

y ganolfan cynllunio iaith

Welsh centre for language planning

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Val Lloyd AC
Chair
Legislation Committee No. 2
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Val Lloyd AM

Proposed Welsh Language (Wales) Measure

The Welsh Centre for Language Planning (IAITH) is pleased to have the opportunity to submit written evidence to Legislation Committee No. 2 of the National Assembly for Wales, in relation to the Proposed Welsh Language (Wales) Measure.

IAITH was established in 1993 to provide expert and independent advice and leadership to public and other bodies in Wales in the context of language planning and policy. Our service range has expanded consistently over the past 17 years, and we now offer an array of professional services in the following fields: research and development, consulting, training and project management. Our clients include some of Wales's most prominent organisations, such as the Welsh Assembly Government and the Welsh Language Board. We therefore believe that no other organisation in Wales—with the exception of the Welsh Language Board—has the wealth of experience that we possess in the language planning and policy field. This includes work carried out in relation to the implementation of Welsh language schemes and in the context of corporate regulation, as well as promoting the viability of the Welsh language in local communities.

We submit our comments, therefore, against a backdrop of extensive practical experience.

Part 1: The official status of the Welsh language

We welcome the proposed Measure's intent to confirm the official status of the Welsh language. However, we feel that the current wording of the proposed Measure is a missed opportunity.

We believe that a clear and unambiguous statement on the official status of the Welsh language is needed in the proposed Measure. This proposal has a key symbolic aim. A statement of this kind would send out a clear message that would have a positive impact on people's perceptions of the Welsh language, both in Wales and beyond.

However, it is acknowledged that the true path to official status for any language lies in its consistent use, over a period of time, in an official capacity. A clear, unambiguous statement on the official status of the Welsh language would thus be a statement of practical intent, which could be realised much more easily by affording the Welsh language the strongest possible legislative platform. We believe that this could be achieved by several different methods and formats. The current wording and format are, at best, ambiguous and unclear.

In addition to declaring that Welsh is an official language in Wales, we also suggest that it would be possible to expand on what the Welsh Language Act 1993 states with regard to the equal validity of the Welsh and English languages, with a declaration on the general legal validity of the Welsh language in Wales.

Part 2: The Welsh Language Commissioner

We welcome the establishment of a Welsh Language Commissioner, which we have been advocating since August 2004.

However, we feel strongly that the Commissioner's main functions should be limited to the field of regulating Welsh-language services. The remit of the Welsh Language Commissioner should focus on the following:

- Ensuring that public bodies and others provide Welsh-language services;
- Assisting public and other bodies to promote those services;
- Ensuring equality of opportunity for Welsh speakers in relation to services provided by public and other bodies;
- Regulating public and other bodies in relation to their provision, including exercising enforcement and sanctioning powers;
- Developing a progressive range of basic rights in relation to the Welsh language; and
- Act as an advocate on behalf of Welsh speakers and those who wish to learn Welsh or who wish their children to do so.

In order to promote objectivity, we believe that the Commissioner and his or her office should be independent of the Welsh Assembly Government. The Commissioner should be appointed by the National

Assembly for Wales and should also be accountable to the Assembly. The basis of the arrangement should be similar to that which applies to the Welsh Public Service Ombudsman. The system should allow the Commissioner to operate as a critical friend of the Welsh Assembly Government, in the most objective way possible.

Promoting the welsh language

As stated above, we feel that the Commissioner should have a role in promoting the use of Welsh-language services, as well as regulating them. Nevertheless, we believe that the enormous task of promoting the viability of the Welsh language and its increasing use in every social domain should be a task for others.

Primarily, we believe that it is important to separate regulatory activities—which could entail elements of enforcement and sanctions—from ‘softer’ activities that rely, to a significant degree, on eliciting goodwill, influencing values and changing people’s habits voluntarily. These are ‘promotional’ techniques relating to community development, informal education, marketing and civil activities. They do not sit easily with a systematic way of regulating services, either in terms of working practices or ethos.

We believe that the task of promoting the Welsh language in a broader sense, along with building its viability, should reside with another organisation. Those functions should include distributing grants aimed at promoting the Welsh language. That organisation could be a unit within the Welsh Assembly Government, or an external organisation (or organisations) that would operate within the policy framework set by the Welsh Assembly Government.

The language planning and policy field is much broader than the limited issues surrounding the regulation of Welsh-language services seen in the proposed Measure, as the Welsh Assembly Government’s proposed National Welsh Language Strategy will surely highlight. The *laith Pawb* (‘everyone’s language’) strategy and the Welsh-medium Education Strategy are a sure sign of that. The task of developing and regulating Welsh-language services should be given to the Commissioner, while the task of implementing a holistic language planning strategy should be given to others.

Part 4: Standards

IAITH has been assisting public bodies to develop Welsh language schemes for 17 years. We therefore believe that our practical experience in this field is more extensive than that of any other organisation, other than the Welsh Language Board.

We welcome the intention to highlight what would be expected from

public and other bodies in relation to their Welsh-language services. This would facilitate the use of these services and would lead to progress in terms of people's habitual use of Welsh. We also welcome the notion of setting a statutory expectation that the standards given by an organisation would be a framework of progressive standards. However, we have many concerns in respect of setting a language standards framework in the way that is described in the proposed Measure.

Although the proposed Measure lays out in detail—too much detail, perhaps—the kind of standards that are to be set, it does not expand sufficiently on the nature of these standards, thereby making it very difficult to give a full opinion on the practical implications likely to arise from setting a standards framework.

Nevertheless, in considering the headings for these standards, they are seen to reflect many of the elements currently incorporated into Welsh language schemes. What is missing, as far as we can see, is a vehicle designed to put those standards into practice within an organisation.

Regardless of what the standards are, some kind of action plan will be necessary to put them into practice within an organisation. They need a practical tool for ensuring that the workforce understands what is expected of it, and the handbook that directs workers towards the resources and working practices that will allow them to operate appropriately. This is no more and no less than a form of language scheme. The key question is this: will that action plan have the same statutory force as that currently enjoyed by the Welsh language schemes? In the absence of statutory force for action plans, the proposed Measure would weaken the current position.

The current system of language schemes is not perfect. However, it has its strengths, such as how ownership of the Welsh language is promoted within an organisation and how corporate processes are motivated to place the Welsh language at the heart of the organisation's systems and ethos. The section on setting standards suggest that insufficient attention has been paid to the key importance of development and corporate change processes in expanding the use of Welsh in relation to service provision. That is, it can be argued that it is not the standard itself that is important, but rather the process of getting there.

Rights

We are not going to address the issue of language rights in detail here. There are others who are more qualified than us to discuss the legal implications of rights. However, in relation to abolishing Welsh language schemes and setting a framework of language standards for service provision, we would like to know whether the Government has

considered an evolutionary approach that would include language rights as one element of the system. Rather than taking the revolutionary step of abolishing Welsh language schemes—and swallowing up organisations' time and energy in doing so—would it not be better to adopt an evolutionary approach and turn the core elements of Welsh language schemes, which are already part and parcel of large sections of the public domain and the third sector, into a set of rights, and by simplifying or expanding other elements? Doing this, in tandem with bolstering the regulatory and promotional element, would be a massive boon and would represent a natural development within a system and process that everyone involved in this field already understands.

Thank you very much, once again, for the opportunity to submit evidence. If you wish to discuss the matters outlined above with us at any time, we would be delighted to oblige. In the meantime, it might be worthwhile directing Committee members to a publication of ours, which was released in November 2007: *Creating a Truly Bilingual Wales: opportunities to legislate and implement policy*. You can access the publication [here](#). It could make for useful background reading.

Thank you again.
Yours sincerely,

Gareth Iwan
Chief Executive