

MEMORANDUM OF UNDERSTANDING BETWEEN THE WELSH LANGUAGE COMMISSIONER AND THE ASSEMBLY COMMISSION

Foreword

The purpose of this Memorandum is to outline the agreement reached between the Welsh Language Commissioner and the Assembly Commission for the purpose of promoting and facilitating the use of the Welsh language.

This Memorandum does not affect the current statutory functions of the organisations in question nor the way in which these functions are fulfilled.

It does not suggest the transfer of any responsibility from one party to the other/others, nor does it suggest sharing any statutory responsibilities.

This Memorandum is not intended to be mutually legally binding. However, the Welsh Language Commissioner and the Assembly Commission agree to adhere to its principles and to give due attention to each other's activities.

This agreement respects the independence of both parties and the independence established in the context of the Welsh Language (Wales) Measure 2011 and the National Assembly for Wales (Official Languages) Act 2012.

The Welsh Language Commissioner

The objectives and functions of the Welsh Language Commissioner are defined in the Welsh Language (Wales) Measure 2011.

The primary objective of the Welsh Language Commissioner is to promote and facilitate the use of the Welsh language. In so doing, the Commissioner must work towards increasing the use of the Welsh language with regard to the provision of services and via other opportunities. Furthermore, the Commissioner will give due attention to the official status of the Welsh language in Wales and to duties to use the Welsh language that have been enshrined in law and the rights that emanate from the ability to enforce these duties.

The Commissioner may do anything appropriate within the boundaries of legislation to achieve his aims. The Welsh Language (Wales) Measure 2011 gives the Commissioner a number of functions and powers. The most prominent of these are as follows:

- publishing a report every five years on the situation of the Welsh language;
- to consider launching an inquiry if a complaint is made regarding the behaviour of an organisation that is subject to Welsh language standards and schemes;
- issuing compliance notices to any organisation that is expected to comply with

- standards if a standard is specifically applicable to the organisation in question;
- holding a standards inquiry to decide whether a body must comply with standards and which standards should be specifically applicable to the body or group of bodies in question;
- holding an inquiry into any issue related to the Commissioner's functions; and
- initiating, or intervening in, legal proceedings.

The Assembly Commission

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

The Assembly's statutory duties are outlined in the National Assembly for Wales (Official Languages) Act 2012. Under the Act, the Assembly is required to publish an Official Languages Scheme for each Assembly term.

The Official Languages Scheme describes how the Assembly Commission will fulfil its statutory duty to provide bilingual services. It also notes how it will monitor the Scheme and report on it, and how it will respond to complaints in cases of failure to meet the standards that have been set.

Data protection and freedom of information

The Welsh Language Commissioner and Assembly Commission, in their joint activities and collaboration, will ensure that they adhere to all requirements of data protection legislation and the Data Protection Act 2000. They will also consult each other on any requests pertaining to the relationship between the two organisations.

Human rights duties and the Equality Act

The joint signatories to this Memorandum will ensure that arrangements noted in the Memorandum comply with the Human Rights Act 1998 and the duties imposed by the Equality Act 2010.

The relationship at work

The joint signatories to this Memorandum commit to working in a principled manner, as described below.

This working relationship will be characterised by regular and continuing contact and an open exchange of information to promote and facilitate the use of the Welsh language.

Formal meetings will be held between the Welsh Language Commissioner and the Commissioner responsible for the Welsh language on the Assembly Commission as required and at least every six months.

The Welsh Language Commissioner may delegate this task to the Deputy Welsh Language Commissioner. These meetings will cover, amongst other topics, work programmes and opportunities to collaborate.

Collaboration may mean that the parties to this Memorandum work together on research or joint projects.

Formal meetings will also be held between the members of staff of parties to the Memorandum as required, on matters noted in the collaboration framework appended to this Memorandum (Appendix 1).


These parties will make every reasonable effort to assist each other with any request to the extent that it is reasonably practicable to do so, as far as it pertains to the promotion and facilitation of the use of the Welsh language.

The two organisations will ensure that their members of staff are aware of this Memorandum's contents and the principles that underpin their collaboration. It is the Commissioners' responsibility to ensure that each organisation understands the other's roles and the framework within which they are required to operate.

Review

This Memorandum of Understanding shall be reviewed a year after it is signed. It will then be reviewed and updated, if required, on an annual basis.

Signed:




Aled Roberts, Welsh Language Commissioner

Date:

17th December 2019.

Signed:



Manon Antoniazzi, Chief Executive and Clerk
on behalf of the Assembly Commission

Date:

17th December 2019

APPENDIX 1

COLLABORATION FRAMEWORK

Advice and comments	<p>The Welsh Language Commissioner and the Assembly Commission will discuss appropriate methods of collaboration to promote and facilitate the use of the Welsh language. The primary focus of these discussions will be acting in accordance with the Assembly's Official Languages Scheme, including the facilitation of the right of persons to use Welsh and English in the Assembly's activities.</p> <p>The Welsh Language Commissioner may provide advice or make comments to the Assembly Commission on issues related to the promotion and facilitation of the Welsh language. This may include:</p> <ul style="list-style-type: none">- sharing standardised advisory documents;- responding to specific requests from the Assembly Commission; and- responding to issues that come to the Commissioner's attention. <p>The Commission will consider the Commissioner's advice and comments and will act as the Commission considers appropriate.</p> <p>The Commissioner may ask for the Assembly Commission's opinion on specific issues, or ask about the Commission's experience of these issues, for example with regard to the adequacy of legislation related to the Welsh language.</p>
Successful practices and innovation	<p>The Commissioner and the Commission will seek opportunities to draw other organisations' attention to good practices adopted by the Commission in terms of providing Welsh language services and promoting and facilitating the use of the Welsh language in other ways. This may involve case studies, or a reference to the Commission's work in reports and guidance.</p> <p>The Commission will inform the Commissioner of any developments in its Welsh language provision that are innovative, that promote the use of the Welsh language or that facilitate working in a more efficient manner.</p> <p>The Commissioner will promote opportunities for the Commission to learn about good practices in other</p>

	<p>organisations, for example by sharing case studies and guidance regarding good practice, and will invite the Commission to events such as workshops and seminars.</p>
<p>Verifying provision</p>	<p>The Assembly Commission is of the opinion that the Scheme compares favourably with the standards that apply to Welsh Ministers, county councils and county borough councils, as well as to national parks authorities. The Assembly Commission would not wish to fall below the spirit of these standards in any way.</p> <p>The Welsh Language Commissioner will include the Assembly Commission in his routine practice of undertaking independent assessments of some services provided by public organisations – for example, via ‘secret shopper’ exercises.</p> <p>The Commissioner will provide quantitative results to the Assembly Commission to enable the Commission to take steps, if required, to improve its provision. The Commissioner will not report externally on the basis of this evidence.</p> <p>The Commission will be included in thematic surveys undertaken by the Welsh Language Commissioner when the subject matter is relevant. This means that a request will be made to the Commission to provide written evidence on a specific subject.</p>
<p>Implementing the Welsh Language Measure and the Welsh Language Act</p>	<p>This Memorandum does not affect the Commissioner’s responsibilities and statutory powers.</p> <p>Complaints regarding Welsh language standards or Welsh language schemes</p> <p>Complaints that the Welsh Language Commissioner may receive from the Assembly Commission regarding the implementation of standards by a relevant person will be treated in accordance with the Commissioner’s Enforcement Policy under Part 5 of the Welsh Language Measure.</p> <p>By the same token, complaints regarding the implementation of Welsh language schemes will be considered under the requirements stated in section 18 of the Welsh Language Act.</p>

	<p>Freedom to use the Welsh language</p> <p>Any request that the Welsh Language Commissioner may receive from a person with regard to a restriction on the freedom to use the Welsh language in Wales will be considered by the Commissioner in accordance with the requirements of the Welsh Language Measure.</p>
<p>Use of the Welsh language internally among Assembly Commission staff, elected Members and support staff.</p>	<p>The Welsh Language Commissioner and the Assembly Commission will investigate methods of joint working to promote and facilitate the use of the Welsh language internally by Commission staff, elected Members and their support staff. As part of this:</p> <ul style="list-style-type: none"> - the Commissioner will share information and/or expertise with the Commission, including good practice in other organisations; and - the Commission will share information with the Commissioner about any efforts to increase the use of the Welsh language within the organisation.
<p>The International Association of Language Commissioners</p>	<p>The Welsh Language Commissioner will share timely information with the Commissioner responsible for the Welsh Language on the Assembly Commission and with the Llywydd with regard to any linguistic and legislative developments in other parliaments that may be of interest to Wales.</p> <p>The Commissioner responsible for the Welsh language on the Assembly Commission and/or the Llywydd will be invited to take part in conferences as appropriate.</p>
<p>Regular contact</p>	<p>The Welsh Language Commissioner will meet as required with the Chief Executive and Clerk to the Assembly to discuss issues mentioned in this Memorandum.</p> <p>In addition to this, officials of the Commissioner and Commission will meet to discuss relevant operational issues. Officials from both organisations may contact each other as required with enquiries and to discuss relevant issues. The Commissioner will specify an official to act as a point of contact for the Commission.</p>