Dear Mr Harper,

"When I'm ready" - Planning transition to adulthood for care leavers

The Welsh Language Commissioner welcomes the opportunity to comment on this consultation regarding the Welsh Government's proposed scheme - "When I'm ready".

The principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organisations. In the meantime, the Commissioner will continue to monitor statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.
The role of Welsh Language Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate any failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organisations to meet standards.

One of the Commissioner's priorities is to scrutinise policy developments with regard to the Welsh language. Therefore, the principal role of the Commissioner is to provide comments in accordance with these terms of reference, acting as an independent advocate on behalf of Welsh speakers in Wales who may be affected by the proposed programme. This approach is advocated to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of an individual organisation or the Welsh Government's performance in accordance with the provisions contained in the Measure.

The Commissioner will look at the relevant legislation and strategies in considering the interests of Welsh speakers in Wales. Two of those are particularly relevant to Welsh speakers in terms of health and social care.

The UK Government is a signatory of the European Charter for Regional or Minority Languages which undertakes “to ensure that social and care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons”.

Although the resulting report recognises that some progress has been made, it also comes to the following conclusion: "in view of the fact that the provision of health and social care services in Welsh is still largely missing ... the undertaking is still not fulfilled."¹ The report specifies one recommendation as a matter of priority for the Welsh language in particular, namely that the authorities of the United Kingdom should “ensure that health and social care facilities offer services in Welsh.”²

In order to comply with the general undertakings made in Section 78 of the Government of Wales Act 2006, as revised, and its Welsh Language Scheme, the Welsh Government should pay particular attention to all opportunities to improve Welsh medium provision when developing and planning social services. Careful consideration should be given to the opportunities that exist to close any gaps in the provision of bilingual services in social services across Wales. Local authorities, health boards, other statutory agencies and the Welsh Government all have a duty to identify these gaps and plan on a local and national and legislative level to rectify those areas where Welsh speakers are not currently provided with an equal service as non-Welsh speaking users.

The Welsh Language Commissioner's comments regarding this consultation may be summarised as follows:

Communication is an integral part of social and personal care. It is reasonable to expect to see references to the Welsh language needs of looked after children and young people in the guidance that the Welsh Government will be publishing and the way in which local authorities should meet those needs by means of their "When I'm ready" policies and procedures.

In terms of providing information, advice and support to looked after children, it should be borne in mind that services must consider the user's language choice in order to be as safe, effective and accessible as possible to each and every child. Arrangements should be made to consult directly with Welsh speaking children and carers when planning and reorganising services.

I would like to thank you for the opportunity to provide comments on this consultation. We ask that you give full consideration to the comments noted above.

Yours sincerely,

Meri Huws
Welsh Language Commissioner