

01. Background

01.01. The National Assembly for Wales Trade Union Side (TUS) consists of the three Trades Union formally recognised by the Assembly Commission as employer of Commission staff. These are PCS, FDA and Prospect. Across the 3 Unions the vast majority of staff of the Assembly Commission are represented.

01.02. Views in this submission have been drawn together from the various levels of consultation on this scheme it has been possible for each of the 3 Unions to complete in the time available.

02. General Comments

02.01. The TUS are generally pleased to have been consulted both on an early draft of this new Official Languages Scheme for the Fifth Assembly and now by the Committee.

02.02. We celebrate the collaborative way in which the Assembly Commission Management work in partnership with the TUS as Unions to develop the wide range of Policies and working practices that affect Assembly Commission Staff.

02.03. Later in this document we have made comments on some of the specific areas where we would like to see further improvement. We are aware that part of our rigour in scrutinising this document comes, inevitably, as many of our members work in scrutiny roles and are used to scrutinising fully any written document put before them. We do not wish this to de-value the good that we can see in the progress in making our official languages stand on an equal footing through the life of the Fourth Assembly and in the future improvements laid out in this draft new scheme.

02.04. Generally we feel this to be a measured policy which meets a good balance between promoting the Welsh language in our everyday work and also being fair to those who do not (and do not wish) to speak Welsh in the workplace. It ensures provision of Welsh language services to Members (where wanted) and the public.

02.05. However, we would like to see a more equal treatment of both official languages. There are a number of places identified below where the Welsh language, its use and development of staff skills in this particular language are specifically mentioned without similar services or skill improvements in the English language being specified. If both official languages are to be treated with equality we would like to see such a language of equality used throughout the document.

03. Comments on Specific wording within the Scheme

03.01. We are keen that staff have the opportunity to improve all workplace skills. In this context we are keen to ensure that skill improvement is indeed offered in both of our official languages

Pg6 – ‘an employer who supports all staff members who wish to develop or improve their skills in both or either of our official languages to a standard appropriate to their role or further should they desire’

03.02. We support the promotion of bilingual services to both new and existing staff. We question the “continuous” awareness raising initiatives and wonder whether repeated or routine might be clearer language.

Pg10 – ‘raising awareness of the Scheme and its requirements among staff on an on-going basis by providing initial training for all staff as part of their induction, and continuous awareness raising initiatives throughout the parliamentary year;’

Pg 37 – ‘provide continuous opportunities to refresh or develop and understanding of the Scheme...’

03.03. A question of language equality: We hope, and would seek commitment, that such opportunities for staff to improve their language skills will be available to improve in both Welsh and English and at all appropriate levels.

Pg 25 – ‘access to tailored and flexible support for staff members who wish to develop or improve their language skills...’

03.04. A language of “rights” here is at odds with the language of “choice” and “preference” which is used throughout the rest of the document. If both parties have a “right” to work in the language of their preference but the preference is different how are these conflicting “rights” resolved.

Pg 25 – ‘to respect the rights of Members, colleagues and the public to use either or both of our official languages’

03.05. The provision of “any new information” bilingually for many services with specialist disciplines is potentially a large increase in unnecessary translation of highly technical and specialist documents with a very small potential readership, in some cases only the author and possibly 1 other in an emergency. We would suggest the language of this point is a little strong and the resource implications of this line require serious consideration before being implemented

Pg 26 – Any new information developed by staff about their services (e.g. Intranet and hard-copy information) is bilingual

03.06. Changes to recruitment options are welcomed. The current “Welsh desirable” criterion is undesirable and vague. But we want more assurance.

03.07. Whilst the concept is welcomed, concerns have also been raised over the process for the implementation of these recruitment changes. In earlier discussions on this scheme the TUS made clear that a requirement for bringing in this change was that supporting materials for both employing managers and those applying for posts would need to be provided to explain the new levels before they were brought into full use.

03.08. We are not sure whether confusion could arise where only “basic linguistic courtesy” is required and whether we are asking candidates to gain skills prior to appointment or saying they can gain those skills as part of the induction process (page 32). We need to be clear whether this is part of the recruitment assessment process. We assume it will apply to both internal and external posts. We are concerned that any lack of clarity of what is expected at the point of assessment may discourage applications and merits testing, perhaps through a focus group of a broad range of potential applicants and that any learning informs how this policy is implemented (see the point below about the Equality Impact Assessment).

03.09. If we are to work with standard levels of skill in language then standard tests for those skills need to be available to those recruiting to ensure a fair and transparent process. As we are working with both our official languages on a basis of equality then it follows that staff should also be prepared to be assessed on their skills in either/both languages equally upon recruitment.

*Pg 28 – ‘Candidates will be **appropriately assessed** during the recruitment process to ensure that they are comfortable with what is expected of the post holder’*

03.10. The new level of “basic linguistic courtesy” in Welsh as a requirement for all posts has been raised with the TUS as having a potential impact on the

Assembly's Equality of Opportunity at recruitment. We would be keen to see the result of the Equality Impact Assessment on this new approach. Again the risks may be mitigated by the delivery of this new scheme but the detail of that delivery is neither presented in this document or any supporting guidance yet some of the changes within this draft policy appear to already be being implemented, at least for some test recruitment exercises.

*Pg 32 – 'Under the framework, all advertised posts would require some basic level of understanding of Welsh, even though many of them would be on the lowest level where only '**basic linguistic courtesy**' is required'*

03.11. Are we asking candidates to gain skills prior to appointment while also saying they can gain those skills as part of the induction process? Is this contradictory?

Pg 32 -

- *'adopt an approach where all posts advertised require at least a basic level of Welsh-language skills ('basic linguistic courtesy') with candidates expected to evidence those skills on appointment, **or a commitment to gain those skills as part of the induction process;***
- *provide guidance to all candidates on **gaining the appropriate language skills prior to appointment**, including online resources...'*

03.12. Whilst supporting staff to achieve the required level at recruitment or through continuous professional development we would have concerns about any learning required for the workplace that was expected to be undertaken in an unpaid capacity or prior to the formal start of employment with the assembly.

03.13. Commitment to supporting staff who want to learn is welcome, although for those who are managers, we would like to know more about this. All managers have staff members who are learning, which is great, but we do not know about overall provision made by the Commission.

03.14. Good learning practice states that learning objectives should be agreed between learner and tutor. We would hope that this approach can be adopted rather than simply handing out targets to language learners.

Pg 33 - ...the team will also give each learner who enrolls on tutored courses a specific learning target each year'

03.15. A small point about lanyards. The document says -

Pg 35 - ‘...ensure that bilingual staff wear ‘Working Welsh’ or ‘Dysgwr’ lanyards...’

03.16. Surely, all staff should have a choice about lanyards and not be required to wear a particular, differentiating, lanyard. We understand and support the active provision of such lanyards but not so much the instance of their wearing.

03.17. A drafting point: is “front-facing staff” an appropriate expression? Should we say “public-facing” instead?

*Pg 23 – ‘...public can expect to converse with **front-facing staff** in either Welsh or English...’*

*Pg35 - ‘**Front-facing staff members** who are Welsh speakers should be identifiable as such’*

03.18. There is also a concern that this term is not defined within this document, or any other active Assembly policy. It would be good to have clarity on how these categories of role will be defined and where the boundary should be expected to lie.

03.19. Again on the basis of equality we would like to see the improvements and achievements of all staff in all official language recognised. We would also like to see recognition for those who are more actively using language skills which they already hold and which have been honed through an upbringing in a Welsh speaking home or by attending a Welsh language school rather than simply those classed as “Welsh learners”.

Pg 37 – ‘proactively publicise the achievements of our Welsh learners through various media and social media platforms’.

04. Conclusion

04.01. There is a huge amount of goodwill among Assembly staff towards both official languages. They recognise the need for the Assembly to be able to provide a full range of services in both Welsh and English and in particular to provide services that allow all Assembly Members and others engaging in Assembly proceedings to participate fully in the language of their choice.

04.02. Our use of the official languages has matured since the National Assembly for Wales (Official Languages) Act 2012 and the first Official Languages Scheme was brought in and the Assembly has become an audibly more

bi-lingal place in the past 4 years. We believe there is scope for improving services further by training and by improved language provision for both official languages.

04.03. However, there is no getting around that fact that a significant number of Assembly staff continue to identify as non-welsh speaking or of only “Basic Linguistic courtesy” and we would not want the possible career opportunities to be unnecessarily limited as a result of not being able to speak Welsh to a sufficient level.

05. Openness and Oral evidence

05.01. We are content for this response to be published in full. We are, however, reluctant to give oral evidence. I am sure that the Committee will understand that, as serving Assembly staff, any individuals asked to give evidence may be placed in a difficult position if they are perceived as being critical of the Assembly or the Assembly Commission.