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Dear Chair

Autism (Wales) Bill

The Health, Social Care and Sport Committee are currently at stage 1 scrutiny of the Autism (Wales) Bill. I would therefore like to take this opportunity to highlight the need to consider the Welsh language further on the face of the Bill. In particular:

- I welcome the reference made to the Welsh language in the Bill. However I do not think that it goes to the root of the Bill's intention 'to make provision for meeting the needs of children and adults with autism spectrum disorder in Wales and protecting and promoting their rights, and for connected purposes' in the context of Welsh speakers with autism spectrum disorder and their families in Wales.
- I believe that a specific clause should be included in the Bill which states that the Welsh language should be a consideration when making all of the provisions required in 2(1) of the draft Bill. In particular, a clause should be included which requires the autism strategy to make provision to **ensure** that an appropriate range of services and personnel **are** provided to meet the care needs of persons with autism spectrum disorder along with their families and carers.
- I would encourage you to consider the provisions for the Welsh language in the Additional Learning Needs and Education Tribunal (Wales) Act 2018¹ and the Social Services and Well-being Act (Wales) 2014² when scrutinising the draft Bill.

¹Please see sections 12 (6) and 12 (7), although there are also other relevant sections.

²https://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

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- I believe that the guidance issued by the Welsh Ministers in accordance with section 4 of the proposed bill should include specific guidance regarding the need to provide Welsh language services and the need to train and plan the workforce in order to do so.
 - I would encourage you strongly to consider including provisions regarding data collection on people who wish to receive Welsh language services; the degree to which that demand is met; and data on practitioners in the field.
 - I would encourage you to consider including provision to ensure that campaigns to improve awareness and understanding of the needs of those with autism spectrum disorder raise awareness of the needs of Welsh and bilingual speakers with autism spectrum disorder.
1. The principal aim of the Commissioner in exercising her functions is to promote and facilitate the use of the Welsh language. In doing so the Commissioner seeks to increase the use of the Welsh language with regard to the provision of services, and via other opportunities. In addition, she will also address the official status of the Welsh language in Wales and, by imposing standards, place statutory duties on organisations to use Welsh. One of the Commissioner's strategic objectives is to influence the consideration given to the Welsh language in terms of policy development, as is the case here in relation to the investigation's terms of reference. Further information on the Commissioner's work can be found on the website www.comisiynyddygydraeg.cymru.
 2. **Background**
In my response to the consultation on the proposed Autism Bill in November 2017³ I highlighted the need to consider the Welsh language as an overarching issue in policy areas and the need to put the Welsh language on the face of the proposed legislation as introduced. I highlighted the fact that action 1.1 in the *More than just words Follow-on Strategic Framework...* (Welsh Government, 2016) also includes a commitment to do so.
 3. *More than just words...Follow-on Strategic Framework...* (2016)⁴

The *More than just words* frameworks were published due to the Welsh Government's acknowledgement that there is a lack of health and care services available for patients through the medium of Welsh. In particular there is recognition that receiving Welsh language services is a clinical need and necessity for people in certain groups, including those with learning disabilities. The framework also underlines the importance of the active offer when providing services noting that 'it

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<http://senedd.assembly.wales/documents/s69955/AWB64%20Welsh%20Language%20Commissioner%20Welsh%20only.pdf> [Welsh only]

⁴<https://gov.wales/topics/health/publications/health/guidance/words/?skip=1&lang=en>



is the responsibility of NHS Wales and social services to deliver appropriate services, which include meeting people's linguistic needs. Only by doing this can they provide a service that is safe and effective'.⁵ The current framework includes actions that must be taken in relevant areas to ensure services are provided in Welsh to those who wish to receive them and without them having to ask for them. These areas include the following:

- National and local leadership, and national policy
 - Mapping, auditing, data collection and research
 - Service planning, commissioning, contracting and workforce planning
 - Promotion and engagement
 - Professional education
 - Welsh in the workplace
 - Regulation and inspection
4. I highlighted a number of these areas in my response to the consultation on the Bill last year. In particular I stated that I am aware that a number of Welsh speakers face difficulties when receiving a diagnosis through the medium of Welsh, and that opportunities to improve access to diagnosis through the medium of Welsh should be maximised, including in legislation. I also stated that the bill should ensure that Welsh language autism services are offered actively and provided. In that regard I also stated the importance of workforce planning so that the workforce can respond positively to Welsh speakers' linguistic needs when offering services. In addition, I stated that I would welcome any contribution that the proposed legislation could make to enrich the evidence base in order to set a baseline and track progress in relation to the need for Welsh language autism services; the workforce's ability to meet the need and the success of access to Welsh language services.

5. **Autism (Wales) Bill**

In 2(1)(g)(v), the Bill makes reference to the need for the proposed autism strategy to 'outline how the needs of persons with autism spectrum disorder are to be met by relevant bodies in respect of access to Welsh language services'. I welcome this reference in response to comments made during the consultation on the proposed Bill. However, I do not believe the response is sufficient to answer the points I raised in the original consultation, nor does it contribute to facilitating the objectives of *More than just words*. As a result, neither does it go to the root of the Bill's intention 'to make provision for meeting the needs of children and adults with autism spectrum disorder in Wales and protecting and promoting their rights, and for connected purposes' in the context of Welsh speakers with autism spectrum disorder and their families in Wales. Essentially, all that is included in this clause is a requirement to outline how Welsh speakers' access to autism services will be met. There is nothing in the Bill which makes provisions to ensure those services are provided by considering matters such as what is the need for services, service

⁵ Ibid, p. 11.



planning, workforce planning, training, the need for suitable diagnostic tests, lack of data etc.

6. I believe that a specific clause should be included in the Bill which states that the Welsh language should be a consideration when making all provisions imposed in 2(1). In particular, a clause should be included which requires the autism strategy to make provision to **ensure** that an appropriate range of services and personnel **are** provided to meet the care needs of persons with autism spectrum disorder along with their families and carers. In this regard, I would encourage you to consider the provisions in the Additional Learning Needs and Education Tribunal (Wales) Act 2018⁶. This legislation make provision for authorities that prepare or maintain an individual development plan for a child or young person and, in doing so specify that a particular kind of additional learning provision should be provided in Welsh, must take all reasonable steps to secure that it is provided to the child or young person in Welsh. I would also encourage you to consider the well-being outcomes in terms of the Welsh language published in accordance with the Social Services and Well-being (Wales) Act 2014⁷, which are that individuals can say 'I get care and support through the Welsh language if I need it.' The act makes provisions regarding the Welsh language including the language of assessments, considering the Welsh language when commissioning and providing care, and in individual care plans prepared in accordance with the Act. Section 14(1) states that local authorities and each Local Health Board must jointly assess the range and level of services required to meet the care and support needs of people in the local authority's area. They must also jointly assess the actions required to provide the range and level of services identified through the medium of Welsh. I would encourage you to consider the provisions of these acts when scrutinising the draft Bill.

7. **Section 4, Guidance by the Welsh Ministers**

In addition to the provisions above, I believe that the guidance issued by the Welsh Ministers in accordance with section 4 of the proposed bill should include specific guidance regarding the need to provide Welsh language services and the need train and plan the workforce in order to do so.

8. **Section 6, Data on autism spectrum disorder**

As the requirements regarding data collection in the *More than just words* strategy prove, there is an urgent need for more data on the care needs and services of Welsh speakers in order to make better plans to meet those requirements. I would strongly encourage you to consider including provisions regarding data collection on people who wish to receive Welsh language services; the degree to which that demand is met; and data on practitioners in the field.

⁶ http://www.legislation.gov.uk/anaw/2018/2/pdfs/anaw_20180002_en.pdf Please see sections 12 (6) and 12 (7), although there are also other relevant sections.

⁷ https://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf



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9. **Section 7, Awareness campaign**

I would encourage you here to consider including provision to ensure that campaigns to improve awareness and understanding of the needs of those with autism spectrum disorder raise awareness regarding the needs of Welsh and bilingual speakers with autism spectrum disorder.

I look forward to seeing full consideration being given to the Welsh language and the above matters as you and the Committee scrutinise this Bill to ensure that the Bill meets the needs of Welsh speakers with autism spectrum disorder.

Yours sincerely,

Meri Huws
Welsh Language Commissioner