

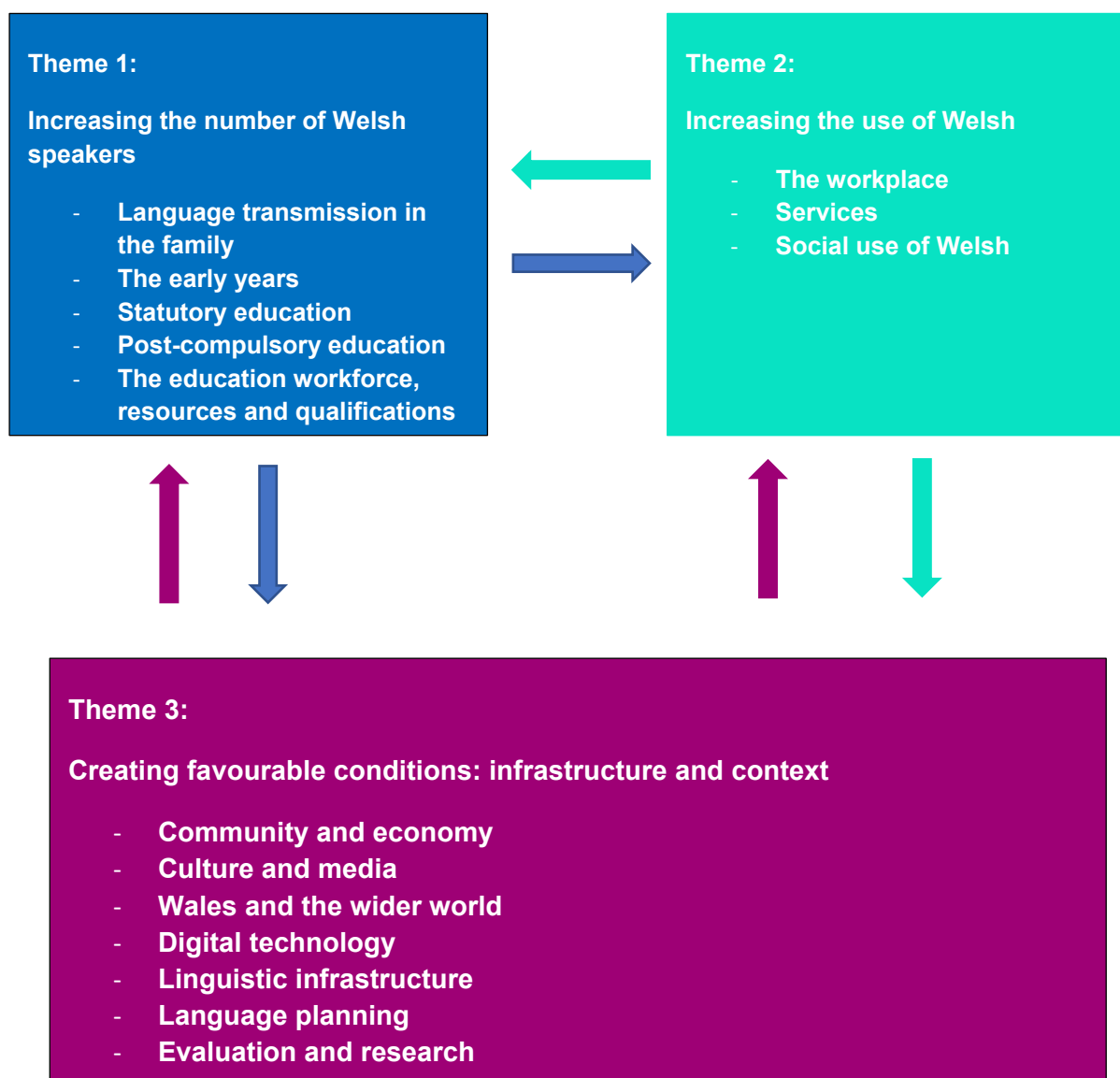
A. WELSH LANGUAGE IMPACT ASSESSMENT

Cymraeg 2050 is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy, with the target of a million speakers included in the *Taking Wales Forward* Programme for Government and *Prosperity for All: the national strategy*. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015.

We also have a statutory obligation to fully consider the effects of our work on the Welsh Language. This means that any Welsh Government policy should consider how our policies affect the language and those who speak it.

The *Cymraeg 2050* strategy has three themes:



The headings under each theme outline the scope of activities that can affect the language.

As a general rule, if your policy has the potential to impact on people, it will impact in some way on Welsh speakers and therefore on the Welsh language.

1. **Welsh Language Impact Assessment reference number (completed by the Welsh Language Standards Team, email: Safonau.Standards@gov.wales):**

n/a

2. **Does the proposal demonstrate a clear link with the Welsh Government's strategy for the Welsh language? – *Cymraeg 2050 A million Welsh speakers* and the related Work Programme for 2017-2021?**

There is a relationship between one of our most significant proposals (establishing a unified tribunal system for Wales) and the third theme of the Cymraeg 2050 Work programme (creating favourable conditions – infrastructure and context).

3. **Describe and explain the impact of the proposal on the Welsh language, and explain how you will address these impacts in order to improve outcomes for the Welsh language. How will the proposal affect Welsh speakers of all ages (both positive and/or adverse effects)? You should note your responses to the following in your answer to this question, along with any other relevant information:**

- ♦ **How will the proposal affect the sustainability of Welsh speaking communities¹ (both positive and/or adverse effects)?**
- ♦ **How will the proposal affect Welsh medium education and Welsh learners of all ages, including adults (both positive and/or adverse effects)?**

The impact of the proposals on the Welsh language will be indirect but beneficial rather than adverse. We propose the amalgamation of existing devolved tribunals in Wales into a single tribunal with common provision for appointments and discipline of members and for the making of procedural rules, accompanied by reform of the Welsh government unit currently responsible for supporting some of the tribunals and an enhanced role for the

¹ These can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces.

President of Welsh tribunals. The streamlining involved ought to facilitate, to the extent necessary, the provision of the tribunals' services through the medium of Welsh.

We do not anticipate that our proposals will have a significant impact on the sustainability of Welsh speaking communities.

Our provisional proposals surrounding school exclusion and school admission appeal panels, as well as the Special Educational Needs Tribunal for Wales, may have some indirect impact on access to Welsh medium education. In areas where there are limits on the provision of Welsh medium education, it is particularly important that the school exclusion and school admission appeal panels are able to deliver fair and consistent outcomes.

- ♦ **How will the proposal affect services² available in Welsh (both positive and/or adverse effects)? (e.g. health and social services, transport, housing, digital, youth, infrastructure, environment, local government etc.)**

Currently, all but two of the Welsh tribunals defined by the Wales Act 2017 and the Valuation Tribunal for Wales are subject to the Welsh Language Standards (No 4) Regulations 2016.³ The APW's website notes that the tribunal is "committed to comply with the spirit" of the Regulations.⁴

The Welsh Language Tribunal provides its own Welsh language standards within the relevant Tribunal Rules.⁵

Local authorities are required to comply with the Welsh Language Standards (No 1) Regulations 2015. The accompanying Code of Practice notes that "a council's compliance notice would only apply to a school's activities within the council's area, to the extent that it is the council, and not the governing body, that is responsible for the service in question".⁶

² The Welsh Language Strategy aims to increase the range of services offered to Welsh speakers, and to see an increase in use of Welsh-language services.

³ The Agricultural Land Tribunal for Wales, Mental Health Review Tribunal for Wales, Residential Property Tribunal for Wales, Special Educational Needs Tribunal for Wales and Valuation Tribunal for Wales are listed bodies in sch 6 of The Welsh Language Standards (No4) 2016, and are consequently subject to the standards.

⁴ Adjudication Panel for Wales, the Welsh Language <https://adjudicationpanel.gov.wales/welsh-language> (last visited 19 November 2020)

⁵ The Welsh Language Tribunal Rules SI 2015 No 1028 (W 76) s 6.

⁶ Welsh Language Commissioner, *Code of Practice for the Welsh Language Standards (No. 1) Regulations 2015* (January 2020), para 3.49 <http://www.comisiynyddygyymraeg.cymru/English/Publications%20List/DG%20S%20Cod%20Ymarfer%20Rheoliadau%20Rhif%201.pdf> (last visited 23 November 2020).

Our view is that the 2015 regulations therefore apply to school exclusion appeal panels, and those school admission panels which are administered by local authorities (as opposed to the governing body of the school in question).⁷

Given that the tribunals within our remit already comply with requirements to facilitate the use of the Welsh language, we do not anticipate that our provisional proposals will cause significant changes to the services available in Welsh. Consolidating existing tribunals into one unified tribunal will however mean that one set of standards will apply to all chambers of that unified tribunal.

Consultation Questions 21 and 22 of our consultation paper provisionally propose that all tribunal rules should include an overriding objective. We leave the drafting of that objective to our proposed Tribunals Procedure Committee, but note that one possibility could be to explicitly require tribunals to “treat the languages of the tribunals equally”.

- ♦ **How will you ensure that people know about services that are available in Welsh and are able to access and use them as easily as they can in English? What evidence / data have you used to inform your assessment, including evidence from Welsh speakers or Welsh language interest groups?**

As stated above, the tribunals are already required to comply with the relevant Welsh Language Standards. Discussions with the Welsh Tribunals Unit have confirmed that the main way in which information about services is communicated to tribunal users is through individual tribunal websites, which are available in Welsh. We anticipate that this would also be the case for the replacement, unified tribunal provisionally proposed in the consultation paper.

- ♦ **What other evidence would help you to conduct a better assessment?**

We seek evidence from consultees about the impact of our proposals on service provision in the Welsh language. We will ask that information about our consultation be included on tribunal websites.

- ♦ **How will you know if your policy is a success?**

The success of our project will in the short term be measured by the extent to which the recommendations made in our report are implemented. In the long term it will be judged by the experience of those using the tribunals system, including Welsh speakers.

⁷ Section 94(5) of the School Standards and Framework Act 1998 provides that admission authorities are responsible for administering admission appeal panels. Regulation 1 of the Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations SI 2003 No 3227 (W 308) makes local authorities responsible for arranging school exclusion appeal panels.