National Assembly for Wales
Communities, Equality and Local Government Committee

National Assembly for Wales (Official Languages) Bill

Stage 1 Committee Report
May 2012

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Powers of the Committee

Our powers to scrutinise Bills are set out in the National Assembly for Wales' Standing Orders, particularly SO 17 and 26. These are available at: http://www.assemblywales.org/bus-home/bus-assembly-guidance.htm

Committee Membership

Committee Member	Party	Constituency or Region
Ann Jones (Chair)	Labour	Vale of Clwyd
Peter Black*	Liberal Democrat	South Wales West
Janet Finch-Saunders	Conservatives	Aberconwy
Mike Hedges	Labour	Swansea East
Mark Isherwood	Conservatives	North Wales
Bethan Jenkins	Plaid Cymru	South Wales West
Gwyn R Price	Labour	Islwyn
Ken Skates	Labour	Clwyd South
Rhodri Glyn Thomas*	Plaid Cymru	Carmarthen East and Dinefwr
Joyce Watson	Labour	Mid and West Wales

***The Bill was proposed by the Assembly Commission. Therefore Rhodri Glyn Thomas and Peter Black, as Assembly Commissioners, absented themselves from meetings at which the Bill was discussed.**

In accordance with Standing Order 17.48, Alun Ffred Jones substituted for Rhodri Glyn Thomas, except for the Committee's meetings on 22 February and 1 March 2012, when Elin Jones attended.

Eluned Parrott substituted for Peter Black for the duration of the Committee's Stage 1 consideration of the Bill.

Contents

Summary of Conclusions and Recommendations

Our conclusions and recommendations are set out below, in the order that they appear in this report. References to the Commissioner are references to the Assembly Commissioner with responsibility for the Welsh Language. References to a "new subparagraph" should be read as a reference to a new subparagraph of paragraph 8 of Schedule 2 to the *Government of Wales Act 2006*. Please refer to the relevant pages of the report to see the supporting evidence.

We note that the law relating to the Welsh language has moved on as a consequence of the Welsh Language (Wales) Measure 2011 and that this Measure does not apply to the National Assembly or the Assembly Commission. page 22

We also note that the majority of witnesses were in favour of the need for the Bill. page 22

Therefore, we agree that there is a need for a Bill to update the legislative framework on the provision of bilingual services as it applies to the National Assembly and the Assembly Commission. page 23

We note that we received no objections to the use of a language scheme to deliver the Assembly Commission's duties as set out in the Bill and accordingly, we are content with this approach. page 23

As such, and in light of the evidence we have received, we are content with the Bill's general principles. page 23

However, we are not convinced that the right balance has been struck between the specific requirements contained on the face of the Bill and the provisions to be included in the Official Languages Scheme. Our specific views in this regard, and on other aspects of the Bill, are set out in chapters 4 and 5 of this report. page 23

Like many of the witnesses, we welcome new subsection (1) to section 35 of the *Government of Wales Act 2006* and its reference to English and Welsh being the official languages of the Assembly. page 28

We also welcome the reference in new subsection (1B) to "a right" to use either language when participating in Assembly proceedings and agree that this represents an improvement on the wording contained in the draft Bill issued for consultation by the Assembly Commission in 2011. page 28

We note that the *Government of Wales Act 2006*, which this Bill seeks to amend, defines Assembly proceedings as any proceedings of: the Assembly, committees of the Assembly or sub-committees of such committees. page 28

We also note that by referring to "the conduct of" Assembly proceedings in new subsection (1A) and "participating in" Assembly proceedings in new subsection (1B), this potentially limits the extent to which citizens can engage with the Assembly in the language of their choice. page 28

We therefore have sympathy with those who have suggested that new subsections (1A) and (1B) should be amended to widen their scope so that citizens are able to fully engage in the language of their choice:

> - with Assembly proceedings after they have taken place (for example by reading transcripts of plenary or committee meetings);
> - with Assembly activities other than Assembly proceedings.
>
> page 28

Recommendation 1. We therefore recommend that the Commissioner should explore the feasibility of bringing forward amendments to effect such changes. page 28

We have considered very carefully the evidence from witnesses and the Commissioner about whether a duty to provide a fully bilingual Record of Proceedings (of plenary meetings) should be placed on the face of the Bill. page 41

We are persuaded that it is appropriate to do so. In reaching this view, we have taken account of the overwhelming evidence in favour of this approach, not only from witnesses we heard from but also from those who responded to the Commission's consulation exercise on the draft Bill and draft Scheme in 2011. Also, we agree with those who have highlighted the symbolic importance of the Record of Proceedings to

the Welsh language, particularly given its status as the official record of Wales's main democratic institution. page 41

If the current Assembly Commission's intention is that the Record of Proceedings should always be produced bilingually, then we see no logical reason why this commitment should not appear on the face of the Bill. We believe that this approach provides more clarity and certainty than if a commitment were to appear in the Official Languages Scheme. page 41

If a future Assembly Commission were to decide that it no longer wished to produce a bilingual Record of Proceedings, then we consider that the appropriate way to effect this change would be by means of another Bill rather than an amendment to the Scheme. page 41

We agree with Cymdeithas yr Iaith Gymraeg that, as currently drafted, new subparagraph (5) already provides a list of certain things that must be included in the Scheme. page 41

We note the evidence of the Language, Policy and Planning Research Unit, School of Welsh, Cardiff University, as set out in paragraphs 73 and 75, regarding a possible approach to a re-draft of new subparagraph (5). page 41

We note that the *Government of Wales Act 2006*, which this Bill seeks to amend, defines Assembly proceedings as any proceedings of: the Assembly, committees of the Assembly or sub-committees of such committees. page 42

Recommendation 2. In light of our views above, we recommend that the Commissioner should bring forward suitably worded amendments to ensure that the Scheme must include (but not limit itself to) provision relating to the following:

- **simultaneous interpretation from one official language into the other;**
- **a fully bilingual record of all Assembly proceedings;**
- **a system for categorising which other documents should be published in both official languages;**
- **a corporate action plan noting specific targets, timescales and responsibilities;**

- **a set of key performance indicators;**
- **a bilingual skills strategy.** **page 42**

In our view this approach would bring clarity to the citizen about the type of services the Assembly Commission would be obliged to provide bilingually. page 42

In reaching these conclusions, we have also taken account of the evidence we received in relation to the Scheme and that is set out in chapter 6. page 42

We agree with the Welsh Language Officers Group for South East Wales who suggested that the effect of new subparagraph (6) is ambiguous and unclear. page 42

We also have some reservations about the implications of this provision for the delivery of bilingual services by the Assembly Commission. page 42

Recommendation 3. Accordingly, we recommend that the Assembly Commission should consider bringing forward an amendment to ensure that new subparagraph (6) provides greater clarity about its intended purpose. **page 43**

We do not necessarily accept that the *Government of Wales Act 2006* is quite as restrictive as suggested by the Commissioner in paragraph 110. page 45

Nevertheless, we do not believe that the Scheme should be accountable to an external body and agree with the Commissioner that it should be accountable to the Assembly. page 45

In the circumstances, we are content with the requirement in new subparagraph (8) to provide for an annual report to be laid before the Assembly to enable the Assembly Commission to be scrutinised on the delivery of its commitments under the Scheme. page 45

In reaching this view, we have also taken account of the evidence we received in relation to the Scheme and set out in chapter 6. page 45

Having considered the evidence, we agree with the views of the Public and Commercial Services Union that the Scheme should be formally reviewed at least once every Assembly. In our view, this approach

provides more flexibility and avoids the possibility of the Scheme not being formally reviewed in the course of an Assembly lasting only four years. page 47

Recommendation 4. Accordingly, we recommend that the Commissioner bring forward an amendment so that the Scheme should be formally reviewed at least once every Assembly.

page 47

We are not persuaded that it is necessary to explicitly refer to a need to consult in new subparagraph (10) as we believe this is implicit within the provision. Additionally, we do not consider it necessary to add any further organisations to the list referred to specifically in new subsubparagraph (10)(b). page 50

As such we are content with new subparagraph (10) as drafted. page 50

We agree with witnesses who have suggested that there is need for improvements in aspects of the Scheme and we make specific reference to these in the rest of this chapter. page 54

We agree with the Commissioner that there is no further need for a formal consultation exercise given the relatively extensive external consultations that have already taken place and also given that the Scheme needs to be approved by resolution of the Assembly before it can be adopted. page 54

Recommendation 5. However, we welcome the Assembly Commission's intention to consult with its staff about the Scheme before it is adopted and recommend that a summary of the outcome of that consultation should be made available to staff once it is complete. page 55

Recommendation 6. As part of this process, we strongly recommend that the Assembly Commission meets the Public and Commercial Services Union to discuss some of the concerns it has with the Scheme and to which we refer later in this report.

page 55

We have already recommended that an action plan with targets should be included as part of the Scheme and a specific requirement to this effect should be included on the face of the Bill. page 59

In reaching this view, we are mindful of the strong support for an action plan and targets and the importance attached to such documents by witnesses. page 59

Recommendation 7. For the avoidance of doubt, we strongly recommend that, if the Commissioner is not minded to amend the Bill as suggested in Recommendation 2, the Scheme should be amended to incorporate an action plan and targets that will allow the scheme to be effectively monitored and scrutinised.

page 59

Recommendation 8. We also recommend that further information should be included in the Scheme to clarify the relationship between the Scheme as a whole and related documents, such as the action plan we recommend, the bilingual skills strategy and the various individual service area plans that were referred to by the Assembly Commission. page 59

As the Scheme is currently drafted, we do not believe that sufficient clarity exists about how all these documents fit together and accordingly, how the overall system for delivering bilingual services will work in practice. In our view, including the information referred to in Recommendation 8, will make the system easier to understand and will facilitate the scrutiny process. page 59

We share the views of many witnesses that the wording in the Scheme is ambiguous in places. We note that in expressing these views, many witnesses suggested alternative wording. page 61

Recommendation 9. Accordingly, we recommend that the Assembly Commission should review all the suggestions made by witnesses to improve the wording in the Scheme with a view to making it a more assertive and less ambiguous document.

page 61

We have already recommended that we believe that there should be a system for categorising which documents should be published in both official languages. page 64

Recommendation 10. Given the evidence we heard from Cymdeithas Cyfieithwyr Cymru, we recommend that the Commissioner reconsiders the issues surrounding the summarising of consultation responses received in Welsh only. **page 64**

Recommendation 11. As a consequence, we also recommend that the Commissioner should reconsider the drafting of paragraph 51 of the draft Official Languages Scheme and, if he decides to accept Recommendation 10, to consider the implications of that recommendation for consultation responses received in only one of the official languages. **page 64**

We have already recommended that a bilingual skills strategy should be included as part of the Scheme and a specific requirement to this effect be included on the face of the Bill. page 68

In reaching this view, we are mindful of the strong support for a bilingual skills strategy and the importance attached to such a document by witnesses. page 68

Recommendation 12. For the avoidance of doubt, we strongly recommend that, if the Commissioner is not minded to amend the Bill as suggested in Recommendation 2, the Scheme should be amended to incorporate a bilingual skills strategy. **page 68**

We consider that incorporating a bilingual skills strategy into the Scheme would allow for a more integrated and cohesive approach to the delivery and provision of bilingual services by the Assembly Commission. page 68

In view of the evidence we have received, we consider that the bilingual skills strategy must include clear targets and objectives and identify clearly how they are going to be delivered. page 68

Recommendation 13. We note that the bilingual skills strategy has already been completed. If it does not follow the approach we suggest, we recommend that it should be reviewed to ensure that it does so. **page 69**

Recommendation 14. We have noted the views of the Public and Commercial Services Union as expressed in paragraph 190 of the report and share their concerns. Given that the bilingual skills strategy will have a direct impact on the staff of the Assembly Commission, we recommend that staff and PCS should be consulted upon it as part of the consultation exercise referred to in Recommendations 5 and 6. **page 69**

We comment further on the bilingual skills strategy in the section on paragraph 103 of the Scheme and chapter 7 on Financial Implications. page 69

Recommendation 15. Having considered the evidence in relation to paragraph 103 of the Scheme, we recommend that it should be re-drafted to provide greater clarity about how the policy will be applied and what it means in practice for existing and new members of staff. **page 70**

Recommendation 16. In re-drafting this paragraph we also recommend that it should be linked and cross-referenced to appropriate provisions in the bilingual skills strategy. In our view, this strategy should outline the skill levels required for specific services areas and posts. **page 70**

Recommendation 17. We also recommend that the issues of concern raised by the Public and Commercial Services Union should be discussed with the Assembly Commission as part of the meeting referred to in Recommendation 6. **page 70**

The evidence we have considered on the financial implications of the Scheme has highlighted to us the lack of clarity surrounding what the Assembly Commission is seeking to achieve with its bilingual services strategy. page 76

In our report, we have emphasised the need for an action plan and a bilingual skills strategy to contain targets and specific objectives. We strongly believe that there must be a commitment to provide the resources necessary to ensure that these targets and specific objectives are delivered. page 76

In our view, it would be foolish to set out on a particular course of action without having the funding necessary to deliver it. That is why it

is important for the Assembly Commission to be absolutely clear about what it is seeking to achieve with its bilingual services strategy. page 76

We agree with the Assembly Commission's comments that in delivering language training, it is not just about providing funding but also about providing appropriate opportunities to develop language skills. page 76

However, enabling staff to find the time to participate in language courses and to practise and develop their language skills in the workplace is also important and must not be overlooked. It must also be recognised that such issues of staff time and capacity also have financial costs attached to them. page 77

Recommendation 18. As a consequence, we recommend that, as part of its bilingual skills strategy and the targets it includes, the Assembly Commission should set out clearly how time is to be made available for staff not only to participate in appropriate language courses but also to take advantage of participating in, or delivering, language development opportunities within the workplace. page 77

Recommendation 19. Again, we note that the bilingual skills strategy has already been completed. If it does not follow the approach we suggest in Recommendation 18, we recommend that it should be reviewed to ensure that it does so. page 77

We believe that as currently drafted, the Bill and the Scheme have significant costs attached to them, which, in our view, have not been clearly explained. page 77

We also recognise that in making Recommendations 1 and 2 there may be additional costs. page 77

Recommendation 20. We therefore strongly recommend that, whatever approach the Assembly Commission decides to pursue with the Bill and Scheme, it should ensure that adequate funds are identified and committed to deliver the objectives and commitments they contain. page 77

1. Introduction

1. On 30 January 2012, the Assembly Commissioner with responsibility for the Welsh Language, Rhodri Glyn Thomas AM ("the Commissioner"), introduced the National Assembly for Wales (Official Languages) Bill[1] ("the Bill").

2. On 24 January 2012, the National Assembly's Business Committee agreed to refer the Bill to the Communities, Equality and Local Government Committee for consideration of the general principles (Stage 1), in accordance with Standing Order 26.9. The Business Committee agreed that the Committee should report to the Assembly by 4 May 2012.

Terms of scrutiny

3. We agreed the following framework for our work:

To consider:

i) the need for a Bill to make provision about the use of the English and Welsh languages in proceedings of the National Assembly and by the Assembly Commission in the discharge of its functions;
ii) whether the Bill achieves its stated purpose;
iii) the key provisions set out in the Bill and whether they are appropriate to deliver the purpose;
iv) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
v) whether there are any unintended consequences arising from the Bill;
vi) the draft Official Languages Scheme contained in Annexe B of the Explanatory Memorandum.

[1] National Assembly for Wales (Official Languages) Bill, available at: http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=229894&ds=1/2012

The Committee's approach

4. As well as scrutinising the Bill, we decided to scrutinise the draft Official Languages Scheme ("the Scheme")[2], which is included as Annexe B to the Explanatory Memorandum.

5. We initiated a consultation exercise and invited key stakeholders to submit written evidence to inform our work. A list of the organisations and individuals who responded is included on page 83.

6. We took oral evidence from the witnesses listed on page 81.

7. Towards the end of our work, the Petitions Committee referred to us a petition from Cymdeithas yr Iaith Gymraeg regarding a bilingual Record of Proceedings for plenary meetings.[3]

8. The following report represents the conclusions and recommendations we have reached based on the evidence received during the course of our work.

9. We would like to thank all those who have contributed.

[2] Throughout this report, references to the Scheme should be construed as references to the draft Scheme contained in Annexe B of the Explanatory Memorandum or the approved Scheme, as appropriate.

[3] Petition: P-04-330 A Welsh-language Record in our Assembly; available at: http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IId=1739&Opt=0

2. Background

The National Assembly's legislative competence to make the Bill

10. The provisions of the Bill relate to subject 13 (National Assembly for Wales) and subject 20 (Welsh Language) as contained in Schedule 7 to the *Government of Wales Act 2006* ("the 2006 Act").

11. The provisions of the Bill apply only in relation to the National Assembly and Assembly Commission, and consequently to Wales only.

Explanatory Memorandum[4]

12. The Explanatory Memorandum accompanying the Bill states that:

> "The purpose of the Bill is to clearly place the duties of the Assembly and of the Commission, in relation to the provision of bilingual services, on a sound statutory footing."[5]

13. The Assembly Commission decided to introduce a Bill at its meeting on 14 July 2011. It also decided to proceed on the basis of a language scheme provided for under the Bill.[6]

14. The Explanatory Memorandum explained the rationale for the decision to proceed by means of a language scheme:

> "The law relating to the Welsh language has now moved on. The Welsh Language (Wales) Measure 2011 … will repeal the 1993 Act and the system of language schemes, replacing them with "standards" imposed by Ministers and enforceable in the courts by a Welsh Language Commissioner …
>
> Neither the National Assembly itself nor the Assembly Commission is subject to these new arrangements, overseen by Ministers, and they remain subject instead to the duties imposed by the 2006 Act. This reflects a constitutional position

[4] National Assembly for Wales, *National Assembly for Wales (Official Languages) Bill: Explanatory Memorandum incorporating the Regulatory Impact Assessment*, January 2012; available at: http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=229895&ds=1/2012

[5] Explanatory Memorandum, paragraph 4.1

[6] Explanatory Memorandum, paragraph 1.3

in which Welsh Ministers have no jurisdiction over the National Assembly."[7]

15. The Assembly Commission consulted on a draft Official Languages Bill and a draft Bilingual Services Scheme (as it was then called) between August and November 2011. According to the Explanatory Memorandum, the main points arising from the consultation responses received were:

- general support for placing a duty to provide a fully bilingual Record of Proceedings[8] on the face of the Bill from almost all respondents;
- the need for firm reporting and scrutiny arrangements in relation to performance against the Scheme;
- calls for the Assembly to lead by example in terms of supporting the Welsh language and Welsh language policy and provision;
- issues regarding the right to contribute in their language of choice; and,
- the language used in the National Assembly: some respondents felt that the Assembly should increase the focus on its aim to ensure all staff have some level of Welsh language skills, while others felt that all staff should be bilingual.[9]

16. More detailed information on the consultation responses and how the Assembly Commission took account of them in revising the Bill and Scheme is described in section 6 of the Explanatory Memorandum.

17. The Bill, as introduced, provides that the Assembly Commission must adopt and publish an Official Languages Scheme giving effect to obligations under the Bill, namely:

- that English and Welsh are the official languages of the Assembly;
- they must be treated on a basis of equality in the conduct of Assembly proceedings;

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[7] Explanatory Memorandum, paragraphs 2.7 & 2.8; The 1993 Act referred to is the *Welsh Language Act 1993*

[8] References to the "Record of Proceedings" in the body of this report refer to the proceedings of plenary meetings. However, references to "ROP" in footnotes refer to the proceedings of the Communities, Equality and Local Government Committee.

[9] Explanatory Memorandum, paragraph 6.13

- all persons have the right to use either official language when participating in Assembly proceedings.

18. The Scheme, included as Annexe B to the Explanatory Memorandum, sets out how the Assembly Commission plans to deliver bilingual services to Assembly Members and members of the public. It covers:

- the National Assembly's aspiration to become a truly bilingual organisation that enables Assembly Members and staff to work in both languages;
- bilingual arrangements for preparing for, conducting and recording National Assembly proceedings in plenary and committee;
- bilingual communications with the public with the aim of encouraging people to take part in the democratic process;
- how the Assembly will manage and encourage Assembly staff's bilingual skills (by means of a bilingual skills strategy).[10]

19. The way in which the Assembly's current bilingual services are delivered is set out in its Welsh Language Scheme 2007, which was approved by the Assembly in plenary on 11 July 2007.

[10] Explanatory Memorandum, Annexe B, paragraph 11

3. General principles and the need for legislation

Background

20. The Bill provides that the Assembly Commission must adopt and publish an Official Languages Scheme giving effect to obligations under the Bill, namely:

- that English and Welsh are the official languages of the Assembly;
- they must be treated on a basis of equality in the conduct of Assembly proceedings;
- all persons have the right to use either official language when participating in Assembly proceedings.

Evidence from witnesses

The need for the Bill and general comments

21. Ten of the 11 written responses received explicitly supported the need for a Bill to allow for a revised legal framework for the provision of the Assembly's bilingual services.

22. The Welsh Language Board said:

> "… we certainly welcome this new Bill. What is included in the Bill meets the aim of the Commission to put the Assembly's duties with regard to the Welsh Language on a firm statutory basis …"[11]

23. Cymdeithas Cyfieithwyr Cymru (the Association of Welsh Translators and Interpreters) also welcomed the Bill and felt it would achieve its objective. [12]

24. In their support for the Bill, the Welsh Language Officers Group for South East Wales believed the Bill was an improvement on what previously existed. [13]

[11] ROP, paragraph 7, 1 March 2012
[12] ROP, paragraph 138, 7 March 2012
[13] ROP, paragraph 110, 15 March 2012

25. The Public and Commercial Services Union (PCS), the trade union representing the majority of Assembly staff, told us:

> "…we strongly support the main purpose of the Bill and believe it is a proportionate and reasonable approach to clarifying and strengthening the law in respect of the use of the Welsh language in the National Assembly."[14]

26. The Language, Policy and Planning Research Unit, School of Welsh, Cardiff University (LPPRU) felt that the Bill was a step forward but identified a few areas for improvement.[15]

27. Cymdeithas yr Iaith Gymraeg had mixed views on the Bill. They did not feel that the Bill would deliver its intended purpose and added that, in their view:

> "The Bill does not realise the moral right of the people of Wales to engage with their legislature in the Welsh language."[16]

28. Nevertheless, they did consider that:

> "…it is encouraging that the Assembly is giving the Welsh language official status within the institution. The society also welcomes section 1(1B) of the Bill, which gives the right to use the Welsh language within Assembly proceedings. That is very encouraging."[17]

29. A member of the public was concerned that:

> "…the Bill will not really do enough to change anything and that our Assembly will not be truly bilingual; rather, it will be an institution that appears on the surface to be bilingual but that is, fundamentally, an English-language institution."[18]

[14] Written Evidence, OLB 10
[15] ROP, paragraph 13, 15 March 2012
[16] Written Evidence, OLB 3
[17] ROP, paragraph 6, 7 March 2012
[18] Written Evidence, OLB 6

Balance between the Bill and the Scheme

30. Both the Welsh Language Board[19] and the Welsh Language Officers Group for South East Wales[20] [21] broadly agreed that the right balance had been struck between the specific requirements contained on the face of the Bill and the provisions to be included in the Scheme, apart from the lack of a reference to the Record of Proceedings on the face of the Bill.

31. Cymdeithas yr Iaith Gymraeg did not agree that the right balance had been struck because "some specific duties need to be included on the face of the Bill."[22]

The use of an Official Languages Scheme

32. The Welsh Language Board[23] considered it appropriate to deliver the Assembly Commission's duties by means of a Scheme, as did the PCS who considered it to be a "sensible and pragmatic approach."[24]

Evidence from the Commissioner

33. When questioned on why the current duties relating to the use of the English and Welsh languages in the Assembly required updating, the Commissioner said:

> "That process has not been updated and it was not updated in the 2006 Act. So, we are initiating that process through the Bill. Of course, the Welsh Language Measure has substantially changed the situation."[25]

34. When asked if the right balance had been struck between what was on the face of the Bill and the provisions that would be detailed within the Scheme, the Commissioner said:

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[19] Written Evidence, OLB 1; the Welsh Language Board ceased to exist on 31 March 2012. The Welsh Language Commissioner started work on 1 April 2012.
[20] Written Evidence, OLB 5
[21] ROP, paragraph 119, 15 March 2012
[22] Written Evidence, OLB 3
[23] Written Evidence, OLB 1
[24] Written Evidence, OLB 10
[25] ROP, paragraph 198, 9 February 2012; the *Welsh Language (Wales) Measure 2011* is available at: http://www.legislation.gov.uk/mwa/2011/1/contents/enacted

> "Yes, because the Bill relates to the general principles, and the practical details are contained within the scheme."[26]

35. He also said that it "was the Commission's decision to keep the Bill as simple as possible."[27]

36. He added subsequently that:

> "The question of what is on the face of the Bill is an interesting one. That is, it would be possible to include all manner of things on the face of the Bill if you wished to do so. I would argue that what should be on the face of the Bill is a general description of the Bill. If you begin to go into detail on the face of the Bill, where would you draw the line?"[28]

37. The Commissioner explained why the Commission had opted to use a language scheme to deliver its duties in relation to the Welsh language rather than a system of standards (as used for other organisations in the *Welsh Language (Wales) Measure 2011*). He told us that "a system of standards means that they have to be accountable to another authority". [29] He added that the system of standards introduced by the 2011 Measure meant that because:

> "… the Welsh Government is accountable to the National Assembly for Wales … standards would not be appropriate. That is why we are working on the basis of a language scheme."[30]

Our view

We note that the law relating to the Welsh language has moved on as a consequence of the Welsh Language (Wales) Measure 2011 and that this Measure does not apply to the National Assembly or the Assembly Commission.

We also note that the majority of witnesses were in favour of the need for the Bill.

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[26] ROP, paragraph 196, 9 February 2012
[27] ROP, paragraph 237, 9 February 2012
[28] ROP, paragraph 8, 21 March 2012
[29] ROP, paragraph 189, 9 February 2012
[30] ibid

Therefore, we agree that there is a need for a Bill to update the legislative framework on the provision of bilingual services as it applies to the National Assembly and the Assembly Commission.

We note that we received no objections to the use of a language scheme to deliver the Assembly Commission's duties as set out in the Bill and accordingly, we are content with this approach.

As such, and in light of the evidence we have received, we are content with the Bill's general principles.

However, we are not convinced that the right balance has been struck between the specific requirements contained on the face of the Bill and the provisions to be included in the Official Languages Scheme. Our specific views in this regard, and on other aspects of the Bill, are set out in chapters 4 and 5 of this report.

4. Section 1- Amendment to section 35 of the Act (Equality of treatment)

Background

38. Section 1(2) of the Bill replaces section 35(1) of the 2006 Act with four new subsections.

39. New subsection (1) contains a statement that the English and Welsh languages are the official languages of the National Assembly. The Explanatory Memorandum states:

> "This approach reflects that taken by the legislation governing other bilingual legislatures (e.g. the New Brunswick Official Languages Act 2002, section 6: "English and French are the official languages of the Legislature")."[31]

40. New subsection (1A) states that the official languages must, in the conduct of Assembly proceedings, be treated "on a basis of equality". The Explanatory Memorandum explains that this provision changes the way in which the duty is currently expressed in the 2006 Act and "reflects a parallel change made by the Welsh Language (Wales) Measure 2011."[32]

41. New subsection (1B) states that all persons have the right to use either official language when participating in Assembly proceedings. According to the Explanatory Memorandum, this:

> "…reflects the practice of bilingual legislatures elsewhere of placing the right to use both languages clearly on the face of the governing legislation (see the New Brunswick Official Languages Act 2002, section 6…."[33]

42. New subsection (1C) is a "pointer" to Schedule 2, paragraph 8 of the 2006 Act, which contains new provisions, inserted by the Bill, setting out how the Assembly Commission must enable effect to be given to new subsections (1), (1A) and (1B).

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[31] Explanatory Memorandum, paragraph 11.2
[32] Explanatory Memorandum, paragraph 11.3
[33] Explanatory Memorandum, paragraph 11.4

Evidence from witnesses

43. In general terms, section 1 of the Bill was supported by many organisations.

44. The Welsh Language Board, said:

> "We welcome the provisions in section 1(2) that confirm the official status of the Welsh language in the Assembly and the unequivocal commitment that gives persons the right to use Welsh in their dealings with the Assembly."[34]

45. The Welsh Language Officers Group for South East Wales commented positively on section 1, stating:

> "The four new provisions are a considerable improvement on the Act in its previous form, creating true linguistic equality compared to the previous wording, which, in our view, undermined the Welsh language."[35]

46. Cymdeithas Cyfieithwyr Cymru welcomed the fact that:

> "… section 1(2) of the Bill confirms the official status of the Welsh language in the National Assembly and that Welsh and English will enjoy equal status."[36]

47. Cymdeithas yr Iaith Gymraeg were encouraged by new subsection (1B) of the Bill because it "gives the right to use the Welsh language within Assembly proceedings".[37]

48. Nevertheless, they also expressed reservations and suggested that a consequence of the use of the term "Assembly proceedings"[38] in new subsections (1A) and (1B) was that:

> "… the Bill, in giving equal status to the Welsh and English languages and a right to use either language in the

[34] Written Evidence, OLB 1
[35] Written Evidence, OLB 5
[36] Written Evidence, OLB 2
[37] ROP, paragraph 6, 7 March 2012
[38] Section 1(5) of the *Government of Wales Act 2006* defines the term "Assembly proceedings" as "…any proceedings of –
(a) The Assembly,
(b) Committees of the Assembly, or
(c) Sub-committees of such committees."

'proceedings' of the Assembly, limits those principles to the activities of meetings of the Assembly and no more".[39]

49. In their view, "there is more to the Assembly than simply the proceedings", such as educational events, which also constitute the activities of the Assembly.[40]

50. As a consequence they said:

> "We would therefore argue that the wording of sections 1(2)(1A) and 1(2)(1B) should be modified so they do not … limit them[s]elves to Assembly 'proceedings' … one option could be a wording such as "the right to use either official language when dealing with the Assembly and in Assembly proceedings". We would also favour "treated equally", which is stronger than the current wording "on [a] basis of eq[u]ality".[41]

51. The LPPRU, also commented on the implications of the way in which the provisions of section 1 had been drafted. They said:

> "… the Bill mentions that 'All persons have the right to use either official language when participating in Assembly Proceedings', a wording that is based on the legislation of New Brunswick, according to the Explanatory Memorandum (11.4). However, these rights are not extended to the citizen who exercises his or her democratic right to read or listen to these proceedings. This problem does not exist in the legislation of New Brunswick, because the rights of those who contribute are also extended to the citizen who is reading [or] listening. However, this problem exists in the Bill in its current form."[42]

52. As such they considered that:

> "… when one discusses the full proceedings of the Assembly specifically, because only elected Members can contribute to them, the right to use the Welsh language is entirely limited to Assembly Members. At present, citizens have no right to

[39] Written Evidence OLB 3A, Supplementary Evidence
[40] ROP, paragraph 16, 7 March 2012
[41] Written Evidence OLB 3A, Supplementary Evidence
[42] Written Evidence, OLB 4

receive information about what has happened in the full proceedings of the Assembly in their language of choice."[43]

Evidence from the Commissioner

53. The Commissioner said that the provisions in new subsections (1A) and (1B) only relate to 'Assembly proceedings' because:

> "… that is the true work of the Assembly. Everything else supports this and is therefore part of the Commission's responsibilities, and therefore that would be in section 2."[44]

54. When questioned on whether it is appropriate to extend rights to citizens who wish to engage with the Assembly (through reading or by listening to proceedings), he replied:

> "First, as far as I am aware, there is no legal term for Welsh citizenship, but the Bill refers to these rights applying to everyone, and therefore that includes not only Assembly Members, but officials, witnesses and anyone else who takes part in those discussions. Therefore, it applies to anyone who takes part in the activities."[45]

55. When asked why the Assembly Commission had revised new subsection (1B) from what was originally included in the draft Bill[46]—so that any person now has "a right" to use Welsh or English when participating in Assembly proceedings—he explained that this has arisen as a result of the consultation process on the draft Bill and added:

> "It does not change the aim at all, but there was a feeling that the new wording provided clarity."[47]

[43] ROP, paragraph 39, 15 March 2012
[44] ROP, paragraph 6, 21 March 2012
[45] ROP, paragraph 12, 21 March 2012
[46] The Draft Bill stated that "Either official language may be used by any person when participating in Assembly proceedings"
[47] ROP, paragraph 212, 9 February 2012

Our view

Like many of the witnesses, we welcome new subsection (1) to section 35 of the *Government of Wales Act 2006* and its reference to English and Welsh being the official languages of the Assembly.

We also welcome the reference in new subsection (1B) to "a right" to use either language when participating in Assembly proceedings and agree that this represents an improvement on the wording contained in the draft Bill issued for consultation by the Assembly Commission in 2011.

We note that the *Government of Wales Act 2006*, which this Bill seeks to amend, defines Assembly proceedings as any proceedings of: the Assembly, committees of the Assembly or sub-committees of such committees.

We also note that by referring to "the conduct of" Assembly proceedings in new subsection (1A) and "participating in" Assembly proceedings in new subsection (1B), this potentially limits the extent to which citizens can engage with the Assembly in the language of their choice.

We therefore have sympathy with those who have suggested that new subsections (1A) and (1B) should be amended to widen their scope so that citizens are able to fully engage in the language of their choice:

- **with Assembly proceedings after they have taken place (for example by reading transcripts of plenary or committee meetings);**
- **with Assembly activities other than Assembly proceedings.**

Recommendation 1
We therefore recommend that the Commissioner should explore the feasibility of bringing forward amendments to effect such changes.

5. Section 2 – Amendment to Schedule 2 to the Act (Assembly Commission)

Background

56. We have already indicated our agreement, in our discussion on the general principles, to the use of a language scheme to deliver the objectives set out in section 1(2) of the Bill. Our discussion in this section of the report therefore focuses on new subparagraphs (5) - (10) proposed for paragraph 8 of Schedule 2 to the *Government of Wales Act 2006*. A reference to a "new subparagraph" in this chapter should therefore be read as a reference to a new subparagraph of paragraph 8 of Schedule 2 to the 2006 Act.

57. The Explanatory Memorandum states:

> "Subparagraphs (5) and (6) deal with some (but not all) of the issues that the Scheme will need to address, namely simultaneous interpretation of National Assembly proceedings and the publication of documents bilingually.
>
> Subparagraph (6) makes it clear that the Act does not necessarily require the Scheme to provide for interpretation and translation both from Welsh into English and from English into Welsh in all situations. The Scheme might, therefore, limit simultaneous oral interpretation of proceedings to interpretation from Welsh into English only (which has been the uniform practice since the establishment of the National Assembly). It might also limit the duty to provide a fully bilingual written record of proceedings to plenary (but not to committee) proceedings, again in line with current practice. This provision reflects that in the Irish Official Languages Act 2002…"[48]

58. The Explanatory Memorandum also explains why it was decided not to include a reference to the Record of Proceedings on the face of the Bill:

[48] Explanatory Memorandum, paragraphs 12.7 & 12.8

> "The Commission took into account the fact that the Scheme itself would be required to be approved by the Assembly and that, once approved, the Commission would be under a duty to give effect to it. The Commission therefore decided that to include, in addition, an inflexible legal duty on the face of the Bill itself would not be necessary or desirable."[49]

59. New subparagraph (8) introduces a duty on the Assembly Commission to prepare an annual report on the operation of the Scheme, which will be laid before the National Assembly.

60. New subparagraph (9) requires the Assembly Commission to review and, if necessary, amend the Scheme at least once every five years. The Explanatory Memorandum accompanying the Bill explains that:

> "… the term of the current National Assembly will now, as a result of the introduction of fixed five-year terms for the House of Commons, last for five years and it is not clear at present how long future Assemblies will last. The revised draft therefore provides the flexibility to avoid the need for amending legislation on this narrow issue by requiring the Scheme to be reviewed "at least once every five years"."[50]

61. New subparagraph (10) (in conjunction with new subparagraphs (4) and (9)) deals with the process for preparing, adopting and reviewing the Scheme. New subsubparagraph 10(b) provides that the Assembly Commission must consider any representations made about a draft Scheme or an amendment to it by members of the public and the Assembly.

New subparagraphs (5) and (6), and a fully bilingual Record of Proceedings

Evidence from witnesses

62. A lot of the evidence we received focused on whether a reference to a fully bilingual Record of Proceedings should be included on the face of the Bill. This issue is particularly relevant to new subparagraphs (5) and (6) proposed by the Bill and is therefore

[49] Explanatory Memorandum, paragraph 6.20
[50] Explanatory Memorandum, paragraph 12.11

considered here, along with other comments relevant to these provisions.

63. The Welsh Language Board noted that:

> "…there is no specific reference to the Record of Proceedings in the Bill. We are not convinced by the reasons against doing so contained in the Explanatory Memorandum. We believe that a reference to the Record in the Bill could assure the public that the type of decision made by the Commission during the third Assembly to end full translation would not happen again."[51]

64. When questioned, they considered that the Bill should contain an additional provision about the Record of Proceedings, stating that it will be available in both languages.[52] They added that:

> "… having a bilingual Record is symbolically important and … there is strong argument for differentiating on that point and putting a clause in the Bill.[53]

65. Support for this approach also came from Cymdeithas Cyfieithwyr Cymru. They thought that "providing a fully bilingual Record of Proceedings should be at the heart of the National Assembly's ambition of being a truly bilingual institution" and added that:

> "We must avoid a situation like that which we saw in 2009, when it was decided not to publish a bilingual Record. Acknowledging the status of the Record in the Bill would not undermine other bilingual services. It would give the Record its due status as the Assembly's most important document."[54]

66. The LPPRU made their position clear:

> "A record of the proceedings should be available in both languages. That is crucial for the full proceedings of the Assembly because of the unique role that Plenary plays in the national and civic life of Wales. The proceedings are extremely important in national life and in the democracy being created in

[51] Written Evidence, OLB1
[52] ROP, paragraph 16, 1 March 2012
[53] ROP, paragraph 18, 1 March 2012
[54] ROP, paragraph 151, 7 March 2012

> Wales. It is appropriate that that commitment is on the face of the Bill so that there is no uncertainty about the issue for citizens and constituents."[55]

67. In commenting on the explanation given in paragraph 6.20 of the Explanatory Memorandum (see paragraph 58) for not including a reference to the Record of Proceedings on the face of the Bill, they considered it "clear that the Scheme does not have the same legal status as the Bill".[56] They added that:

> "… it is clear that the legislatures in the jurisdictions that are most similar to Wales from a socio-linguistic point of view … have adopted means of placing on the face of relevant legislation statements and duties in relation to language status, language rights and the use of a language within and across legislative procedures and governance. There is one simple reason for doing this—it gives assurance and clarity to the public."[57]

68. The LPPRU also explored the way in which the Explanatory Memorandum compared provisions that had been included in the Bill with practice elsewhere, particularly in the legislatures of New Brunswick and the Republic of Ireland.

69. In particular, they felt that:

> "The Bill and Scheme include weak interpretations of the international models of comparable legislation, namely New Brunswick (Canada) and the Republic of Ireland."[58]

70. In respect of the New Brunswick legislation, they felt the comparisons were "incomplete"[59], and while not "an attempt to mislead … the practical effect of the comparison is misleading."[60]

71. For example, they indicated that in the Bill there is "no way for citizens, at present, to know that they will be able to access the full

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[55] ROP, paragraph 18, 15 March 2012
[56] Written Evidence, OLB 4
[57] ibid
[58] ibid
[59] ibid
[60] ROP, paragraph 26, 15 March 2012

proceedings of the Assembly through the medium of Welsh".[61] They explained that this situation did not exist in New Brunswick (in relation to the French language) because of the way the legislation had been drafted there.[62]

72. In addition, the LPPRU considered that Irish practices should not be followed "because they relate to a more symbolic use of the Irish language in the context of the Parliament in Ireland."[63]

73. The LPPRU subsequently suggested a form of words for new subparagraph (5) (instead of new subparagraph (6)), which would better reflect international practice:

> "The Scheme must include (amongst other things) provision relating to –
>
> (a) A wholly bilingual record of proceedings of full meetings, and
>
> (b) Simultaneous interpretation from Welsh into English, and
>
> (c) Publication of documents in both official languages, on the basis that both languages are equally authoritative."[64]

74. In the course of questioning, they also expressed a desire to see certain other aspects included on the face of the Bill:

> "It would be good if it were noted on the face on the Bill that the scheme itself should include, for example, an action plan and a language skills strategy … Currently, the commitment is rather bare, and there would be advantages to presenting an action plan as part of the scheme. You could see, by looking at the commitments in the scheme, how exactly the body wants to implement the scheme and to what extent that scheme is practicable."[65]

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[61] ROP, paragraph 40, 15 March 2012
[62] ibid
[63] ROP, paragraph 48, 15 March 2012
[64] Written Evidence, OLB 4A, Supplementary Evidence
[65] ROP, paragraph 91, 15 March 2012

75. As such they also suggested how such changes could be incorporated into a revised new subparagraph (5):

> "We would like to suggest the following wording for the face of the Bill:
>
> > The Scheme must include a corporate action plan noting specific targets, timescales and responsibilities, and cross-referenced to the main body of the Scheme.
> >
> > The Scheme must include a set of key performance indicators.
> >
> > The Scheme must include (amongst other things) provision for the operation of the Scheme in the form of a language skills strategy.
>
> We believe that these points should form an integrated part of the Official Languages Scheme, and should therefore have the same status as any other part of the Official Languages Scheme, in terms of statutory commitments."[66]

76. Other organisations agreed on the need for an action plan and a bilingual skills strategy to be incorporated into the Scheme, but did not comment on whether they should be added as specifc requirements on the face of the Bill (see paragraphs 146 to 156).

77. Cymdeithas yr Iaith Gymraeg also felt that reference to a fully bilingual Record of Proceedings should be made on the face of the Bill. In so doing, they highlighted why, in their view, the Record of Proceedings was important:

> "The Assembly is the heart of our democracy here in Wales. The Record is a record of the very important decisions taken for our nation."[67]

78. They argued that specifically referring to a bilingual Record of Proceedings on the face of the Bill was no different from what was already included in new subparagraph (5) because this provision

[66] Written Evidence, OLB4, Supplementary Evidence
[67] ROP, paragraph 51, 7 March 2012

"already puts some things above others" as it provides "a list of things that the scheme has to do."[68]

79. Their preferred approach was to amend new subparagraph (5):

> "… to list those elements that the Assembly would be compelled to provide, instead of the current wording … this should include, at the very least, ensuring that fully bilingual documents are available for the public, producing a fully bilingual Record of Proceedings for Plenary meetings, provision of simultaneous interpretation from Welsh to English 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."[69]

80. In support of their case, they argued that because the Welsh Language Commissioner's role does not extend to the Assembly Commission "there will be even less external power to ensure that the Assembly adheres to its scheme" and accordingly:

> "That is why the new system bolsters the case for listing some fundamental Welsh language services on the face of the Bill. Without that step, this legislation would put the Welsh language on an even less sure footing than before."[70]

81. They added:

> "Similarly, we believe that fully bilingual records of committee meetings should be prepared, so that everyone can read them in the language of their choice … The use of technology could assist in preparing translations …"[71]

82. Members of the public supported a similar approach to that advocated by Cymdeithas yr Iaith Gymraeg in paragraph 79.[72]

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[68] ROP, paragraph 55, 7 March 2012
[69] Written Evidence, OLB 3
[70] ibid
[71] ibid
[72] Written Evidence, OLB 6, OLB7, OLB8, OLB 9 and OLB 11

83. As regards new subparagraph (6), Cymdeithas yr Iaith Gymraeg felt that it:

> "… 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 noted in Section 1."[73]

84. They considered that that there would not be "much purpose in giving official status to the Welsh language and the right to use it if that is then totally undermined" by new subparagraph (6).[74]

85. They also argued that removing new subparagraph (6) from the Bill would not mean that every word spoken and written would need to be translated into both official languages because the Scheme will detail the exact provisions.[75]

86. Nevertheless they also commented that "if the Commission insists that a similar clause … is required, we believe that its generality needs to be limited…"[76]

87. The Welsh Language Officers Group for South East Wales considered that "the wording in subparagraph (6) is ambiguous and unclear".[77] They felt the wording was "negative" particularly as it started with the word "nothing".[78]

88. As regards new subparagraph (6), the Welsh Language Board said:

> "We understand that the purpose of the clause is to provide flexibility for the Official Languages Scheme to define the exact service that will be provided. Although the principle is reasonable, there is a risk that it could be interpreted as a clause that means that the Commission will not have to provide a fully bilingual Record of Proceedings. We believe that this can be overcome by including another clause in the Bill to clarify

[73] Written Evidence, OLB 3
[74] ROP, paragraph 27, 7 March 2012
[75] Written Evidence, OLB 3A, Supplementary Evidence
[76] Written Evidence, OLB 3
[77] Written Evidence, OLB 5
[78] ROP, paragraph 117, 15 March 2012

that at least the Record of plenary proceedings will be published bilingually in full."[79]

89. Cymdeithas Cyfieithwyr Cymru expressed similar views.[80]

90. The views on new subparagraphs (5) and (6) were not universally held. PCS told us that:

> "We are content with the provisions relating to specific issues to be addressed in the scheme, covered by new subparagraph (5), and believe that new subparagraph (6) is a realistic provision that broadly reflects current practice."[81]

Evidence from the Commissioner

91. Explaining why the Assembly Commission decided not to include a duty on the face of the Bill to provide a fully bilingual Record of Proceedings, the Commissioner said:

> "Consideration was given to placing it on the face of the Bill because this was raised during the consultation process ... Those who were pushing for this felt that it may be opening the door for a decision to be made in the future not to translate the Record, but in all honesty it would be possible to amend the Act if a Commission or an Assembly resolved that there was no need to translate the Record. In the end, wherever that statement is made, the decision is in the hands of the Assembly as a whole and Assembly Members. It would not be possible to change the procedure without the decision being confirmed by the Assembly as a whole."[82]

92. He added:

> "The Commission considered all these matters and decided that the scheme was the appropriate place to establish the principle of translating the Record and ensuring a fully bilingual Record."[83]

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[79] Written Evidence, OLB 1
[80] Written Evidence, OLB 2
[81] Written Evidence, OLB 10
[82] ROP, paragraph 232, 9 February 2012
[83] ROP, paragraph 234, 9 February 2012

and also that:

> "… what happened nearly two years ago in July 2010, when it was decided to dispense with the bilingual Record, cannot be repeated. There is no way of doing that; once this Bill and this scheme have been accepted by the Assembly, it will not be possible to do that. It will have to be a decision of the full Assembly."[84]

93. The Commissioner did not accept the point made by Cymdeithas yr Iaith Gymraeg that new subparagraph (5) already contained a list of things that the scheme must include, arguing that they were examples that had not been placed in order of priority.[85]

94. As regards their suggestion relating to a revision of new subparagraph (5), the Commissioner felt that:

> "If you placed in the Bill a list of the activities that should be presented in Welsh, you would limit yourself to that list. It would be necessary to amend the Bill in order to change that list. Therefore, you would be limiting what you would be able to do. If we had an opportunity to extend the range of services in the future, we would have to amend the Bill in order for that to happen.[86]

95. He added that he did not see how such a list would strengthen the Bill.[87]

96. In relation to the provisions in the New Brunswick legislation and the issues raised by witnesses, the Commissioner said:

> "The reason why New Brunswick is cited as an example is that it matches the situation in Wales as regards the linguistic balance. That is the greatest match in terms of similarity and that is why it is there, but it is only an example."[88]

97. He added:

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[84] ROP, paragraph 235, 9 February 2012
[85] ROP, paragraph 30, 21 March 2012
[86] ROP, paragraph 16, 21 March 2012
[87] ROP, paragraph 21, 21 March 2012
[88] ROP, paragraph 202, 9 February 2012

> "I was expecting people to accept that there was an official languages Act in New Brunswick and that that would be a relevant example, but I was not expecting them to go into detail and say, 'If it happens in New Brunswick, then it is also important for Wales'. That is not the point. The point is that we are providing for the National Assembly for Wales and its needs."[89]

98. When asked whether new subparagraph (6) enables a future Assembly Commission to reduce the amount of translation services that would be available, the Commisioner replied that it would not[90] and added:

> "The Commission could come to any decision regarding translation. Ultimately, any changes would have to go before the Assembly, and every Assembly Member will have to decide. Therefore, the Commission would not be able to make an internal decision. What happened in the last Assembly, when the translation of the Record was ceased, would not be possible under this Bill."[91]

99. The Commissioner's legal adviser explained that new subparagraph (6):

> "…places an emphasis on what is in the scheme. Therefore, any change in services will mean that the full Assembly would have to approve changes to the scheme… Another argument against putting anything specific in the Bill is that it raises one aspect of the bilingual service to a level that is different to the level set out for other elements. For example, is a bilingual Record of Proceedings more important than interpretation at meetings or providing bilingual correspondence? That is why we have sought to deal with the service as a whole in the scheme, so that we do not extract one aspect and including it on the face of the Bill, with other aspects that are of equal importance left solely in the scheme."[92]

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[89] ROP, paragraph 42, 21 March 2012
[90] ROP, paragraph 216, 9 February 2012
[91] ROP, paragraph 218, 9 February 2012
[92] ROP, paragraph 223, 9 February 2012

100. The Commsssioner did not agree that new subparagraph (6) undermines the integrity of treating the Welsh and English languages equally and said:

> "I believe that the fundamental principle has been adequately safeguarded within the Bill and the scheme. The language scheme will be accountable, ultimately, to the whole Assembly and the Assembly Members."[93]

101. The Commissioner's legal adviser highlighted the implications of removing new subparagraph (6):

> "The problem with doing that is that there would be no exception to the fundamental principle that everything is bilingual. Perhaps that is quite a reasonable stance to take, but that is not the way in which the Bill and the scheme have been drafted, and there would be huge implications as regards the budget if absolutely everything was done bilingually."[94]

102. By way of an example, he explained the implications of translating the full record of committee proceedings:

> "…there would be financial implications that are not reflected in the scheme at present. As a committee, you are welcome to recommend that, of course, which would mean our going back to consider the contents of the scheme and the financial implications … At the moment, it is drafted to give flexibility so that services can develop and evolve, rather than everything being done bilingually from the outset.[95]

103. The Commissioner said that he would warm to removing new subparagraph (6), rather than having a list as suggested for new subparagraph (5):

> "… because if we had a list, I think that the people who have given evidence to you would then have a big debate about the

[93] ROP, paragraph 225, 9 February 2012
[94] ROP, paragraph 25, 21 March 2012
[95] ROP, paragraph 27, 21 March 2012

priorities to be included on that list, and we would come back to arguing about the list's details."[96]

Our view

We have considered very carefully the evidence from witnesses and the Commissioner about whether a duty to provide a fully bilingual Record of Proceedings (of plenary meetings) should be placed on the face of the Bill.

We are persuaded that it is appropriate to do so. In reaching this view, we have taken account of the overwhelming evidence in favour of this approach, not only from witnesses we heard from but also from those who responded to the Commission's consulation exercise on the draft Bill and draft Scheme in 2011. Also, we agree with those who have highlighted the symbolic importance of the Record of Proceedings to the Welsh language, particularly given its status as the official record of Wales's main democratic institution.

If the current Assembly Commission's intention is that the Record of Proceedings should always be produced bilingually, then we see no logical reason why this commitment should not appear on the face of the Bill. We believe that this approach provides more clarity and certainty than if a commitment were to appear in the Official Languages Scheme.

If a future Assembly Commission were to decide that it no longer wished to produce a bilingual Record of Proceedings, then we consider that the appropriate way to effect this change would be by means of another Bill rather than an amendment to the Scheme.

We agree with Cymdeithas yr Iaith Gymraeg that, as currently drafted, new subparagraph (5) already provides a list of certain things that must be included in the Scheme.

We note the evidence of the Language, Policy and Planning Research Unit, School of Welsh, Cardiff University, as set out in

[96] ROP, paragraph 28, 21 March 2012

paragraphs 73 and 75, regarding a possible approach to a re-draft of new subparagraph (5).

We note that the *Government of Wales Act 2006*, which this Bill seeks to amend, defines Assembly proceedings as any proceedings of: the Assembly, committees of the Assembly or sub-committees of such committees.

Recommendation 2
In light of our views above, we recommend that the Commissioner should bring forward suitably worded amendments to ensure that the Scheme must include (but not limit itself to) provision relating to the following:

- **simultaneous interpretation from one official language into the other;**
- **a fully bilingual record of all Assembly proceedings;**
- **a system for categorising which other documents should be published in both official languages;**
- **a corporate action plan noting specific targets, timescales and responsibilities;**
- **a set of key performance indicators;**
- **a bilingual skills strategy.**

In our view this approach would bring clarity to the citizen about the type of services the Assembly Commission would be obliged to provide bilingually.

In reaching these conclusions, we have also taken account of the evidence we received in relation to the Scheme and that is set out in chapter 6.

We agree with the Welsh Language Officers Group for South East Wales who suggested that the effect of new subparagraph (6) is ambiguous and unclear.

We also have some reservations about the implications of this provision for the delivery of bilingual services by the Assembly Commission.

Recommendation 3
Accordingly, we recommend that the Assembly Commission should consider bringing forward an amendment to ensure that new subparagraph (6) provides greater clarity about its intended purpose.

New subparagraph (8)

Evidence from witnesses

104. While organisations did not comment specifically about this provision, many made reference to the way in which the Scheme should be scrutinised by the Assembly.

105. The Welsh Language Board said:

> "…we believe that further consideration is needed to ensure the Commission's accountability in implementing this scheme. In our response to the consultation on the draft Bill, we noted: *"if the Commission is not accountable to an independent regulator, such as the Welsh Language Commissioner, clear and robust accountability arrangements will be needed in the Assembly. We propose, for example, that a Members' committee is responsible for scrutinising the delivery of the Bilingual Services Scheme and that there is a duty on the Commission to report to the committee. The committee should also be able to call for external evidence and opinions."*[97]

106. They expanded on this position further when questioned:

> "There is no doubt that greater responsibility for scrutiny and monitoring will fall on Assembly Members in the wake of the Bill. The board believes that fixed arrangements need to be in place to ensure that that happens. Those arrangements need to be explained in the scheme. I believe that it is a matter for you to decide whether to state that on the face of the Bill or not. We

[97] Written Evidence, OLB 1

feel that there is a need to ensure that that arrangement is clearly stated in the scheme itself."[98]

107. The LPPRU expressed similar views:

> "To engender the public's confidence in the Assembly Commission's commitment to bilingual services, the arrangements of the National Assembly for Wales need to be robust and clear. To strengthen the arrangements in relation to the accountability of the Assembly Commission for the Scheme, it would be beneficial if there were a way to note the exact mechanism (for example, a sub-committee/specialist committee) that the Assembly Commission will have to use to report on the implementation of the Scheme. It should also be noted in what ways the public, stakeholders and other interested parties can contribute to this process."[99]

108. Cymdeithas yr Iaith Gymraeg went further, suggesting the establishment of "a permanent external panel … responsible for monitoring the Scheme on behalf of the Assembly"[100], which "would be independent of the Commission's officials".[101] They added that, in their view "there needs to be an element of externality in the day-to-day work"[102] and explained why:

> "Our concern with having everything happening internally is that we will be unable to see failings and opportunities for improvement. We think that an external view on this would assist in that sense".[103]

Evidence from the Commissioner

109. As regards accountability to an external body as suggested by Cymdeithas yr Iaith Gymraeg, the Commissioner said that this issue has been considered[104] but:

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[98] ROP, paragraph 30, 1 March 2012
[99] Written Evidence, OLB 4
[100] Written Evidence, OLB 3
[101] ibid
[102] ROP, paragraph 76, 7 March 2012
[103] ROP, paragraphs 77, 7 March 2012
[104] ROP, paragraph 192, 9 February 2012

> "Ultimately, this scheme is accountable to all Assembly Members, who have been elected by the people of Wales. You cannot have broader accountability than that".[105]

110. When asked about the comments of the Welsh Language Board regarding the need for fixed arrangements to scrutinise the Scheme and why such provision had not been included in either the Bill or the Scheme, the Commissioner replied:

> "The Government of Wales Act 2006 talks only about the Public Accounts Committee; therefore, it does not allow us to do anything different."[106]

Our view

We do not necessarily accept that the *Government of Wales Act 2006* is quite as restrictive as suggested by the Commissioner in paragraph 110.

Nevertheless, we do not believe that the Scheme should be accountable to an external body and agree with the Commissioner that it should be accountable to the Assembly.

In the circumstances, we are content with the requirement in new subparagraph (8) to provide for an annual report to be laid before the Assembly to enable the Assembly Commission to be scrutinised on the delivery of its commitments under the Scheme.

In reaching this view, we have also taken account of the evidence we received in relation to the Scheme and set out in chapter 6.

New subparagraph (9)

Evidence from witnesses

111. A number of organisations suggested alternative approaches to that currently set out in new subparagraph (9). Cymdeithas yr Iaith Gymraeg thought that amending the Scheme:

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[105] ROP, paragraph 194, 9 February 2012
[106] ROP, paragraph 50, 21 March 2012

> "… in the middle of an Assembly term would mean more time to do it right and that it would then be high on the list of priorities, whereas a number of other things are on the agenda during an election year. We do not feel very strongly about it; it was only a comment."[107]

112. The Welsh Language Officers Group for South East Wales told us:

> "We believe that the scheme needs to be reviewed more often than every five years, to coincide with the Assembly term. Also, equality legislation generally encourages the revision of schemes every three years and that is now local authorities' practice with regard to Welsh Language Schemes."[108]

113. They added that:

> "The world can change a great deal in five years. It is difficult, with documents as important as language schemes and equalities schemes, for example, to catch up with so many changes if those documents are only revised every five years."[109]

114. PCS were in favour of a different approach to the drafting of this provision, suggesting that:

> "The fact that the current Assembly has been, exceptionally, elected for 5 years is something of a red herring; most Assembly terms of office will last 4 years. The 5 year provision means that the scheme may not be reviewed at all during an Assembly term of office. In our view, the scheme should be reviewed at least once in every Assembly term and the Bill should be amended to make this clear."[110]

Evidence from the Commissioner

115. When asked about the review period for the Scheme, the Commissioner said:

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[107] ROP, paragraph 62, 7 March 2012
[108] Written Evidence, OLB 5
[109] ROP, paragraph 126, 15 March 2012
[110] Written Evidence, OLB 10

> "We will be reviewing part of the scheme—in relation to the Record—in the summer, and we will review different parts of it as required. It will be reviewed, of course, at the end of each session, so that a new scheme can be introduced for the following session. I do not see that setting a period of a year, two years, three years or 18 months is of much help. I would hope that it would be reviewed as required."[111]

116. A Commission official added that:

> "The basic point to remember is that we will be reporting back and providing a report on compliance with the scheme on an annual basis. We will submit that to the whole Assembly. As part of that process, if there is any change, if there is a need to expand, or if we have already expanded the provision and that that needs to be reflected in the scheme, it will be possible to do that not within three years but annually. The bulk of the work of ensuring that the scheme in its entirety is appropriate will be reviewed as we prepare for a new Assembly. There is some flexibility available to look at the provision annually. The key point is that the whole Assembly will have a hand in that."[112]

Our view

Having considered the evidence, we agree with the views of the Public and Commercial Services Union that the Scheme should be formally reviewed at least once every Assembly. In our view, this approach provides more flexibility and avoids the possibility of the Scheme not being formally reviewed in the course of an Assembly lasting only four years.

Recommendation 4
Accordingly, we recommend that the Commissioner bring forward an amendment so that the Scheme should be formally reviewed at least once every Assembly.

[111] ROP, paragraph 54, 21 March 2012
[112] ROP, paragraph 56, 21 March 2012

New subparagraph (10)

Evidence from witnesses

117. There were mixed views about this provision from witnesses. The Welsh Language Board[113] and Cymdeithas yr Iaith Gymraeg[114] believed that it was generally reasonable.

118. However, Cymdeithas yr Iaith Gymraeg made some additional points. They felt that:

> "… the Bill should make it clear that there will be a specific period of public consultation, so that it would not be possible to change the scheme on a whim, and to give assurances that the people of Wales will have an opportunity to express their opinions on the draft Scheme."[115]

119. They also felt that new subsubparagraph (10)(b) should be amended to add the Welsh Language Commissioner to the organisations referred to. They argued that:

> "We understand that the process within the Bill will be beyond … the functions of the Commissioner in relation to standards, but as a recognised regulator in the area of the Welsh language, the Welsh Language Commissioner would, we feel, have an interest in this process, as well as relevant expertise that would be of use…"[116]

120. The Welsh Language Officers Group for South East Wales felt that "every organisation that is encompassed by the provisions of the Welsh Language Measure should also be included"[117] in the list contained in new subsubparagraph (10)(b). This was because "those organisations, which have to operate bilingually, would have an opinion and experience of working bilingually that could be beneficial in a consultation on this scheme".[118]

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[113] Written Evidence, OLB 1
[114] Written Evidence, OLB 3
[115] ibid
[116] ibid
[117] Written Evidence, OLB 5
[118] ROP, paragraph 135, 15 March 2012

121. PCS agreed with Cymdeithas yr Iaith Gymraeg about the duty to consult before laying any new Scheme or any amendments to a Scheme. They felt there needed to be "a clear requirement for the Assembly to consult publicly"[119] because:

> "… new subparagraph (10), although it contains a requirement to lay a draft of a Scheme (or an amendment to a scheme) before the Assembly, does not appear to contain any requirement to consult anyone. Although the Assembly Commission is required to consider any representations made by "members of the public" (new subparagraph (10)(b)(i)) or "the Assembly" (new subparagraph (10)(b)(ii)), whether such representations are received will depend to a considerable extent on how proactively representations are sought."[120]

122. They did not feel that there should be a formal requirement to consult named bodies or individuals, "provided that the requirement to consult is drafted sufficiently broadly so that all those likely to be affected by the Scheme, or who might have particular expertise, are consulted".[121]

Evidence from the Commissioner

123. When asked how the process for adopting a Scheme as set out in new subparagraph (10) would work in practice, the Commissioner told us:

> "It is subject to the requirements stated in the Bill, and it is also dependent on the Assembly at that time. It may be decided to conduct a thorough consultation, with perhaps less scrutiny by the committees. Alternatively, it could be decided that a full consultation was not necessary and that the committees would undertake more scrutiny. Ultimately, it is for the committees to decide on their programme."[122]

124. A Commission legal adviser added:

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[119] Written Evidence, OLB 10
[120] ibid
[121] ibid
[122] ROP, paragraph 239, 9 February 2012

"The purpose of the paragraph is to ensure that the consultation on the scheme that has taken place, and which is ongoing, is eligible for the scheme to be adopted by the Assembly, instead of having to wait until the Bill has gone through and then restart the consultation process. Therefore, the current process counts towards the consultation with regard to sub-paragraph (10). However, it will not allow the Assembly to adopt the scheme before the Bill goes through the Assembly."[123]

Our view

We are not persuaded that it is necessary to explicitly refer to a need to consult in new subparagraph (10) as we believe this is implicit within the provision. Additionally, we do not consider it necessary to add any further organisations to the list referred to specifically in new subsubparagraph (10)(b).

As such we are content with new subparagraph (10) as drafted.

[123] ROP, paragraph 251, 9 February 2012

6. Official Languages Scheme

Background

125. The Official Languages Scheme is included as Annexe B to the Explanatory Memorandum accompanying the Bill.[124]

126. We have already concluded in chapter 1 that we believe that a language scheme is appropriate in order for the Assembly Commission to discharge its duties as set out in the Bill.

127. We have also commented in chapter 3 on the balance between what is included on the face of the Bill and the detail of the Scheme, and recommended ways in which we believe the existing balance should be changed.

128. Our comments in this chapter focus on the content of the Scheme and, in particular, highlight the main areas where we consider improvements are needed.

General comments

Evidence from witnesses

129. There was a mixed response amongst those respondents who provided general views on the Scheme. Comments on specific aspects are discussed in later sections of the report.

130. Some organisations broadly welcomed the Scheme.

131. Although the Welsh Language Board highlighted areas where their views on a previous version of the Scheme had not been taken account of, it said:

> "On the whole, we believe that the Scheme supports the Assembly's ambition of becoming a truly bilingual organisation."[125]

132. Similarly, Cymdeithas Cyfieithwyr Cymru was:

[124] See paragraph 18 of this report
[125] Written Evidence, OLB 1

> "… generally of the opinion that the draft Official Languages Scheme will allow the National Assembly for Wales to realise its ambition of being a truly bilingual institution and by doing so will give the people of Wales a strong and practical lead."[126]

133. However, they raised concerns about paragraphs 58 to 60 of the Scheme regarding the publication of a fully bilingual Record of Proceedings within five working days.[127]

134. They believed that these provisions did not:

> "… fulfil the aim of treating the two languages on the basis of equality in that priority is given to providing a quick translation into English (for very valid reasons) of words spoken in Welsh whereas any equivalent translation into Welsh must wait."[128]

135. They added:

> "It is important that a fully bilingual Record is available, certainly from the point of view of consistency in both languages when statements are made. Speeding up the process of having a fully bilingual Record needs to be looked at again."[129]

136. Other organisations also expressed some reservations about the Scheme.

137. Cymdeithas yr Iaith Gymraeg felt "that there is a lack of detail and ambition in the draft Scheme as it currently stands".[130]

138. The LPPRU felt that there was room for further improvement[131] and concluded that:

> "The Scheme, as it stands, does not reflect best practice on Welsh Language Schemes, including the Welsh Language Scheme of the Welsh Government."[132]

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[126] Written Evidence, OLB 2
[127] ibid
[128] ibid
[129] ROP, paragraph 140, 7 March 2012
[130] Written Evidence, OLB 3
[131] ROP, paragraphs 13 and 86, 15 March 2012
[132] Written Evidence, OLB 4

139. As such, they felt that guidelines provided by the Welsh Language Board "could be useful"[133] and added:

> "The scheme has improved, but having an action plan and targets, as well as following good practice as a matter of routine, would be a way of improving the scheme further."[134]

140. Both PCS and Cymdeithas yr Iaith Gymraeg commented on the need for further consultation. PCS felt that this should occur "after the Bill has been enacted and before the Assembly adopts the new scheme."[135] Cymdeithas yr Iaith Gymraeg expressed similar views:

> "… the Bill needs to be amended and … put before the Assembly to be passed, but without a Scheme. Another draft of the Scheme should then be drafted on the basis of this consultation, on the basis of broader research to what should be in such a Scheme and on the basis of the final Bill as passed. There should then be public consultation on the more developed draft Scheme."[136]

Evidence from the Commissioner

141. The Commissioner advised us that the Scheme builds on the "provision outlined in the 2007 scheme".[137]

142. He also outlined how the Scheme had changed since the public consultation held on it in 2011:

> "The name was changed from 'bilingual services scheme' to 'official languages scheme'. The paragraphs that referred to the Record were re-drafted to reflect the Commission's decision of 24 November. The section relating to information technology was expanded. The ambition was adapted, omitting the mandatory element for all staff to have some skills in both languages. A paragraph was added to explain why Members are not accountable under Assembly requirements, and another paragraph was added to explain why the Commission is not

[133] ROP, paragraph 86, 15 March 2012; the guidelines are referred to in their written evidence, OLB 4
[134] ROP, paragraph 86, 15 March 2012
[135] Written Evidence, OLB 10
[136] Written Evidence, OLB 3
[137] ROP, paragraph 275, 9 February 2012

accountable for its scheme to the Welsh language commissioner".[138]

143. The Commissioner was not in favour of any further formal consultations. He said:

> "We have had two consultations on the Bill and scheme, and I do not see that there is any purpose in having another consultation. I am eager to move on, and I would hope that the Assembly is eager to move on with this Bill. Another consultation would delay that process. Organisations have plenty of opportunities to engage through you as members of this committee or through Plenary sessions if they feel that there are issues that they want to raise."[139]

144. A Commisison offical acknolwedged that it had not yet been possible to meet the PCS to discuss the implications of the Scheme for Assembly Commission staff.[140] She added:

> "Staff will be responsible for putting the provision in place, so we will continue to have discussions with staff over the ensuing period. So, there will be another period of consultation with staff in order to ensure that we can operate in accordance with the draft scheme."[141]

145. In supplementary evidence, the Assembly Commission stated "further consultation with staff will commence w/b 30 April".[142]

Our view

We agree with witnesses who have suggested that there is need for improvements in aspects of the Scheme and we make specific reference to these in the rest of this chapter.

We agree with the Commissioner that there is no further need for a formal consultation exercise given the relatively extensive external consultations that have already taken place and also

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[138] ROP, paragraph 273, 9 February 2012
[139] ROP, paragraph 80, 21 March 2012
[140] ROP, paragraph 75, 21 March 2012
[141] ROP, paragraph 81, 21 March 2012
[142] Assembly Commission, Supplementary Evidence

given that the Scheme needs to be approved by resolution of the Assembly before it can be adopted.

Recommendation 5
However, we welcome the Assembly Commission's intention to consult with its staff about the Scheme before it is adopted and recommend that a summary of the outcome of that consultation should be made available to staff once it is complete.

Recommendation 6
As part of this process, we strongly recommend that the Assembly Commission meets the Public and Commercial Services Union to discuss some of the concerns it has with the Scheme and to which we refer later in this report.

Action plan and targets

Evidence from witnesses

146. One of the main areas of concern with the Scheme raised by many witnesses was that it does not include a reference to an action plan or include any targets against which progress could be measured.

147. The Welsh Language Board told us:

> "… we believe that the greatest weakness in the Scheme as it stands is the absence of any reference to an action plan and targets to measure progress. Such a system will be required to implement the Scheme effectively. We understand that work is under way on the development of an action plan and we can understand why it would not be practical to follow the same adoption process as the Official Languages Scheme itself, but it should at least be referred to in the Scheme."[143]

148. When questioned, they said:

> "… our experience of dealing with language schemes demonstrates that if there are good targets in a scheme, which are monitored and measured, the scheme works. Without

[143] Written Evidence, OLB 1

those, it is very much more open-ended and very difficult for any elected Member to scrutinise what is happening. So, they are a vital element of the scheme."[144]

149. They went on to add:

> "... in the board's experience with other organisations, it is necessary to have consistency in terms of corporate standards. You must then set the targets in the scheme, or in an action plan to accompany it, and for those to be targets for the whole organisation—that is, that you do not have different targets and schemes in different departments, without having something central and consistent that ensures that all departments move in the same direction and work to the same requirements. It would be very useful to have that kind of statement in the official languages scheme, and a development of that would be how it should be implemented."[145]

150. Cymdeithas yr Iaith Gymraeg felt that the Scheme is:

> "... too nebulous and vague when it should be comprehensive, robust and innovative, and should aim for something more assertive. More than anything, the Scheme should have clear targets that show ambition and indicators against which the whole of Wales could see progress (or otherwise)."[146]

151. They expanded on this issue in questioning saying:

> "Time frames and targets would make it possible for Assembly Members to scrutinise annual reports to see whether progress had been made and whether the goals set by the targets had been achieved. The Assembly should set an example for other organisations ..."[147]

152. Like the Welsh Language Board, they commented on the relationship between the Scheme and different service areas within the Assembly Commission, saying:

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[144] ROP, paragraph 39, 1 March 2012
[145] ROP, paragraphs 38 -42, 1 March 2012
[146] Written Evidence OLB 3
[147] ROP, paragraph 85, 7 March 2012

> "Allowing services to create their own schemes would go against the spirit of the Bill. There needs to be leadership from the centre on how the principles should be put in place. Clearly, there will be diversity between service areas because they provide different services, but the scheme needs to set things in place and to do that clearly."[148]

153. The LPPRU said:

> "As is usual in Welsh Language Schemes that aim toward best practice, the Assembly Commission should provide a detailed action plan at the same time as the Official Languages Scheme is introduced, noting the exact responsibilities of those who are responsible for implementing it, the targets to be achieved and the timetable for completing the work … By doing this, it will become abundantly clear how it is intended that the Scheme will be implemented."[149]

154. They also noted that "different bodies in the past have found it to be useful, practically speaking, to have some sort of targets, timetable and action plan in order to facilitate the scrutiny process".[150]

155. They also commented on the need for targets in relation to the bilingual skills strategy:

> "It would be good if the language skills strategy were detailed, with targets and a clear timetable for achieving different targets, so that everyone understands where they stand."[151]

156. Support for an action plan with specific targets for achieving the Scheme's objectives also came from the Welsh Language Officers Group for South East Wales.[152]

Evidence from the Commissioner

157. When asked why specific targets or an implementation timetable had not been included in the Scheme, the Commissioner said:

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[148] ROP, paragraph 88, 7 March 2012
[149] Written Evidence, OLB 4
[150] ROP, paragraph 94, 15 March 2012
[151] ROP, paragraph 20, 15 March 2012
[152] ROP, paragraph 194, 15 March 2012

> "It is because we are continuing to develop the provision. The fundamental principle is that we do everything that we can to ensure that Members can do their work through the medium of either language."[153]

158. However he did go on to say that there "will be targets in the strategy."[154] When pressed further on why targets and the bilingual skills strategy could not be included in the Scheme, he said:

> "It is because every service will have to prepare its strategy in response to the official languages scheme. The scheme in its entirety is accountable to all Assembly Members through the annual report. That will be the opportunity to scrutinise what has been happening during the year and to see whether we have achieved our aims on the principle of enabling Members to work through the medium of either Welsh or English."[155]

159. He added that:

> "The skills strategy will include targets based on the skills schemes of every individual service. We will report back on the successes in terms of reaching those targets and the strategy will be reviewed annually by the Commission and presented to the Assembly. Therefore, I would argue that the targets are there, as well as accountability in terms of those targets".[156]

160. A Commission official went on to explain how the system would operate in practice:

> "Under the scheme, a skills strategy will be developed and implemented. The development and evolution of that strategy will be dependent on language skills development schemes. Every service within the Assembly will develop those, taking into consideration the requirements of our customers—Assembly Members and the public. Compliance with those schemes will be included in an annual report that will be presented to the Assembly. So, the scheme sits on the top, the skills strategy sits beneath it, and every service will then

[153] ROP, paragraph 277, 9 February 2012
[154] ROP, paragraph 279, 9 February 2012
[155] ROP, paragraph 287, 9 February 2012
[156] ROP, paragraph 83, 21 March 2012

develop a scheme—and, of course, they already have language skills development schemes. This will all feed into the annual report that will be presented to Plenary annually".[157]

Our view

We have already recommended that an action plan with targets should be included as part of the Scheme and a specific requirement to this effect should be included on the face of the Bill.

In reaching this view, we are mindful of the strong support for an action plan and targets and the importance attached to such documents by witnesses.

Recommendation 7
For the avoidance of doubt, we strongly recommend that, if the Commissioner is not minded to amend the Bill as suggested in Recommendation 2, the Scheme should be amended to incorporate an action plan and targets that will allow the scheme to be effectively monitored and scrutinised.

Recommendation 8
We also recommend that further information should be included in the Scheme to clarify the relationship between the Scheme as a whole and related documents, such as the action plan we recommend, the bilingual skills strategy and the various individual service area plans that were referred to by the Assembly Commission.

As the Scheme is currently drafted, we do not believe that sufficient clarity exists about how all these documents fit together and accordingly, how the overall system for delivering bilingual services will work in practice. In our view, including the information referred to in Recommendation 8, will make the system easier to understand and will facilitate the scrutiny process.

[157] ROP, paragraph 85, 21 March 2012

Language used

Evidence from witnesses

161. Nine of the 11 organisations and individuals responding to our consultation exercise, expressed concern at some of the wording and specific terms used in the draft Scheme.

162. Cymdeithas yr Iaith Gymraeg considered that:

> "The use of words such as "Our ambition is..." and "We will aim to..." is weak and needs to be replaced by a more assertive wording…"[158]

163. The LPPRU also highlighted ten examples where in their view "there is some ambiguity in relation to the wording" of the Scheme.[159]

164. The Welsh Language Officers Group for South East Wales also highlighted areas of the Scheme where the wording could be improved or strengthened.[160] They highlighted some of the potential implications of using ambiguous wording:

> ".. we have worked with ambiguity for far too long in terms of the wording of the various early Welsh language schemes in particular. Our experience is that it provides a way for people not to implement what they are supposed to implement. If you are going to prepare a scheme, why not implement it, monitor it and ensure that it is achieved? Words like this, if anything, militate against the whole purpose of drawing up a scheme in the first place."[161]

165. They considered that:

> "…there is an opportunity here to use words that convey a greater sense of being realistic and that these things will happen rather than their being aspirations or just a lovely vision for the future."[162]

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[158] Written Evidence, OLB 3
[159] Written Evidence, OLB 4
[160] Written Evidence, OLB 5
[161] ROP, paragraph 149, 15 March 2012
[162] ROP, paragraph 148, 15 March 2012

Evidence from the Commissioner

166. When questioned about the views of witnesses regarding the wording in the Scheme, the Commissioner said:

> "It is important, in the context of the scheme and the Bill, that we have ambition and the ambition is to offer the best possible service in terms of the use of the official languages within the Assembly. The problem is that, if we were to start noting specifics and became very prescriptive about what we offer, we could find ourselves in a situation in which the lack of flexibility would limit what we could offer rather than promoting it."[163]

Our view

We share the views of many witnesses that the wording in the Scheme is ambiguous in places. We note that in expressing these views, many witnesses suggested alternative wording.

Recommendation 9
Accordingly, we recommend that the Assembly Commission should review all the suggestions made by witnesses to improve the wording in the Scheme with a view to making it a more assertive and less ambiguous document.

Translation of consultation responses

Evidence from witnesses

167. Some organisations commented on paragraph 51 of the draft Scheme, which stated:

> "Requests for documents or written responses to committee consultations and documents from external organisations and third parties intended for publication and / or use in National Assembly proceedings will be requested bilingually from the outset. Our expectation is that organisations with Welsh language schemes, standards or policies will submit responses

[163] ROP, paragraph 120, 21 March 2012

in both languages to ensure that Assembly Members and the public can engage with proceedings in either Welsh or English. Where it is not possible to secure documents in both languages, we will publish in the original language submitted, stating that it has been submitted in that language only."

168. Cymdeithas Cyfieithwyr Cymru[164] and the Welsh Language Officers Group for South East Wales[165] welcomed the expectation that organisations with Welsh language schemes should submit bilingual consultation responses.

169. In commenting on this paragraph, Cymdeithas yr Iaith Gymraeg considered that "ordinary people" should not be asked to submit their responses bilingually but that if these become public documents, they should be translated by the Assembly so they are available bilingually,[166] a service that should be offered "free of charge in order to provide leadership in this area."[167]

170. The Welsh Language Board was aware that the issue of submitting consultation responses bilingually "is quite a sensitive matter and slightly complex at times".[168] They said that they would "generally expect public bodies to respond to consultations in both languages" but considered that whether you translate all responses submitted in one language was "a matter for discussion".[169]

171. The Welsh Language Board indicated that summarising a Welsh language response rather than fully translating it was a "useful suggestion".[170]

172. This view was not shared by Cymdeithas Cyfieithwyr Cymru who suggested that "summarising a document can take as long as it takes to translate the document in the first place" and also that such an approach could be regarded as "insulting" to those who had drafted the original contribution.[171]

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[164] Written Evidence, OLB 2
[165] Written Evidence, OLB 5
[166] Written Evidence, OLB 3
[167] ROP, paragraph 104, 7 March 2012
[168] ROP, paragraph 61, 1 March 2012
[169] ROP, paragraph 61, 1 March 2012
[170] ROP, paragraph 71, 1 March 2012
[171] ROP, paragraph 187, March 7 2012

173. Cymdeithas yr Iaith Gymraeg expressed a similar view on this point.[172]

Evidence from the Commissioner

174. As regards the translation of consultation responses, the Commissioner told us:

> "We are not in the business of doing translation work for external organisations—that is not our responsibility—but we will ensure that the evidence is available to enable Members to undertake their work in either language. The fundamental point is that the principle of treating both languages equally does not mean that everything has to be translated."[173]

175. Susbequently, he added that:

> "We will make it clear to the bodies and organisations that submit evidence to the National Assembly for Wales that there is an expectation that the evidence will be available in both languages …"[174]

and:

> "…if the evidence is submitted in Welsh only … we will ensure that the information included in that evidence is presented to Members so that they are aware of the content. That is not a commitment to translate the whole document. However, it would enable someone who does not understand Welsh to be aware of the content of that evidence."[175]

176. He reiterated these views when questioned further:

> "I do not see that it is the Commission's responsibility to translate on behalf of other bodies … If evidence is submitted in Welsh, we will prepare a summary in English. If we start doing the translation, everyone will take advantage of that situation. Our job is to set an example and inspire other bodies

[172] Written Evidence, OLB 3A, Supplementary Evidence
[173] ROP, paragraph 264, 9 February 2012
[174] ROP, paragraph 316, 9 February 2012
[175] ROP, paragraph 317, 9 February 2012

across Wales to operate bilingually. Doing the work for them is not going to achieve that."[176]

177. Nevertheless, he indicated that he would consider further the issues raised regarding summarising consultation responses produced in Welsh only.[177]

Our view

We have already recommended that we believe that there should be a system for categorising which documents should be published in both official languages.

Recommendation 10
Given the evidence we heard from Cymdeithas Cyfieithwyr Cymru, we recommend that the Commissioner reconsiders the issues surrounding the summarising of consultation responses received in Welsh only.

Recommendation 11
As a consequence, we also recommend that the Commissioner should reconsider the drafting of paragraph 51 of the draft Official Languages Scheme and, if he decides to accept Recommendation 10, to consider the implications of that recommendation for consultation responses received in only one of the official languages.

Bilingual skills and recruitment

Evidence from witnesses

178. Paragraph 100 of the Scheme states that a draft bilingual skills strategy should be prepared by March 2012 to facilitate growth in the use of bilingual skills in the Assembly. It lists the factors that will be taken into account in preparing it.

[176] ROP, paragraph 44, 21 March 2012
[177] ROP, paragraph 128, 21 March 2012]

179. Cymdeithas yr Iaith Gymraeg considered that "the lack of bilingual skills among Assembly staff is a fundamental problem that needs to be addressed in a thorough and robust manner" and that a strategic plan was needed "to improve the language skills of all staff over a set period of time".[178] They argued that:

> "…we need to move to a situation where there is a presumption that fluency in Welsh is needed for all jobs at the Assembly, and that all staff work toward increasing their Welsh-language skills. The Assembly should make it clear to staff that this is an opportunity rather than a threat, and an opportunity to learn an increasingly valuable skill through the Assembly's investment in its staff."[179]

180. In reaching this view they acknowledged that it "does involve investment in staff training", noting that:

> "An hour a week is not enough—we must be fair to those staff members who do not speak Welsh and give them an opportunity to become fully skilled. With training of an hour or two a day, you could become quite fluent within a year."[180]

181. They added that:

> "A much more robust strategy is needed in the area of staff training for Welsh language skills, and that strategy needs to be clearly identified, with accompanying targets, within the Languages Scheme itself."[181]

182. The LPPRU suggested that as regards the bilingual skills strategy:

> "It would be better if that were an integrated part of the language scheme rather than a separate commitment. Setting out such a strategy as part of a language scheme would be clearer and stronger and everyone would understand where they stood."[182]

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[178] Written Evidence, OLB 3
[179] ibid
[180] ROP, paragraph 131, 7 March 2012
[181] Written Evidence OLB 3A, Supplementary Evidence
[182] ROP, paragraph 20, 15 March 2012

183. As previously stated, they also suggested that the requirement for a bilingual skills strategy should be on the face of the Bill.[183]

184. PCS provided detailed and lengthy commentary on the issue of language skills and recruitment.[184]

185. PCS noted that while the Scheme refers in a number of places to the intention of becoming a "truly bilingual institution" the term was not specifically defined, although it seemed to rest on the delivery of specific service standards, combined with continually increasing the Welsh language skills of the Assembly's staff.[185]

186. Of concern to the PCS was the means by which it had been decided to deliver those service standards, without consultation with staff representatives. They explained why they had reached this view:

> "This is because the Scheme seems to set out a clear direction of travel where the ability to speak Welsh will increasingly be considered an essential requirement for an increasing number of posts in the Assembly."[186]

187. Examples they provided to highlight this approach included "very little extra funding for staff training" and a statement in paragraph 44 of the draft Scheme "about "realising all opportunities to increase" the pool of bilingual staff to achieve the Assembly's ambition", which "causes many staff real concern about their future career prospects".[187]

188. As well as concerns that career and promotion opportunities would increasingly be limited to Welsh speakers, PCS also cited concerns that it would be more difficult "for the Assembly to meet its wider obligations as an equal opportunities employer".[188]

189. In making their comments, the PCS supported "moves to help strengthen the overall Welsh language skillset of staff by voluntary means and through the provision of improved training and support".[189]

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[183] ROP, paragraph 91, 15 March 2012
[184] Written Evidence, OLB 10
[185] ibid
[186] ibid
[187] ibid
[188] ibid
[189] ibid

190. They concluded by saying:

> "There may be a case to be made for all Assembly staff to be bilingual. If this is the direction of travel then there needs to be an honest and open engagement with the current staff to explain that. The consequences, financial and in terms of goodwill and equality issues, also need to be thought through. What must not happen is a stealthy creep toward such a situation without a public debate and without first engaging in an honest and open way the current staff of the Assembly."[190]

191. The LPPRU suggested best practice in relation to recruitment and bilingual skills training should follow guidance issued by the Welsh Language Board.[191]

Evidence from the Commissioner

192. In terms of bilingual skills, the Commissioner told us:

> "We endeavour to support and facilitate staff to master some Welsh, in order to greet people in Welsh, for example, and to give some instructions. We offer support to do that. There is broad provision with regard to supporting Members and staff to learn Welsh. Ultimately, all that we can do is to promote and enable that."[192]

193. He went on to say:

> "What we are trying to do is to create this ethos of an institution that is naturally bilingual, where both languages are heard."[193]

194. The Commissioner also confirmed that the bilingual strategy was to be completed by March 2012.[194]

195. A Commission official explained "there are methods of monitoring the performance and development of each member of

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[190] Written Evidence, OLB 10
[191] Written Evidence, OLB 4
[192] ROP, paragraph 347, 9 February 2012
[193] ROP, paragraph 357, 9 February 2012
[194] ROP, paragraph 366, 9 February 2012

staff"[195] which "includes consideration of what level of skills in both languages they require in order to fulfil their roles in the best possible way"[196]. She added that one of the objectives in the bilingual skills strategy "will be to consider alternative and more effective means as regards the need to gain those skills"[197], adding that "the key is that all of those things must be relevant to the jobs that people do here".[198]

196. The Assembly Commisison provided supplementary evidence regarding the provsion of language training in the Third Assembly.[199]

Our view

We have already recommended that a bilingual skills strategy should be included as part of the Scheme and a specific requirement to this effect be included on the face of the Bill.

In reaching this view, we are mindful of the strong support for a bilingual skills strategy and the importance attached to such a document by witnesses.

Recommendation 12
For the avoidance of doubt, we strongly recommend that, if the Commissioner is not minded to amend the Bill as suggested in Recommendation 2, the Scheme should be amended to incorporate a bilingual skills strategy.

We consider that incorporating a bilingual skills strategy into the Scheme would allow for a more integrated and cohesive approach to the delivery and provision of bilingual services by the Assembly Commission.

In view of the evidence we have received, we consider that the bilingual skills strategy must include clear targets and objectives and identify clearly how they are going to be delivered.

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[195] ROP, paragraph 348, 9 February 2012
[196] ibid
[197] ibid
[198] ibid
[199] Assembly Commission, Supplementary Evidence

Recommendation 13
We note that the bilingual skills strategy has already been completed. If it does not follow the approach we suggest, we recommend that it should be reviewed to ensure that it does so.

Recommendation 14
We have noted the views of the Public and Commercial Services Union as expressed in paragraph 190 of the report and share their concerns. Given that the bilingual skills strategy will have a direct impact on the staff of the Assembly Commission, we recommend that staff and PCS should be consulted upon it as part of the consultation exercise referred to in Recommendations 5 and 6.

We comment further on the bilingual skills strategy in the section on paragraph 103 of the Scheme and chapter 7 on Financial Implications.

Paragraph 103 of the Scheme

Evidence of witnesses

197. Paragraph 103 of the draft Scheme provides that:

> "A candidate who is unable to speak Welsh may be appointed to a post for which Welsh is considered essential, on the understanding that time can be allowed to learn the language. In these cases, learning the language to the required level of competence, within a reasonable agreed period, will be a specific performance criterion."

198. The PCS believed "that paragraph 103 is completely unrealistic when applied to most posts other than those at the most senior levels."[200]

Evidence of the Commissioner

199. The Commissioner disagreed with the view of PCS[201] and indicated that the principles would be applied across all staff levels.[202]

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[200] Written Evidence, OLB 10

200. When questioned about whether staff could be dismissed for failing to reach a certain level of proficiency in Welsh, the Commissioner summarised his position by saying:

> "I would want to reassure existing Assembly staff that this does not apply to them, in case any suggestion is made that their jobs could be threatened, either because they fail to meet some standard or choose not to do that. If new contracts are introduced and those contracts state that staff are expected to enhance their skills in Welsh or learn Welsh and they then fail to reach the standard, just as anyone who is employed might fail to reach the standards set out in their contract of employment, there would be an opportunity to review the contract. I do not think that we can add anything else at this time."[203]

Our view

Recommendation 15
Having considered the evidence in relation to paragraph 103 of the Scheme, we recommend that it should be re-drafted to provide greater clarity about how the policy will be applied and what it means in practice for existing and new members of staff.

Recommendation 16
In re-drafting this paragraph we also recommend that it should be linked and cross-referenced to appropriate provisions in the bilingual skills strategy. In our view, this strategy should outline the skill levels required for specific services areas and posts.

Recommendation 17
We also recommend that the issues of concern raised by the Public and Commercial Services Union should be discussed with the Assembly Commission as part of the meeting referred to in Recommendation 6.

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[201] ROP, paragraph 194, 21 March 2012
[202] ROP, paragraph 195 -196, 21 March 2012
[203] ROP, paragraph 207, 21 March 2012

7. Financial implications

Background

201. The Explanatory Memorandum states that:

> "The provisions of the Bill in effect give rise to the need for the Assembly Commission to provide a scheme outlining its bilingual services. Costs will therefore be determined by the scope of the Official Languages Scheme having regard to the duties placed on the Commission under the Bill."[204]

202. The costs associated with the Bill and Scheme are set out in Part 2 of the Explanatory Memorandum.

Evidence from witnesses

203. Cymdeithas yr Iaith Gymraeg told us:

> "The memorandum shows that expenditure on Welsh-language services has fallen significantly over the last three years – a reduction of 12% without adjusting for inflation – while the Assembly Commission budget in its entirety has risen. If the same services could be offered at a lower cost, we would support that, but the Assembly's bilingual services have deteriorated considerably during the period in question, first with the disappearance of the bilingual Record and now with the five-day delay between publishing the English-language Record and publishing the bilingual Record…".[205]

204. When discussing translation costs, they commented:

> "With regard to the cost, there would be a cost, of course, but, if the Assembly wants to be a truly bilingual organisation, there will be a cost to that. It is a matter of democracy, in our view, for everything to be available in Welsh."[206]

[204] Explanatory Memorandum, paragraph 10.1
[205] Written Evidence, OLB 3
[206] ROP, paragraph 100, 7 March 2012

205. PCS raised concerns regarding the costs associated with becoming "a truly bilingual organisation that enables … staff to work in both languages". They said:

> "We are concerned about what this means in practice for staff, most of whom (around 67%) are non- Welsh speaking. However, if the aspiration is to be meaningful then it seems unlikely that an annual budget of £17,000 for Welsh language tuition for Assembly staff (around £70 per annum for each non-Welsh speaking staff member) will do much more than scratch the surface."[207]

206. They added that there appeared to be very little additional resource available:

> "If the draft Scheme is to lead to significant improvements in provision, it is difficult to see how this can be achieved when the resources available appear to be falling in real terms. This leads us to conclude that, if improved service standards are to be delivered, then this can only be done by recruiting significantly more Welsh speaking staff."[208]

207. PCS noted that no costs had been included for the additional costs of monitoring compliance with the Scheme. They said:

> "There is currently an opportunity cost in terms of staff time associated with monitoring compliance. These can be described as "light touch" arrangements at best. It is not clear to what extent future monitoring will be more rigorously conducted than in the past. Paragraph 68 of the draft Scheme sets out future proposed monitoring arrangements. If every incidence of non-compliance is to be captured and reported in the way suggested this could become a very bureaucratic and time consuming task, which will impact on staff's ability to do other work."[209]

208. The LPPRU emphasised the importance of properly funding commitments:

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[207] Written Evidence, OLB 10
[208] ibid
[209] ibid

> "In relation to costs, I am sure that Commission and Assembly servants have been diligent in working out the figures—we are not suggesting that there are deficiencies in that regard. However, the implementation of commitments is another matter. If there is a statutory commitment to do something, it should not be conditional on ensuring that sufficient staff are available or some such consideration. Either a commitment is met or it is not. If it is not met, the organisation that agreed to the commitment has a problem. To ensure that you are in a position to meet your commitments, you should ensure that the necessary resources are in place."[210]

209. However, the Welsh Language Officers Group for South East Wales, believed arguments about expenditure to be irrelevant. They said:

> "Since the Welsh Language Measure states that Welsh and English are the official languages of Wales, and are therefore equal in status, any arguments about expenditure are irrelevant."[211]

210. When asked why they held this view they said:

> "It is irrelevant because it is this Assembly that has made both languages official languages in Wales. If you make that statement, the two languages should not be treated differently. Both languages are equal and therefore we should look at the legislation from the perspective that both languages are equal, and not note the additional costs relating to the Welsh languages when those costs already exist in relation to the English language. Providing any service through the medium of English costs money, but the explanatory memorandum does not refer to the costs incurred by operating through the medium of English in the Assembly. Therefore, even though there are costs, they are not mentioned. If both languages are official and equal, why talk about the costs attached to operating through the medium of Welsh? … That is where the

[210] ROP paragraph 24, 15 March 2012
[211] Written Evidence, OLB 5

inequality comes in, and that is where the languages are not treated on the basis of equality."[212]

Evidence from the Commissioner

211. When asked how the costs in the Explanatory Memorandum were arrived at, the Commissioner explained that they were "based on past experience". [213]

212. As regards the costs for translation services, an Assembly Commission official explained:

> "All the costs are based on our awareness of the nature of the services as they stand. The specific new provision within the scheme has also been fed in. Consideration is also given to any changes of which we are aware in that provision. We are not aware of any significant change in the provision at present, so the key issue is the linking with the scheme. As you will see in the explanatory memorandum, a number of contracts will go out again to tender, and further consideration has also been given to the nature and structure of those services."[214]

213. When asked to explain why the projected expenditure for language training for Assembly Commission staff falls between 2010/11 and 2011/12 an Assembly official told us

> "It is a demand-led service, so we are very dependent on what that demand is."[215]

214. She also emphaised that as well as tutoring, use could made of internal staff resource to develop langauge skills by provding innovative ways for staff to use and practise their Welsh and by establishing a mentoring system, adding:

> "This does not necessarily cost money. We have to think about alternative ways of ensuring that we embed that ability to learn and practise Welsh in the workplace."[216]

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[212] ROP, paragraph 141, 15 March 2012
[213] ROP, paragraph 256, 9 February 2012
[214] ROP, paragraph 262, 9 February 2012
[215] ROP, paragraph 355, 9 February 2012
[216] ROP, paragraph 162, 21 March 2012

215. When commenting on the resources available to enable staff to become proficient in spoken and written Welsh, the Commissioner told us that:

> "At present, the resources available for that provision are sufficient. If there were greater demand, we would look for additional financial resources to ensure provision. That is, we would offer provision to Members and staff who wish to master a little Welsh or improve their skills in Welsh according to the demand".[217]

216. He also suggested that the budget for this language training was not finite because the Commission has a responsibility to "find those resources in order to ensure that provision is available"[218], although he later conceded that:

> "… my job is to argue the case in the Commission for additional funding to ensure that. There is a certain degree of flexibility in the budget of the Commission. It is easy for us to say that this is not about money, but, in the end, if we have a budget, we must work within that budget, and the question that always arises is how can we use the money in that budget. There is every goodwill in the Commission to ensure that any necessary provision is available for anyone who wishes it. That is the principle that we are establishing and we are confident that we can respond to that within our financial resources."[219]

217. When asked how the demand-led approach to language training was consistent with the objectives of the Scheme to ensure that the National Assembly is truly bilingual, the Commissioner explained:

> "Obviously, we must ensure that there is a balance between improving the language skills of the staff that we have at the moment—which is of necessity voluntary, although we will offer every assistance and incentive for them to do so—and appointing new staff when staff leave. It is a balance to ensure that services are available in both languages."[220]

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[217] ROP, paragraph 159, 21 March 2012
[218] ROP, paragraph 161, 21 March 2012
[219] ROP, paragraph 177, 21 March 2012
[220] ROP, paragraph 173, 21 March 2012

218. In terms of the costs associated with monitoring the Scheme, a Commission official told us that "the cost would be staff time" and that "we can look at what that would be as we report back annually".[221] A Commission legal adviser added that:

> "This process is part of the current process with the Welsh language scheme and the annual reports to the Welsh Language Board. Therefore, there are no additional costs associated with this, because it is something that already happens… "[222]

219. The Commissioner confirmed that there would be no additional costs from monitoring the scheme.[223]

Our view

The evidence we have considered on the financial implications of the Scheme has highlighted to us the lack of clarity surrounding what the Assembly Commission is seeking to achieve with its bilingual services strategy.

In our report, we have emphasised the need for an action plan and a bilingual skills strategy to contain targets and specific objectives. We strongly believe that there must be a commitment to provide the resources necessary to ensure that these targets and specific objectives are delivered.

In our view, it would be foolish to set out on a particular course of action without having the funding necessary to deliver it. That is why it is important for the Assembly Commission to be absolutely clear about what it is seeking to achieve with its bilingual services strategy.

We agree with the Assembly Commission's comments that in delivering language training, it is not just about providing funding but also about providing appropriate opportunities to develop language skills.

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[221] ROP, paragraph 181, 21 March 2012
[222] ROP, paragraph 182, 21 March 2012
[223] ROP, paragraph 183, 21 March 2012

However, enabling staff to find the time to participate in language courses and to practise and develop their language skills in the workplace is also important and must not be overlooked. It must also be recognised that such issues of staff time and capacity also have financial costs attached to them.

Recommendation 18
As a consequence, we recommend that, as part of its bilingual skills strategy and the targets it includes, the Assembly Commission should set out clearly how time is to be made available for staff not only to participate in appropriate language courses but also to take advantage of participating in, or delivering, language development opportunities within the workplace.

Recommendation 19
Again, we note that the bilingual skills strategy has already been completed. If it does not follow the approach we suggest in Recommendation 18, we recommend that it should be reviewed to ensure that it does so.

We believe that as currently drafted, the Bill and the Scheme have significant costs attached to them, which, in our view, have not been clearly explained.

We also recognise that in making Recommendations 1 and 2, there may be additional costs.

Recommendation 20
We therefore strongly recommend that, whatever approach the Assembly Commission decides to pursue with the Bill and Scheme, it should ensure that adequate funds are identified and committed to deliver the objectives and commitments they contain.

8. Witnesses

220. The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at: http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IId=1306

9 February 2012

Rhodri Glyn Thomas AM	Assembly Commissioner with responsibility for the Welsh Language

1 March 2012

Meirion Prys Jones, Chief Executive	Welsh Language Board
Gwenith Price, Director of Strategic Operations	Welsh Language Board

1 February 2012

Colin Nosworthy	Welsh Language Society
Ceri Phillips	Welsh Language Society
Osian Rhys	Welsh Language Society
Geraint Wyn Parry, Chief Executive	Cymdeithas Cyfieithwyr Cymru (Association of Welsh Translators and Interpreters)
Berwyn Prys Jones, Chairman	Cymdeithas Cyfieithwyr Cymru (Association of Welsh Translators and Interpreters)

15 March 2012

Dr Diarmait Mac Giolla Chriost	Language, Policy and Planning Research Unit, School of Welsh, Cardiff University
Dr Simon Brooks	Language, Policy and Planning Research Unit, School of Welsh, Cardiff University
David Thomas	Welsh Language Officers Group for South East Wales

Cath Baldwin	Welsh Language Officers Group for South East Wales
Ffion Gruffudd	Welsh Language Officers Group for South East Wales

21 March 2012

Rhodri Glyn Thomas AM	Assembly Commissioner with responsibility for the Welsh Language

9. List of written evidence

221. The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at: http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?IId=2413

Name / Organisation	*Reference*
Welsh Language Board	OLB 1
Cymdeithas Cyfieithwyr Cymru (Association of Welsh Translators and Interpreters)	OLB 2
Welsh Language Society	OLB 3
Additional Evidence - Welsh Language Society	OLB 3A
Language, Policy and Planning Research Unit, School of Welsh, Cardiff University	OLB 4
Additional Evidence - Language, Policy and Planning Research Unit, School of Welsh, Cardiff University	OLB 4A
Welsh Language Officers Group for South Wales	OLB 5
Welsh Language Officers Group for South Wales – Annexe A	OLB 5A
Bethan Williams, Individual Response	OLB 6
Angharad Clwyd, Individual Response	OLB 7
Catrin Dafydd, Individual Response	OLB 8
Menna Machreth, Individual Response	OLB 9
Public and Commercial Services Union	OLB 10
Osian Rhys, Individual Response	OLB 11