

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



## NATIONAL ASSEMBLY FOR WALES (OFFICIAL LANGUAGES) BILL

Explanatory Memorandum  
incorporating the Regulatory Impact Assessment,  
January 2012



## **NATIONAL ASSEMBLY FOR WALES (OFFICIAL LANGUAGES) BILL**

Explanatory Memorandum to the National Assembly for Wales (Official Languages) Bill

This Explanatory Memorandum has been prepared by Rhodri Glyn Thomas and is laid before the National Assembly for Wales.

It has been prepared and laid in accordance with Standing Order 26.6. The Explanatory Memorandum sets out the background to the policy objectives, the provisions and the scope of the National Assembly for Wales (Official Languages) Bill (“the Bill”).

### **Member’s Declaration**

In my view, the provisions of the National Assembly for Wales (Official Languages) Bill, introduced by me on 30 January 2012, would be within the legislative competence of the National Assembly for Wales.

Rhodri Glyn Thomas AM  
Assembly Commissioner with responsibility for the Welsh Language  
Assembly Member in charge of the Bill  
30 January 2012

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## **Part 1: Background and purpose of the Bill**

### **1. Introduction**

- 1.1 The National Assembly was originally established under the Government of Wales Act 1998. Major reforms to its structure and powers were made by the Government of Wales Act 2006 (“the 2006 Act”). Among these reforms was the establishment of the Assembly Commission as a body (with a separate legal status from that of the National Assembly itself) to be responsible for the provision of property, staff and services required for the National Assembly’s purposes.
- 1.2 The National Assembly serves a bilingual community. The 2001 census recorded that 21 per cent of the population of Wales were able to speak Welsh (up from 18.5 per cent in 1991). Many Assembly Members, as well as those giving evidence to Assembly committees and advising them, use the language in the course of proceedings.
- 1.3 The principle that the National Assembly and the Assembly Commission should operate in accordance with the needs of a bilingual community is enshrined in the 2006 Act. At its meeting on 14 July 2011, the Assembly Commission agreed to introduce new legislation to clarify the duties of the National Assembly and of the Assembly Commission in relation to the provision of bilingual services and place them on a sound statutory footing. They also agreed that the Assembly should proceed on the basis of an Official Languages Scheme provided for under the proposed legislation.

## 2. Legislative background

### Existing legislation

2.1 The Government of Wales Act 1998 (“the 1998 Act”) required the National Assembly:

“in the conduct of its business (to) give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.”

2.2 Under the 1998 Act, the National Assembly was a crown body and was therefore subject, to a limited extent, to the provisions of Part 2 of the Welsh Language Act 2003 under which certain public bodies could be required (or in the case of crown bodies could voluntarily decide) to prepare a Welsh language scheme and to submit it for approval by the Welsh Language Board.

2.3 The 2006 Act re-stated the duty imposed on the National Assembly by the 1998 Act, although by reference to National Assembly “proceedings” rather than National Assembly “business”, reflecting the fact that the National Assembly is now a solely parliamentary body. Under section 35(1) of the 2006 Act –

“(1) The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.”

2.4 It also imposed a parallel duty on the newly-established Assembly Commission (paragraph 8(3) of Schedule 2 to the 2006 Act) –

“(3) In the exercise of the functions of the Assembly Commission effect must be given, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.”

2.5 In all these cases, the duty was framed so as to reflect the provisions of the 1993 Act, which requires Welsh language schemes to demonstrate how public bodies propose to give effect:

“so far as is both appropriate in the circumstances and reasonably practicable, to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality.”

2.6 The law relating to the Welsh language has now moved on. The Welsh Language (Wales) Measure 2011 (the Measure), which became law on 9 February 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. The Measure will also abolish the Welsh Language Board when the relevant provisions are commenced.

2.7 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 in which Welsh Ministers have no jurisdiction over the National Assembly.

2.8 The way in which the National Assembly (with the support of facilities provided by the Assembly Commission) discharges its present duty has, since its establishment as a solely parliamentary body in 2007, been the subject of a Welsh language scheme. This was modelled on those prepared by public bodies under the 1993 Act, in accordance with guidance given by the Welsh Language Board and was approved by the Board. The abolition of the Board means that continuation of this approach will cease to be an option available to the National Assembly and the Assembly Commission.

### **Legislative Competence**

2.9 The provisions of the Bill relate to the use of the Welsh language in the conduct of Assembly proceedings and in the exercise of the functions of the Assembly Commission. They relate to the following subjects in Schedule 7 to the Government of Wales Act 2006:

Subject 13: National Assembly for Wales; and  
Subject 20: Welsh language.

- 2.10 The provisions of the Bill therefore fall under section 108(4)(a) of the Act and, since they apply only in relation to the Assembly, and hence in relation to Wales, do not fall under section 108(4)(c) of the Act.
- 2.11 Subject 20 is expressed as relating to the Welsh language only, and it is therefore necessary to note that the Bill makes no substantive provision in relation to the English language i.e. does not affect the legal status of the English language in relation to Assembly proceedings. The provision that declares that both English and Welsh languages are official languages of the Assembly does no more than to restate, in a simpler and more direct way, the present requirement in section 35(1) of the Act that the Assembly must, in the conduct of its proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality. The reference, when re-stating the principle of equality, to the English language as well as to the Welsh language is merely incidental to the substantive provision relating to the Welsh language, and therefore falls under section 108(5)(b) of the Act.
- 2.12 The Bill amends two provisions of the Government of Wales Act 2006, namely section 35(1) and Schedule 2 paragraph 8(3). Amendments to the 2006 Act are generally outside the legislative competence of the Assembly but the provisions of the Bill fall under the exception to that rule which is contained in paragraph 5(2) of Schedule 7 to the Act and which enable an Act of the Assembly to amend the provisions in question.
- 2.13 The Bill, which relates solely to the proceedings and internal governance of the Assembly and Assembly Commission, contains no provisions that are inconsistent with Convention Rights or European Union law or which affect functions of Ministers of the Crown and does not breach any other restrictions in Schedule 7 to the Government of Wales Act 2006.

2.14 All provisions of the Bill therefore fall within the legislative competence of the Assembly.

### **3. Why is further legislation needed?**

- 3.1 The original decision to end a fully bilingual record of Plenary proceedings (meetings of the entire Assembly) in September 2009 led to uncertainties relating to the legal position of the Welsh Language Scheme and to the relationship between the Assembly, the Commission, the Welsh Language Board and Welsh Ministers.
- 3.2 The Commission of the Third Assembly agreed to consider how it could clarify and strengthen the legislative provisions relating to the position of the Welsh language in the affairs of the Assembly and of the Commission.
- 3.3 The decision was also prompted by the work of the Independent Review Panel on Bilingual Services (“the Review Panel”), established in September 2009 and which reported to the Assembly Commission the following May. The establishment of the panel was, itself, a response by the Assembly Commission to the controversy surrounding the decision of the Assembly Commission to limit the translation of the written record of Plenary proceedings to translation from Welsh into English.
- 3.4 Although detailed legislative provisions were not within the specific remit of the Review Panel and its recommendations, the Panel nevertheless felt it worth stating that in their view “the merits of a National Assembly for Wales (Languages) Measure are worth exploring further”. This view was based on evidence put before the Review Panel about the ways in which duties relating to bilingual provision were defined in the legislation of other bilingual or multilingual countries such as Canada, Ireland and Switzerland.
- 3.5 Further impetus was given to this initiative by the changes to the law which would be made by the Welsh Language Measure 2011, and the establishment of the office of a Welsh Language Commissioner. The Commissioner will be responsible for developing a new regulatory system, based on standards, to ensure the delivery of Welsh language services to the public.

#### **4. What is the purpose of the Bill?**

- 4.1 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.
- 4.2 The legislative framework governing the Commission's bilingual services provision is out of date because it is modelled on that of the Welsh Language Act 1993, now being superseded by the Welsh Language Measure 2011. In line with fundamental constitutional principles, neither the Assembly nor the Commission is subject to these new arrangements but they continue to be subject to the duties imposed by the 2006 Act.
- 4.3 The current provision of bilingual services to be delivered by the Assembly Commission for the National Assembly and public are outlined in the Welsh Language Scheme 2007-2011<sup>3</sup>. The existing Scheme has been reviewed in light of: the report of the Review Panel; the legislative proposals of the (Draft) National Assembly for Wales (Official Languages) Bill; our experiences over the Third Assembly, and public consultation during the period August-November 2011.
- 4.4 The enhanced provision of bilingual services to be delivered for the Fourth Assembly is outlined in the draft Official Languages Scheme (Annexe B). It:
- states clearly that Welsh and English are the official languages of the Assembly and should be treated equally;
  - outlines the practical arrangements to enable the Assembly to operate bilingually;
  - guarantees the right of anyone who takes part in Assembly proceedings (witnesses and officials as well as Members) to do so in either of the Assembly's official languages;
  - outlines how the Assembly will provide bilingual services to the public;
  - outlines how the Assembly's corporate arrangements enable and support its ambitions to deliver bilingual services; and
  - explains the Assembly's procedure for dealing with complaints of non-compliance with the Scheme, whether made by Members or by the public.

## **5. The effect of the legislation**

5.1 The Bill amends the current provisions of the Government of Wales Act 2006 which lay down the general duties of the National Assembly and of the Assembly Commission in relation to use of the Welsh language (section 35(1) and Schedule 2 paragraph 8(3)).

## **6. Consultation**

### **Background to the consultation**

6.1 The public consultation on the draft Official Languages Bill and draft Bilingual Services Scheme (as it was then described) was launched at the National Eisteddfod on 3 August 2011 and closed on 14 October 2011.

6.2 During this period:

- 587 organisations were contacted directly about the consultation process;
- The Assembly Commission launched a media campaign to publicise the consultation, which generated positive coverage;
- Over 40 representatives attended stakeholder meetings to enable and encourage attendees to provide full, considered written responses to the consultation. The meetings, entitled “Law making and bilingual services at the National Assembly”, were held w/c 26 September in three locations:
  - 26 September 09.30-11.30 – National Assembly for Wales, Colwyn Bay
  - 26 September 15.00-17.00 – National Library of Wales, Aberystwyth
  - 28 September, 09.30-11.30 – Pierhead, Cardiff Bay;
- The Assembly Commission held 13 staff meetings to provide them with an opportunity to comment and consider the Scheme’s impact on service delivery; and,
- The Assembly Commission held an introductory meeting with party group managers to outline the principles of the Bill and Scheme.

### **Consultation responses**

6.3 The consultation letter on the Draft Bilingual Services Scheme contained eight questions and the consultation letter on the Official Languages Bill

contained 11 questions (Annexe A).

6.4 We received 59 responses to the consultation.

### **Responses not giving a view**

6.5 Of these one was from the Canadian Parliament setting out how bilingualism works in their parliament and one was from Arriva Trains Wales stating that they had no issues to express or further suggestions to make relating to this consultation.

### **Responses giving a view**

6.6 Of the remaining 57 responses, 50 were provided in Welsh only and 7 in English only. While it is not advisable to make assumptions based on the language used by respondents, it is worth noting that those responding in Welsh were all in favour of the Bill and Scheme, or included suggestions to strengthen these, whereas those responding in English were generally against the Bill and Scheme. Generally, responses tended not to respond to the specific consultation questions. This makes analysis of the results or drawing conclusions from the consultation more difficult.

### **Number of responses to the consultation by language**

6.7 Of the 50 responses provided in Welsh, 40 of these were based on a template response Cymdeithas yr Iaith issued on its website; 32 of these were identical and 8 were a variation on this theme. This makes up more than two-thirds of total responses so any aggregate responses need to be considered in light of this. Two of the responses were sent in by the same person, one on behalf of Cymdeithas yr Iaith and one as an individual.

6.8 Six of the responses in English were from the public.

6.9 There was one response in English from an organisation, Agored Cymru, who stated that they are in favour of the Bill and Scheme.

### **Summary of responses in support**

6.10 The majority of responses in support of the Bill and Scheme (40) were based on a template response Cymdeithas yr Iaith issued on their website.

6.11 Of the eleven which were not based on the template, there were responses from the Welsh Language Board; a policy officer from the Welsh Language Board; Cymdeithas Cyfieithwyr Cymru (the Association of Welsh translators); a Welsh language officers group in South Wales; a Professor from the Cardiff University School of Welsh; Mentrau Iaith Cymru; Agored Cymru (an organisation to champion opportunities for lifelong learning and progression through high quality qualifications and credit); a communications consultant and an independent translator.

6.12 These responses were a combination of strong backing for the Scheme and a strengthening of the content. A response from Snowdonia National Park Authority gave agreement to all questions in the consultation. There was also a response from the Language Technologies Unit, Bangor University, which stated full agreement with the principle of bilingualism in the Assembly's operations. They did not comment on the contents of the Draft Bill or Draft Scheme, but provided advice on automatic translation technology, drafting documents in Welsh first and building translation technology industry.

6.13 The main themes in these responses were:

- general support for placing a duty to provide a fully bilingual record of Plenary proceedings 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;
- objections in terms of equality for people having 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. Others felt that all staff of the National Assembly for Wales should be bilingual.

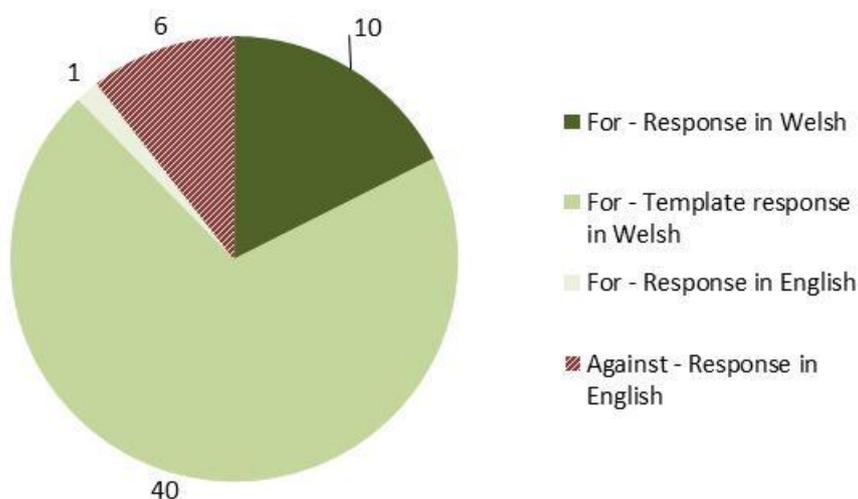
6.14 In addition there were individual suggestions to amend specific sections of the Bill or Scheme.

## Summary of responses against

6.15 The six responses against the Scheme and Bill were mainly general comments from members of the public. There were some specific comments on the Scheme or Bill:

- Apart from one of the respondents who provided a very short general submission, all raised strong objections in terms of the cost. One of the respondents raised the issue of a need for costs for this and other policies promoting the Welsh language;
- In general, all these respondents thought that the policy did not reflect the needs of the majority of the Welsh population. Some went on to refer to the current economic climate, explaining that they felt funds could be better spent elsewhere;
- There were objections raised around the perceived lack of job opportunities for non-Welsh speakers (who make up the majority of the Welsh population) in the public sector as a result of the launch of the Bill / Scheme;
- Two of the respondents raised concerns that the consultation had been poorly advertised and the lack of public awareness of it;
- There were two calls for a referendum relating to the wider issue of financial spend on bilingualism in the public sector as a whole.

## Analysis of responses to the consultation by language used:



## **Representativeness**

6.16 From the nature of the responses it cannot be assumed that they are representative of the views of the population as a whole. One explanation might be that certain sections of the population are more engaged in this issue than others.

6.17 As to the form of the responses received, some responded directly to the questions raised in the consultation, some responded in general to the consultation and some responded to the principle of promotion / equality of languages in general.

6.18 At a meeting on 24 November 2011, the Commission agreed to the following revisions to the Bill in the light of the responses:

- revise the wording of section 1(2) relating to use of either official language in Assembly proceedings so as to refer to a “right” to do so;
- change the name by which the Scheme is to be known to “Official Languages Scheme”;
- include in the Bill a provision for annual compliance monitoring reports to be prepared and laid before the Assembly;
- include in the Bill a requirement for the Scheme to incorporate a transparent mechanism for dealing with complaints or breaches of the Scheme;
- change the current requirement for the Scheme to be reviewed “at least once every four years” to “at least once every five years”.

6.19 The Commission also agreed to the following revisions and enhancements to the Scheme in the light of the responses:

- the Commission agreed to reinstate a fully bilingual record of Plenary proceedings and to include the provision in the Scheme;
- to change the name of the Scheme to “Official Languages Scheme” (in line with the proposed revision to the Bill);
- review and reword the section outlining the procedure for publishing written evidence;
- include explanatory paragraphs explaining why communication between individual Assembly Members and the public is outside the scope of the Scheme;
- draft and include explanatory paragraphs on the interface between the Bill and Scheme, the Welsh Language Measure 2011 and the Welsh Language Commissioner.

6.20 The Commission gave careful consideration to the proposal that a duty to provide a fully bilingual record of plenary proceedings should be placed on the face of the Bill rather than being left to be specified in the Scheme. 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.

## **7. Power to make Subordinate Legislation**

7.1 The Bill only makes provision for the making of a scheme by the Assembly Commission, and contains no powers to make subordinate legislation.

## **8. Territorial Application**

8.1 This Act will apply only in relation to Wales.

## **Part 2: Regulatory Impact Assessment**

### **9. Options**

9.1 The current options are:

Option 1: Do nothing

Option 2: Introduce a proposed Bill

#### **Option 1**

9.2 The first option is for the Assembly Commission to continue under the current legislative position. The Government of Wales Act 2006 places the following duties on the Assembly:

- The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality. .
- The Assembly must make appropriate arrangements with a view to securing that Assembly proceedings are conducted with due regard to the principle that there should be equality of opportunity for all people.

9.3 The Commission currently achieves this by outlining, on a voluntary basis, its bilingual services in line with the provisions of the Act. However, proceeding on this basis does not meet the policy objective of the Bill which is to provide the sound statutory footing the Assembly Commission desires to govern the delivery and development of its bilingual services. It could also undermine public confidence in the Assembly Commission's commitment to bilingual services.

#### **Option 2**

9.4 The alternative is for the Assembly Commission to introduce a Bill.

9.5 At its meeting on 14 July 2011 the Assembly Commission considered the need for legislation to clarify the duties of the National Assembly and of the Assembly Commission in relation to the provision of bilingual services: to place those duties on a sound statutory footing

and to bring forward a new Official Languages Scheme under the proposed legislative framework.

9.6 The robust, transparent legislative framework outlined in the Bill will secure public and Assembly Member confidence that the Assembly Commission is committed to providing exemplar bilingual services.

## **10. Costs and benefits**

10.1 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.

10.2 There are some difficulties in quantifying the costs of bilingual services provision as these services have been embedded in the running of the Assembly since its establishment in 1999.

10.3 For the consideration of any costs associated with the Bill, we have attempted to highlight the costs of the services provided as outlined in the 2007 Welsh Language Scheme, and also the cost of any additional services included in the draft Official Language Scheme 2012. Costs of delivering the bilingual services as outlined in the 2007 Welsh Language Scheme include:

- Translation – Assembly staff and external contractors;
- Welsh Language tuition – for Assembly Members and their support staff and Assembly staff;
- Assembly Members’ Text Translation Contract - a scheme to provide text translation services for the translation of Assembly Members’ constituency business.

10.4 In 2008-09, the costs of providing a fully bilingual Record of Plenary Proceedings published within 24 hours of the conclusion of Plenary was in excess of £290,000. In 2009, the Assembly Commission agreed to amend the timescale for the provision of a fully bilingual record of Plenary proceedings to within five working days. This decision was implemented from September 2009 pending a report from the Independent Review Panel on Bilingual Services. The panel published its

report in May 2010 and recommended that the record of Plenary proceedings should be published in the original language spoken, together with a record of the interpretation from Welsh to English. The translation of English text to Welsh ceased in July 2010.

10.5 At its meeting on the 14 July 2011, the Assembly Commission of the fourth Assembly agreed to reinstate the service, provided that the arrangement was sustainable in the long term and demonstrated good value for money.

10.6 Over the period July-November 2011, Assembly officials developed options for providing a fully bilingual Record of Proceedings, based on an average Plenary of 36,000 words uttered in English, published online within five working days using machine translation, translation memory software, specialist editing and proof-reading for quality assurance purposes.

10.7 Based on research and test results, it is calculated that the annual costs for producing a fully bilingual Record of Plenary Proceedings within five working days is approximately £95k per annum.

10.8 The following table outlines costs for providing bilingual services for 2009/10, 2010/11 and projected costs for 2011/12, 2012/13, 2013/14.

Financial Year	2009/10 <sup>1</sup>	2010/11 <sup>2</sup>	Estimated costs 2011/12	Estimated costs 2012/13	Estimated costs 2013/14
Translation Service - external contractors	292,553	185,992	£142,500	£242.5k <sup>3</sup>	£242.5k <sup>4</sup>
Translation costs - staff costs	476, 327	521,726	£530k <sup>5</sup>	£540k	£550k
Welsh language tuition - Assembly staff	10,680	18,688	£16.5	£17k <sup>6</sup> (based on estimated costs for 2011/12)	£17k (based on projected costs for 2011/12)
Welsh language tuition - Assembly Members and support staff	14,722	11,287	£15.2k (based on May-November)	£16k (based on projected costs for 2011/12)	£16k <sup>7</sup> (based on projected costs for 2011/12)
Assembly Members' text translation contract	24,000 £400 p/a per Assembly Member (allocated to each party group on a pro rata basis)	24,000 £400 p/a per Assembly Member (allocated to each party group on a pro rata basis)	24,000 £400 p/a per Assembly Member allocated to each party group on a pro rata basis)	24,000 £400 p/a per Assembly Member allocated to each party group on a pro rata basis)	24,000 £400 p/a per Assembly Member allocated to each party group on a pro rata basis)

<sup>1</sup> Based on the final published accounts.

<sup>2</sup> Ibid.

<sup>3</sup> Includes estimated cost of reinstating fully bilingual Record of Plenary Proceedings.

<sup>4</sup> Contract subject to tender exercise September 2016.

<sup>5</sup> The figures for 2012/13 and 2013/14 do not take into account the outcome of any future pay negotiations.

<sup>6</sup> Subject to tender exercise 2012.

<sup>7</sup> Subject to tender exercise April 2015.

## Benefits

- 10.9 The legislative framework outlined in the Bill will secure public and Assembly Member confidence that the Assembly Commission is committed to providing exemplar bilingual services. An Act will:
- provide the sound statutory footing the Assembly Commission requires to govern its arrangements for developing and delivering bilingual services;
  - place a duty on the Assembly Commission to provide an Official Languages Scheme outlining the bilingual services Assembly Members and the people of Wales can expect from the Assembly Commission;
  - enhance public confidence in the Assembly's commitment to bilingual services;
  - enable the Assembly Commission to position itself as an exemplar provider of bilingual services in the parliamentary context;
  - support the delivery of the Assembly Commission's goal to "use resources wisely".

### Part 3: Explanatory Notes

Comparison of the present provisions of the Government of Wales Act 2006 with their amended form under the Bill.

2006 Act (current)	2006 Act (as proposed under the Official Languages Bill)
Section 35	
<p>(1) The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.</p>	<p>(1) The official languages of the Assembly are English and Welsh.</p> <p>(1A) The official languages must, in the conduct of Assembly proceedings, be treated on a basis of equality.</p> <p>(1B) All persons have the right to use either official language when participating in Assembly proceedings.</p> <p>(1C) Paragraph 8 of Schedule 2 makes provision about how the Assembly Commission must enable effect to be given to subsections (1), (1A) and (1B).</p>
Schedule 2 Paragraph 8	
<p>(3) In the exercise of the functions of the Assembly Commission effect must be given, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.</p>	<p>(3) The Assembly Commission must, in the exercise of its functions—</p> <p>(a) treat the official languages of the Assembly on a basis of equality, and</p> <p>(b) make arrangements for enabling effect to be given to section 35(1), (1A) and (1B).</p> <p>(4) The Assembly Commission</p>

	<p>must—</p> <p>(a) adopt; and,</p> <p>(b) publish,</p> <p>a scheme, to be known as the Assembly Commission’s Official Languages Scheme (“the Scheme”), specifying the measures which it proposes to take in order to comply with its duties under sub-paragraph (3).</p> <p>(5) The Scheme must include (among other things) provision relating to—</p> <p>(a) simultaneous interpretation from one official language into the other; and,</p> <p>(b) publication of documents in both official languages.</p> <p>(6) Nothing in this paragraph or in section 35(1) is to be interpreted as requiring all words spoken or written in one of the official languages to be interpreted or translated into the other.</p> <p>(7) The Scheme must include provision relating to the receipt, investigation and consideration of complaints of failures to give effect to provisions of the Scheme.</p> <p>(8) The Assembly Commission must, in respect of each financial year, lay before the Assembly a report setting out how the Commission has, during the year in</p>
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	<p>question, given effect to the Scheme.</p> <p>(9) The Assembly Commission—</p> <p>(a) must, at least once every five years, review the Scheme; and,</p> <p>(b) may, at any time, adopt a new Scheme or an amendment to the existing Scheme.</p> <p>(10) The Assembly Commission may not adopt a Scheme, or an amendment to a Scheme, unless (whether before or after the coming into force of this paragraph)—</p> <p>(a) a draft of the Scheme (or of the amendment) has been—</p> <p>(i) published; and</p> <p>(ii) laid before the Assembly,</p> <p>(b) the Assembly Commission has considered any representations made about the draft Scheme (or draft amendment) by—</p> <p>(i) members of the public; and,</p> <p>(ii) the Assembly; and,</p> <p>(c) the Scheme (or the amendment) incorporating such modifications as the Assembly Commission may, having considered such representations, make, has been laid before and approved by resolution of, the Assembly.</p> <p>(11) The Assembly Commission must give effect to the Scheme.</p>
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## 11. Section 1

- 11.1 This section would replace section 35(1) of the 2006 Act with four new subsections.
- 11.2 The new subsection (1) contains a clear, simple statement that the English and Welsh languages are the official languages of the National Assembly. 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”).
- 11.3 Subsection (1A) re-states, in a modified form, the principle currently contained in section 35(1). The change in the way in which the duty is expressed, which refers simply to a duty to treat the languages “on a basis of equality”, reflects a parallel change made by the Welsh Language (Wales) Measure 2011 (see section 1(3) (a) “enactments which...require the Welsh and English languages to be treated on the basis of equality in the conduct of the proceedings of the National Assembly for Wales”).
- 11.4 Subsection (1B) again 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: “and everyone has the right to use either language in any debate and other proceedings of the Legislative Assembly or its Committees”). The subsection also makes it clear that the right to use either English or Welsh extends not only to Assembly Members but also to others who participate in proceedings, e.g. witnesses giving evidence to committees (this accords with current practice but is not explicitly stated in the legislation.)
- 11.5 The National Assembly can only comply with the duties in subsections (1A) and (1B) insofar as the Assembly Commission provides the National Assembly with the staff and other facilities to enable it to do so. Subsection (1C) is a pointer to Schedule 2, paragraph 8, which contains the related duties on the part of the Assembly Commission.

## 12. Section 2

- 12.1 This section replaces subparagraph 8(3) of Schedule 2 to the 2006 Act with nine new subparagraphs containing detailed provisions defining the Assembly Commission's duties in relation to use of the English and Welsh languages, including support by the Assembly Commission to enable the National Assembly to carry out its duties under section 35(1), (1A) and (1B) of the 2006 Act (as amended).
- 12.2 The new subparagraph (3) firstly requires the Assembly Commission to treat the two languages on a basis of equality. This restates, in modified form, the duty in the current subparagraph (3). However, in addition, the new subparagraph requires the Assembly Commission to make arrangements for enabling the National Assembly to fulfil its duties under section 35 (as amended).
- 12.3 The remaining new subparagraphs supplement the duties under subparagraph (3) by providing machinery for ensuring effective compliance with those duties.
- 12.4 The vehicle for doing so is to be an Official Languages Scheme specifying the measures which the Assembly Commission proposes to take in order to comply with its duties under subparagraph (3). Subparagraphs (4), (9) and (10) deal with the process for preparing, adopting and reviewing the Scheme. A draft of the Scheme will have to be published and laid before the National Assembly and the Assembly Commission will need to consider representations made about it by the public and by the National Assembly (for example the report of any Assembly committee asked to consider the draft Scheme). The Scheme (as amended in the light of this consultation process) will then need to be approved by the National Assembly.
- 12.5 These provisions will make it clear that accountability for the Assembly Commission's bilingual services will be directly to the National Assembly (and therefore to the public) rather than to the Welsh Language Commissioner and Welsh Ministers as in the case of public bodies on whom standards are imposed under the Welsh Language (Wales) Measure 2011.

- 12.6 Subparagraph (10) makes it clear that it will be open to the Assembly Commission to adopt a Scheme which has been prepared in compliance with the requirements of the Act even if the necessary steps were taken before the Act comes into force. This will enable any revision to the current Welsh Language Scheme to be adopted as the Official Languages Scheme even though the work of preparing it and consulting on it may have commenced before the proposed Act has come into force.
- 12.7 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.
- 12.8 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 (section 6(3)): “Every official report of the debates and other proceedings of the Houses of the Oireachtas shall be published in each of the official languages, except that contributions (whether oral or in writing) in either of the official languages by persons may be published therein solely in that language.”
- 12.9 Subparagraph (7) includes a specific requirement for the Scheme to include provisions regarding the receipt, investigation and consideration of complaints of any failures to give effect to the Scheme. This follows suggestions made during the consultation on the draft Bill and builds on the practice under the 2007 Welsh Language Scheme.
- 12.10 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. This also responds to observations

made during the consultation. The reporting year will be the financial year.

12.11 Subparagraph (9) will require the Assembly Commission to review and, if necessary, amend the Scheme at least once every five years. The original intention was that the Scheme should be reviewed once during every four-year term of a National Assembly. However, 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”.

12.12 Subparagraph (11) makes it clear that, once the Scheme has been formally adopted, the Assembly Commission is under a duty to give effect to it.

### **13. Section 3**

13.1 This contains the title of the legislation and provides for the legislation to come into force the day after the Bill receives Royal Assent.

## **Annexe A**

### **Consultation questions**

#### **Part 1 – Official Languages (Wales) Bill**

Issues on which views would be particularly welcomed

- A. Do you agree that there is a need for the legal framework relating to standards of bilingual provision in the work of the National Assembly to be brought up to date?
- B. What are your views on the general approach of the draft Bill, namely that clear statements of the status of English and Welsh in relation to National Assembly proceedings and Assembly Commission functions should be set out on the face of the Government of Wales Act 2006?
- C. Do you agree that these statements should make it clear that English and Welsh are the official languages of the National Assembly and should be treated on a basis of equality?
- D. If not, what alternative approach should be adopted?
- E. Do you agree that the detail of how the principle of bilingualism is to be achieved in practice should be set out in a Bilingual Services Scheme prepared by the Assembly Commission?
- F. If not, by what other means should the details of how bilingualism is delivered in the National Assembly be defined?
- G. Do you agree that in drawing up and giving effect to the Scheme the Assembly Commission should be accountable to the National Assembly?
- H. Should the Assembly Commission be accountable to anyone else, either in addition to or as an alternative to accountability to the National Assembly?
- I. Should the intervals at which the Bilingual Services Scheme is reviewed be linked to the term of each National Assembly (whether four years or five)?
- J. If not, at what intervals should it be reviewed?
- K. Do you have any comments on the detailed provisions of the draft Bill?

## Part 2 – Bilingual Services Scheme

Issues on which your views would be particularly welcomed:

- A. Do you agree that the detail of how the principle of bilingualism is to be achieved in practice should be set out in a Bilingual Services Scheme prepared by the Assembly Commission and approved by the National Assembly?
- B. If not, by what other means should the details of how bilingualism is delivered in the National Assembly be defined?
- C. What are your views on the general approach of the Scheme?
- D. What alternative approach should be adopted, if at all?
- E. What is your opinion of the bilingual services we provide to members of the public as proposed in the Scheme?
- F. Have we proposed suitable and adequate ways for the National Assembly to ensure that those who wish to deal with us through the Welsh language are treated fairly?
- G. Are there any additional points which you think the draft Scheme does not cover?
- H. Do you have any other observations on the Scheme and its implementation?

## Annexe B



## Draft Official Languages Scheme

### Introduction

1. The National Assembly for Wales (the National Assembly) is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account. It consists of the 60 Assembly Members elected by the people of Wales.
2. The National Assembly for Wales Commission (the Assembly Commission) serves the National Assembly to foster a strong, accessible and forward-looking democratic institution and legislature that delivers effectively for the people of Wales.

### Background

3. The Assembly Commission was established in May 2007 to ensure that the National Assembly is provided with the property, staff and services required for the National Assembly to carry out its role effectively and efficiently.
4. The Assembly Commission consists of the Presiding Officer, plus four other Assembly Members, one nominated by each of the four party groups. The five Commissioners are accountable to the National Assembly for the Assembly Commission's functions. To help with the delivery of these functions the Commissioners are responsible for cross-cutting portfolios. Rhodri Glyn Thomas AM is the Assembly Commissioner with responsibility for the Welsh Language. Further information regarding the structures, work programme and people of the National Assembly can be found at <http://www.assemblywales.org>

5. As Wales's principal democratic institution, the National Assembly has a duty to enable all citizens and Assembly Members to be informed about, and contribute fully to, the democratic process through the medium of Welsh and English.
6. Section 35(1) of the Government of Wales Act 2006 currently provides, in the context of Equality of Treatment, that:
  - (1)The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.
7. Schedule 2, paragraph 8 (3) of the Act, relating to the principles in accordance with which the functions of the Assembly Commission are to be exercised, adds that:
  - (3)... effect must be given, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.
8. The ways in which these legal duties are expressed is intended to be strengthened and clarified by the National Assembly for Wales (Official Languages) Bill, introduced by the Assembly Commission and currently under consideration by the Assembly (see below).
9. Section 111 (5) of the Act requires that Acts of the Assembly be made in both Welsh and English.
10. In providing bilingual services, the Assembly Commission aims to ensure that the National Assembly is a truly bilingual institution.
11. To be prepared and adopted in accordance with the proposed paragraph 8(3) of Schedule 2 to the Government of Wales Act 2006, and the National Assembly for Wales (Official Languages) Bill, this scheme 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 we will manage and encourage Assembly staff’s bilingual skills.
12. Any communication the National Assembly undertakes with the public in Wales that has not been specifically described here will be conducted in a way that is consistent with the general principles embodied in this Scheme and as outlined in the Government of Wales Act 2006.
13. The Assembly Commission also provides information in accessible formats, including Braille, large print and audio, and much of our public information for visitors to the National Assembly estate is available in other languages.

### **The Welsh Government and the Welsh Language (Wales) Measure 2011**

14. This scheme does not relate to the functions of the Welsh Government, which has its own arrangements for the delivery of its bilingual services. Nor is it governed by the legal framework set out in the Welsh Language Measure (Wales) 2011.
15. The duties of the National Assembly and the Assembly Commission with regards to the provision of bilingual services to date have been modelled on the Welsh Languages Act 1993. Under this legislative framework the Assembly Commission developed a Welsh Languages Scheme for the Third Assembly. The Welsh Language Act was superseded by the Welsh Language (Wales) Measure in 2011 which replaces the system of Welsh Language Schemes with a new system of “standards” which will apply common standards across a range of public bodies. These standards will be set through orders made by Welsh Ministers.
16. Given their special constitutional position in Wales, and the fundamental constitutional principle that Welsh Ministers should be

accountable to the Assembly rather than the Assembly being accountable to Ministers, neither the National Assembly nor the Assembly Commission fit within the new arrangements created by the Welsh Language (Wales) Measure 2011 and neither are subject to legal duties under it.

17. With this in mind, at its July 2011 meeting, the Assembly Commission agreed to propose a new Official Languages Bill in order to make sure that the legal duties relating to the place of Welsh in the work of the National Assembly and of the Assembly Commission were also brought up to date and placed on a sound statutory footing.

### **Definition of the 'public'**

18. In this Scheme, the term 'public' means individuals, legal persons and unincorporated bodies. It includes the public in general, or a section of the public, as well as individual members of the public. The term includes voluntary bodies and charities. Directors and others representing limited companies also come under the term 'public'. However, it does not include people in public bodies when they fulfil official duties.
19. Individual correspondence between Assembly Members and their constituents is not covered by this Scheme.

### **Authority and responsibility for co-ordinating this Scheme**

20. This Scheme carries the full authority, support and approval of the National Assembly and the Assembly Commission.
21. The Chief Executive and Clerk of the National Assembly has the overall responsibility for ensuring that this Scheme is operated and monitored annually. A senior member of the management team will have the responsibility for co-ordinating, monitoring and, when necessary, advising on revising its content.

22. It is the responsibility of all Assembly staff to ensure that they are aware of the measures that are in this Scheme and for ensuring compliance as they carry out their daily work.
23. Every manager has a delegated responsibility for:
  - operating those aspects of the Scheme that are relevant to their work;
  - encouraging staff to use their language skills;
  - ensuring that any new staff members are aware of the bilingual ethos of the National Assembly, the ambition and services outlined in the scheme.
24. Each Assembly service area will nominate a Scheme Co-ordinator to be responsible for:
  - providing advice on the delivery of the Scheme in their area;
  - reviewing progress against the Scheme's requirements on a quarterly cycle via the Official Languages Scheme Co-ordinators Forum;
  - continuously keeping the Translation and Reporting Service informed of any changes to delivery commitments.

### **Monitoring and reporting**

25. We shall monitor and measure progress on fulfilling this Scheme.
26. Each financial year, we will monitor individual service areas' compliance with the Scheme and prepare a report for the consideration of the Assembly Commission. Monitoring arrangements may also include surveying the opinions of individuals and institutions who have received bilingual services from the National Assembly.
27. Following the Assembly Commission's consideration, the annual compliance report will be laid before the National Assembly.

## **Reviewing and updating the Scheme**

28. This Scheme will be reviewed in January 2016 in preparation for the next Assembly. It will measure progress in terms of fulfilling the intention of becoming a truly bilingual organisation and analyse any changes to how bilingual services are offered.
29. Any proposed changes to this scheme must be made first with the approval of the Assembly Commission and then with the approval of the National Assembly.
30. A draft Scheme or proposed amendment may not be adopted by the Assembly Commission unless the drafts have been:
  - published;
  - made available for public consultation and any representations considered;
  - laid before the National Assembly;
  - approved by resolution of the National Assembly.

## **Publicising and promoting our bilingual services**

31. Every effort will be made to ensure that Assembly Members, members of the public and Assembly staff are aware of this Scheme and the services to be provided. We will publicise our bilingual services by:
  - promoting the Scheme's existence when engaging with the public and our stakeholders;
  - placing the Scheme in a prominent place on our website;
  - including references to the Scheme in staff bulletins or other communications;
  - providing the 'Working Welsh' materials to Welsh-speaking staff in all public places on the National Assembly's estate;
  - ensuring that we can offer a bilingual service to our customers from the outset, to the best of our ability - whether it be orally, face to face, in writing or through other service providers on our behalf;
  - including the promotion of the Scheme in the induction programme for new Assembly Members, their support staff and for Assembly staff;

- making language awareness training part of the mandatory induction process for new recruits.

### **Dealing with complaints**

32. Our standard practice will be to ensure that concurrent high standard services are available in both Welsh and English. We will actively promote the services available as outlined, and advise our customers when this is not possible.
33. We want members of the public, Assembly Members and staff to report examples of non-compliance to us as soon as possible. This will enable us to rectify the situation, to close gaps, learn lessons and improve the service we aim to deliver.
34. Complaints will be dealt with in accordance with the National Assembly's Code of Practice on Complaints.
35. The Code allows us to consider complaints about our administrative actions in relation to the following:
  - Maladministration in administrative actions. Generally, maladministration means poor administration or applying rules incorrectly. The following list provides some examples of maladministration:
    - Avoidable delay;
    - Faulty procedures applied or failing to follow correct procedures;
    - Failing to tell a member of the public about any rights of appeal they might have;
    - Unfairness, bias or prejudice;
    - Giving advice which is misleading or inadequate;
    - Refusing to answer reasonable questions;
    - Rudeness and failing to apologise properly;
    - Mistakes in handling a claim;
    - Not offering a suitable solution when one is due.
    - Failing to provide information which has been requested under the Code of Practice on Public Access to Information;

- Failing to provide a service we planned to provide or must provide by law, or failing to provide a service which meets our standards.
- Failing to meet our Official Languages Scheme.

36. Under the Code's procedures, we will not consider:

- complaints about a decision which has not involved any maladministration - in other words, the Code cannot be used to complain about a decision just because the complainant does not agree with it;
- complaints about the conduct or interests of Assembly Members acting in their personal capacity or in relation to constituency matters; such matters are dealt with by [a separate complaints process](#);
- complaints about personnel matters.

37. You can proceed with your complaint by:

- In the first instance raising your complaint or concern with the official with whom you have been dealing;
- If this fails to satisfy your concerns you should make a formal complaint;
- You can complain by e-mail, fax, letter or by completing our [complaint form](#);
- Your complaint will be investigated by the Chief Executive and Clerk, or by a person nominated by her eg the Senior Manager with responsibility for the implementation of the Official Languages Scheme;
- We will respond within 15 working days of the date of receipt of the complaint;
- If you are not satisfied with the outcome, your complaint can be considered by the Public Services Ombudsman for Wales or the Information Commissioner.

38. Should you require clarification from the Assembly Commission on any aspect of the Official Languages Scheme, you can contact:

The Official Languages Scheme Manager  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA  
Tel: 029 2089 8647  
Email: [BilingualServices@wales.gov.uk](mailto:BilingualServices@wales.gov.uk)

## **The National Assembly's ambition**

39. It is the National Assembly's ambition to be a truly bilingual institution.
40. The National Assembly considers that this Scheme enables that ambition to be achieved.
41. The National Assembly is an institution where Assembly Members and members of the public can choose to work or communicate through Welsh, English or both languages. This means that all staff should be encouraged to have some skills, appropriate to their roles, in both languages, varying from basic greetings to the ability to draft and translate complex documents in both languages.
42. The strategies and aspirations of the National Assembly aim to achieve equal status for the Welsh and English languages under the Government of Wales Act 2006.
43. To do so the National Assembly must:
  - be able to carry out every aspect of its business in Welsh and English on an equal basis;
  - guarantee that any consultation process between the National Assembly and the people of Wales will be fully bilingual;
  - ensure that interactions between the National Assembly and the people of Wales are bilingual.
44. To achieve this ambition we will take the following factors into consideration:
  - the current provision of bilingual services;
  - best practice in offering bilingual services demonstrated in other organisations;
  - the current bilingual staff resource, and realising all opportunities to increase that pool;
  - financial constraints and competing priorities;
  - lessons learnt from other bilingual parliaments;
  - good practice in bilingual public engagement;

- the report of the Assembly Commission’s Independent Review Panel on Bilingual Services;
- The principles of the (Draft) National Assembly for Wales (Official Languages) Wales Bill.

### **Bilingual Services for Assembly Members and their staff**

45. The National Assembly is proud of its achievements in enabling fully bilingual proceedings and its internationally-recognised status as a democratically elected body committed to delivering innovative bilingual services in a parliamentary context.
46. Our ambition is to facilitate the means for National Assembly proceedings to be truly bilingual by empowering Assembly Members with bilingual materials and the means to communicate with each other and the public bilingually.
47. The remainder of this section outlines how we deliver bilingual services in preparing for, conducting and recording National Assembly business in Plenary and committee meetings. It also outlines the provision which allows Assembly Members to produce bilingual publicity material to support their work as Assembly Members.

### **Bilingual services: preparing for Plenary and committee meetings**

48. Documents for public consideration during Plenary which have been drafted by the Assembly Commission, Assembly Members (with the exception of those undertaking Ministerial duties) and staff of the Assembly will be available simultaneously in Welsh and in English. Where an item is to be included on the Plenary agenda at short notice, it may not be possible to produce those papers bilingually although we aim to do so on every occasion.
49. Documents for public consideration during committee meetings which have been drafted by the Assembly Commission, Assembly Members (with the exception of those undertaking Ministerial duties) and staff of the Assembly will be simultaneously available for the committee members in Welsh and in English and at least two working days prior to the relevant meetings. Bilingual committee chairs will be provided with a bilingual brief to encourage more use of Welsh in our

proceedings. Where an urgent item is to be included on a committee's agenda at short notice, it may not be possible to produce those papers bilingually although we aim to do so on every occasion.

50. Supporting documents drafted by the Assembly Commission and Assembly staff for committee and Plenary will be prepared in both official languages as far as reasonably practicable. We will make these available to facilitate greater use of Welsh in our proceedings by Assembly Members. Where this is impractical, the relevant Head of Service will be advised.
51. 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 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.

### **Bilingual services: conducting Plenary and committee meetings**

52. The National Assembly's proceedings in Plenary and committees are guided by procedures laid down in the Government of Wales Act 2006 and in National Assembly Standing Orders 2011.
53. Contributions in Plenary or committee meetings may be made in English and Welsh. Simultaneous interpretation facilities are provided for contributions made in Welsh. Headphones are provided for non-Welsh speakers (committee members, witnesses and visitors to the public galleries) to enable them to follow the proceedings.
54. Those providing evidence in committees may do so in either Welsh or English. We will encourage witnesses to use Welsh if they are able to do so.

55. When video conferencing meetings / presentations are conducted, the same principles as for face-to-face meetings with members of the public will apply, subject to technological limitations.

### **Consideration of draft Welsh legislation**

56. Any Assembly Bills considered by the National Assembly will be available in both languages and Assembly Members may undertake their scrutiny role in either language except for the circumstances outlined in Standing Order 26.5.

### **Bilingual services: recording Plenary and committee meetings**

57. In accordance with Standing Order 31, the Assembly Commission must “make arrangements, in accordance with the requirements of section 31(6) of the Act where applicable, for: (i) recording the decisions of the Assembly, including the decisions of committees and sub-committees; (ii) reporting Assembly proceedings, including those proceedings of committees and sub-committees which are held in public; and, (iii) publishing that record of decisions and report of proceedings.”
58. A rolling unedited version of the 24 hour record of Plenary proceedings will be available on the Assembly Intranet within two hours.
59. An edited bilingual record of Plenary proceedings (with Welsh contributions interpreted into English) will be published online within 24 hours of the conclusion of Plenary.
60. An edited, fully bilingual record of Plenary proceedings will be published online within five working days.
61. An edited transcript of committee proceedings (with Welsh contributions interpreted into English) will be published online within ten working days.

### **Assembly Members’ publicity and constituency correspondence**

62. Assembly Members’ letterheads, business cards and surgery advertisements of a non-party political nature will be produced

bilingually and funded by the Assembly Commission.

63. Correspondence sent to Assembly Members from constituents is not covered by this Scheme. However, if constituents wish to correspond with Assembly Members through the medium of Welsh, a service to provide Welsh to English text translation for this work will be available to Assembly Members. Under the arrangement, each Assembly Member will be allocated an annual allowance which is managed through party group offices.

### **Developing Welsh language skills**

64. The Assembly Commission is committed to providing an on-going resource to enable Assembly Members to learn or improve their Welsh language skills.
65. This service will be tailored to suit the specific needs of individual Members and offer a range of learning opportunities which will incorporate the use of technology.

### **Staff communications to Assembly Members**

66. Staff communications sent to Assembly Members as a group, whether by email or by publishing to the Assembly Members' intranet, will be bilingual.
67. We aim to communicate in writing with individual Members, party groups, or other forums bilingually or in Welsh or English when a choice has been expressed. Members will be notified when this is not possible.

### **Monitoring our services**

68. When we cannot deliver the bilingual services outlined, it will be necessary for Assembly staff to inform their service's Official Languages Scheme Co-ordinator. Co-ordinators will be responsible for keeping a record of occasions where we fail to deliver truly bilingual services and ensuring they are included in our annual compliance report.

## **Bilingual Services for communicating and engaging with the public**

69. The National Assembly is proud of its achievements and commitment to delivering bilingual services of the highest quality to the public.
70. Our ambition is to enable the public to communicate and engage bilingually with the National Assembly. The remainder of this section outlines how we will achieve this.

## **Our public image**

71. We will aim to deliver bilingually all advertising, publicity, campaigns or other methods that target the public, or have separate Welsh and English versions which are available concurrently. We will treat both languages equally ensuring that, where relevant, the Welsh text appears first or uppermost. If Welsh and English versions are available separately, they will be equal in format, size, quality and prominence. This will be standard practice for the following publications:

- press releases;
- signage, and exhibitions, whether permanent or temporary;
- posters and public information booklets (including electronic ones);
- brands elements, logos, pop-up displays and display materials;
- consultation documents, codes of practice or similar;
- decision letters which are intended to convey policy to a wider audience;
- letterheads, business cards, stationery and certificates;
- forms, surveys and inquiries;
- public response lines or answerphones for campaigns or competitions;
- advertisements placed in English language newspapers, magazines or circulars distributed mainly or wholly in Wales;
- advertisements placed on websites;
- recruitment advertising;
- audio visual displays, CD-Roms, virtual reality tours or other interactive media;
- social media, television, cinema, internet or radio adverts;

- all promotional multimedia information (videos, podcasts, emails etc).
72. Items intended solely for Welsh language television, media, publications or websites may be prepared in Welsh only. Welsh subtitles or dubbing into Welsh will be avoided, except for voiceovers or for accessibility purposes.
73. Legal documents and legal agreements with individuals, organisations or groups will be offered in either Welsh or English.
74. Maps and other inserts in such agreements which are borrowed or used under licence will appear in the language of the original source.
75. While our corporate identity is bilingual, the following locations are known in Welsh only:
- the Senedd and certain areas located inside it: Neuadd, Cwrt, Oriel and Siambr;
  - Tŷ Hywel and an area inside it;
  - Siambr Hywel.
76. Audio announcements over the public address systems, including the lifts, on the estate will be bilingual.
77. When we release information under the Freedom of Information Act or the Environmental Information Regulations, we will translate it into the preferred language of the applicant, on condition that it will not be necessary to translate more than 100 words. Covering letters or emails will be provided in either Welsh or English depending on the language used for the original request.
78. It is necessary for members of staff to keep a record of each occasion where we have not met these standards in order to measure the extent of the practice.

## **Corresponding with the public (email or hard copy)**

79. When a member of the public contacts an Assembly staff member, we will:
- reply in the same language;
  - respond to all correspondence, whether received in Welsh, English or both languages, within 15 days;
  - ensure that any correspondence following a meeting or telephone conversation in Welsh will be in Welsh unless we are aware that the recipient would prefer to receive it in English or bilingually.
80. When we initiate correspondence with an individual, group or organisation:
- we will do so bilingually unless we know that they would prefer to correspond in Welsh or English only;
  - standard or circular correspondence to several recipients in Wales will be bilingual unless we know that all recipients would prefer to receive it in Welsh or English only;
  - if the Welsh and English versions of any correspondence have to be published separately, our normal practice will be to ensure that both versions are available at the same time and that both versions are of the same standard, form, size and prominence, reflecting the principle of equality;
  - enclosures sent with bilingual letters will be bilingual, when available;
  - a short declaration welcoming correspondence in either Welsh or English will be included on official paper, email auto signatures and official publications;
  - all members of Assembly staff's auto signatures and out-of-office messages will be bilingual.

## **Telephone communications**

81. Our normal practice will be to ensure that the public can speak in Welsh or English when dealing with us by telephone. Services are in place to ensure that:
- any member of the public contacting our switchboard will be answered with a bilingual greeting;

- our main switchboard will use a bilingual message on its answer phone;
- the rest of our staff will be encouraged to answer the telephone with a bilingual greeting and will record bilingual messages on their personal answerphones;
- if a caller rings one of our direct lines and wishes to speak Welsh but the person taking the call cannot do so, they will try to transfer the call to a Welsh-speaking colleague who is able to deal with the enquiry;
- if a Welsh speaker is not available to deal with the enquiry, the caller will be given the choice of having a Welsh speaker call them back as soon as possible or if they wish, continuing the call in English or submitting their query in Welsh by letter or email.

### **Individual meetings**

82. When a member of the public wishes to discuss the National Assembly's procedures or services face-to-face, they are welcome to do so in Welsh or in English. We will facilitate the meeting by ascertaining beforehand the member of the public's preferred language and if that is Welsh, we will arrange for a Welsh speaker to attend the meeting. Where this is not possible, we will arrange simultaneous translation where reasonably practicable. If neither of these options is available, the member of the public will be invited to deal with the issue by correspondence in Welsh or to continue with a meeting in English. When face-to-face meetings are held at short notice, the above steps will be followed but we cannot guarantee provision of a Welsh speaker on every occasion.

### **Video conferencing**

83. When video conferencing meetings are held, the same principles as for face-to-face meetings with the public will apply, subject to the limitations of the available technology.

### **The internet and social media**

84. All documents prepared by the National Assembly and those which are downloadable from our websites will be bilingual. Our social media feeds will also be available bilingually, either through one bilingual

account or through separate Welsh and English accounts.

85. Information relating to the National Assembly is published on two websites, one in Welsh at [www.cynulliadcymru.org](http://www.cynulliadcymru.org) and the other in English at [www.assemblywales.org](http://www.assemblywales.org). It is structured in a way that enables the user to navigate directly from a page in one linguistic version to the corresponding page in the other language. Our standard practice will be to publish bilingual or separate Welsh and English versions of National Assembly-produced documents onto the website. This may not be possible on all occasions if the documentation has a particularly short lifespan or needs to be published as a matter of urgency. We will keep records of occasions when we publish National Assembly-produced documents in only one language in order to monitor the practice.
86. For search and indexing purposes, the information on some of our social media profiles is published English first and Welsh second. We will respond to queries on all our social media profiles in the language in which they are posted, regardless of the linguistic version of the profile they are using (eg a query in Welsh on the English Facebook page will still be replied to in Welsh, and vice versa).
87. When we design new websites, or when we develop our website, we will always consider the latest guidance on bilingualism and information technology.

### **Engaging with the public - Assembly events**

88. For all public meetings, seminars, events or exhibitions arranged by Assembly staff and relating to National Assembly proceedings, we will:
  - issue bilingual invitations and advertisements;
  - assess the demand for a simultaneous interpretation service from Welsh to English and inform prospective attendees of the facility at the event to encourage them to contribute in their preferred language;
  - provide supporting papers, any subsequent reports and all other information bilingually;

- do all we can to ensure that Welsh speaking staff are available at such meetings / events.

89. The same principles will apply to events at which we have a presence but which we have not organised.

### **Assembly Member-sponsored events and exhibitions**

90. Organisations that have Welsh language bilingual standards, policies or schemes and hold events on the National Assembly estate targeting Assembly Members or the public are expected to operate in accordance with the principles of their schemes. Organisations without language schemes will be encouraged to operate in accordance with our outlined principles.

### **Visitors to the National Assembly estate**

91. Front of house bilingual staff will wear the Welsh Language Board's 'Working Welsh' badges.

92. In those public places that are managed by the Assembly Commission (the Senedd, the Pierhead, Tŷ Hywel and the National Assembly's north Wales office and in committee meetings and public events held off-site) members of the public may speak with a front-line staff member either in Welsh or in English, in accordance with their preference.

93. At the point of booking, customers will be offered the choice of education visits and Senedd tours conducted through the medium of Welsh or English. We will continue to offer impromptu Senedd tours in Welsh or English to the best of our ability.

94. From time to time it will not be possible to ensure the presence of Welsh speakers as part of our front of house service but we are committed to improving the Welsh language skills of staff who offer these services and this Scheme's principles will be considered when planning for staff training and recruitment.

## **Developing new services for the public**

95. In dealing with the public in other ways, Welsh and English will be treated on a basis of equality and this will be built into the planning processes. New services will be bilingual from the outset. This includes various items such as audio commentary, interactive media and virtual and guided tours.

## **Assembly staff and our corporate arrangements**

96. The Assembly Commission employs some 350 staff of which around one third are bilingual. Since the National Assembly's first Welsh Language Scheme was approved in 2007, the proportion of Welsh-speaking staff has increased annually to facilitate, in particular, bilingual working in the majority of our frontline areas. A number of other staff continue to learn Welsh, have undertaken bilingual telephone answering training sessions or informal meet and greet training.

## **Managing and encouraging Assembly staff's bilingual skills**

97. In order to achieve our ambition of becoming a truly bilingual institution, we will:

- annually assess the provision of bilingual staff in each of our service areas;
- consider whether our bilingual provision is adequate to deliver services;
- prepare service area language skills plans to address any gaps in provision;
- recruit appropriately to posts which are designated as Welsh essential or desirable;
- provide mandatory language awareness training during corporate induction courses.

98. We will continue to ensure that only accredited translation and interpretation staff undertake text translation and simultaneous interpretation, and they will be encouraged to be members of the Association of Welsh Translators and Interpreters, or a similar professional organisation. Trainees will also be employed from time to time. However, and in order not to be over-reliant on the Translation Service, we will continue to encourage Welsh speaking staff with the necessary skills to provide a bilingual service.

99. In addition to encouraging our staff to learn or improve their Welsh language skills, we propose to place less reliance on our Translation Service over time. This is likely to mean that more of our bilingual staff will need to develop their Welsh drafting skills. The increased use of

the 'text checking' service suggests that there have been improvements in this area and that more staff are preparing drafts bilingually. However, this is an area we need to develop further in the future. If this Scheme's ambition is to be realised, the numbers learning Welsh also need to increase. It is proposed that by July 2012, all members of staff will be encouraged to speak some level of Welsh in keeping with our bilingual ethos.

100. To facilitate growth in the use of our bilingual skills, we will prepare a draft bilingual skills strategy by March 2012 which will take the following factors into account:

- periodic audits on the number of bilingual staff and their location;
- skill levels in speaking, reading and writing in Welsh and annually monitoring improvements;
- formal training in learning and improving Assembly staff's Welsh skills and evaluating the success of the investment;
- lessons learnt from the tutoring of Assembly Members;
- a structured approach to helping staff increase their informal meet and greet and bilingual telephone answering skills;
- the need to establish a pool of Welsh language mentors and coaches within service areas;
- how we present our bilingual ethos and language awareness training in the induction process;
- the increasing pool of good examples of learning Welsh in the workplace;
- how we raise staff awareness about Welsh language learning options;
- how we include improving language skills in our Performance Management Development and Review objectives and Career Aspiration Plans;
- the Assembly Commission's budget;
- the need for flexible learning opportunities;
- how we implement the plan and monitor and evaluate progress.

## **Recruitment**

101. The Assembly Commission is an equal opportunities employer. This means that everyone has the same opportunity for employment and promotion, based on ability, qualifications and suitability for the post.

Consequently no one should be disadvantaged by conditions or requirements that cannot be justified.

102. Each service area's language plan will be considered when they need to recruit staff. Where no suitable Welsh-speaking candidates can be found for a post where Welsh is desirable, all appointed candidates will be encouraged to learn Welsh and induction materials will clearly outline how this is beneficial for Assembly staff.
103. 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.
104. When no suitable Welsh-speaking candidates can be found for a post where Welsh is essential (or while a candidate who is unable to speak Welsh has been appointed and is learning the language) we will make temporary arrangements under which the Welsh language service can be provided (by using, for example, Welsh speaking staff from elsewhere in our organisation to deliver parts of the service).
105. Information packs and application forms will always be provided bilingually. Applicants can complete the application forms in their preferred language.
106. Interviews will be held bilingually for posts where Welsh and English linguistic skills are essential. In addition, the proficiency of the candidate in English and Welsh will be assessed as part of the selection process.

### **Staff internal communications**

107. Since the National Assembly's first Scheme was approved in 2007, there has been an increase in our bilingual internal communications to reflect the fact that around one third of our staff are bilingual and many are learning Welsh. To make the best use of limited resources, we will continue to prioritise the availability of bilingual documents for Assembly Members and the public.

108. In accordance with the bilingual ethos of the organisation we will always prepare the following internal communication messages to staff bilingually:
- all short messages on our staff news page (though links which take users to other internal documents or intranet pages may not always be bilingual);
  - group email messages to all staff;
  - staff surveys.
109. We will also endeavour to increase the use of bilingual communication with staff in other ways too such as bilingual static landing pages on our intranet site and bilingual forms which may be used by members of staff. These developments will be considered by service areas with the aim of increasing the use of Welsh internally and working towards achieving our ambition of becoming a truly bilingual organisation.
110. Simultaneous translation is provided at all-staff meetings and its provision during smaller meetings will be developed to provide increasing opportunities to speak Welsh in the workplace.

### **Using bilingual Information Communication Technology**

111. The need to provide information and services in both English and Welsh, and to act according to this Scheme, is reflected in the Assembly Commission's approach to Information Communication Technology.
112. Cysgliad (Cysill and Cysgair) and Tô Bach software are made available to all Assembly Members, their support staff and Assembly staff as standard on Assembly machines.
113. Following impact testing, the Microsoft Welsh language pack for Windows 7 and Office 2010 will be made available to Members and staff as soon as possible.
114. Interpretation facilities are an integral part of the audio systems used in the Siambr, committee rooms and equipment used for external meetings. In 2009 the Assembly installed a Wales Video Network (WVN) conferencing system in its fourth committee room which provides for a fully bilingual video conferencing service with

compatible sites in Wales.

115. The Translation Service will use machine translation and translation memory software to assist with the translation of the record of proceedings from January 2012. Translation memory software will also be used for all internal text translation from 2012. A comprehensive review of the efficacy the system used to translate the Record of Proceedings will be conducted during summer recess in 2012.
116. We shall continue to liaise with the office of the Commissioner for the Welsh Language and to monitor developments in translation technology to ensure that we are aware of the latest innovations and opportunities open to us in this field so that the Assembly continues to be an exemplar in digital democracy.

### **Working in partnership**

117. We will continue to work in partnership with other organisations that operate bilingually to monitor, review and enhance our bilingual services as appropriate.
118. If the Assembly Commission operates as the strategic and financial leader within a formal partnership, it will ensure that the partnership's public service elements will conform to this Scheme
119. If the Assembly Commission joins a formal partnership that is led by others, the Assembly Commission's input will conform to this Scheme. Other partners will also be encouraged to conform to this Scheme or, at a minimum, to the spirit of the Welsh Language Act 1993.
120. If the Assembly Commission becomes a partner in a consortium, we would encourage the consortium to conform to this Scheme. When we operate in the name of this consortium, we would do so in accordance with this Scheme.

### **Services through third parties**

121. Any contracts or arrangements between the Assembly Commission and third parties (such as recruitment agencies, catering companies,

consultants, contractors etc.) to provide services to the public, will be in accordance with the relevant parts of this Scheme.

122. Information will be provided to suppliers during the tendering process, outlining in detail which goods or services will need to conform to this Scheme. This will be done in writing at the start of the process in order to ensure that bids and prices are on an equal and consistent basis. Suppliers of goods or services will be required to report on compliance with the relevant parts of the Scheme in accordance with the relevant clause(s) in the service agreement/contract/order between the Assembly Commission and the individual contractor. Specific written guidelines (which take into account advice from the Welsh Language Board or the Welsh Language Commissioner) will be provided for staff and suppliers in order to ensure consistent implementation and reporting on compliance.
123. Invitations to tender will normally be sent to suppliers in their language of choice where known, or otherwise bilingually. Unless all those involved in the process understand Welsh, for the purposes of internal evaluation, any tender bids completed in Welsh alone will be translated. Staff undertaking the assessment process will allow sufficient time for translation in their timetable. Over a period of time, with increased numbers of bilingual staff, the need for such translations should decrease.