

Proposed Welsh Language (Wales) Measure

Evidence prepared for
stage 1 scrutiny by NAW Legislation Committee No2
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Introduction

1. ColegauCymru / CollegesWales welcomes the opportunity to provide written evidence to the Legislation Committee No2 as part of its Stage 1 scrutiny of the Proposed Welsh Language (Wales) Measure. ColegauCymru / CollegesWales (referred to as ColegauCymru throughout this paper) is the national organisation representing the 21 further education (FE) colleges and two FE institutions in Wales.
2. ColegauCymru is supportive of the Welsh Assembly Government's efforts to help create a bilingual Wales. Further education (FE) colleges throughout Wales are currently working to deliver ColegauCymru's Strategy on Bilingualism in FE, which was adopted in January 2010. In addition, ColegauCymru has contributed, through papers and other discussions, to the development of the Welsh Assembly Government (WAG)'s Welsh-medium Education Strategy (April 2010) and its accompanying action plan.

Context

3. In considering the Proposed Welsh Language (Wales) Measure (referred to as the Proposed Measure throughout this paper), ColegauCymru considers the key purposes and outputs of the Welsh-medium and bilingual education sector are substantively different from most sectors, and that this should be reflected in the Proposed Measure.
4. In particular, the proposed Standards, which, although not defined in the Proposed Measure, appear not to pertain to the key purpose and outputs of Welsh-medium and bilingual education.

Standards v. Welsh Language Schemes

5. There is not enough clarity on the proposed Standards for ColegauCymru to judge whether they might be an improvement on the current system of agreeing Welsh Language Schemes. It is unclear what the new system of agreeing and administering Standards will be, or what the transition phase might entail.
6. It is true that a number of FE colleges have, on an informal level, expressed concerns at times at the high administrative resource invested in preparing Welsh Language Schemes. However, the process of agreeing a Welsh Language Scheme has meant that every FE college has had to take ownership of its Welsh language services and consider on a regular basis how to improve its Welsh language services to its learners. Welsh Language Schemes for FE colleges have therefore served a positive and developmental purpose. It is not clear how or whether the proposed Standards will be able to support a similar developmental process or whether the Standards will be able to reflect developments over a period of time.
7. It is also unclear what individual Standards might encompass. Setting targets, standards, or benchmarks for Welsh-medium correspondence and advertising,

for example (see Schedule 9), will not necessarily achieve the key purpose of Welsh-medium/bilingual education.

8. Education providers' key purpose with regards to Welsh language services is to deliver Welsh-medium/bilingual education in order to prepare students and trainees to be able to function bilingually in the workplace and in their communities. The key outputs are therefore students who have good linguistic and communication skills in Welsh and/or a good level of knowledge and competence in their chosen subject areas through the medium of Welsh.
9. It is with this in mind that ColegauCymru and the Welsh Language Board recently agreed a new template for FE colleges in preparing their Welsh Language Schemes. The Schemes will now require colleges to set out how they will develop their Welsh language services in three ways:
 - Strand 1: The ethos of the institution in accommodating a Welsh-friendly environment and promoting Welsh-medium services and opportunities
 - Strand 2: Developing and delivering Welsh-language communication skills
 - Strand 3: Developing and delivering Welsh-medium courses and qualifications

Individual Organisations v. Partnerships

10. It is not clear whether the Proposed Measure includes provision for working across partners.
11. For example, the Learning and Skills (Wales) Measure requires the post-14 education and training sector (schools, colleges and other providers) to develop partnerships and collaborations to develop a wider range of options, particularly vocational options, through the medium of Welsh as well as English.
12. This is not a requirement for any single organisation. However, jointly, across an area, each 14-19 Network must ensure that a minimum number of options are provided for learners. A key question for providers therefore is: how does the Learning and Skills (Wales) Measure interface with the Welsh Language (Wales) Measure?

Moving Towards Self-regulation

13. Essentially, it appears that, if the iterative process of agreeing a Welsh Language Scheme disappears, the FE colleges will be expected to invest in a greater degree of self-regulation to achieve the same aims. At present, the Welsh Language Board provides colleges with support and expertise (as well as statutory regulation) each time a Welsh Language Scheme is revised. If the Welsh Language Board or the Commissioner's office will not provide this support under the Proposed Measure, colleges will need to consider how to source this expertise through different means. This might entail commissioning experts on a consultancy basis. There might be costs involved. It is not clear whether these costs are recognised in the Proposed Measure.

14. The process was succinctly explained by Mr M Jones, Welsh Language Board, in his recent evidence to Legislation Committee No2 on the Proposed Measure:

“The 1993 Act and this proposed Measure create some sort of vacuum in that bodies are expected to provide Welsh-language services to people who wish to have those services in the Welsh language, but they do not deal in any way with internal process of ensuring that that happens. They just say, ‘We expect this’. From our experience, for that to happen, we know that an organisation must, internally, have the mechanism to develop these skills. They do not appear out of nowhere.”

15. Through ColegauCymru, FE colleges are currently in the process of working with the WAG to increase the sector’s capacity in this respect. Estyn – Her Majesty’s Inspectorate in Wales – recognises the FE sector’s capacity and success in self-regulation on a number of strategic fronts over recent years. But the investment costs of self regulation need to be understood when legislation is developed.

Promoting the Welsh Language

16. On a strategic level, ColegauCymru considers there is scope for the Welsh Assembly Government to take on a greater promotional role. We therefore very much endorse the proposal to give the WAG responsibility for promoting the Welsh language. The WAG has, for example, promoted Welsh for Adults, and therefore there is a precedent. ColegauCymru would welcome a greater level of support on the strategic level from the WAG for promoting the benefits of Welsh-medium/bilingual education.
17. However, it appears that, according to the Proposed Measure, it is only the Welsh Assembly Government and Local Authorities that will have the responsibility to promote the Welsh language.
18. It is not clear from the Schedules in the Proposed Measure whether FE colleges will be able to take on any role whatsoever in promoting the Welsh language. It appears that Standards on promoting the language will not apply to FE colleges.
19. The Explanatory Memorandum states in Chapter 4: Standards Potentially Applicable:

“Under section 37 Welsh Ministers may amend column (2) so that it includes or removes a reference to one of the following classes of standards: service delivery standards, policy making standards, operational standards, record-making standards. Welsh Ministers may amend column (2) of the table to make the Welsh Minister, a county borough council or a county council capable of being required to comply with promotion standards.”

20. It would be helpful if the Proposed Measure included an explanation on how the WAG's Welsh-medium Education Strategy's requirements of FE colleges to promote the Welsh language might be fulfilled given that FE colleges are not identified in Section 37.
21. Turning to the operational level, the Welsh Language Board funds and supports a number of promotional activities and programmes. FE colleges and their students are sometimes direct beneficiaries. For example, in one college, the Welsh Language Board has trained and supported a number of students to run extra-curricular activities through the medium of Welsh for their fellow students. The training is well received and the Welsh Language Board's participation is valued.
22. Whilst ColegauCymru is very supportive of the proposal that the WAG be given responsibility for the promotion of the Welsh language on a strategic level, it is less convinced that the WAG is best placed to deliver on the operational level.
23. It is possible that, if the type of hands-on training and promotional role (entailing training of individual members of the public in face-to-face interactions), as outlined in para 21 above, were expected of civil servants, that language promotion could be seen as a politically flavoured enterprise.
24. Since devolution, support for the Welsh language has been built largely on cross party consensus. The Welsh language is no longer the political football of yesteryear. It would be a great shame if the situation were allowed to slip. The WAG needs to guard against getting too involved in people's daily lives on the operational level to the extent that individuals might see its "support" as "interference".

Conclusion

25. ColegauCymru is very supportive of the Welsh Assembly Government's efforts to help create a bilingual Wales but finds it difficult to consider at this stage whether the Proposed Measure will improve Welsh-language services to FE colleges' learners and stakeholders because a number of issues, in particular details of the Standards, are unclear.
26. ColegauCymru would be pleased to participate in further discussions on the Proposed Measure if the Committee would find that helpful.