

MEETING:	LANGUAGE COMMITTEE
DATE:	28 February 2017
TITLE:	Preparing for the Welsh Language Bill - Application for evidence
AUTHOR:	Debbie Anne Williams Jones (Welsh Language Services Manager)
PURPOSE OF THE REPORT	Submit a draft summary of Gwynedd Council's proposed response to the statement of the Minister for Lifelong Learning and Welsh Language 'Preparing for the Welsh Language Bill - Application for evidence'

1. BACKGROUND

1.1 The First Minister and the Minister for Lifelong Learning and Welsh Language, have announced their intention to amend the Welsh Language Bill 2011. The Measure ensures the following:

- official status to the Welsh language
- the post of the Welsh Language Commissioner
- standards' framework and system
- freedom for people to use the Welsh language.

1.2 The Welsh Government believes that it is timely to consider the lessons learnt thus far as a result of passing the Measure five years ago, and where appropriate, to introduce improvements and changes, and consider whether or not the balance between regulating public services and supporting the Welsh language through promotional activities is correct. All of this in order to achieve the ambition of a million Welsh speakers by 2050.

1.3 On 31 January 2017, Alun Davies AM, Minister for Lifelong Learning and Welsh Language, made a statement noting his intention to publish a White Paper to consult on the provision of a new Welsh Language Bill in time to hold a public discussion over the summer. This means that an informal early engagement period with partners and stakeholders has commenced in order to collect initial evidence for the White Paper in question.

1.4 In his statement, the Minister for Lifelong Learning and Welsh Language asks people to consider the following main matters:

- What is your experience or opinion of the standards' system? The processes of setting and enforcing the standards in particular, and your experience of implementing or preparing to implement the standards within your body.

- The role of the Welsh Language Commissioner includes regulatory functions and responsibilities for promoting and encouraging the use of the language. Is the balance correct?
- What is your experience or opinion about current arrangements to promote and encourage the use of the Welsh language? I would especially like to hear your opinion on who should be responsible for promoting the Welsh language, whilst bearing in mind the confusion that can arise when a number of bodies operate in the same field.

2. WHAT IS YOUR EXPERIENCE OR OPINION OF THE STANDARDS' SYSTEM?

2.1 In the first instance, it must be acknowledged that Gwynedd Council's situation is unique and, therefore, different to most Welsh councils, as the Council's internal language of administration is Welsh, and that the language is used naturally in the Council's day-to-day work. The Standards set a minimum for Welsh language provision, and in reality, the minimum set is too low to satisfy Gwynedd Council's general commitment and ambition for the Welsh language.

2.2.1 Preparatory work for the Language Standards for Gwynedd Council (in the same manner as other Local Authorities) was burdensome, with the need for:

- self-assessment
- response to a consultation on the draft standards
- Standards' Investigation (136 question questionnaire)
- response to the consultation on the Welsh Language Commissioner's Enforcement Policy
- response to the consultation on the draft compliance notice
- acceptance of 151 Standards in the final notice

The task of raising awareness of the Language Standards within the organisation continues.

2.3 In Gwynedd Council's case, where the Standards were considered as a minimum, and that they were not a sufficient reflection of the Council's commitment to the Welsh language; in order to safeguard that commitment, the Council was required to formulate and adopt a new Language Policy to protect the Council's ambition for the Welsh language, as well as a commitment to take advantage of every opportunity to promote the Welsh language.

2.4 Certainly, Gwynedd Council hoped that the Standards would allow more room to be able to influence and bring other Councils closer to our way of working, but Standards can make efforts to obtain more services in Welsh a difficult and frustrating experience (in the same way as previous Language Schemes). One example of this is the ambiguity of some Standards, which leads to different interpretations by different organisations. We recently experienced various interpretations of a 'public document' and therefore, an inconsistency and disagreement on whether there was a need to provide some documents bilingually or not. Of course, Gwynedd Council's viewpoint was that bilingual documentation was required, and ultimately this was achieved, but the ambiguity means that we have to influence and urge other organisations continually rather than the need being clear to everyone. In addition, exceptions allowed on some Standards, or the fact that some Councils

have been exempted from some fundamental Standards, means that an agreement on when documentation should be produced bilingually cannot always be obtained.

- 2.4 A number of Standards in the policy field expect us to be able to evidence the way we mainstream the Welsh language. This could lead to the need to document things in ways that we are not accustomed to in order to demonstrate that we are complying with the Policy Standards. Creating a system to satisfy the requirements of a regulator that does not, in reality, add value to citizens, is contrary to Gwynedd Council principles (through *Ffordd Gwynedd*).
- 2.5 Also, the method we have to use to prove and record how we comply with the Standards is burdensome on an administrative level, at a time when resources are scarce, and it raises the question of what real value does it add in terms of improving quality, provision and availability of Welsh language services for the citizen. The process of undertaking investigations is a good example of this, as it takes three months (if the timetable set by the Commissioner is adhered to) to complete one investigation, and whether such a bureaucratic timetable and process (set in the Measure) encourages people to complain about the lack of Welsh services, and convinces the complainant that a Welsh service will be available as a result of undertaking the investigation.
- 2.6 The Commissioner's process of dealing with complaints also causes difficulty. This occurs in light of the fact that the Commissioner's correspondence does not include details about the complaint, to enable us to specifically research and respond to that complaint. Instead, the entire service must be investigated, and in such a large organisation, this can be very inconvenient and burdensome. Lack of information sharing and communication is also associated with the process; and an example of this is the Commissioner's investigation timetable being nearly 6 months late, and that no communication or explanation about the delay has been received.
- 2.7 Standards regarding meetings and individuals' right to contribute in Welsh can cause difficulty for Gwynedd Council. The Council's Language Policy notes that all meetings must be held in Welsh, with translation equipment available for those who want to contribute in English. This means that the Standards are completely contrary to the Council's system, and therefore, we do not instruct staff to act in accordance with the Standards. Instead of asking whether or not someone wishes to contribute in Welsh, we will ask if someone wishes to contribute in English, in order to provide simultaneous translation equipment for them.
- 2.8 Similarly, any Standard that requires the Council to 'promote' the Welsh service causes difficulty as all Council services are bilingual and give priority to the Welsh language. As a result, we will promote the service itself, rather than the language medium of the service. We believe that the majority of Gwynedd citizens are aware that all Council services are available bilingually.

3. IS THE BALANCE BETWEEN REGULATING AND PROMOTING CORRECT?

- 3.1 Since its establishment, it is believed that the role of the Welsh Language Commissioner has shifted more towards regulating rather than promoting and encouraging the use of the

Welsh language, and the Commissioner has not been able to merge these two functions in the same way as the Welsh Language Board managed to do so.

- 3.2 It is unfortunate that the Welsh Language Commissioner's function has been undermined from the outset when Language Standards were refused, and this has had an impact on the image of the Commissioner, and she does not have the same apparent credibility as the Children's Commissioner or the Older People's Commissioner for example.
- 3.3 However, the Standards should be a positive tool for change, but the whole discourse surrounding them (since their establishment) is negative, and the emphasis and encouragement given to 'complaining' about the lack of a Welsh service adds to this negativism. Should there not be an opportunity and platform to record, celebrate and share good practice as well?
- 3.3 The side effect of the substantial investment in the regulatory process is perhaps that resources to promote and encourage, and offer practical support and guidance for public organisations to develop and reinforce the Welsh services provided by them are becoming scarce.
- 3.4 The collaboration element and the ability to offer creative solutions for challenging situations when organisations come together to provide services, or when public services are externalised, requires specialist guidance and support from the Welsh Language Commissioner to equip public organisations to make meaningful decisions about alternative models to provide public services, that would also be a medium to protect the Welsh language, and which alternative models (if any) would be included under the Welsh Language Measure (Wales) 2011. There is an obvious risk to the Welsh language if consortia, and other models established to provide public services are not subject to the Language Standards.

4. WHAT IS YOUR EXPERIENCE OR OPINION ABOUT CURRENT ARRANGEMENTS TO PROMOTE AND ENCOURAGE THE USE OF THE WELSH LANGUAGE?

- 4.1 There are two different elements to promoting and encouraging the use of the Welsh language in Gwynedd, namely Gwynedd Council's commitment to promote the Welsh language which is in the Council's Strategic Plan, in the way expectation is set on the Council's entire workforce to promote the Welsh language by means of the Language Policy, as well as the Promotion Standard; and secondly, by means of *Hunaniaith*, namely, Gwynedd's Language Initiative that operates a number of projects funded by a Welsh Government grant in the fields of Family, Children and Young People, Communities, Workplaces and Services in order to promote the use of the Welsh language.
- 4.2 Gwynedd Council and *Hunaniaith* both welcome the Welsh Government's commitment and vision for the Welsh language, namely, an ambition to create a million Welsh speakers by 2050, and both believe that setting the framework and policy direction for the Welsh language is the Government's responsibility. Similarly, it is believed that the monitoring framework and ensuring accountability for acting in accordance with the policy direction noted in One Million Welsh Speakers by 2050, is the Government's responsibility.

- 4.3 However, apart from implementing the role within the organisation, the Government is possibly not in the best position to implement the role of promoting and encouraging the use of the Welsh language across Wales. This requires qualities such as flexibility and creativity, responding to local need, practical support, trialling, trust etc. Would an arm's length body from Welsh Government not achieve these roles more effectively?
- 4.4 Also, in light of the fact that the current role of the Welsh Language Commissioner has shifted more towards regulating rather than promoting and encouraging, there is a gap in terms of guidance, assistance and practical support for organisations to do more to promote and encourage, as well as providing more services through the medium of Welsh. This gap is highlighted in the lack of any activities that bring Language Officers of public organisations together to discuss the Welsh language, the Standards, publications and guidance documents etc. An element that was carried out regularly by the Welsh Language Board and WLGA (via *Rhwydiaith*) in the past.
- 4.5 This gap is also prominent in the context of the private sector, and the third sector to a lesser extent, and there is a lack of sharing information about the Commissioner's work in these fields, and the relationship with the work of the Language Initiatives, or opportunities to collaborate once again confirm that some aspects of the current arrangements do not facilitate implementation and collaboration, and therefore, ensure the best results for the Welsh language.

5. NEXT STEPS

- 5.1 The Minister for Lifelong Learning and Welsh Language offers stakeholders an opportunity to discuss the above questions with Welsh Government policy officers or to submit written evidence by 31 March 2017.
- 5.2 In addition, Welsh Government has arranged meetings to discuss the above questions, and a meeting will be held in north Wales in Llandudno Junction on 8 March 2017. It is intended to ensure delegation from the Council to attend this meeting, and use the discussion to refine the Council's final response to the questions which is to be submitted to Welsh Government by 31 March 2017.

6. RECOMMENDATIONS

Members are asked to:

- discuss and submit any observations / examples deemed relevant to the above questions
- accept the content of the report and the next steps.