



Ein cyf/Our ref - MA-L/VG/0528/19

Bethan Sayed AM  
Chair  
Culture, Welsh Language and Communications Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

25 July 2019

Dear Bethan,

Thank you for the Committee's report of 13 June on the National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 ("the 2019 Regulations").

I have carefully considered the recommendations of the Committee and I have included a response to the recommendations individually in annex 1 to this letter, except for recommendation 2 which is outlined below.

In Recommendation 2, the Committee seeks an explanation as to why only the minimum 21 days was allowed for scrutinising the Regulations by the Assembly when the Welsh Government had given the Chair a commitment that more time would be allowed.

The 2019 Regulations did meet all the requirements under the Standing Orders for introducing this Statutory Instrument under the negative procedure. However, this was not in the spirit of what I would have intended, as I welcome and value committee scrutiny. Unfortunately, more time was not available for scrutiny of the 2019 Regulations due to the linkages between the introduction of the duties for the independent primary care providers and the Welsh language standards for the Local Health Boards coming into force on 30 May.

I also noted the importance of not delaying the introduction of the duties as they are an important component to improving Welsh language services in primary care and are part of a jigsaw of work and support being put in place with the development of a toolkit and GP Welsh language base line survey.

As I note above, I fully appreciate providing time for scrutiny and in response to the debate on annulling the motion, reported I have asked my officials to ensure that, in future, when we make regulations about the use of the Welsh language in health and social care, even if under the negative procedure, we alert and engage with the specific subject committee but

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

also with the Culture, Welsh Language and Communications Committee earlier in the process.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AC/AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

**Response to the Report of the National Assembly for Wales Culture, Welsh Language and Communications Committee Report on the National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 (13 June 2019)**

**Provided by the Minister for Health and Social Services**

**July 2019**

The Welsh Government welcomes the findings of the report and offer the following response to the eight recommendations contained within it.

**Recommendation 1 - Some Members felt that the Welsh Government should revoke the Regulations, whilst others did not, but the course of action on which all Members are agreed is that the Regulations should be revised following a full consultation including patients' groups, the Welsh Language Commissioner and the Culture, Welsh Language and Communications Committee as well as professional bodies representing independent primary care providers.**

**Response: Accept in Principle**

As your report identifies there is wide spectrum of views on the duties. The placing of achievable duties on independent primary care providers provides a reasonable and proportionate starting point to introduce Welsh language provision in the primary care sector. The motion to annul the Regulations was not agreed and the Welsh Government will not be revoking the Regulations.

It is important momentum to raise awareness and further develop Welsh language services in primary care is not lost, but we recognise the need to continually review and assess progress and impact.

It has always been our intention to review the implementation and impact of the duties during 2020/2021. The review will involve engaging with patient groups, the professional bodies representing independent primary care providers, health boards and the Welsh Language Commissioner. Following that review, consideration will be given as to whether the Regulations need revising and if so, a consultation will be undertaken with relevant stakeholders including the Culture, Welsh Language and Communications Committee.

**Recommendation 2 - The Minister for Health and Social Services should write to the Chair of the Culture, Welsh Language and Communications Committee to explain why only the minimum 21 days was allowed for scrutinising these Regulations by the Assembly when the Welsh Government had given the Chair a commitment that more time would be allowed.**

**Response: Accept**

The response has been set out in my covering letter to you.

**Recommendation 3 - The Committee calls on the Welsh Government to commit to submitting future draft legislation relating to the provision of services in Welsh by independent primary care providers, bilingually, for scrutiny by this Committee in advance of introducing it to the Assembly.**

**Response: Accept in Principle**

I deeply regret that the Explanatory Memorandum on the amendments to the Regulations was not laid at the same time as the English copy in this case. As I said in plenary on 19 June in response to the annulment motion and in my covering letter to you responding to Recommendation 2, when regulations are made regarding the use of the Welsh language in health and social care my officials will alert and engage with the specific subject committee but also with the Culture, Welsh Language and Communications Committee earlier in the process.

Any future amendments to these regulations relating to the provision of Welsh by independent primary care providers will be laid for 40 days before coming into force to incorporate the period of annulment. Along with any regulations a bilingual Explanatory Memorandum will be laid.

**Recommendation 4 - While only some Members of the Committee felt that the Welsh Government should guarantee the right to receive public services in Wales in Welsh where current capacity exists, all Members of the Committee agreed that the Welsh Government should work towards developing this capacity in other areas.**

**Response: Accept**

Over 120 bodies are currently complying with Welsh language standards which has improved the availability and quality of Welsh language services across many sectors, including local government, further and higher education, health sector, and police forces and fire authorities. The Welsh language Commissioner is working with these bodies, and with other bodies to improve their capacity to provide Welsh language services, and also to increase the demand for Welsh language services. Through its Cymraeg 2050 strategy, the Welsh Government is also working to increase the use of Welsh, and is implementing a Welsh Language Technology Action Plan which will allow bodies from all sectors to utilise technological developments to offer Welsh language services.

**Recommendation 5 – The Welsh Government should undertake a communications campaign to educate independent primary care providers of their new duties. This campaign should promote the opportunities for Welsh speakers as a result of these duties and clarify the extent to which service providers are required to converse in Welsh.**

**Response: Accept**

The duties being placed on independent primary care providers are part of the jigsaw of interventions and support which build on the foundations laid by ‘More than just words...’ within the health and care sector. Planned activity over the coming months

included in the More than just words action plan for 2019/2020 to support developments in primary care include:

### Welsh Language Baseline Survey- GP Practices

To coincide with the introduction of the duties on independent primary care contractors Welsh Government officials have worked with the General Practitioners Committee (Wales) on developing a survey to collect baseline data on Welsh language services within GP practices and clusters. The survey is currently being finalised with questions themed under the following headings:

- Promotion and information – promoting and provision of information in the Welsh language
- Skills – level of Welsh language awareness and skills and opportunities for staff to learn and enhance Welsh language skills.
- Active Offer – recording the active offer and patient language preference.

The survey will be undertaken during the summer. The findings from this survey will inform the development of the toolkit for primary care, the Cymraeg Byd Busnes pilot and the future review on the implementation and impact of the duties. .

### Toolkit for Primary Care

Welsh Government officials are taking work forward the development of a primary care toolkit to promote the Welsh language and the 'Active Offer' and provide practical guidance and support. In the interim we will in response to this specific recommendation produce a 'Frequently Asked Questions' fact sheet to promote the opportunities as a result of these duties and clarify what is expected to share with primary care contractors.

### Cymraeg Byd Busnes Pilot

It is Welsh Government's intention to undertake Cymraeg Byd Busnes pilots with clusters to support primary care organisations with the introduction of the duties. This will include identifying the needs of the practices in the cluster area, and finding possible solutions to assist them in offering improved bilingual provision. A pilot has been identified in the Hywel Dda University Health Board area - Aman Gwendraeth Cluster and are discussing options with Betsi Cadwaladr University Health Board. The work will help identify good practice that can be developed on a national basis and support the planned toolkit for primary care in delivering Welsh language services and the 'Active Offer'.

**Recommendation 6 - The Welsh Government should ensure that education and training providers for those working in primary care are aware of the nature of the new duties in order to dispel any misconceptions about the need for professionals to speak Welsh to work in Wales.**

**Response: Accept**

This issue was raised at your committee meeting by the representative bodies and it has also been raised separately with my officials. It is important that we address the misconceptions on requirement about Welsh speaking abilities. We would not want the duties to be seen as a barrier to future recruitment across the primary care sector. Welsh Government, health boards, training providers and the representative bodies of the independent primary care providers all have a role to play in ensuring this is not the case. My officials will continue to work with the relevant stakeholders to dispel any misconceptions.

**Recommendation 7 - The Welsh Government should immediately clarify the local health boards' responsibilities for meeting independent primary care providers' costs incurred as a result of complying with the Regulations.**

**Response: Accept**

We would not expect or wish to see independent primary care providers losing income as a result of the Regulations coming into force introducing the duties. My officials will be writing to the Directors of Primary Care of Health Boards to clarify the position.

**Recommendation 8 - The Welsh Government should fund the Welsh Language Commissioner to carry out a review of the implementation of the Regulations after they have been in force for 12 months. The Minister for Health and Social Services and the Welsh Language Commissioner should submit a report on the review to the Culture, Welsh Language and Communications Committee.**

**Response: Accept**

As noted in the response to Recommendation 1 we will be undertaking a review on the implementation and impact of the duties and we will discuss the appropriate approach with the Welsh Language Commissioner. This review will be undertaken during 2020/21. The findings from the review will be shared with the Committee.