

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	White Paper on proposals for a Welsh Language Bill to amend the Welsh Language (Wales) Measure 2011
Name of official:	
Department:	Welsh Language Division
Date:	13/06/2017
Signature:	

1. Please provide a brief description of the policy/decision.

1. This Equality Impact Assessment assesses the impacts of policy proposals in our White Paper in relation to a proposed Welsh Language Bill.
2. The Welsh Government committed in its programme for government, *Taking Wales Forward*, to work towards a million Welsh speakers by 2050. In response to this, the Welsh Government published its new Welsh language strategy: *Cymraeg 2050*, which outlines the work which will be required to turn our vision for a million Welsh speakers into a reality. The scale of our vision for the Welsh language has made it essential to review the legislation which underpins the Welsh language.
3. The Welsh Language (Wales) Measure 2011 ('the Measure') provides the current legal framework in relation to the Welsh language. Under this law, rights for people to use Welsh with certain bodies have been created through the Welsh Language Standards system ('the standards') and the Welsh Language Commissioner was created to oversee and enforce those rights. Our White Paper seeks the views of the public on our proposals for a Welsh Language Bill.
4. The main policy objectives behind our proposals are to:
 - Strike the right balance between promoting the Welsh language and imposing and enforcing Welsh language duties; and
 - Reducing bureaucracy and ensuring value for money.
5. The White Paper sets out proposals in relation to the arrangements for promoting the Welsh language and ensuring the correct structures are in place to deliver the work to promote the language. It also sets out our proposals in relation to the Welsh language duties (currently known as Standards) placed on bodies.
6. The main proposals outlined in the White Paper are:
 - A Welsh Language Commission should be established to be the main body with responsibility for promoting the Welsh language and monitoring and enforcing compliance with Standards;
 - The Welsh Language Commissioner should be abolished;
 - The Welsh Government should be responsible for national Welsh language strategy, national policy, for managing some bodies of national significance, and for some specified areas of work. The Welsh Government should transfer the budget and resources for other specified promotion work it currently undertakes to the Welsh Language Commission;
 - The concept of Welsh Language Standards should be retained;
 - Standards should only apply to services. Other corporate duties currently in the Standards system which do not create enforceable rights for individuals, should be termed 'language planning duties' and should be statutory duties on bodies on the face of the legislation;
 - The Standards bodies are required to comply with should be reviewed from time to time and, where appropriate, additional Standards placed on bodies or current exceptions granted to the bodies removed;

- The Welsh Government should be responsible for making and imposing Standards on bodies, and for issuing guidance and codes of practice. The Commission should be responsible for monitoring and enforcing compliance with the Standards;
- Bodies should be required to deal with complaints about the Standards in the first instance. The Commission should only investigate complaints in serious cases;
- The Welsh Language Tribunal should be retained. Bodies should be able to appeal against the imposition of a Standard on them by the Welsh Government to the Tribunal;
- The Standards should be applicable to any body, so long as the requirements are reasonable and proportionate and within the Assembly's competence (which includes the European Convention on Human Rights).

7. The consultation on the White Paper, which will run from on 9 August until 31 October 2017, will enable the Welsh Government to take account of the views of stakeholders in order to make decisions on the need for legislation and its content.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

Externally

Call for evidence

8. As part of the policy development process to prepare a White Paper for consultation, the Minister for Lifelong Learning and Welsh Language began a period of informal engagement with the organisations currently under the Welsh Language Standards system in February and March 2017. The responses which were received were used to develop the proposals in our White Paper for consultation. A report summarising the responses was published by the Welsh Government and is available at:

<http://gov.wales/topics/welshlanguage/legislation-for-the-welsh-language/preparing-for-a-welsh-language-bill/?skip=1&lang=en>

Communications Plan

9. In preparing for the consultation on our White Paper, a full Communications Plan has been prepared.
10. Specific attention has been given within the Communications Plan on the steps which will be required to engage with people with protected characteristics or the organisations which represent them. Taken in the round with all other responses received, these views will help inform the development of the policy of the proposed Welsh Language Bill.

Internally

Project Board

11. An internal project board has been established to oversee the project in reviewing the Measure. The Board's role is to bring key internal stakeholders together to provide advice and assurance on the project. Members of the project board have been selected to represent a wide range of disciplines and policy areas across the breadth of the Welsh Government.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

12. The following paragraphs give an overview of the principal evidence base we have used to develop our proposals.

Call for evidence

13. As set out under heading 2 of this EIA, evidence gathered as part of a call for evidence was used to inform the formulation of the policy in our White Paper.

Cymraeg 2050

14. The Welsh Government's strategy for the Welsh language (under s.78 of the Government of Wales Act 2006) provides the key strategic context for our proposals in the White Paper. The final strategy can be found here:

<http://llyw.cymru/topics/welshlanguage/welsh-language-strategy-and-policies/cymraeg-2050-welsh-language-strategy/?skip=1&lang=en>

15. Prior to publication this year, *Cymraeg 2050* was subjected to a full public consultation in August to October 2016, and wider consultation was undertaken with stakeholders as part of developing the final strategy. As part of the consultation, efforts were made to ensure the views of people *with* protected characteristics were obtained which included preparing a tailor-made Easyread consultation document and holding focus groups.

16. A report which outlines the steps taken as part of the consultation and a summary of the responses received is available on the Welsh Government's website at: https://consultations.gov.wales/sites/default/files/consultation_doc_files/170110-consultation-responses-en.pdf.

17. A range of published research was used to develop the policy proposals contained in the White Paper. Some of the main sources, are listed below.

Surveys, research and reports

- Welsh Language Use in Wales, 2013-15 (<http://gov.wales/docs/statistics/2016/160301-welsh-language-use-in-wales-2013-15-en.pdf>);
- The Position of the Welsh Language 2012-2015 (<http://www.comisiynyddygyrnaeg.cymru/Cymraeg/Rhestr%20Cyhoeddiadau/Adroddiad%205-mlynedd%20-%205-year%20Report.pdf>);
- Welsh in the shopping basket: customer attitudes to the use of Welsh by supermarkets

<http://www.comisiynyddygydraeg.cymru/English/Publications%20List/Archfarchnadoedd%20Saesneg.pdf>);

- A living language: a language for living annual reports
<http://gov.wales/topics/welshlanguage/welsh-language-strategy-and-policies/welsh-language-policies-upto-2017/wl-strategy-annual-report/?skip=1&lang=en>
- Statutory review of the Welsh language services of high street banks in Wales
(<http://www.comisiynyddygydraeg.cymru/hybu/SiteCollectionDocuments/Statutory%20review%20of%20banks.pdf>).

National Assembly for Wales and Westminster Parliamentary Reports

- Achieving the Ambition: Inquiry into the Welsh Government's new Welsh Language Strategy, National Assembly for Wales Culture, Welsh Language and Communications Committee
(<http://www.assembly.wales/laid%20documents/cr-ld11046/cr-ld11046-e.pdf>);
- The Regulatory State: Ensuring its Accountability, House of Lords Select Committee on the Constitution
(<https://www.publications.parliament.uk/pa/ld200304/ldselect/ldconst/68/68.pdf>);

Academic work

- *The Welsh Language Commissioner in Context*, Diarmait Mac Giolla Christ, Gwasg Prifysgol Cymru, 2016
- *Minority Language Promotion, Protection and Regulation: The Mask of Piety*, Colin H. Williams, Palgrave, 2013

Current gaps in the available evidence

18. In our White Paper, we have proposed to retain the Welsh Language Standards system as the best way of ensuring rights for people to receive Welsh language services. However, we acknowledge the current scarcity of quantitative data on the uptake of Welsh language services. As we develop our proposals further, this data will play an important role in demonstrating the impact of our legislation and policies. We will work with other public services to ensure this data is collected and published publically as a matter of course.
19. Alongside gaps in the available data on the uptake of Welsh language services, we also acknowledge the importance of gathering data on the Welsh language skills of the workforce which delivers these services and the skills of new recruits to the workforce. Many bodies currently under Standards are required to collect this data as part of the record keeping standards they are required to comply with. Some bodies are beginning to publish some of this data in their statutory annual reports under the Standards. As we develop our proposals, we will work to collect this data systematically to build on the evidence base which supports our proposals.
20. Following this consultation, when we have formed firm proposals for any new legislation, we will conduct a Regulatory Impact Assessment and a full cost-benefit analysis. This will provide us with evidence on any savings or costs which would result from our proposals.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

There are no proposals within the White Paper which relate to specific groups of people with protected characteristics. The substance of the proposals we have made in our White Paper are based on systemic changes to the Welsh Language Standards system, and structural changes in terms of the way we deliver work to promote Welsh.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people (<i>Children and young people, up to 18</i>)	√			We have not identified any ways the proposals in our White Paper could impact on people specifically because of their age.
People 18- 50	√			Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's age. The Welsh Government noted the importance of the Welsh language for vulnerable people, such as older people, those with dementia or who have had a stroke, and for children and young people in its <i>More than just words.... Follow-on Strategic Framework for Welsh language services in health, social services and social care</i> .
Older people (50+)	√			

				<p>Our proposals for simplifying the way the Welsh Language Standards system works could have a positive impact on children, younger people and older people through giving greater clarity on their rights to use Welsh.</p> <p>Our White Paper also considers the scope to consolidate the current mechanism for planning Welsh-medium education (Welsh in Education Strategic Plans) into the proposed language planning duties. This area will be subject to further policy development following the consultation period.</p> <p>A separate Children’s Rights Impact Assessment (CRIA) has been completed, considering the potential impact our proposals could have on children, young people and their families with reference to the UN Convention on the Rights of the Child. For full details on the potential positive impacts of our policy proposals on children, reference should be had to the conclusions of the CRIA.</p>
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4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	√			<p>We have not identified any ways the proposals in our White Paper could impact on people specifically because of any disability they may have.</p> <p>Our proposals will have a positive impact on the population at large in delivering improved structures to</p>
Hearing impairment	√			
Physically disabled	√			
Learning disability	√			
Mental health problem	√			

Other impairments issues	√		<p>promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's disability.</p> <p>The Welsh Government noted the importance of the Welsh language for those with mental health problems and learning disabilities in its <i>More than just words... Follow-on Strategic Framework for Welsh language services in health, social services and social care</i>.</p> <p>Our proposals for simplifying the way the Welsh Language Standards system works could have a positive impact on Welsh speakers with learning disabilities and those with mental health problems through giving greater clarity on their rights to use Welsh. Given the disproportionate impact of the Welsh language on the well-being of these people, our proposals could have a more positive impact on them than the population in general.</p> <p>We are aware of the difficulties encountered by those using screen readers or those with learning disabilities where messages are provided bilingually (detailed further in Part 2 of this assessment). We believe that legal requirements (such as those currently contained in the Standards) to provide information bilingually to people could act as a catalyst to the introduction of new technologies which can be used in Welsh (such as text-to-speech). In the long term, this could, therefore, have a positive impact on Welsh speakers who use these machines (or similar) to communicate by ensuring Welsh speakers with visual impairments can use these</p>
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				machines in their own language. The impact on non-Welsh speakers and steps we propose to take in response are discussed in Part 2.
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4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male	√			None of the proposals in the White Paper relate only to people of a particular gender, and no impacts upon people of a particular gender have been identified. Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's gender.
Female	√			

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
	√			None of the proposals in the White Paper relate only to people who are transgender, and no impacts upon people who are transgender have been identified. Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing

				to a person being transgender.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage	√			None of the proposals in the White Paper relate only to people who are married or in a civil partnership and no impacts upon married people or people in a civil partnership have been identified. Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's marriage or civil partnership.
Civil Partnership	√			

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy	√			Our proposals to ensure the delivery of work to promote Welsh and ensure the correct structures are in place to develop the Welsh language skills of the workforce could increase the Welsh language service provision for those who are pregnant and those who have recently given
Maternity (the period after birth)	√			

				<p>birth.</p> <p>Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's pregnancy or maternity.</p>
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,	√			<p>None of the proposals in the White Paper relate specifically to a person's race, and no impact on people has been identified as a consequence of someone's race.</p> <p>Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's race.</p> <p>A focus of this policy is to ensure the correct structures are in place to promote the Welsh language across Wales. This could bring communities of all races closer together and increase cohesion.</p>
National Origin (e.g. Welsh, English)	√			
Asylum Seeker and Refugees	√			
Gypsies and Travellers	√			
Migrants	√			
Others	√			

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?

Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)	√			None of the proposals in the White Paper relate to religion or non-belief of any kind, and no impact on people has been identified as a consequence of religion or non-belief. Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's religion and belief or non-belief.
Belief e.g. Humanists	√			
Non-belief	√			

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men	√			None of the proposals in the White Paper relate sexual orientation of any kind, and no impact on people has been identified as a consequence of their sexual orientation. Our proposals will have a positive impact on the population at large in delivering improved structures to promote the Welsh language and ensure rights to use Welsh. These positive impacts will not be reduced owing to a person's sexual orientation.
Lesbians	√			
Bi-sexual	√			

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?

Human Rights including Human Rights Act and UN Conventions	√			<p>Proposals are made in the White Paper regarding ensuring and enforcing people's rights to use Welsh with some bodies, and also provision for investigating interferences with people's freedom to use Welsh.</p> <p>In the context of children, this serves to support the UN Convention on the Rights of the Child and its provision on the language rights of children.</p> <p>Our White Paper makes one proposal in particular where we have discussed its relationship with the Human Rights Act 1998 and the European Convention on Human Rights (ECHR). The proposal is made in Part 4 of the paper to remove the restrictions contained in the current legislation as to the bodies which may be brought under the Welsh Language Standards system. In the paper, we have acknowledged that imposing Welsh Language Standards on any new bodies would need to be within the Assembly's competence which includes ECHR.</p>
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If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.



Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

In focusing on establishing structures to deliver work to promote and support the Welsh language, and build on our system of ensuring rights for people to receive services in Welsh, our proposals contribute to ensuring equality for Welsh speakers to use Welsh as a part of their daily lives.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The proposals in our White Paper relate to enforceable duties so people can use Welsh with bodies, and also for a Commission to investigate interferences with people's freedom to use Welsh.

We would welcome any comments you have on other ways you believe our policy proposals could help to eliminate unlawful discrimination, harassment or victimisation.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The White Paper's policy objective of striking the right balance in promoting and regulating compliance with Welsh duties aims to increase the amount of work which is undertaken to promote Welsh to both Welsh speakers and non-Welsh speakers.

It is the intention that this policy will ensure greater cohesion and good relations between Welsh-speaking and non-Welsh speaking communities through increasing the visibility of the Welsh language and opportunities for non-Welsh speakers to learn and come into contact with the language.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this? What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

At step 4.2 of this assessment, we outlined concerns which have been raised with the Welsh Government in terms of difficulties associated with accessibility of bilingual documents for those with visual impairments who use screen readers, and difficulties posed for those with learning disabilities.

Where a reader is required to scroll down to read a bilingual message in their language of choice, this can prove difficult for people with visual impairments who read information using a screen reader. The difficulty arises as people with visual impairments cannot see how far they need to scroll down to access the other language. This is the case both where the Welsh or English language versions of a message appear first.

The positioning of one language above another can also prove difficult for those with learning disabilities. We have heard that this can lead to confusion as these people may not necessarily understand that one language follows the other in a bilingual message.

Cymraeg 2050 acknowledges the importance of ensuring the Welsh language is at the heart of digital innovations in technology and our White Paper proposes responsibility for this work should continue to lie with the Welsh Government.

To identify mitigating actions and establish good practice to ensure accessibility, we have referred this matter to the Welsh Language Technology Board to identify possible solutions to the difficulties encountered when using screen readers and on the presentation of bilingual messages on screens. We will consider their advice on this issue and document any action taken as we develop our proposals for the proposed Welsh Language Bill in a future Equality Impact Assessment.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

N/A

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

The White Paper will be subject to a public consultation from 9 August – 31 October. Following the consultation, all responses will be analysed to inform our next steps and any legislation which may be proposed. A summary report of all consultation responses will be published in due course after the consultation.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

We will revisit this impact assessment following the consultation and assess the impact of our final proposals on equality. The final Equality Impact Assessment will be published alongside the proposed Welsh Language Bill.

4. Declaration

***Please delete as appropriate:**

The policy *does / does not have a significant impact upon equality issues

Official completing the EIA

Name:

Department:

Date:

Signature:

Head of Division (Sign-off)

Name:

Job title and department:

Date:

Signature:

Review Date: