

# Pre-legislative public consultation on Bilingual Services

## Evidence from Cymdeithas yr Iaith

*[DRAFT TRANSLATION]*

*Response to a National Assembly for Wales consultation -*

*Cymdeithas yr Iaith Gymraeg / Welsh Language Society*

*'Pre-legislative public consultation on Bilingual Services'*

### **A summary of our response**

- The Bill needs to be regarded as an opportunity to make radical changes to the Welsh language's standing in the Assembly, and to place that on a firm footing for future years by inserting robust principles into the Government of Wales Act 2006.
- We state that a fully bilingual Record of Proceedings, which is published bilingually from the outset without any monolingual drafts, is absolutely crucial under the new arrangements. This should apply to both plenary and committee meetings. This needs to be stated on the face of the Act as a safeguarding measure.
- We welcome the clear statements in Section 1 regarding the status and use of the Welsh language, but rights to use the Welsh language should be established and these must apply to more than just the Assembly's proceedings. Similarly, the statement about treating the Welsh and English languages equally should be wider in scope than to merely refer to the Assembly's proceedings.
- Section 2(6) undermines the Bill's general principles, and it should be removed. Additionally, there are fundamental duties that should be included on the face of the Act in Section 2(4), rather than just in the Scheme, which to an extent will be left to the whim of Commissioners. At the very least, this should include a fully bilingual Record of Proceedings, simultaneous interpretation in meetings, continual progress with regard to the internal use of Welsh, and ensuring that it is possible for everyone to engage with the Assembly through the medium of Welsh.
- A 'Bilingual Services Scheme' is not an appropriate name for the Scheme – the Scheme will need to encompass much more than just 'services', including issues such as the internal use of Welsh and matters of linguistic equality in legislating. Similar amendments are needed within the Scheme itself to reflect this.
- We suggest that there should be an element of external input for providing specialist advice on behalf of the Assembly in preparing, revising and monitoring how the Scheme is implemented. It is also crucial that there is a fully independent regulatory regime that will ensure, once the Scheme is approved, that the Commission complies with it.
- We believe that the Bill should include two other principles. The first is that the Assembly will continually take action to strengthen the status and use of the Welsh language, with the aim of making Welsh the Assembly's main language. The second relates to the need to ensure that the

Scheme enables the Bill to be implemented, i.e. the principle that revising the Scheme could not lead to a reduced level of commitment in comparison with previous Schemes.

- We make some comments in our response about the Scheme's details, but we explain that it is difficult to make such comments before the final Bill is passed, and considering the nature of the draft Scheme that has been presented to the public. We firmly believe that a more developed draft Scheme should be presented for public consultation, after the Bill has been passed in the Assembly.
- The Scheme lacks both detail and ambition. There are also too many provisos relating to Welsh language services, and these must be removed. It is essential that the Scheme contains much more robust targets and goals, in the form of an action plan, if it is to effect change and realise the Bill's principles.
- Far-reaching changes are needed in terms of the bilingualism of the Assembly's staff. The aim should be a fully bilingual workforce working mainly through the medium of Welsh, and the Scheme needs to contain clear actions to achieve that aim, including intense training programmes for staff and the development of a bilingual skills strategy based on public consultation.

## **Full response**

Thank you for the opportunity to respond to this consultation. Cymdeithas yr Iaith Gymraeg/the Welsh Language Society is a collective pressure group and this response represents the voices of thousands of our supporters throughout Wales. We have attempted to reply to the consultation on the basis of the questions contained in the consultation papers, and we have grouped questions where appropriate.

In responding, we must make one comment about the three consultation events held at the end of September. The events were announced at extremely short notice, and were held during most people's working hours. We therefore feel strongly that they did not provide the people of Wales with a fair opportunity to comment on the Bill and Scheme. We make a suggestion in our response below regarding further consultation on the Scheme, and we hope that you will give due consideration to that issue.

### **1. (Draft) National Assembly for Wales (Official Languages) Bill**

*(a) Do you agree that there is a need for the legal framework relating to standards of bilingual provision in the work of the National Assembly to be brought up to date?*

The Society believes that the legal framework needs updating, as the Welsh Language Measure 2011 does not include the Assembly as one of the bodies on which duties relating to standards can be imposed.

However, it is important that this is viewed as an opportunity rather than a threat. The Welsh Language Measure 2011 will place more duties on public bodies in Wales. The Bill therefore should not seek to retain the status quo; there is a need to ensure that the status and use of the Welsh language in the Assembly will increase substantially during the next few years, across all areas of its work. The Record of Proceedings is an important issue which we deal with below, but it is important to note at the outset that our response, and the changes that are needed, are not confined to the issue of the Record of Proceedings. The current standing of the Welsh language within the Assembly's work is totally inadequate, in terms of the organisation's ability to provide bilingual services, in terms of the internal use of the Welsh language and the staff's bilingual skills, and most evidently, in terms of the use of the Welsh language by Assembly Members. According to the

Assembly's statistics, there has been a reduction in the use of Welsh on the Chamber floor over the years. In 2004/05, 2.3% of oral questions were asked through the medium of Welsh – by 2009/10 the percentage had decreased to 0.5%. A bigger reduction was seen in the percentage of written questions submitted in Welsh over the same period, from 2.4 to 0.1%. Of the Welsh-speaking members, 24% had asked at least one question through the medium of Welsh in 2004/05 – only 9.1% of them did so in 2009/10. This is a cause of great concern to us, and it is an indication, in our view, of the Welsh language's lack of status across the Assembly and of the lack of support for people to improve their Welsh language skills and to use the language.

*(b) What are your views on the general approach of the draft Bill, namely that clear statements of the status of English and Welsh in relation to National Assembly proceedings and Assembly Commission functions should be set out on the face of the Government of Wales Act 2006?*

*(c) Do you agree that these statements should make it clear that English and Welsh are the official languages of the National Assembly and should be treated on a basis of equality?*

*(d) If not, what alternative approach should be adopted?*

The Society agrees with the statement about the Welsh language's official status, which will be inserted into the 2006 Act after the Bill is passed. We also agree with the intention not to repeat the wording of the 1993 Act which sets conditions in stating that there will be equality between the English and Welsh languages 'when it is appropriate in the circumstances and reasonably practicable'. Such wording would weaken the statement both symbolically and practically. However, we are concerned about the limitations set by Sections (1A) and 35(1B) which means that this statement only applies to "Assembly proceedings". These sections should be wider in scope.

The equal and official status of the Welsh and English languages needs to be underlined by including some further principles on the face of the Bill. At the very least, this should include provisions stating that public documents will be fully bilingual, that a fully bilingual Record of Proceedings for plenary meetings will be produced, that Welsh to English simultaneous interpretation will be provided in meetings, that continual progress with regard to the internal use of Welsh is needed, and that it is possible for everyone (the public, staff and everyone else) to engage with the Assembly in the language of his or her choice. We accept that further details about these issues will be included in the Scheme, but we believe that some of these principles are fundamental ones that should be inserted in the Bill once and for all, so that public debates about issues that should be set in stone are not reignited each time the Scheme is revised.

In that context, Section 2(6) of the Bill completely undermines the general principles in Section 1. We believe that this section is unnecessary, and it should be removed if the Assembly is serious about the commendable principles contained in Section 1. To deal with the justification given for Section 2(6), the Society believes that there should be simultaneous interpretation available from English to Welsh as well as from Welsh to English. We called for this when the Assembly was set up at the end of the 1990s, and we still believe that there should be two-way simultaneous interpretation so that everyone can hear the Assembly's proceedings in the language of their choice. In addition, adopting this principle would be consistent with the policy of the European Parliament for its official languages.

Similarly, we believe that records of committee meetings should be prepared fully bilingually, so that everyone can read them in the language of their choice. These are two things that do not take place at present, and we believe that it would lead to an increased use of oral Welsh in the Chamber. We therefore believe that the Assembly should take a staged approach towards this. The use of technology could assist in preparing translations, as we mentioned in our evidence to Arwel Ellis

Owen's 'independent panel' almost two years ago. The introduction of a new regime is an opportunity to begin this work.

If the Commission insists that a similar clause to Section 2(6) is required, we believe that its generality needs limiting, so that it does not, for instance, in producing or revising the Scheme, allow you to cease providing even Welsh to English simultaneous interpretation in some instances. Limiting the impact of such a clause is therefore crucial, be it only to protect the status quo. This could be achieved by inserting sub-clauses, stating that certain things are essential in order to fulfil the principle in the Act's new Section 35(1).

As noted above, this should include, at the very least, that documents for the public are available fully bilingually, a fully bilingual Record of Proceedings for plenary meetings, provision of Welsh to English simultaneous interpretation in meetings (including meetings for the public), making continual progress with regard to the internal use of Welsh within the Commission, and ensuring that it is possible for everyone (the public, staff and everyone else) to engage with the Assembly in the language of his or her choice.

*(e) Do you agree that the detail of how the principle of bilingualism is to be achieved in practice should be set out in a Bilingual Services Scheme prepared by the Assembly Commission?*

*(f) If not, by what other means should the details of how bilingualism is delivered in the National Assembly be defined?*

If the intention is to set out the details of how to achieve the principle of bilingualism in a Scheme, we believe that several changes are needed to the Bill to ensure that those arrangements are robust.

First, we believe that the 'Bilingual Services Scheme' is an inappropriate name for the Scheme. We agree that the Assembly needs to provide bilingual services, but in order to comply with the duties introduced by Section 2(2)(3) in the Bill, this Scheme needs to be about more than just services. 'Policy standards' will be imposed on governmental bodies by the Welsh Language Measure 2011, and it is crucial that the Assembly's Bill and Scheme also deal with such issues: the Assembly is a legislature and it should treat the Welsh and English languages as equal languages in fulfilling its duties as a legislature, not only in terms of publishing legislation bilingually, but also in terms of the impact of specific legislation on the Welsh language. Other issues which should be part of the Scheme – such as the internal use of Welsh – are issues that do not easily fall into the description of 'services'.

Again this will correspond to the expected approach of the Welsh Language Measure 2011 in that other public bodies will be subject to wider duties than merely to provide services. We therefore believe that a new title is required for the Scheme. One suggestion, which would reflect the Bill's title, would be the "Official Languages Scheme".

We have provided detail elsewhere in our response regarding the other necessary changes. In the first instance, as noted above, we believe that the Bill itself should contain some fundamental, permanent provisions. We also believe that an element of external input is needed to (i) the process of preparing the Scheme, of monitoring its implementation, and of subsequently revising it, and (ii) the process of ensuring compliance with the Scheme and of responding to complaints about non-compliance. We expatiate on this below.

*(g) Do you agree that in drawing up and giving effect to the Scheme the Assembly Commission should be accountable to the National Assembly?*

*(h) Should the Assembly Commission be accountable to anyone else, either in addition to or as an alternative to accountability to the National Assembly?*

We agree that the Assembly Commission should be accountable to the Assembly in drawing up the Scheme and implementing the Bill. However, we believe that elements of external input are needed with regard to some aspects of implementing the Bill. We believe that those elements can be separated into two groups, and that different solutions are needed to both.

First, we believe that a permanent, external panel should be established to be responsible for monitoring the Scheme on behalf of the Assembly. Only a small panel would be needed, with its members appointed for a period of, say, five years. The panel would be responsible for drafting the Scheme in the first place, and for keeping a quasi-external overview of how it is implemented.

We do not believe that members would require reimbursement for their work; the panel could meet around six times a year and could request reports and information from the Commission's staff as and when necessary. We believe that a panel specifically established to undertake this work could give priority to ensuring that the Bill's provisions are properly implemented, and it would be independent of the Commission's officials. We also believe that external experience and expertise could assist with this work. As the Scheme's review periods approach, we would expect the panel to have an important role in the revision process, based on its experience of reviewing the Scheme's implementation.

As well as the above panel which would in effect undertake a soft regulatory role and assist the Assembly, it is clear that an independent regulatory mechanism is needed that will ensure in an impartial way that the Assembly Commission complies with the provisions in Section 2(9) of the Bill. This is a fundamental weakness in the Bill's current draft. As the Welsh Language Commissioner will not be responsible for ensuring compliance with the Bill, other avenues need to be considered. This is a matter for the Commission's officials to consider in preparing the Bill's next draft, with appropriate legal advice, but we suggest that the Public Services Ombudsman for Wales, or possibly the Wales Audit Office, should be responsible for ensuring compliance in this instance. In our view, that would also include dealing with complaints about the Scheme's implementation, if a complainant is unhappy about the Assembly Commission's response. In that respect, a clear complaint procedure is also needed, outlining the different actions that can result from a complaint. As part of that, it will be necessary to ensure that the Commission can be forced to comply with the Scheme if the regulator asserts that it has not done so. The Welsh Language Measure 2011, under certain circumstances, allows appeals to the courts. As the Assembly's actions as a legislature are already subject to challenge in the courts, it would be appropriate for the courts to be able to oblige the Commission to act in compliance with the Scheme under certain circumstances.

In terms of the two related issues above, the principles underpinning these provisions need to be set out clearly in the Bill.

*(i) Should the intervals at which the Bilingual Services Scheme is reviewed be linked to the term of each National Assembly (whether four years or five)?*

*(j) If not, at what intervals should it be reviewed?*

We believe that the Scheme could run concurrently with National Assembly terms, and a term of four or five years seems reasonable for the Scheme. However, we do not necessarily believe that the best time to revise the Scheme would be at the beginning of each new Assembly. Perhaps it would make more sense to do that close to mid-term, when Commission members will have gained experience in their areas and at a less political time than in an election year.

*(k) Do you have any comments on the detailed provisions of the draft Bill?*

As noted under the separate sections above, we believe that more detailed provisions are required in the Bill in terms of implementing the principles of Section 1, and we have noted some examples

above. We also believe that Section 2(6) needs removing, as it undermines the general principles of the Bill.

We welcome the statement that will be inserted in the form of Section 35(1B) of the Act. However, we believe that a right to use the Welsh language should be established and that no part of Section 35 should be limited to Assembly ‘proceedings’ only. Rather, the Assembly should seize the opportunity to establish a positive legal presumption in favour of the Welsh language that will safeguard the language on the Assembly’s estate and across its whole work in order to increase the wider use of the language, such as amongst the workforce and in public events. So, although Section 35(1B) is an important step forward as it is, we recommend that it should state clearly that everyone has a “right” to use the Welsh language in the Assembly and in engaging with the Assembly in any way.

We believe that two other principles need stating in the Bill. The first is the principle that the Assembly will work continually to strengthen the status and the use of the Welsh language in all its activities, and to promote the language through its work. In our view, it should also be noted that the ultimate aim is to make the Welsh language – the native language of Wales – the main language of the Assembly. The second principle relates to revising the Scheme; we believe that it is necessary to state on the face of the Act, in the form of sub-section 8(ch) in the Schedule, that it will not be possible to revise the Scheme unless the Assembly is satisfied that there are no reductions in the level of commitment in the revised Scheme when compared to the previous Scheme.

As we have referred to the creation of sub-section 8(ch), it may be worthwhile to note that we believe that the Assembly’s legislation should use the Welsh language alphabet, in both the Welsh and English versions.

We have already stated our opinion on the current emphasis on ‘services’, and the fact that the Scheme needs expanding to be an Official Languages Scheme or a Bilingualism Scheme. The wording of the Bill will need amending to reflect such a change.

Finally, as regards the monitoring and compliance issues referred to above, the exact arrangements will need to be stated clearly on the face of the Bill.

## **2. The Draft Bilingual Services Scheme**

*(a) Do you agree that the detail of how the principle of bilingualism is to be achieved in practice should be set out in a Bilingual Services Scheme prepared by the Assembly Commission and approved by the National Assembly?*

*(b) If not, by what other means should the details of how bilingualism is delivered in the National Assembly be defined*

As stated already, the current arrangements need to be altered fundamentally before we could agree that this is the best way of fulfilling the principle of bilingualism set by the Bill. There is no need to repeat our comments above, apart from stating that our responses to the consultation on the Bill and the consultation on the Scheme should be read together, as both responses, like the Bill and Scheme themselves, are inter-related.

We would add that there is a lack of detail and a lack of ambition in the draft Scheme at present. An external panel, such as the one we have referred to above, could make a useful contribution towards drafting a Scheme in the future, including looking at best practice. However, at least some of the panel’s members – in contrast to the ‘independent panel’ chaired by Arwel Ellis Owen which reported last year – should have direct experience of implementing language policies or schemes

within public bodies, and all members should have experience of promoting the Welsh language in some way.

*(c) What are your views on the general approach of the Scheme?*

*(d) What alternative approach should be adopted, if at all?*

Our response makes some recommendations on the Scheme's contents, but it is not a fully comprehensive response in that respect, and it would be difficult for it to be so, because some broad issues need to be settled in the Bill first. The regime under which the Scheme will operate needs to be settled before the full details of the Scheme can be properly debated. This becomes evident when you realise that the Scheme in its present form quotes from sections of the Government of Wales Act 2006 that will not exist after the Bill is passed. Responding comprehensively to the Scheme is also difficult because the draft Scheme, at present, seems to be quite an early version and considerable work is needed before it would be acceptable as a comprehensive Scheme.

We therefore believe that the Bill needs amending following this consultation, and needs to be introduced and passed in the Assembly without a Scheme. A further draft of the Scheme then needs to be developed based on this consultation and on further research into what such a scheme should contain, and also on the basis of the final Bill as passed. A public consultation should then be held on that advanced draft of the Scheme. It would mean a longer wait for a Scheme under the new arrangements, but it would also mean that satisfactory consultation has taken place. The Scheme as a result will be more considered and would be based on firmer grounds after it has had an opportunity to develop based on what the people of Wales – and the Assembly on their behalf – wish to see.

As regards to what can be said at present, apart from comments on specific issues below, in general we welcome the overall statements which say that the Assembly will be a truly bilingual organisation, and that acting in accordance with the Scheme is a matter of compliance, and so on. However, we must also state that there is a lack of detail in the Scheme as to how this will be achieved. It is too vague and ambiguous, and reads in parts like an old Language Scheme from the last century which tries to avoid its responsibilities. It should be comprehensive, robust and innovative, and should have a tangible aim. Moreover, clear targets are needed in the Scheme which show ambition, and indicators are needed for the whole of Wales to see whether progress (or otherwise) has been made against them.

*(e) What is your opinion of the bilingual services we provide to members of the public as proposed in the Scheme?*

Focusing on providing "services" to "members of the public" does not provide a solution to what's necessary in such a scheme. Indeed, it fails to meet the Bill's own requirements. We have already noted the fact that there is a need to look beyond services, and in that respect this consultation question is too narrow, like the draft Scheme. The Scheme offers a narrow definition of the "public" as those who can receive bilingual services. This derives from the 1993 Act and it is totally unnecessary under this Bill, which should be establishing a new regime. Therefore, that definition of the public certainly needs removing. In addition, in referring to services, it should be clear throughout the Scheme that this is relevant to the public, to Assembly Members and their staff, to the Commission's staff, to other organisations and to everyone who comes into contact with the Assembly in any way. The Welsh Language Measure 2011 makes important progress in the fact that standards imposed by it can be much wider than to merely 'provide services'. It is therefore crucial that the arrangements underpinning the Assembly's bilingualism – the heart of our democracy – are as broad as the arrangements for other public sector bodies in Wales. Indeed, the Assembly should be leading the way in this respect.

We note below some specific issues that need to be raised in relation to the Scheme's current draft.

It is stated twice on page 7: "Documents ... drafted by the Commission, Assembly Members (with the exception of those undertaking Ministerial duties) and staff of the Assembly will be simultaneously available for the committee members in Welsh and in English". The text in brackets indicates that the Government will be responsible for ensuring that Government papers are bilingual. However, the Assembly could and should insist that any such Government documents are provided bilingually, and that such documents will not be accepted if they are monolingual. It is not the Assembly's responsibility for translating these, but it is the Assembly's responsibility to ensure that the Government respects the Assembly's bilingual principles.

It is stated at the bottom of page 7 that organisations which have Welsh language schemes, standards or policies will be expected to submit any Assembly committee papers and so on bilingually. It is further noted, where it would not be possible to receive documents in both languages (we assume that this is because they would be from individuals or bodies which are not legally bound to provide bilingual material), they will be published in the language in which they were submitted. But it is also noted that the Assembly could request someone who has submitted a Welsh-only document for a translation or an English summary, because a monolingual Welsh document could be 'to the detriment of National Assembly business'. This phrase reflects an unfortunate mindset whereby the English language is perceived as essential and the Welsh language as desirable. This phrase needs removing and the paragraph needs to be reconsidered. We do not believe that it would be possible to ask ordinary people to submit comments bilingually in responding to a consultation or in writing to a committee; they have the choice to do so in English or Welsh. However, if these become public documents, they should be available bilingually to read. The only solution is that the Assembly should prepare a translation of such papers, and the resources should be available for that to happen.

On page 8 there is reference to simultaneous interpretation from Welsh into English during plenary and committee meetings. The Society believes that there should be simultaneous translation from English into Welsh as well. This would ensure that anyone can listen to the Assembly's proceedings in Welsh if they so wished. Apart from the fundamental issue of equality, this would facilitate an increased use of oral Welsh in the Chamber – which has decreased substantially over the past few years – and it could also facilitate the work of providing a fully bilingual Record of Proceedings.

On page 9, you draw our attention to an information gap about the Record of Proceedings. We have already discussed with you some of the international comparisons that can be made, and the comparison with Ireland in particular. Unfortunately, the Irish language has declined during the century since Ireland gained its independence. The status of the Irish language is strong on paper but not so much in reality and usage; neither is the Irish Parliament a bilingual parliament. The course of the Irish language during the last century is certainly not one for the Welsh language to follow. Each country and language has its own context, and the situation in Wales is that we are building a nation in which both languages have an essential part to play.

As noted above, the Record of Proceedings was bilingual from the beginning of devolution in Wales up to 2009. Since then, there has been a mass campaign to revert to a bilingual record, and more than 1,500 people have signed a petition to this effect. The Assembly is at the heart of Welsh democracy; the Record therefore is one of the most important documents of all that is published regularly. It is of paramount importance for the language's status that this document is available bilingually, and that this should be the case from the outset: a monolingual English language draft, with a bilingual copy to follow, is not acceptable if both languages are equal.

We do not believe that the Assembly can continue to ignore the fact that the Welsh language is now an official language in Wales, and it is also clear that politicians from each party support that



campaign. We are therefore confident that it is possible to commit to publishing a fully bilingual Record of Proceedings, and that such a commitment should not only be in the Scheme, but should be safeguarded on the face of the Act, so that a decision on it cannot be made on a whim again. The Society believes that the Assembly should also ensure that a fully bilingual Record of Proceedings of committee meetings is produced.

It is stated that the Scheme is not applicable to correspondence between Assembly Members and their constituents. While we accept this to be the case, we believe that more guidance could be given by stating that the Assembly expects its Assembly Members to respect the principle of bilingualism in engaging with the public and anybody else. There is also a need for the translation service for Assembly Members and staff (and Commission staff) to be free of charge, without it being limited by a certain amount of allowance and with certain conditions attached. The service should also be available for the translation of internal messages and so on – and not limited to ‘public’ material.

If Assembly Members are to communicate successfully with their constituents in Wales’s two languages, an unconditional and unrestricted translation service is needed. It is also essential, as noted in the Scheme, that the proofing service that is available is developed and promoted so that Commission staff, Assembly Members and their staff can draft through the medium of Welsh, thus continually improving their skills and increasing their confidence.

It is stated that Commission staff will “aim to communicate in writing with individual Members, party groups, or other forums bilingually or in Welsh or English when a choice has been expressed”. We believe that the word “aim” is weak, and such correspondence should be bilingual as a matter of course in corresponding with groups. It should be possible to correspond with an individual in one language if the language choice is known.

Form of words such as “Our ambition is...” and “We will aim to...” are weak and need replacing with more robust wording. Apart from the issue of principle, such a weak form or words is likely to lead Commission staff – who should be complying with the Scheme – to believe that the Scheme’s requirements are not set in stone. They are therefore likely to ignore the scheme, leading to a risk of non-compliance.

The paragraph beginning with the words “When we cannot deliver the bilingual services outlined...” on page 9 is a cause of concern. This paragraph’s style is inconsistent with what we would expect, since it is somewhat casual about non-compliance with the Scheme. Of course, we accept that it is inevitable that there will be rare occasions where the Scheme is breached, and we welcome honesty in that respect, but in stating this, it should be emphasised that this is a serious matter and that the Assembly intends for such instances to be very rare.

The section on telephone communications on page 12 is indicative of one of the organisation’s major weaknesses at present. Even though the actions referred to are small steps in the right direction, in truth the lack of bilingual skills amongst the Assembly’s staff is a fundamental problem that needs addressing in a robust and thorough manner. The section about individual meetings, and especially the second part of this section, exemplifies the weaknesses to an even greater extent, and it is unacceptable. We discuss staff skills in more detail below.

As a general principle, when both languages appear together, the Assembly displays Welsh language text above or to the left of the English language text. We naturally agree with that principle, and to boost a threatened language’s status in such a manner can have an important practical impact. We draw your attention to a divergence from that principle on page 13: “For search and indexing purposes, the information on some of our social media profiles is published English first and Welsh second”. Of course, the effect of this sentence is to confirm yet again that English is the important

language in the Assembly's view. It is unwilling to state this, and indeed it does not do so directly, but the suggestion – that English is the language in which it is essential to be able to search and index – exposes the Assembly's underlying attitude towards both languages: English is important, and those for whom Welsh is their chosen language must settle on using English like everyone else.

On page 14, there is reference to events and exhibitions sponsored by Assembly Members. It is stated that organisations that have language standards, schemes or policies must effectively stage such events bilingually. However, in the case of other organisations, there will only be encouragement. In our view, it should be insisted that such events or exhibitions are bilingual, whoever is staging them. Is it acceptable for the Assembly to permit many organisations, such as international major companies, not to provide bilingual exhibitions or interpretation equipment at an event just because they do not happen to have a language policy?

Other public organisations insist upon this, and there is no reason why the Assembly should not do the same. This is a fundamentally different issue to replying to a consultation as noted above – where an individual cannot be forced to respond bilingually. If someone stages an event at the Assembly, however small, their relationship with the Assembly is different in nature.

At a recent consultation event, Commission staff said that to enforce such a policy would be difficult as some small organisations have no funding to arrange for translation. We therefore refer again to the Assembly's translation resources – where organisations cannot prepare their own translations for financial reasons, and where it is evident to the Assembly that this is the case, we believe that the Assembly should provide a translation service free of charge, from its own resources. Again, other organisations do this, so the Assembly can do it.

The section on visitors to the Assembly estate states that it will not be possible to ensure that Welsh speakers are available as part of the front of house service. Considering the nature of these posts, it must be asked on what basis were individuals who are not bilingual appointed to those roles in the first instance. The same is true of at least some of the Assembly's outreach officers in the regions – we had a complaint from a member of the Society that an Assembly official was working in an area where Welsh is widely spoken. The official's main role is to engage with the public, community groups and schools and so on, and that official cannot speak a word of Welsh.

That a third of the Assembly's staff can already speak Welsh has already been stated, but it is clear, so far, that this has not resulted entirely from strategic planning. The two examples above also relate to the next parts of the Scheme, which deal with issues that need changing most in the Assembly, namely staff's language skills, recruitment, and the internal use of Welsh. We welcome the stated intent to address these issues through a bilingual skills strategy. This document will be crucial to the overall success of the Bill and Scheme, and in that respect – and the fact that we are unable to fully respond to these issues at present – we strongly feel that this document should be the subject of a public consultation before the final version is approved.

In preparing the document, specific targets are needed in terms of improving the language skills of staff, and these targets must be realistic but also ambitious and far-reaching. Raising awareness of the opportunities to learn Welsh or auditing the number of Welsh speakers amongst the staff is insufficient without a strategic plan to significantly improve the language skills of all staff over a certain period of time.

Essentially, there is a need to move towards a situation where there is a presumption that fluency in Welsh is needed for all posts in the Assembly, with all staff working towards increasing their skill levels in Welsh. The Assembly needs to make clear to its staff that this is an opportunity and not a threat; an opportunity to learn an increasingly valuable skill in Wales through the Assembly's investment in its staff. In all workplaces, staff are encouraged to continually develop their skills in

areas relevant to their work. This should be equally true of the Welsh language, with courses on every level available for all staff.

We welcome the statement that new staff will be given mandatory training on language awareness. We politely point out that new staff are not the only ones who need such training. Indeed, mandatory language awareness training should take place annually or every two years for Assembly staff. Assembly Members and their staff should also receive that training unless it is possible for it to be mandatory in their cases as well.

The step of ensuring that everyone can answer the phone bilingually by 2012 is a start, but it does not enable the organisation to provide a bilingual service, and you should also understand that learning enough Welsh to be able to answer the phone does not do justice with Assembly staff. They should be learning intensely within the workplace, so that in a few years they can engage fully with Welsh speakers in their chosen language because by then they will be Welsh speakers themselves. These sections are overly rhetorical, and tangible commitments are needed in the Scheme – based on ambition, targets and timelines – as well as the bilingual skills strategy itself.

In terms of recruitment, the principle of being an equal opportunities employer is commendable, and we do not disagree with that. However, in a small but hugely important public body such as the Assembly, we believe that there are only a few posts where fluency in Wales's two languages is not some sort of requirement. Each post needs to be considered individually, of course, but we believe that Welsh language skills should be essential for the majority of the Assembly's posts.

In preparing a language skills strategy, we strongly recommend that you should look at the good practice of other public bodies that have had language skills strategies for a number of years. There are plenty of these, but North Wales Police must be mentioned as an excellent example of what can be achieved when the will is there. Some level of Welsh language competence is essential before one can get an interview, and everyone, from the Chief Constable down, is expected to continually work on their language skills. There has been adequate investment to ensure the success of the project, and staff are given a great deal of support in terms of guidance and resources. If every public body in Wales operated in a similar manner, the Welsh language would be in a stronger position within a decade. It is not an easy task – indeed, it calls for a huge change of attitude – but if an organisation such as North Wales Police can do it with over 2500 employees, an organisation of a few hundred staff such as the Assembly can do it as well.

In terms of the reference in your Scheme to posts for which fluency in Welsh is essential, and the appointment of a non-fluent candidate to such a post, we believe that it should be clearer that learning the language to the expected standards is crucial in order to pass the probation period, and that those who fail to do so will fail their probation period. Of course, it is crucial that the Assembly provides all necessary support, and several weekly hours of lessons, to ensure that people are able to learn the language to that level.

Internal bilingual communication between staff is essential, as is increasing the internal use of the Welsh language throughout the Assembly. We therefore welcome the developments that have taken place since 2007, and the efforts made to build upon that, but there is a need to be more ambitious again. To prioritise public documents is not sufficient: if the Assembly is in reality to become a "truly bilingual organisation", that needs implementing from top to bottom.

The section on information technology – stating that the Welsh Language Board's guidelines will be followed – is inadequate. There is a need to refer to bilingual software – do Members and Assembly staff use the Welsh language Windows interface and so on? For staff to be able to undertake their work bilingually they must have all the appropriate resources. Bilingual software is therefore crucial.

We therefore believe, where that is possible, that any software that is available in English is available in Welsh and that the Assembly uses bilingual software in all cases where such software is available.

There is a need to strengthen the section on partnership working – the Assembly should insist that any partnership it is involved with complies fully with the principle of equality between the Welsh and English languages. The Assembly can exert its influence in this context, and there is a moral obligation on it to do so.

*(f) Have we proposed suitable and adequate ways for the National Assembly to ensure that those who wish to deal with us through the Welsh language are treated fairly?*

We have provided details on some aspects of the Scheme above, but the provisos in relation to Welsh-language services (requesting people to continue in English if Welsh-language services cannot be provided, stating that certain announcements cannot necessarily be made bilingually, etc) are unfair to Welsh speakers. Evidence shows that the use of Welsh language services is low and that is often due to people's lack of confidence in the quality of bilingual services. Any conditions or provisos attached to Welsh-language services reinforces that perception and undermines one of the Bill's main aims.

*(g) Are there any additional points which you think the draft Scheme does not cover?*

Apart from the issues noted above, we repeat that the draft Scheme needs to be wider in scope than to merely refer to services, and it should address issues such as internal bilingualism. In addition, as we have already noted, the Scheme needs a section that ensures that Assembly legislation contributes to the principle of equality between the Welsh and English languages, rather than undermining that principle.

There needs to be much more in the Scheme about the internal use of Welsh, with a specific section to deal with this, and clear targets. A revolution is needed within the Assembly to put this into practice, but it need not be a painful revolution and it can be done sensitively. If one third can already speak Welsh, it is a firm foundation on which to build and create a Welsh-language workplace. Creativity and inspiration are needed to create innovative schemes that will transform the organisation's internal culture, e.g. by placing Welsh speakers and Welsh learners next to one another, no matter what their roles are, through creating buddy schemes, and all sorts of similar measures. Other public bodies have been working on such projects, and there is much good practice that can be used. It will require effort, but that is the only realistic way in which the Assembly can become a truly bilingual organisation.

*(h) Do you have any other observations on the Scheme and its implementation?*

Most of our comments have been noted above, but we emphasise again that there is a need for consultation on the Scheme when it has been further developed and after the Bill has been passed. We must also emphasise the importance of including tangible, clear and ambitious targets in the Scheme – at present, the Scheme is too vague and ambiguous and it will be difficult to implement and get anything out of it. The Scheme as drafted is not far-reaching or ambitious enough because it doesn't set clear targets or a timeframe to impose changes that will make a difference from day to day. Rhetoric based on facilitation and encouragement are fine in some contexts, but what is needed in a Bill and a Scheme such as these is a strong commitment that shows an intent to make progress within a specific timeframe, including a clear action plan identifying how that progress will be achieved.