

C13

Legislation Committee 3

Response to the consultation on the National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009

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Eich cyf/ Your ref:
Ein cyf/Our ref: [DG D Tyst. Lles 120209]

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Dear Ms Hatton,

Consultation – Permanent Legislation Committee Number 3 – The National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009 relating to carers

Thank you for the opportunity to respond to the above consultation document.

The Welsh Language Board is a statutory organisation, sponsored by the Welsh Assembly Government. It was established in December 1993 by the Welsh Language Act. Under that Act, a duty was placed on organisations to prepare Welsh language schemes, which set out how they will provide Welsh-language services to the public in Wales. The Welsh Assembly Government's Welsh Language Scheme was approved by the Board on 21 December 2006. The scheme states the Government's desire to "...highlight the importance of delivering services in the users' language of choice" [Welsh Assembly Government Welsh Language Scheme; Section 3.3.2 Health and Social Care, p24]. There is also a cross-reference to the Government's ten-year strategic document for social services, *Fulfilled Lives, Supportive Communities* (Welsh Assembly Government, 2007). The strategy states:

"The Welsh language is an essential part of Welsh culture and life. It must be reflected in developing effective local social care strategies and in planning, delivering and improving services for individuals whose language of preference is Welsh." (3.28, p20]

The Board has a role in monitoring the implementation of Welsh-language schemes and to advise the Government on general issues relating to the language. The advice below is given under Section 3 of the 1993 Welsh Language Act, and according to the above commitment of your statutory Welsh Language Scheme.

This Legislative Competence Order should correspond to the duty placed upon Welsh Ministers under clause 78 of the Government of Wales Act 2006. Although the Committee states that it *“will avoid engaging in detailed discussions on proposed future Measures, reviewing existing policies in this area or replicating work already undertaken by former subject committees,”* there is a statutory duty on the Committee to adhere to clause 78 when providing public services in Wales.

Within this context, we urge that special consideration be given to the needs of the most vulnerable service users. The importance of providing bilingual healthcare and the risks associated with failing to do so effectively have been outlined in a report by the Welsh Consumer Council, which concluded

"that in the case of Welsh-speaking patients, there are instances where they cannot be treated effectively except in their first language or in both their languages. This is especially true in the case of those receiving speech and language therapy, and for the following key groups: people with mental health problems; people with learning disabilities and other special needs; older people and young children" (Missell: 2000, p5)

In terms of bilingual healthcare services, *Healthcare Standards for Wales*, published in May 2005, also sets standards regarding language and communication. Standards 6 and 15 focus on recognising the different language, communication, physical and cultural needs of service users, their relatives and their carers. In the memorandum that accompanies the Legislative Competence Order, language of choice is especially important in points 13 and, and language needs should be given full consideration herein.

Providing bilingual health and social care is also a consideration in complying with the European Charter for Regional or Minority Languages. More than one Report by now has made strong recommendations that authorities in Wales should increase their efforts to ensure the availability of Welsh-medium social care services. As part of its monitoring work in 2004, the Committee of Experts drew attention to the failure to ensure adequate provision:

“For the Welsh language, there appears to be serious shortcomings in implementing the undertaking in relation to the health and social services.”

The Committee's 2007 report stated:

“a Welsh language service continues to be a matter of chance rather than design, in general it seems to be reactive rather than proactive and it is still varied whether Welsh was used at care facilities or whether this was promoted.”

The proposed measure will offer an excellent opportunity to review, plan and implement stronger bilingual provision in this area.

The Task Group for the Welsh Language in Health and Social Services, which was formed in 2002, is now embarking on a new stage of its work. The Task Group is chaired by the Deputy Minister for Health and Social Services and now also includes social services within its remit.

“It is central to the Task Group’s role to represent the Welsh speaking service user, and work to ensure as part of the wider drive to promote better services, that ‘language choice’ becomes increasingly available to users in reality. It exists to advise and assist, and also to remind and challenge, in support of those who wish to use Welsh in the care services.”

We suggest that the Committee should consult with the Task Group for the Welsh Language in Health and Social Services during the process of drafting this proposed measure.

In order to ensure the most effective measure possible, consultation with stakeholders on the details of the measure will be essential. In order to seek representative feedback from the whole of Wales, Welsh-speaking stakeholders should be consulted with. In planning to meet the needs of individuals and their carers in this proposed measure, full consideration should be given to the language needs of these people from the outset and to this end the Board will welcome the opportunity to give oral evidence to the Committee regarding this issue.

We would welcome the opportunity to discuss the above with you in the near future. You are welcome to contact us for further explanation.

Yours sincerely,

Heledd Thomas
Welsh Language Board