

Agenda – Y Pwyllgor Deisebau

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 3 – y Senedd Gareth Price – Clerc y Pwyllgor
HYBRID 0300 200 6565
Dyddiad: Dydd Llun, 7 Tachwedd 2022 Deisebau@senedd.cymru
Amser: 14.00

- 2.3 P-06-1298 Deiseb ar gyfer ymchwiliad Llywodraeth Cymru i ymgyrch gweithredwyr hawliau traws ym Mhrifysgol Caerdydd (Tudalennau 1 – 4)
- 3.2 P-06-1294 Peidiwch â gadael cleifion â chanser y fron metastatig yng Nghymru y tu ôl (Tudalennau 5 – 6)
- 3.3 P-06-1289 Dylid cytuno ar ddeiliadaeth o 105 diwrnod, yn hytrach na 182 diwrnod, er mwyn helpu i wahaniaethu rhwng busnesau llety gwyliau ac ail gartrefi (Tudalennau 7 – 8)



Deiseb ar gyfer ymchwiliad Llywodraeth Cymru i ymgyrch gweithredwyr hawliau traws ym Mhrifysgol Caerdydd.

Y Pwyllgor Deisebau | 7 Tachwedd 2022
Petitions Committee | 7 November 2022

Cyfeirnod: SR22/3945-3

Rhif y ddeiseb: P-06-1298

Teitl y ddeiseb: Deiseb ar gyfer ymchwiliad Llywodraeth Cymru i ymgyrch gweithredwyr hawliau traws ym Mhrifysgol Caerdydd.

Testun y ddeiseb: Yn ystod y misoedd diwethaf ym Mhrifysgol Caerdydd, mae gweithredwyr hawliau trawsryweddol wedi cynnal ymgyrch aflonyddu a bygythiadau treisgar yn erbyn academyddion sy'n feirniadol o Stonewall. Rydym yn teimlo nad yw'r brifysgol na'r heddlu wedi amddiffyn yr academyddion sydd, o bosibl, yn adlewyrchu cysylltiadau'r sefydliadau hyn â Stonewall. Rydym yn galw am ymchwiliad i'r mater hwn.

Mae mwy o wybodaeth am yr achos hwn i'w gweld [yma](#):



1. Cefndir

Ar 17 Mehefin 2021, llofnododd 15 academydd ym Mhrifysgol Caerdydd **lythyr agored** yn galw am i gyfranogiad parhaus y Brifysgol yn **Rhaglen Hyrwyddwyr Amrywiaeth Stonewall** gael ei ailystyried.

Sefydlwyd y rhaglen yn 2001 i gefnogi cyflogwyr i ymgorffori cynhwysiant LHDTC+ yn eu gweithleoedd a mynd ar y **Mynegai Cydraddoldeb yn y Gweithle** a'r **Mynegai Cydraddoldeb yn y Gweithle Byd-eang**, lle cânt eu meincnodi yn erbyn cwmnïau eraill. Yn 2021, daeth nifer o gyflogwyr proffil uchel, a oedd wedi cymryd rhan yn y rhaglen, â'u partneriaeth â Stonewall i ben. **Mae'r rhain yn cynnwys** corff gwarchod y cyfryngau, sef Ofcom, y BBC, Swyddfa Cabinet Llywodraeth y DU, a chorff gwarchod cydraddoldeb y DU, sef y **Comisiwn Cydraddoldeb a Hawliau Dynol**.

Mynegodd y llythyr gefnogaeth i hawliau staff a myfyrwyr trawsryweddol, ond dywedodd fod angen i'r aelodaeth barhaus o **Raglen Hyrwyddwyr Amrywiaeth Stonewall** gael ei adolygu ar y sail a ganlyn:

being associated with Stonewall lies in tension with two of the university's core values: 1) academic freedom and 2) respect for the rights of all staff and students, including women.

Cafodd Prifysgol Caerdydd **lythyr** arall gan staff, myfyrwyr a chyn-fyfyrwyr a oedd yn gwrthwynebu'r honiadau a wnaed, gan nodi:

this is a gross misreading of the Equality Act: transphobic views, like homophobic views, are only protected beliefs – people have the right to hold these views, but Universities and other institutions have no duty to protect them from criticism or academic rigour in a democratic society.

Galwodd y llythyr ar Brifysgol Caerdydd i gyhoeddi datganiad o'r newydd yn ymrwymo i hawliau a llesiant eu staff a'u myfyrwyr LHDTC+.

1.1. Camau a gymerwyd gan y Brifysgol

Mewn llythyr at Jeremy Miles AS, Gweinidog y Gymraeg ac Addysg, ym mis Chwefror 2022 gan y **Free Speech Union**, darparwyd llinell amser fanwl o ddigwyddiadau ar ôl i'r llythyr agored gael ei gyhoeddi, gan gynnwys disgrifiadau o'r bygythiadau honedig yn erbyn llofnodwyr y llythyr a chyfarfodydd a gynhaliwyd rhwng Dirprwy Is-Ganghellor a Chyfarwyddwr Cyfathrebu'r Brifysgol a'r camau a gymerwyd ganddynt.

Yn ôl y llythyr, ar ôl i'r llythyr gael ei gyhoeddi:

a leaflet was distributed on campus picturing a woman holding a gun, the names and pictures of the signatories, and the caption "ACT NOW". A student whistleblower then revealed violent threats being made on the Facebook page of the Cardiff LGBT+ Society.

Dywed hefyd fod naw o'r 15 llofnodwr gwreiddiol wedi ysgrifennu at y Dirprwy Is-ganghellor ym mis Ionawr 2022 i fynegi eu hanfodlonrwydd â'r modd yr ymdriniwyd â'r mater, gan nodi bod y Brifysgol wedi anwybyddu tystiolaeth hollbwysig a:

the University is failing to uphold its legal duty under section 43 of the Education (No 2) Act 1986 to secure freedom of speech. Worse, when serious and well-evidenced concerns about this hostile campaign were brought to the University's attention, it neglected to act, misplaced evidence, failed to conduct a timely and thorough investigation and refused to re-open the investigation when the violent threats were repeated.

Mae hefyd yn nodi i'r Dirprwy Is-Ganghellor, er gwaethaf yr ymgyrch barhaus yn erbyn yr academyddion hyn, ddod i'r casgliad nad oedd angen gwneud datganiadau pellach ar y mater hwn a bod y Brifysgol wedi gweithredu'n 'rhesymol' ac wedi cymryd camau ymarferol i ddiogelu iechyd, diogelwch a llesiant yr holl staff a myfyrwyr sy'n ymwneud â'r mater hwn.

Mae Prifysgol Caerdydd hefyd wedi cyhoeddi datganiad ynglŷn â'r materion a amlinellwyd yn llythyr y Free Speech Union at Jeremy Miles.

2. Camau gweithredu Llywodraeth Cymru

Yn ei lythyr at Jeremy Miles AS, Gweinidog y Gymraeg ac Addysg, galwodd y Free Speech Union ar y Gweinidog i wneud y canlynol:

Consider what interpretation you might make with the Vice-Chancellor or elsewhere that could have a material impact. In particular, we would welcome any action you could take to remind Cardiff [University] of its legal duties under current legislation.

Yn ei ymateb i'r Pwyllgor Deisebau, dywedodd y Gweinidog:

Gan fod sefydliadau addysg uwch yn gyrrff ymreolaethol, mae anghydfodau rhwng myfyrwyr, staff a'u prifysgolion yn fater i'r prifysgolion eu hunain. Nid yw Llywodraeth Cymru na Gweinidogion Cymru yn gallu ymyrryd felly. Mae unrhyw achosion posibl o ymddygiad annerbyniol honedig gan staff neu fyfyrwyr, yn y pen draw, yn fater i'r brifysgol fynd i'r afael â nhw o dan ei pholisïau mewnol.

Pwysleisiodd y Gweinidog y byddai'n "disgwyl i'r brifysgol barhau i fodloni'r holl ofynion deddfwriaethol o ran rhyddid i leisio barn a rhyddid academaidd a'r rhwymedigaethau o dan Ddeddf Cydraddoldeb 2010."

Dywed y Gweinidog fod Cyngor Cyllido Addysg Uwch Cymru (CCAUC), sef rheoleiddiwr statudol addysg uwch yng Nghymru, wedi derbyn "sicrwydd gan y brifysgol bod ymchwiliad trwyadl wedi cael ei gynnal i'r mater" a bod yr heddlu'n "fodlon nad oedd tystiolaeth o unrhyw dorcyfraith."

Dywed nad oes unrhyw "dystiolaeth glir" yn llythyr y Free Speech Union fod cydymffurfiaeth deddfwriaethol wedi cael ei thorri a bod y brifysgol wedi cyhoeddi Cod Ymarfer a'i bod felly wedi cydymffurfio ag Adran 43 o Ddeddf Addysg (Rhif 2) 1986. Dywed y Gweinidog hefyd mai'r Comisiwn Cydraddoldeb a Hawliau Dynol sy'n gyfrifol am ymchwilio i gydymffurfedd â Dyletswydd Cydraddoldeb y Sector Cyhoeddus yng Nghymru, sy'n ei gwneud yn ofynnol i bob prifysgol gydymffurfio â Deddf Cydraddoldeb 2020.

Gwneir pob ymdrech i sicrhau bod y wybodaeth yn y papur briffio hwn yn gywir adeg ei gyhoeddi. Dylai darllenwyr fod yn ymwybodol nad yw'r papurau briffio hyn yn cael eu diweddarau o reidrydd na'u diwygio fel arall i adlewyrchu newidiadau dilynol.

P-06-1294 Don't leave metastatic breast cancer patients in Wales behind – Correspondence from the Petitioner to the Committee, 03 November 2022

Dear Jack and committee members,

I would like to start this letter with the biggest heartfelt thank you for the work and representation you have given so far on behalf of metastatic breast cancer (MBC) patients. Unfortunately, the health minister's response in both the letter and speech failed to address the key issues which were presented from the petition and open letter.

My concern is the information which was presented in the health ministers' response is not in line with the standards of care we are calling for. Quite simply her expectations of MBC patients receiving support and a satisfactory standard of care from a multi-disciplinary team are just not being met. The [national optimised pathways](#) highlighted in her letter do not include MBC, but only a pathway for primary breast cancer. I call into question how these expectations can be measured when there is no existing MBC pathway? Who is accountable for this pathway not existing?

The health minister highlighted in her speech that the Welsh Cancer Network will be reviewing MBC services and will consider a series of recommendations. What are these recommendations? how will they lead to better patient care? How will the success of this be measured? How and in what time frame will this be implemented?

The health minister's speech also stated there are specialist nursing roles being introduced in a South West Wales cancer centre and in a North Wales cancer centre. However, these nurses are not the same as the dedicated MBC nurses which we are calling for. These roles need to be in accordance with the [NICE guidelines](#), be patient led and focus just on the unique issues brought forward from the [leading cause of death in women 35-64](#) in the UK. It needs to be recognised that the holistic needs and support of these individuals require a solely dedicated nurse for MBC. The nurses referenced in the health minister's speech currently look after other groups of patients and fulfil different roles. What evidence is there that patients are having all their holistic needs addressed and how do they feel supported? 277 MBC patients and care givers in Wales have signed our [open letter](#) which agrees they are not receiving this care and desperately need it.

The health ministers speech referenced the promised audit on MBC patients will start "next year" in 2023. [In 2021 it was promised it would have been started in 2022](#), who is accountable that this has not yet happened? I fear this will be another empty promise, as Data collection was mandated in 2012 and promises were made to rectify this in 2019. What is the Welsh Government going to do to ensure this audit starts while patients continue to die? Furthermore, the £11 million investment in a new cancer information system is welcomed, but can the health minister confirm data analyst roles will be included? If not, who will extract the data we need from the new system and who will be responsible to ensure the information is recorded?

Finally, I would like to address the health minister's encouragement to remind people they have the power to help prevent breast cancer through living a healthy life and through screening. Younger women are increasingly being diagnosed with Breast Cancer and MBC remains to be the leading cause of death in women 35-64 despite these women leading normal lives. Additionally, over half of this age group

are too young to qualify for screening according to the national screening guidelines. The public response from this statement has been one of absolute devastation and leaves questions on the clarity of the health ministers' level of understanding of the facts from patients and health professionals alike.

The patients and health professionals of Wales need to have faith that the Welsh government can grasp and address the differences between primary and metastatic breast cancer. How can you as a committee members take this further? And what can we do to move forward and restore our faith in this system.

Yours sincerely,

Tassia Haines



November 1st 2022

Dear Mr Goodall

I'm sure you are aware that there is significant concern from within the Welsh professional self-catering industry regarding the passing of the above Order earlier this year. This email is a request that you undertake a formal review of the quality of the advice offered to the Finance Minister by her officials. It is not our intention to point the finger at individuals, but we do assert that there are failings of process standard in terms of the evidence sought, gathered and presented to support the options put to the Minister.

This is the statutory instrument which changed the availability and occupancy thresholds which determine whether a property, which offers furnished holiday lets (FHL), is identified as liable to non-domestic business rates or council tax.

The professional FHL sector welcomed the main consultation, agreeing that the thresholds should be raised to deter second home owners letting their properties for a short period of time to claim business status and small business rate relief. This practice is not supported by professional FHLs or the bodies which represent them.

Regrettably, the decision following the consultation raised the threshold so significantly that it captured many professional FHLs as well, micro and small businesses whose viability is now under threat.

Throughout, we have been concerned about the robustness of the case made by Welsh Government for the new thresholds it chose to implement, especially as only nine respondents to the consultation alighted on the specific figures.

The primary weakness is the lack of any evidence at all to show that the Order will increase the availability of affordable homes in tourism "hotspots", the stated aim (as part of suite of policies) of this legislation. Its other purpose, to ensure fairer local tax-take from operators (ie stopping property owners gaming the rates provision), was not supported by evidence that the Order would achieve this as no work was done to identify how many professional businesses would be lost in the process; lost businesses mean lost revenue from damaged supply chain businesses, plus empty properties for sale may be eligible for periods of exemption.

It is accepted in the government's own documentation that they did not know the number of properties this would affect nor how many legitimate businesses would be caught in the net. It admits in the explanatory memorandum that its own evidence base is contradictory and, as you will see from the Tables to the FOI referred to below, the VOA indicates that the number of businesses/casual lets

(they make no distinction) presently achieving the new thresholds is not especially high. Further, we have seen no sign that evidence of damage to professional FHL business viability, work done by the sector as government had not done it, has been recognised. In short, there has been no economic impact assessment and the other impact information in the RIA is especially weak.

Welsh Government's response to the points we have raised has been that affected businesses should "change their business model", with less than a year to achieve over 100% increase in occupancy rates. This shows an astounding lack of understanding of the sector, very disappointing as responsibility for tourism was brought into Welsh Government soon after devolution.

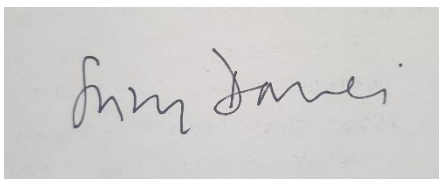
All this has been exacerbated by surges in the cost of living for businesses and customers at the same time as the value of income has dropped due to inflation. None of this is reflected in any updated EM or RIA, even though fuel and energy costs were rising before the Order became law. Whether this would have been material is difficult to say as neither the Minister nor MSes had any information about economic impact in the first place.

We have now had the results of an informal peer review of the work undertaken by officials to advise the Minister. This is inevitably based on material in the public domain and sought through correspondence. While it has no status in and of itself, we urge you to consider the contents of Enclosure 10 and the points raised by two Grade 6 civil servants, with direct DCLG and Cabinet Office experience, notably in the preparation of evidence, EMs and impact assessments in a relevant policy area.

Finally, this request makes no attempt to challenge the government's policy aims. It asks you to consider whether the Minister had the best-informed and best-balanced advice she might have in order to justify her specific decision. We also ask whether the EM and the RIA made available to MSes was sufficiently complete and of a standard which enabled them to understand the consequences of the draft Order.

We look forward to an acknowledgment of this email and a substantive response in due course. Please do not hesitate to contact us for any further information.

Yours sincerely

A rectangular box containing a handwritten signature in cursive script that reads "Amy James".

Chair Wales Tourism Alliance on behalf of

Wales Tourism Alliance
Professional Association of Self Caterers Cangen Cymru
UK Hospitality Cymru