Dear Members,

Social Services and Wellbeing (Wales) Bill

Thank you for the opportunity to submit evidence to the Committee on the Social Services and Wellbeing (Wales) Bill.

As part of powers under Part 2, section 4 of the Welsh Language Measure, the Welsh Language Commissioner can make written recommendations to Welsh Ministers, make comments to any person or give advice to any person. One aspect of this work is commenting on matters that impact on the Welsh language.

In responding to the consultation process at the previous stage, we expressed concerns on several occasions regarding the lack of a specific reference to the Welsh language on the face of the Social Services and Wellbeing (Wales) Bill. In response to the comments that we made, the Welsh Government confirmed that references to the Welsh language would be included through the medium of regulations and codes of practice due to considerations regarding the level of detail that should be included on the face of the Bill.

The Welsh Language Commissioner has emphasised on several occasions the importance of considering the Welsh language as a fundamental matter in wider contexts or policy areas. It is vital that the work of developing and implementing legislation and the More than just words... strategic framework is aligned in a way that ensures that one reinforces the other, as happened previously with the School Standards and Organisation (Wales) Act 2013.

Looking at the contents of Part 4, sections 84-86 of that Act, there are clear and unambiguous references to the Welsh language on the face of the Act. These references place clear requirements on local authorities to develop Welsh in
education strategic plans, as well as making an assessment of the demand among parents in their areas for Welsh-medium education for their children. Further provision is made on the face of the Bill to allow Welsh Ministers to make regulations regarding Welsh in education strategic plans. All of the requirements noted above stem from the Welsh Government’s Welsh-Medium Education Strategy.

There does not, therefore, appear to be a consistent approach in the way that the Welsh language is considered by Welsh Government departments as they go about the work of developing and appraising policy. In addition, the rationale put forward by the Welsh Government in this context does not appear to be consistent either.

The introduction of the Welsh Language (Wales) Measure 2011 confirmed the official status of the Welsh language in Wales, and also established linguistic rights in relation to the provision of services via the standards subsequently imposed on institutions. As a result, as the National Assembly engages in the legislative process, it should be ensured that there are clear references to the Welsh language on the face of any Bill, where it is appropriate.

The Social Services and Wellbeing (Wales) Bill is aimed at ensuring that services are of a high standard, accountable and citizen-focused. With this in mind, we are concerned that there is no reference to the Welsh language on the face of the Bill itself.

We urge you, therefore, to ensure that drafting officials include an explicit statement regarding Welsh-language provision on the face of this Bill, thus reflecting the Welsh Government’s commitment to ensuring that, through enactments, duties are placed on bodies to use the Welsh language and that Welsh is not treated less favourably than English.

In that regard, we ask that you also consider the following amendments to the Bill:

**62 Principal duty of a local authority in relation to a child it looks after**

(3) Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority must (in addition to the matters specified in section 4(4) (overarching well-being duties)) have regard to—

(b) the child’s religious persuasion, racial origin and cultural and linguistic background, particularly in the context of a child whose first language is Welsh.

**76 Regulations about the placing of children with local authority foster parents**

(d) for securing that where possible the local authority foster parent with whom a child is to be placed—

(i) is of the same religious persuasion, racial origin and cultural and linguistic background as the child, particularly in the context of a child whose first language is Welsh, or
(ii) gives an undertaking that the child will be brought up in that religious persuasion or cultural and linguistic background, including that of a child whose first language is Welsh;

I would be grateful if you would give consideration to the above amendments.

Yours sincerely

Meri Huws

Welsh Language Commissioner

Cc. Mark Drakeford – The Minister for Health and Social Services
   Gwenda Thomas – The Deputy Minister for Social Services
   Leighton Andrews – The Minister for Education and Skills