes for children and young people with a hearing impairment.

I am unaware at this time of any formal business case for a specialist deaf school in Wales. The Welsh Government aims to promote an inclusive education system and encourages, where appropriate, that children with SEN have their needs met in mainstream schools or settings. However, there will always be a small number of children who will require specialist provision offered by a special school at some point during their educational journey.

Whilst there is no statutory obligation to teach (British Sign Language) BSL as a language in Wales, schools and local authorities have a duty under the Equality Act 2010 to make reasonable adjustments so that disabled people have equal access to services, including education.

The Welsh Government recognises BSL as a language in its own right and has in the past funded BSL provision by way of the 'BSL Futures' programme to increase BSL teaching capacity.

A number of colleges already provide BSL courses free of charge but it is the responsibility of the individual colleges to make this provision available.

Looking forward, we will be undertaking a workforce planning exercise across SEN provision. This, in conjunction with our developments for continued professional development of teaching staff, should lead to increased access to suitable provision at a local level and help drive up standards for some of our most vulnerable learners.

In cases where children and young people show a keen interest in accessing sign language courses, local authorities and education providers should actively direct them to local colleges and any out of school classes that offer such qualifications.

Angela Burns (Gorllewin Caerfyrddin a De Sir Benfro): A wnaiff y Gweinidog roi manylion ynghylch a yw canlyniadau cyrhaeddiad addysgol yn cael eu cofnodi a'u monitro yn ôl anabledd plentyn? (WAQ46474)

Angela Burns (Carmarthen West and South Pembrokeshire): Will the Minister detail if the results of educational attainment are recorded and monitored by a child's disability? (WAQ46474)

Derbyniwyd ateb i'w gyhoeddi ar 13 Mai 2013
Answer received for publication on 13 May 2013

Leighton Andrews: We do not collect data by disability, but we do record and publish achievement by special educational need, using the standard categories as collected in the school census. Attainment data for the Foundation Phase and Key Stage 2 to 4 by type of Special Educational Need can be found at tables 17 to 20 of the Academic Achievement by Pupil Characteristics, 2012. A link to this bulletin is below.

<http://wales.gov.uk/topics/statistics/headlines/schools2013/academic-achievement-pupil-characteristics-2012/?jsessionid=3EF5A6B4EFC21CF497ECDB7704CC946C?lang=en>

Angela Burns (Gorllewin Caerfyrddin a De Sir Benfro): A wnaiff y Gweinidog roi manylion ynghylch a oes achos busnes dros ysgolion byddar arbenigol wedi'i gyflwyno gan Lywodraeth Cymru neu ei gyflwyno iddi? (WAQ46475)

Angela Burns (Carmarthen West and South Pembrokeshire): Will the Minister detail if a business case for specialist deaf schools has been made by or to the Welsh Government? (WAQ46475)

Angela Burns (Gorllewin Caerfyrddin a De Sir Benfro): A wnaiff y Gweinidog amlinellu beth sy'n cael ei wneud gan Lywodraeth Cymru i annog mwy o athrawon i ddysgu Iaith Arwyddion Prydain? (WAQ46476)

Angela Burns (Carmarthen West and South Pembrokeshire): Will the Minister outline what is being done by the Welsh Government to encourage more teachers to learn British Sign Language (BSL)? (WAQ46476)

Angela Burns (Gorllewin Caerfyrddin a De Sir Benfro): A wnaiff y Gweinidog amlinellu sut y bydd plant sy'n clywed yn gallu cael mynediad i gyrsiau iaith arwyddion i gynorthwyo eu cymheiriaid? (WAQ64677)

Angela Burns (Carmarthen West and South Pembrokeshire): Will the Minister outline how hearing children can access sign language courses to support their peers? (WAQ64677)

Derbyniwyd ateb i'w gyhoeddi ar 13 Mai 2013
Answer received for publication on 13 May 2013

Leighton Andrews: The Welsh Government is committed to meeting the educational needs of all hearing impaired learners in order that they may reach their full potential. However, the duty to ensure that these learners receive appropriate educational provision rests with local authorities.

Through our plans for special educational needs (SEN) Reform, we propose to replace the statutory framework for the assessment and planning of provision for children and young people with SEN with a simpler, more person-centred system. This approach takes account of the fact that all children and young people, including those with hearing impairment, have individual needs. In the classroom, good quality

teaching will ensure that a range of teaching approaches are deployed to meet the diverse range of pupils' needs.

Where, due to their identified and assessed needs, children and young people continue to fail to make progress or experience problems accessing the curriculum, a more individualised approach is needed; their needs should be met by the school or other provider. This approach also takes account of the small number of children and young people with more significant needs who will require the input of specialist services and the additional support of the local authority, local health board and other organisations to provide appropriately for their needs.

We believe that the approach we are taking through the SEN Reform agenda will have a positive impact on all our hearing-impaired learners as we understand the importance of early intervention when addressing their educational requirements. Coupled with improvements we are introducing to increase teaching awareness and practice of SEN provision, we feel this ambitious piece of work will lead to improved outcomes for children and young people with a hearing impairment.

I am unaware at this time of any formal business case for a specialist deaf school in Wales. The Welsh Government aims to promote an inclusive education system and encourages, where appropriate, that children with SEN have their needs met in mainstream schools or settings. However, there will always be a small number of children who will require specialist provision offered by a special school at some point during their educational journey.

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A number of colleges already provide BSL courses free of charge but it is the responsibility of the individual colleges to make this provision available.

Looking forward, we will be undertaking a workforce planning exercise across SEN provision. This, in conjunction with our developments for continued professional development of teaching staff, should lead to increased access to suitable provision at a local level and help drive up standards for some of our most vulnerable learners.

In cases where children and young people show a keen interest in accessing sign language courses, local authorities and education providers should actively direct them to local colleges and any out of school classes that offer such qualifications.

Gofyn i'r Gweinidog Cyllid ***To ask the Minister for Finance***

Kirsty Williams (Brycheiniog a Sir Faesyfed): Pa drafodaethau y mae'r Gweinidog wedi'u cael gyda Llywodraeth y DU ynglyn ag amcangyfrif poblogaeth is-genedlaethol diwygiedig Cymru a'r effaith ar ddyraniadau Barnett yn dilyn Cyfrifiad 2011? (WAQ64684)

Kirsty Williams (Brecon and Radnorshire): What discussions has the Minister had with the UK Government regarding the revised subnational population estimates for Wales and the impact on Barnett allocations following the 2011 Census? (WAQ64684)

Derbyniwyd ateb i'w gyhoeddi ar 15 Mai 2013 ***Answer received for publication on 15 May 2013***

The Minister for Finance (Jane Hutt): The Barnett allocations for Wales are based on the Wales and England mid-year population estimates. HM Treasury will update the population estimates used in the Barnett formula once all countries of the UK have published mid-year estimates for 2011.

Gofyn i'r Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
To ask the Minister for Local Government and Government Business

Kirsty Williams (Brycheiniog a Sir Faesyfed): Pa asesiad y mae'r Gweinidog wedi'i wneud o effaith amcangyfrif poblogaeth is-genedlaethol diwygiedig Cymru ar ddyraniadau cyllid i awdurdodau lleol? (WAQ64685)

Kirsty Williams (Brecon and Radnorshire): What assessment has the Minister made of the impact of the revised subnational population estimates for Wales on funding allocations to local authorities? (WAQ64685)

Derbyniwyd ateb i'w gyhoeddi ar 13 Mai 2013
Answer received for publication on 13 May 2013

The Minister for Education and Skills (Lesley Griffiths): The formula for distributing the Revenue Support Grant uses population projections rather than population estimates. It is more appropriate to use population data relating to the same year as the funding is being provided for. This approach is agreed through Partnership arrangements with Local Government.

Welsh Government statisticians are responsible for revising the current set of projections to take into account the results of the 2011 Census. This process will be undertaken shortly and the use of these projections will be discussed with Local Government through the Distribution Sub Group of the Partnership Council.

Gofyn i'r Gweinidog Cyfoeth Naturiol a Bwyd
To ask the Minister for Natural Resources and Food

Llyr Huws Gruffydd (Gogledd Cymru): Beth oedd canllawiau blaenorol Llywodraeth Cymru ar rannirymiad, a gyhoeddwyd ar 20 Hydref 2011, yn cwmpasu Cymru gyfan, cyn cyhoeddiad y Gweinidog ar gyflwyno rhanddirymiad ychwanegol ar 2 Ebrill 2013? (WAQ64678)

Llyr Huws Gruffydd (North Wales): What was the previous Welsh Government guidance on derogation, announced October 20th 2011, covering the whole of Wales, before the Minister's announcement of the introduction of additional derogation on 2nd April 2013? (WAQ64678)

Derbyniwyd ateb i'w gyhoeddi ar 14 Mai 2013
Answer received for publication on 14 May 2013

The Minister for Natural Resources and Food (Alun Davies): The guidance accompanying the October 2011 authorisation is set out below.

"Burial/burning or disposal by other means will be permitted for fallen stock where access is practically impossible or where access would only be possible under circumstances, related to geographical or climatic reasons or due to a natural disaster, which would pose a risk to the health and safety of the personnel carrying out the collection or where access would necessitate the use of disproportionate means of collection. This will be limited to unusual situations such as where an animal has fallen down a ravine or a cliff or has been trapped in a bog and retrieval of the body for disposal by rendering or incineration is not possible. Disposal should be carried out in accordance with Article 15 and Annex VI Chapter III of Regulation (EC) 142/2011. Article 17 and Annex VIII Chapter IV Section 6 set out record keeping requirements."

Llyr Huws Gruffydd (Gogledd Cymru): Beth yw'r gwahaniaethau penodol rhwng y fiwrocratiaeth/gofynion sy'n gysylltiedig â chanllawiau newydd Llywodraeth Cymru ar rannirymiad, a

gyhoeddwyd ar 2 Ebrill 2013, o gymharu â'r rhanddirymiad a awdurdodwyd ar 20 Hydref 2011?
(WAQ64679)

Llyr Huws Gruffydd (North Wales): What are the specific differences between the bureaucracy/requirements associated with the new Welsh Government guidance on derogation, announced on 2nd April 2013, compared with the derogation authorised on 20th October 2011?
(WAQ64679)

Derbyniwyd ateb i'w gyhoeddi ar 14 Mai 2013
Answer received for publication on 14 May 2013

Alun Davies: The conditions relating to the 2nd April derogation were specific to the areas listed in the Ministers' written statements. Burial was permitted if farmers:

- cannot access and collect their fallen stock due to health and safety risks of personnel and/or:
- it is not possible to arrange collection via a fallen stock collector.(Evidence of this attempt must be kept and provided to the Local Authority) and;
- the burial is carried out in accordance with Natural Resources Wales guidelines

Farmers wishing to use the derogation must:

- a) Contact:
 - their fallen stock collector to confirm difficulties with access (if relevant)
 - Natural Resources Wales on 0300 065 3000 to discuss any water source issues
 - their local authority to notify a burial will take place
- b) Carry out the burial in accordance with Natural Resources Wales guidelines
- c) Record:
 - the reason for burial in their on farm record
 - the details of the contacts made in their on farm record
 - the identification details of the stock buried in their on farm record
 - the location of the burial site

Further guidance was added 9th April on record keeping requirements relating to Sheep and Goat ID legislation.

The existing (October 2011) C4 Authorisation is available for use all year round and can be used in the same circumstances (i.e. inaccessible or non-retrievable fallen stock). This is applied on a case by case basis. The LA's still need to be involved in the decision, Natural Resources Wales (NRW previously EA) guidance on burial needs to be adhered to and records kept on quantities, categories and species of carcasses buried and the date and location of burial. Additionally in 'normal' conditions the burial would usually be carried out under official supervision.

Llyr Huws Gruffydd (Gogledd Cymru): Pam fod angen canllawiau newydd Llywodraeth Cymru ar randdirymiad, a gyhoeddwyd ar 2 Ebrill 2013, y tu hwnt i'r canllawiau blaenorol? (WAQ64680)

Llyr Huws Gruffydd (North Wales): Why was the new Welsh Government guidance on derogation, announced on 2nd April 2013, needed beyond the previous guidance? (WAQ64680)

Derbyniwyd ateb i'w gyhoeddi ar 14 Mai 2013
Answer received for publication on 14 May 2013

Alun Davies: In order to help farmers affected by the extreme weather in March I requested that this derogation be authorised with specific conditions attached that would meet the requirements of the 'official supervision' demanded by the European Commission. This enabled me to apply the derogation in

the most pragmatic and flexible way possible whilst also complying with EU legislation. Robust record keeping throughout that time was an essential element of this.

Llyr Huws Gruffydd (Gogledd Cymru): Pam y gwnaeth y Gweinidog gyhoeddi canllawiau newydd Llywodraeth Cymru ar rannirymiad, a gyhoeddwyd ar 2 Ebrill 2013, ar gyfer ardaloedd penodol yn unig? (WAQ64681)

Llyr Huws Gruffydd (North Wales): Why did the Minister issue the new Welsh Government guidance on derogation, announced on 2nd April 2013, only for specific areas? (WAQ64681)

Derbyniwyd ateb i'w gyhoeddi ar 14 Mai 2013
Answer received for publication on 14 May 2013

Alun Davies: The additional guidance was specific to the areas worst affected by the severe weather to address practical issues around resourcing official representation and in an effort to avoid delays for the affected farmers. I believe that this approach provided enough scope and flexibility to help the affected farmers whilst also meeting the conditions of the EU Regulations.

Llyr Huws Gruffydd (Gogledd Cymru): Pa ofynion, yn ychwanegol at y rhai sy'n ofynnol gan Reoliadau'r CE, y mae Llywodraeth Cymru wedi'u rhoi ar ffermwyr mewn cysylltiad â'r rhanddirymidiadau a gyhoeddwyd ar 2 Ebrill 2013? (WAQ64682)

Llyr Huws Gruffydd (North Wales): What requirements, over and above those required by EC Regulations, has the Welsh Government placed on farmers in relation to the derogations announced on 2nd April 2013? (WAQ64682)

Derbyniwyd ateb i'w gyhoeddi ar 14 Mai 2013
Answer received for publication on 14 May 2013

Alun Davies: None.

Llyr Huws Gruffydd (Gogledd Cymru): Pa ganllawiau y mae Llywodraeth Cymru wedi'u cael gan y Comisiwn Ewropeaidd ynglyn â rhanddirymiad ac ar ba ddyddiad y ceisiodd Llywodraeth Cymru cael y canllawiau hyn? (WAQ64683)

Llyr Huws Gruffydd (North Wales): What guidance has the Welsh Government received from the European Commission about derogation and on what date was this guidance sought by the Welsh Government? (WAQ64683)

Derbyniwyd ateb i'w gyhoeddi ar 14 Mai 2013
Answer received for publication on 14 May 2013

Alun Davies: Officials contacted the Commission regarding implementing the 'new' derogation on 19th April. The Commission responded on 23rd April with the text below.
'The granting of derogation referred to in Article 19(1)(c) of Regulation (EC) No 1069/2009 is a responsibility of the competent authority of the Member States. DG SANCO expects that the UK competent authorities grant this derogation within the spirit of EU legislation and in a way that cannot be challenged from a legal point of view.'