



AC(4)2011(6) Paper 2

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Bilingual Services

1.0 Purpose and summary

1.1 At its meeting on 14 July 2011 the Commission agreed to consult on a draft National Assembly for Wales (Official Languages) Bill (the Bill) and Bilingual Services Scheme (the Scheme) and to provide, under the Scheme, a fully bilingual Record of Plenary Proceedings within five working days, provided a sustainable arrangement at a reasonable cost could be found.

1.2 This paper seeks decisions by the Commission as to how to proceed, based on:

- an update on investigations into practical means of providing a fully bilingual Record of Proceedings;
- an update on the public consultation exercise (as well as discussions with staff) and the key themes to emerge; and
- suggested changes to the Bill and Scheme in the light of these responses.

2.0 Recommendations

2.1 The Commission is invited to:

- a. agree to provide a fully bilingual Record of Plenary Proceedings as proposed in paragraphs 3.4–3.6;
- b. note the summary of responses to the public consultation exercise on the draft Bill and proposed Scheme set out in Annex B;
- c. consider and approve any resulting changes to the Bill, as discussed in paragraph 5.1;

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- d. consider and approve any resulting changes to the proposed Scheme, as discussed in paragraph 5.3;
- e. agree that the Bill, incorporating any changes approved under c. above (together with supporting Explanatory Memorandum) be introduced into the Assembly as soon as possible;
- f. agree that the proposed Scheme, incorporating any changes approved under d. above, be laid before the Assembly as soon as possible (with a view to it being scrutinised in parallel with consideration of the Bill);
- g. authorise Rhodri Glyn Thomas AM:
 - i. to be the member in charge of the Official Languages (Wales) Bill, in accordance with Standing Order 24.12;
 - ii. to approve, in accordance with any changes approved under c. and d. above, the final versions of the Bill, Explanatory Memorandum and Scheme (subject, in relation to the financial provisions of the Explanatory Memorandum, to the agreement of Angela Burns AM).

3.0 A fully bilingual Plenary Record of Proceedings.

- 3.1 At its meeting on 14 July the Commission agreed in principle to reinstate a fully bilingual Record of Proceedings (Record) provided that the arrangement was sustainable in the long term and demonstrated good value for money.
- 3.2 Commissioners will wish to note that of the 59 responses to the bilingual services consultation, 43 were in favour of reinstating a fully bilingual Record as a provision to be included in the Bill, and that the Assembly has also now received a petition calling on the Assembly to reinstate a fully bilingual Record of Proceedings with 1,334 signatures.
- 3.3 Over the period July–October, Assembly officials have, with a view to giving effect to the Commission’s decision:
 - **Consulted the Welsh Language Board (WLB) on the latest technological developments to assist with translation services.** Consultation has resulted in the WLB commissioning new, independent research on machine translation and the

Welsh language due for completion mid December.. Officials also attended the WLB's Technology and Translation seminar in October and have considered its advice note *The Welsh Language, Translation and Technology*.

- **Procured a memory translation system.** As well as aiding translation in its own right, the WordFastPro memory translation system can also be used to complement most machine translation systems.
- Tested two online machine-based translations systems – Google Translate and Google Translate Toolkit.
- **Developed options for providing a fully bilingual Record of Proceedings.** These options were based on an average Plenary of 36,000 words, turn-around within five working days using the Google Translate Toolkit machine translation system with WordFastPro, manual editing and proof-reading for quality assurance purposes.

3.4 Based on our research and test results, we calculate that the annual costs for producing a fully bilingual Record of Proceedings is approximately £95k.

3.5 Our investigations have therefore demonstrated that we can provide a fully bilingual Record of Plenary Proceedings within five working days, through an arrangement that is sustainable in the longer term, and a reasonable cost. We recommend that these arrangements begin in January 2012.

3.6 A fully bilingual transcript of the Record of Plenary Proceedings between September 2010 and December 2011 will be completed as and when time and budgets allow, primarily during recesses.

4.0 Bilingual Services (draft Official Languages Bill and proposed Bilingual Services Scheme) Consultation

4.1 The public consultation on the draft Official Languages Bill and Bilingual Services Scheme was launched at the National Eisteddfod on 3 August and closed on 14 October.

4.2 During this period:

- 587 organisations were contacted directly about the consultation process;
- we launched a media campaign to publicise the consultation which generated positive, accurate coverage including thought pieces by Rhodri Glyn Thomas in Golwg and Keith Bush in the Western Mail;
- over 60 representatives attended stakeholder meetings which had the aim of enabling and encouraging attendees to make full, considered written responses to the consultation;
- we held 13 staff meetings to provide them with an opportunity to comment and consider the scheme's impact on service delivery; and
- we held an introductory meeting with party group managers to outline the principles of the Bill and Scheme.

4.3 The Commission asked for the views of interested parties on the Bill and Scheme. Summary of responses:

- there were 59 written responses to the public consultation;
- two – the Canadian Parliament and Arriva Trains Wales – did not express a view on either the Bill or Scheme;
- of the remaining 57, 50 were in Welsh only and seven were in English only;
- 40 were based on a template response Cymdeithas yr Iaith issued on their website; and
- in general, comments were made on the Scheme and the Bill as a whole, rather than in response to the specific consultation questions (Annex A). Responses in Welsh agreed with or wished to strengthen the Scheme and/or Bill while, with one exception, those in English were against the Scheme and Bill (and indeed against bilingual provision in general).

- 4.4 The responses received from the public were generally strongly supportive of the principles of the draft Bill and proposed Scheme. With the exception of six respondents, all responses either contained an express endorsement of the principles of the package or, by seeking further strengthening of particular detailed provisions, implied strong support for those principles.
- 4.5 Themes raised and discussed at stakeholder events and meetings reflected those of written responses received.
- 4.6 The Welsh Language Board expressed its support for the principles of the Bill and Scheme, whilst making a number of detailed proposals for specific changes.
- 4.7 Staff consultation and their responses were focused on specific practical issues but have been summarised to inform the process of planning for and implementing the provisions of the Bill and Scheme, which will coincide with the Assembly's consideration of both documents.
- 4.8 The views of respondents are summarised in Annex B.

5.0 Proposed revisions to the Bill and the Scheme in the light of the Responses to Consultation

The Bill

- 5.1 The Commission is invited to consider whether to make the following revisions to the Bill in the light of the responses:
- a. whether to place a duty to provide a fully bilingual Record of Plenary proceedings on the face of the Bill itself, or only in the Scheme;
(Discussion: Such a change was strongly urged both in written responses and in stakeholder meetings. Whilst it would be consistent with the Commission's current policy on translation of the Record, incorporating it into the Bill instead of the Scheme would mean that it would be much more difficult, requiring an amendment to the Act, to change to a different arrangement at a future date should the present or a future Commission so decide. This, of course, is the reason why respondents wish to have the duty embedded in the legislation rather than only in the Scheme made under it.)

- b. 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;

(Discussion: This does not alter the effect of the provision.)

- c. change the name by which the Scheme is to be known to “Official Languages” scheme;

(Discussion: This does not alter the effect of the provision.)

- d. include in the Bill a provision for annual compliance monitoring reports to be prepared and laid before the Assembly;

(Discussion: The Scheme already requires the Commission to do so and including the commitment in the Bill will impose no added burden.)

- e. include in the Bill a requirement for the Scheme to incorporate a transparent mechanism for dealing with complaints of breaches of the Scheme; and

(Discussion: The Scheme already refers to a procedure for making a complaint of non-compliance and including a requirement in the Bill will not add a further burden. The current procedure in the Scheme may need to be strengthened, however, for example by requiring rulings on complaints to be published.)

- f. change the current requirement for the Scheme to be reviewed “at least once every four years” to “at least once every five years”.

(Discussion: The intention is that the Scheme should not need to be reviewed before the end of the term of the current Assembly and the extension of that term to five years makes this change necessary in order to achieve this.)

5.2 A number of respondents to the consultation argued that the Bill and Scheme should impose duties on Assembly Members in relation to their dealings with the public (e.g. requiring them to respond to correspondence in Welsh) and on the Assembly as a legislative body (e.g. by formally requiring an assessment of the impact of proposed legislation on the Welsh language). Whatever the merits of such

proposals, they would be well outside the scope of the current Bill and Scheme and would give rise to important constitutional issues not covered by the present consultation. It is therefore recommended that the current proposals should not be extended to include such provisions.

The Scheme

5.3 The Commission is invited to consider the following revisions to the Scheme. Some are proposed in the light of responses received as part of the consultation process. Additional revisions have been suggested to better reflect current practice and to aid understanding:

- a. changing the name of the Scheme to Official Languages Scheme (in line with proposed revision to the Bill);
- b. redraft the relevant paragraphs of the Scheme to reflect the Commission's decision on the Record of Plenary Proceedings;
- c. include new paragraph referencing the Access Fund and outline the associated bilingual provision available to Members (e.g. simultaneous interpretation for all-party groups or Member sponsored events);
- d. significantly enhance the section "Using bilingual information technology" to better reflect progress to date on implementing the recommendations of the Independent Panel on Bilingual Services;
- e. enhance and strengthen the wording of the section on support available to staff on enhance language awareness and bilingual skills to better reflect current practice;
- f. review and reword the section outlining the procedure for publishing written evidence;
- g. include explanatory paragraphs explaining why communication between individual Assembly Members and the public is outside the scope of the scheme;
- h. revise wording on visitor services (tours, phone reception, public facing contractors) to ensure that it reflects current practice;

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- i. draft and include explanatory paragraphs on the interface between the Bill and Scheme and the Welsh Language Measure 2011 and Welsh Language Commissioner;
- j. make it clearer that the proposal that all members of staff should be able to speak some level of Welsh is an aspiration of the organisation as a whole and is not intended to affect the individual rights of staff; and
- k. update target dates (e.g. the July 2012 date for the above aspiration and the March 2012 date for preparation of the bilingual skills strategy) to reflect the revised timetable for adoption of the Scheme.

6.0 Further action

- 6.1 An Explanatory Memorandum (EM) to accompany the Bill, incorporating a Regulatory Impact Assessment, will be prepared in consultation with Rhodri Glyn Thomas AM and Angela Burns AM.
- 6.2 The Bill (accompanied by the EM) will be introduced, and the proposed Scheme laid, in January 2012. The target date for the Bill becoming law and the Scheme coming fully into for completion is September 2012.

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?

Background to the consultation

The public consultation on the draft Official Languages Bill and Bilingual Services Scheme was launched at the National Eisteddfod on 3 August and closed on 14 October. **The public was asked to comment on both the draft Bill and Scheme.**

The consultation letter on the Draft Bilingual Services Scheme contained 8 questions and the consultation letter on the Official Languages Bill scheme 11 questions.

Consultation responses

There were **59 responses to the consultation.**

Responses not giving a view.

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

Responses giving a view

Of the remaining 57 responses, 50 were provided in Welsh only and 7 in English only. Whilst it is not possible to make assumptions based on language of the 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. Generally, responses tended not to respond to the specific consultation questions, which makes analysis of the results or drawing conclusions from the consultation less easy.

Number of responses to the consultation by language

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

Six of the responses in English were from the public.

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

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.

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; the Association of Welsh translators; a Welsh language officers group in South Wales; a Professor from 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. These gave a mix of strong backing for the Scheme and a strengthening of the content. Particular individual suggestions for consideration have been highlighted in Section 5 of the Paper (above). 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, who stated their 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.

The main themes in the 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;
- There were some 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
- In relation to language used in the National Assembly, comments ranged from increasing the strength of the target for all staff to have some level of language skills to aiming that all staff should be bilingual.

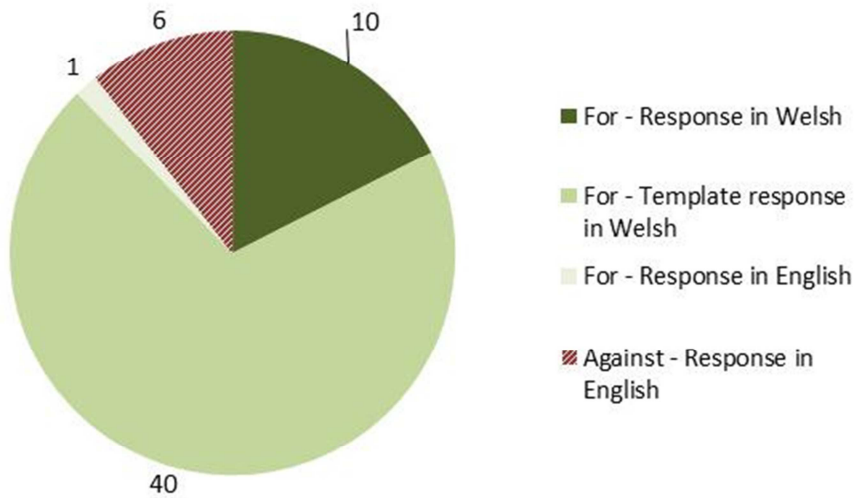
In addition there were individual suggestions to amend specific sections of the Bill or Scheme, these are highlighted in Sections 5.1 and 5.3.

Summary of responses against

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 costings for this and other policies promoting the Welsh language;
- In general, all thought that the policy did not reflect the needs of the majority of Welsh population and some respondents went on to highlight the current economic climate and that they felt that funds could be better spent elsewhere;
- There were objections raised in terms of equality of opportunity for the majority of the population who do not speak Welsh and the perceived exclusion for them in terms of public sector jobs caused by the Bill / Scheme;
- Two of the respondents raised concerns about how poorly the consultation was advertised and the lack of awareness of it in the public;
- There were two calls for a referendum relating to the wider issue of bilingualism spend in the public sector as a whole.

Analysis of Responses to the consultation by language used



Representativeness

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

From 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 principal of promotion / equality of languages in general. Due to the low level of responses it cannot be assumed that these views would be reflected by the relevant populations.