

**Y Pwyllgor Craffu ar Waith y Prif Weinidog
Committee for the Scrutiny of the First Minister**

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Rt Hon Carwyn Jones AM
First Minister
Welsh Government
5th Floor, Tŷ Hywel
Cardiff Bay
CF99 1NA

2 April 2015

Dear First Minister

MEETING ON 13 MARCH 2015

Committee Members were grateful to you and your officials for attending the meeting on 13 March and for responding to our questions about the Welsh Government's role in protecting and enhancing the Welsh language and about the process for, and scrutiny of, major public appointments in Wales.

The Committee would be grateful for your response on the following issues and recommendations.

The Welsh Government's Role in Protecting and Enhancing the Welsh Language

Financial Support

During the meeting Members made the point that it is difficult to see from the budget line for expenditure on the Welsh language exactly how the

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funding is being spent. You agreed to write to the Committee setting out this information in more detail.

For completeness, it would also be useful if you could set out how your estimate of other funding streams, Welsh medium education is perhaps the clearest example, contribute to support for the language and how this support has increased or decreased since the start of this Assembly.

Mainstreaming

Concerns were brought to our attention - notably by the Welsh Language Commissioner - that the Welsh Government does not always assess the impact of policies, initiatives or services on the Welsh language before consulting on them. You explained that a new toolkit to help Welsh Government staff assess the effects of policy decisions on the language has been put in place. It would be helpful if you could provide further information on the toolkit, how it works, what impact it has had so far and how and when its success will be evaluated.

The Welsh Language Commissioner also expressed concern about the Government's internal Welsh Language Scheme. Regarding its annual monitoring report on this Scheme, the Commissioner says that there are "obvious gaps in the information provided in the annual report compared with previous reports", with no details provided against any of the key performance indicators.

I'd be grateful if you could let the Committee have your response on these issues and particularly what is being done to address the concerns.

Planning and the Planning Bill

You said in response to questions that it is important for there to be Welsh language impact assessments in drawing up Local Development Plans (LDP). You also indicated that there may need to be separate language assessments for unexpected (windfall) developments. You went on to say that the Technical Advice Note (TAN) 20 already provides guidance but that some local authorities were under the misapprehension that they are unable to consider language at all.

The Committee noted that the Welsh Language Commissioner has expressed disappointment that the Planning (Wales) Bill as introduced does not follow

the advice she gave the Welsh Government that it should be mandatory for planning authorities to consider the Welsh language when making decisions.

The Committee also noted that in its Stage 1 report on the Bill, the Environment and Sustainability Committee recommended a number of changes to the proposed legislation, including:

- a requirement to assess the impact on the Welsh language when preparing LDPs and the National Development Framework;
- changing the Town and Country Planning Act 1990 to make it clear that decision makers can have regard to the impact of applications on the Welsh Language; and
- a requirement to carry out language impact assessments for certain major planning applications.

The Committee agreed that the Planning Bill provides an opportunity to address concerns in these areas and **we recommend** that the Welsh Government should consider bringing forward suitable amendments during the remaining stages of the Bill's passage through the Assembly.

Welsh Language Standards

The Welsh Language Standards (No. 1) Regulations 2015 are due to be considered in Plenary on 24 March 2015. These regulations will introduce the first set of standards relating to the Welsh language under the Welsh Language Measure (Wales) 2011 and will replace organisations' existing language schemes, and will apply, in the first instance, to the Welsh Ministers, local authorities and national park authorities, with Standards for other organisations introduced in due course. The Welsh Language Commissioner will be responsible for regulating the standards and monitoring compliance.

Committee Members expressed concern that there was currently insufficient baseline information to be able to assess whether the standards have been successful in driving improvements in provision for Welsh speakers. There was also a concern that if the standards are to lead to real improvements it is important that this is not compromised by there being insufficient Welsh speakers available within organisations with the necessary skills.

At the meeting you and your officials indicated that there was baseline information available that addressed these concerns. You also indicated that

the issue was not the number of Welsh speakers but their confidence to use the language to improve provision.

I would be grateful if you could provide us with further information on the sort of data that will allow a proper assessment of the success of the standards and any further information you can provide us with for your view that organisations already have sufficient Welsh speakers to deal with any increased demand brought about by the standards.

In relation to the second and third sets of standards, **we recommend** that they are brought forward for consideration before the end of the current Assembly. I would be grateful, therefore, for information on the timetable for the introduction of the next sets of standards as well as information about the organisations to which they will apply.

Welsh in Education

Sioned Davies Report

Professor Sioned Davies's report in September 2013, commissioned by the Welsh Government, looked at Welsh as a second language in English-medium schools. It identified an acceptance of low attainment as the norm. The report recommended replacing Welsh as a second language with a continuum where all pupils in Wales would receive a proportion of their education through the medium of Welsh. We understand that Professor Davies has expressed disappointment that the Welsh Government had not acted on her recommendations.

You indicated that Professor Davies's vision has not been lost but had fed into the Donaldson review of the curriculum, which supported Welsh being mainstreamed through the curriculum until age 16. Nevertheless, the Committee would be grateful if you could consider again how this central insight from Professor Davies's report might now be taken forward in a concrete way in the context of the Donaldson review.

We recommend that the Welsh Government gives further consideration to Professor Sioned Davies's recommendations about teaching Welsh as a second language in English-medium schools and sets out a clear timetable for how this will be taken forward.

Welsh as a Skill

The Committee was also interested in the approach you outlined at the meeting, which would see Welsh taught as a skill rather than another academic subject. The Committee would be grateful for more information on the practical implications of this approach and what it might mean for Welsh second language as a qualification.

Teaching Capacity

The Committee has real concerns that, although there are many good intentions and widespread agreement about the need to improve attainment in Welsh as a second language, ultimately the pool of available teaching resources is shallow and there need to be more teachers available who have the skills to teach Welsh. The Committee would be grateful for information on the steps the Government is taking to address this issue.

Welsh for Adults

You indicated at the meeting that there may be a need to focus provision for adult learners less on teaching Welsh to non-Welsh speakers and more on improving the skills of those who already speak Welsh. The aim being to improve the confidence of Welsh speakers to use the language in a range of situations.

The Committee would be grateful for your views on the implications of this approach for the current provision for Welsh for adults particularly given the difficult financial situation that many providers face.

Online services

We received a question from a member of the public about the provision of online services in Welsh, particularly by the banks. This is an issue not just in relation to banking but applies to a range of online services provided, in the main by the private sector. The Committee would be grateful to know what work the Welsh Government is doing in this area to encourage greater provision of bilingual online services by commercial organisations.

Numbers of Welsh Speakers on Major Public Bodies

Although this issue was raised in the context of the Welsh language it is also a valid point in relation to the other subject of the meeting in relation to public appointments.

You indicated that you did not currently have any plans to set targets for the number of Welsh speakers on the boards of publicly funded bodies in Wales. However, you agreed to give the matter further thought and I'd be grateful for your views on what more could be done in in this area.

The Process for, and Scrutiny of, Major Public Appointments in Wales

Consideration on this issue focussed on achieving the right balance between ensuring that Commissioners (and similar office holders such as the Ombudsman and Auditor General) were independent of the Welsh Government, while also ensuring that they continued to be subject to broad political scrutiny and are accountable for their performance and for the issues they choose to pursue.

While we noted that you raised a number of practical concerns, particularly around funding, the Committee welcomes your willingness to consider whether the appointment and accountability of major public appointments could be done differently. The Committee noted that you did not appear to have any objections in principle to a review of how these public appointments are carried out and, in particular, appointments:

- being made by the Assembly;
- having broadly consistent periods of tenure and subject to similar arrangements for reporting, accountability and reappointment;
- having some element of 'confirmation' process involving Assembly Members or Committees.

You agreed to consider these issues further particularly the practical issues. The Committee would be grateful for your further views on this including how best a review of arrangements in this area might be taken forward.

Finally, although you indicated at the meeting that you did not think that primary legislation is needed in this area we would be grateful for your views on the case for a 'Commissioner's Act'. Although I should make clear that Committee Members accepted that if such an Act is needed it might better

be brought forward as a Committee or Assembly Commission Bill rather than as a Government Bill.

I would be grateful for your response on the points above in due course.

Yours sincerely

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

David Melding AM
Deputy Presiding Officer
Chair, Committee for the Scrutiny of the First Minister