

Research Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 13 Rhagfyr 2016

Petitions Committee | 13 December 2016

Petition number: P-05-724

Petition title: Rights to Primary Health Care in Welsh

Text of the petition: We call upon the Welsh Government to look again at the proposed Standards in the health field, to include primary health service providers such as surgeries and pharmacies, to ensure that people have full and robust rights in this all-important area.

Background

The Welsh Language (Wales) Measure 2011 brought about a change in the legal framework around the use of the Welsh language in the provision of public services in Wales. The Welsh Government's [consultation](#) on the draft Regulations to specify Welsh Language Standards for the health sector closed on 14 October 2016. These standards will enable the Welsh Language Commissioner to place duties in relation to the Welsh language on Local Health Boards/Trusts in Wales. Until then, Health Boards/ Trusts will continue to operate Welsh Language schemes (a duty placed upon health sector organisations in the Welsh Language Act 1993).

Welsh Government action

Health and social care services in Wales have been offering services in the Welsh Language under their Welsh Language Schemes and the Welsh Government's plan '[More than just words](#)'. To ensure Welsh speakers have more rights to be able to use the Welsh language in health services, the Welsh Government are introducing regulations to make sure this happens. Once regulations have been approved by the Assembly, the Welsh Language Commissioner is authorised to give compliance notices to organisations named in the regulations. These compliance notices explain which standards will be introduced and the level of provision and quality of services that organisations are expected to reach.



Ensuring services will be offered in Welsh will be a challenge for the sector, particularly due to the number and range of different health services in Wales. Organisations will need to work differently in future. The health services the standards will affect are: Local Health Boards/ Trusts, Community Health Councils, NHS Business Services Authority, and inspection bodies. The Welsh Language Commissioner will conduct a standards investigation to decide which standards should be applied to each different type of health service. Not all standards will apply to each organisation, but they are intended to improve Welsh language services across the sector, to make the active offer stronger (i.e. offering a service in Welsh, not just when someone asks), make it clear what health services are expected to offer the public, and place similar standards on similar types of health services.

The standards will not apply however in some cases. The exemptions include, for example, 999 calls, and private hospitals. Introducing Welsh Language standards for primary care, covering GP surgeries, dentists, pharmacies and opticians is complicated because many provide private services as well. The accompanying draft Regulations, [The Welsh Language Standards \(No. \[Health sector\]\) Regulations 2016](#) state:

The Regulations require a body to comply with the standards—

(a) whether it is carrying out the activity or providing the service; or

(b) whether it is carried out or it is provided on its behalf by a third party under arrangements made between them.

Primary care providers, for this purpose, would be regarded as such a third party. However, the draft Regulations go on to state:

Where the third party is a primary care provider, a private hospital in Wales or a hospital outside of Wales, then no standards apply.

Where the body is providing primary care services, only some standards will apply (see standards 83 to 97).

The responses to the Welsh Government's consultation on the standards are currently being reviewed.



Useful information

Welsh Language Commissioner's first statutory enquiry report, [My Language, My Health: The Welsh Language Commissioner's Inquiry into the Welsh Language in Primary Care](#) (June 2014)

