

Comisiwn y Cynulliad Assembly Commission

NAFWC 2014 (Paper 2 Part 1)
Report of Independent Review Panel on
Bilingual Services

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



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1.0 Purpose and summary of issues

1.1 Following the Assembly Commission's written statements of 21 and 30 September 2009, an independent panel was established and began work in December to review our bilingual services. The Panel has now submitted its report and recommendations to the Assembly Commission for consideration.

2.0 Recommendations

2.1 The Assembly Commission is asked to:

- consider the report at Annex 1 and agree responses to each of the panel's recommendations; these are summarised in the table at Annex 2;
- agree the implementation timetable in paragraphs 3.4 and 3.5 below;
- agree the legislative approach described in section 4;

- **agree the press release at Annex 3;**
- **note that a project management approach, within the Change Programme, will be taken to deliver the recommendations detailed in the Panel's report; and**
- **agree to write to members of the Panel thanking them for their hard work and their valuable report and recommendations.**

3.0 Discussion

3.1 The Panel took evidence from Assembly Members, external witnesses and Assembly Commission staff. These are detailed at Appendix 1 of the Panel's report.

3.2 In their report, the Panel has recognised that the Assembly is amongst a few organisations in Wales that have the most fully developed bilingual services. The thrust of their recommendations is that we should enhance our bilingual services in order to better engage the public and improve services to Members. Their recommendations on strengthening our internal arrangements should facilitate the greater use of Welsh in formal proceedings and good use of developing technology should provide greater efficiency and accessibility. The report suggests that implementing the recommendations would further enable the Assembly to be the international exemplar that it aspires to be in the provision of bilingual services in Wales.

3.3 The Commission's written statement of 30 September 2009 stated that any changes recommended by the review to arrangements for the translation of Plenary proceedings, would be implemented and, more broadly, that the recommendations from the independent review would provide the basis for public consultation on how the National Assembly's Welsh language scheme should be revised.

3.4 Given the Panel's recommendation that we should not fully translate the Record of Proceedings (paragraph 67), it is proposed that the full translation should cease at the summer recess and that a fully bilingual Citizen's Cofnod

should be developed and piloted for the autumn and spring terms. A refined version would be in place for the new Assembly in May 2011.

3.5 Aside from a number of recommendations that can be implemented more quickly, it is proposed that the majority of other recommendations form the basis for the new arrangements for 2011 when the existing Welsh Language Scheme will have expired. These arrangements will be subject to public consultation in the usual way during autumn/winter 2010 and the Assembly Commission will be updated as plans develop.

4.0 Legislative footing

4.1 The Llywydd's written statement of 21 September 2009 stated that we would take steps to bring forward legislation to put the status of the two languages used in the business of the Assembly on a sound statutory footing.

4.2 The legislative context is discussed by the Panel in its report (paragraphs 11-28). The Panel has not made any firm recommendations as to how a sound statutory footing for the status of the two languages in the work of the Assembly should be achieved, as this was not within its remit. It did, however, draw attention in paragraph 18 to the awkward current situation where the Welsh Language Board (which monitors compliance with our Scheme) is answerable to Welsh Ministers who are answerable to the Assembly. The Panel notes that this could continue to be the case under the current Proposed Welsh Language (Wales) Measure if the Language Commissioner is to be appointed by the First Minister who is accountable to the Assembly.

4.3 The report draws attention to the fact that the Assembly's legislative competence, as enhanced by the National Assembly for Wales (Legislative Competence)(Welsh Language) Order 2010 now provides the statutory basis for the Assembly to legislate so as to update the provision relating to the duties of the Assembly and of the Commission in relation to the two languages (section 35(1) and Schedule 2 paragraph 8(3)). It suggests that use of

these powers is worth exploring further (paragraph 28). This seems a sensible approach and would enable us to deliver the sound legislative footing being sought so as to take effect very early in the next Assembly.

- 4.4 The Chief Legal Adviser advises that if the Commission decides to do so there are a number of options which will need to be considered. Provision could be made by seeking to amend the current Proposed Measure to introduce a Part dealing specifically with the Assembly and the Commission. Alternatively, a free-standing National Assembly for Wales (Official Languages) Measure could be developed. The contents of the legislation could seek to set out standards of provision directly on the face of the Measure or could, alternatively, provide for detailed provision to be made by a scheme prepared (and revised periodically) by the Commission and approved by the Assembly as a whole. The issue of machinery for ensuring compliance would need to be addressed.**
- 4.5 If the Commission accepts the recommendation of this paper that it should seek to make use of the Assembly's new legislative powers to provide a sound statutory footing for language provision on the part of the Assembly and the Commission the next step would be for Commission staff (in consultation with the proposed Member in Charge) to develop detailed proposals for approval by the Commission.**