

Welsh Language Impact Assessment

Welsh Language Impact Assessment

Title: Draft Local Government (Wales) Bill	WLIA Reference No <i>(completed by WLU):</i>				
Name of person completing form:					
Date:					
Policy lead:					
Contact details:					
Programme/Project Type					
<input type="checkbox"/> Policy	<input type="checkbox"/> Project or programme				
<input checked="" type="checkbox"/> Legislation	<input type="checkbox"/> Research, evaluation				
<input type="checkbox"/> Grant	<input type="checkbox"/> Services				
<input type="checkbox"/> Business change	<input type="checkbox"/> Contracts, tenders				
<input type="checkbox"/> Infrastructure					
<input type="checkbox"/> Construction, Capital					
<input type="checkbox"/> ICT					
<input type="checkbox"/> Other (Please specify below)					
Costs: How much is the projected whole life cost for the programme/project? If below £25k, then a full WLIA is not always required (see guidance).					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Of the above, please provide details if there are any identified costs directly associated with the Welsh language?					
How long is the programme/project expected to run?					
Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Key milestone dates for the programme/ project:					

This Welsh Language Impact Assessment relates to the provisions of the Draft Local Government (Wales) Bill (“the Draft Bill”), published in autumn 2015 alongside a public consultation document. The consultation document considers the practical application of the provisions of the Draft Bill.

The Draft Bill sits within the Reforming Local Government Programme, which sets out the Welsh Government’s vision for the future of Local Government: more inclusive, more accountable, and sharing more power and responsibility with communities.

The Draft Bill proposes a wide range of fundamental reforms to Local Government to ensure strong performance, robust democracy, good governance, and effective delivery for communities. These reforms would be delivered in partnership with Local Government and the people of Wales, and have been developed through three White Papers.

The first White Paper, *Reforming Local Government* outlined the Welsh Government’s response to the findings of the Commission on Public Service Governance and Delivery in relation to Local Government. It proposed major reform through two pieces of legislation. The first Bill, the Local Government (Wales) Bill, puts in place preparations for a programme of Local Government mergers and reform, such as the setting up of Transition Committees. This Bill was introduced into the National Assembly in January 2015.

The second White Paper, *Public Services Staff Commission*, was launched in October 2014. It proposed the establishment of a Staff Commission to develop and disseminate good practice in workforce arrangements across public services. The Staff Commission was established on a non-statutory basis in autumn 2015.

The third White Paper, *Reforming Local Government: Power to Local People*, was published in February 2015. It focused on the internal development of Councils to complement and support the structural reform set out in the first White Paper, *Reforming Local Government*. It proposed a range of fundamental reforms to ensure strong performance, robust democracy and, good governance. and effective delivery for communities. These, together with the provisions for Local Authority mergers, form the basis of the second Bill, this Draft Bill for consultation.

It is intended that a Bill based upon the Draft Bill and the accompanying consultation document be introduced into the National Assembly following the 2016 Assembly elections. A further Welsh Language Impact Assessment will be published at this point.

Following these reforms, a review of the Local Government funding system is being considered which would lead to further separate legislation.

STAGE 1: PLANNING

What are the aims and objectives of the policy?

What are the desired outcomes/ what constitutes ‘success’?

The Draft Bill and the proposals in the accompanying consultation document set out the Welsh Government’s vision for the future of Local Government: more inclusive, more accountable, and sharing more power and responsibility with communities. The proposals in the Draft Bill and accompanying consultation document are fundamental reforms to ensure strong performance, robust democracy, good governance and effective delivery for communities. These complement the structural reforms which will be delivered through a series of Local Authority mergers.

Delivering this vision requires a more effective relationship between those who shape places and

provide public services (including mutuals, co-operatives and other forms of social enterprise) and those who rely on them, through stronger local democracy and more effective scrutiny.

It is important to note that the Draft Bill seeks to build capability and capacity among Local Authorities, through a range of reforms to structure and governance. In so doing, it seeks to strengthen the way that Local Authorities take decisions and deliver services, which will impact upon Welsh speakers, Welsh-speaking communities and the Welsh language. Many further outcomes will be determined by County Councils themselves, and it is important not to pre-empt those decisions here, as the impacts will be determined in due course. Rather, **the Draft Bill seeks to ensure Local Authorities are best placed to take those local decisions in an open and transparent way.**

Although the Draft Bill contains no provisions specifically relating to Welsh speakers, Welsh-speaking communities, or the Welsh language, the provisions should benefit all communities in Wales. A summary of the proposals is set out below.

Structural Reforms to Local Authorities

- The capacity and resilience of Local Government will be improved through the merger and reform of County Councils. The Draft Bill proposes the merger of the existing twenty two Principal Local Authorities and the creation of eight or nine new County Councils.

Constitutional reforms – governance, openness, transparency, engagement

- County Councils and some Community Councils will be provided with a General Power of Competence, to allow them to become more innovative in their service delivery.
- Community Area Committees will be set up to act as a conduit between local communities and County Councils.
- The roles and responsibilities of Elected Members, including Cabinet members, and senior officials will be clarified in legislation.
- Measures will be put in place to improve the diversity of Elected Members, so they more closely represent the communities they serve.
- New arrangements will be put in place to make Council meetings more accessible and open, including requirements for the compulsory broadcasting of Council meetings.
- Elected Members will be afforded a stronger role. They will lead Community Area Committees to work with local people to shape their communities and local services, and will be required to prepare and consult on a statement of priorities and objectives; and to make arrangements for public participation.
- A range of measures will be put in place to strengthen public participation and the openness of County Councils. County Councils will be required to develop and implement public participation strategies.
- Clearer expectations of the performance of Elected Members in their duties will be set out, and cases of unsatisfactory performance will be considered by Standards Committees.

Performance and improvement

- County Councils will be required to demonstrate more comprehensive, open and transparent corporate planning.
- External audit and review bodies will be required to work more closely together, to ensure they gather a more comprehensive overview of Local Authority performance through 'stock take' discussions. These bodies will also be required to cooperate more closely with internal scrutiny committees.
- County Councils will be required to undertake a robust self assessment process, supported by regular peer reviews.
- The role of Corporate Governance and Audit Committees will be strengthened.

- The process by which the Welsh Ministers can provide support to County Councils will be strengthened.

Town and Community Councils

- A review of Community Council arrangements will be completed, with a view to implementing structural changes to improve Community Councils' capacity and capability.
- A scheme of 'Community Councils with competence' will be introduced.

Staff Commission

- The Public Services Staff Commission was established in September 2015, to provide advice on workforce matters. This Draft Bill proposes to set out its role and functions in statute, to enhance its standing and provide a timeframe for its work.

What policy options have been considered?

and

What impacts will there be if the policy is *not* implemented?

The Draft Bill and accompanying consultation document is part of the Reforming Local Government Programme, which forms part of the Welsh Ministers' response to the Commission on Public Service Governance and Delivery (the Williams Commission), published in January 2014. Policy options have also been informed by the responses to consultations on the three white papers preceding this Draft Bill.

The Williams Commission was clear public services in Wales face severe and prolonged challenges. The effects of recession and austerity on public-sector budgets will continue to be felt for many years. At the same time, Wales' population is growing, becoming older, and public expectations on the providers of public services are higher than ever before. This creates severe pressures – demand for public services is growing while resources to provide them are falling.

The Williams Commission was clear there are unacceptable variations in local performance. There are some good examples of performance, but reform is required. Recent Welsh Government interventions, inspections and audit reports highlight the need for change. Smaller organisations face a greater challenge as their capacity and flexibility is more constrained.

The Welsh Government accepted the Williams Commission's analysis, both of the issues and the options for change, but has underlined mergers of the existing 22 Local Authorities alone will not bring the scale of change required. Radical internal development of the way in which Local Authorities conduct their business, make decisions, and are held to account is also needed. There must also be a significant change in their relationship with the communities they serve.

The Williams Commission considered policy options throughout its report and final recommendations, which the Welsh Government has broadly accepted. The Welsh Government has presented these recommendations as both legislative and non-legislative proposals, and consulted widely through three White Papers. Responses to these consultations have generally expressed support for the proposals, and have been influential in refining the policy options. Some of the options considered, but ultimately not pursued, include:

- A range of different configurations for merging Counties
- Term limits for elected members to County Councils.
- Some of the requirements which were to be met for Community Councils to be considered competent.

- Lifting restrictions on officers standing for election in their own County Council.

The recent consultation on the White Paper *Reforming Local Government: Power to Local People* included questions on the proposals' impacts on the Welsh language and Welsh-speaking communities. Many participants did not respond to these questions. Those that did noted effects on the Welsh language, responses tended to either suggest that the Welsh language should not be prioritised, or, among those responding positively, that the wide proposals for more open and representative Local Government would benefit Welsh speakers and Welsh-speaking communities. The Welsh Ministers have also engaged in a dialogue with the Welsh Language Commissioner. The Commissioner has highlighted the impact that different merger options could have, particularly on the use of Welsh in the workplace. The Welsh Government has announced that a Task and Finish Group will be established to consider this matter as part of the merger process. The Commissioner also stressed the importance of understanding the impact of the legislation on the rights of Welsh speakers in all communities, not just those where Welsh is the main language.

It is worth restating the Welsh Government's overall policy position on the Welsh language. Public bodies in Wales, including Local Government, must promote and facilitate the use of the Welsh language, and support those who wish to work or conduct their business through the medium of Welsh. Through the Welsh Language (Wales) Measure 2011 and associated regulations, the Welsh Government has introduced a regime of duties known as Welsh Language Standards for Local Government. These will be enforced by the Welsh Language Commissioner. The standards apply to Local Authorities generally and also to their committees (including the proposed Community Area Committees). They will also apply to services provided through partnership working, and to services which they may delegate or contract out to the third sector, the private sector, or another public body.

Does the programme demonstrate a clear link with the Welsh Government's strategy for the Welsh language - *laith fyw: laith byw*?

The six aims of *laith fyw: laith byw* are:

- to encourage and support the use of the Welsh language within families;
- to increase the provision of Welsh-medium activities for children and young people and to increase their awareness of the value of the language;
- to strengthen the position of the Welsh language in the community;
- to increase opportunities for people to use Welsh in the workplace;
- to improve Welsh language services to citizens; and
- to strengthen the infrastructure for the language, including digital technology.

The general aims of this legislation will support Local Government in meeting its commitments to the Welsh language, Welsh speakers, and Welsh-speaking communities. Improving the capacity and capability of County Councils is likely to support them in delivering Welsh-medium services, particularly in light of the financial and demographic pressures outlined above. These services include Welsh-medium services for children and young people, as well as the infrastructure of delivering such services to Welsh speakers and Welsh-speaking communities, including innovative digital options. Particular aspects of the Draft Bill (such as the General Power of Competence) will support County Councils to become more innovative when commissioning and delivering such services.

Larger, more capable County Councils are also more likely to be able to provide proactive support and systematise the use of Welsh in their own workplaces, as well as in the areas they serve.

Care would be taken, however, to ensure that the creation of larger areas does not erode current practice in those County Councils which conduct their internal administration either entirely or largely in Welsh. Indeed, whatever the current practice across Local Government in Wales, the Welsh Ministers seek such practice to be strengthened and built upon. A Task and Finish Group will be established to explore this issue.

County Councils will be required to have a more robust set of corporate governance procedures which will assist in ensuring that their Welsh language commitments are met, including producing an annual corporate plan identifying how a County Council could best meet their obligations regarding the Welsh language. This corporate plan will also be required to be considered as part of the self- and peer-assessment processes introduced by the Draft Bill. Chief Executives will be required to consider how a County Council can continue to improve its performance, which could include performance against commitments, and duties relating to, the Welsh language. County Council Corporate Governance and Audit Committees are also to be afforded an expanded role to provide scrutiny and assurance on these matters.

The Draft Bill is also likely to support the position of the Welsh language in communities: not just through improving Welsh-medium services, but through its proposals to ensure Local Government better reflects the communities it serves. A Local Government closer to communities – through more diverse Elected Members, more open and transparent County Councils, reformed Community Councils, Community Area Committees, and responsiveness to ‘improvement requests’ – is likely to strengthen the ability of Welsh speakers and Welsh communities to influence decisions which affect them.

As major employers, County Councils play an important part in the economies of the areas in which their headquarters and other offices are located. In Welsh-speaking areas of Wales, the existence of such places of work provide an important piece of the jigsaw in the local economy which provides opportunities for the local Welsh-speaking population to remain in, or return to, their local areas – something which is vitally important for the future sustainability of the language in those communities. As such, we will expect decisions regarding the management of the estates of the larger Councils to take full account of the potential impacts on the Welsh language.

In line with the principle of subsidiarity, the full effects of these reforms are likely to be realised through decisions taken by Local Authorities. The impacts of these decisions will be appraised at a local level in due course.

What are the impacts/ effects (both positive and/or adverse) on the Welsh language you have identified at the initial planning stage

i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?

The Welsh language, Welsh-speaking communities, and Welsh speakers in communities where Welsh is not the main language are all likely to benefit from the general aims of the Draft Bill. The reforms seek to ensure County Councils are more capable, more inclusive, more accountable, and share more power and responsibility with communities. **In this context, ‘communities’ means communities of interest as well as communities of place, and so encompasses Welsh speakers in all parts of Wales, not just those communities where the Welsh language is predominant.** This should ensure Local Authorities can better serve and represent those who speak Welsh and better provide services, facilities, and education in the Welsh language. The proposals should also support Local Authorities

to support culture, heritage and the Welsh language, and to meet their requirements under the Welsh Language Standards to promote and facilitate use of the Welsh language, including in the workplace.

However, certain proposals are also likely to have some particular impacts on the Welsh speakers and Welsh-speaking communities. These are summarised below.

1. Local Authority mergers

The Draft Bill proposes to merge the existing 22 Local Authorities in Wales to form 8 or 9 new County Councils.

Some stakeholders have expressed concerns about the effects of merging existing Local Authority areas to create larger Counties on the Welsh Language. Newly-merged County Councils will remain subject to the Welsh Language Standards set by regulation under the Welsh Language (Wales) Measure 2011. Consideration would need to be taken that some merging Local Authorities may be at different stages in terms of their current practice and aspirations in relation to the use of the Welsh language in service provision, policy making, operations, promotion of the language and record keeping. The Welsh Ministers are clear there should be no loss of progress during merger, for example, in relation to bilingual working. Where good practice already exists, it should be protected within the enlarged County Councils and every opportunity should be taken for the new County Councils to be more ambitious and aspirational. The Welsh Ministers have announced the establishment of a Task and Finish Group to promote best practice on these matters as part of the merger process.

Transition Committees will be set up following Local Government elections in May 2017, to begin preparations for the effective mergers of the existing 22 Local Authorities, before Shadow Authorities come into effect in May 2019. Transition Committees will have an important role to play in influencing the working practices and policies of the future County Councils. As Committees of the merging Authorities, they will be subject to Welsh Language Standards, and their decisions will be appraised at a local level.

The Welsh Language Commissioner will have a duty to monitor, report on, and enforce the Welsh Language Standards during and after the mergers. There will also be a role for the Public Services Staff Commission to identify best practice in relation to the Welsh language and workforce matters.

While all County Councils will remain subject to the Welsh Language Standards, there have been particular considerations of Welsh as the language of administration in several County Councils. In West Wales, the Welsh Ministers propose to merge Carmarthenshire, Ceredigion and Pembrokeshire, and currently, Welsh is more thoroughly embedded as a language of business in Carmarthenshire and Ceredigion than in Pembrokeshire. The Welsh Ministers are of the opinion that this presents an opportunity for good practice to spread to a larger area of business across the merged County Council.

There remain two potential options for future configurations of Counties in North Wales. In reaching a decision, one of the considerations for the Welsh Ministers is the impacts on Welsh as the language of business. For example, Gwynedd currently uses Welsh as its primary language of business, and it has been suggested merging Gwynedd and Anglesey may support an increase in Welsh-medium working on Anglesey. At the same time, it has also been argued that placing Conwy with Gwynedd and Anglesey would have the potential to strengthen the position of the Welsh language in Conwy. However, there is also a view that the Welsh language would be supported more widely though a

merger of Conwy and Denbighshire. Similar considerations exist over the placing of Denbighshire, whether with the border counties of Flintshire and Wrexham, or with the more linguistically similar Conwy.

The Welsh Ministers invited informal comments over the summer 2015 on the future configuration of Local Government in Wales, with formal consultation taking place on the Draft Bill in the autumn. The potential impacts on the Welsh language will be a key consideration for consultees and for the Welsh Ministers.

Overall, the Welsh Ministers believe that strengthening the capacity and capability of Local Authorities should support their ability to work bilingually, and to enable staff who wish, to work through the medium of Welsh to do so. Merging Local Authorities presents an opportunity to share and strengthen best practice, which would be realised according to decisions taken locally.

2. Diversity of Elected Members

The Draft Bill seeks to improve the diversity of Elected Members, so they more closely represent the communities they serve. Measures to encourage this include placing a requirement on the Leader of the Council to have due regard to guidance relating to equality and diversity when selecting a Cabinet. This should ensure that County Councils more closely reflect their communities as a whole.

3. Corporate governance, performance and improvement

The Draft Bill proposes a range of measures to ensure that the corporate governance of all Local Authorities is consistently robust.

The Draft Bill places a statutory requirement on all Local Authorities to produce and publish a corporate plan. This will be complemented by a requirement for the County Council to produce an Annual Report setting out its performance over the preceding year. The corporate plan and Annual Report will incorporate the County Council's well-being objectives, including Welsh language objectives, as intended by the Well-being of Future Generations (Wales) Act 2015. Corporate plans will deal with both service delivery and operational matters, so will be an appropriate place to demonstrate compliance with the new Welsh language standards. This will encourage County Councils to incorporate the Welsh language into their everyday business and to implement their strategies to promote and facilitate use of the Welsh language (in line with the Promotion Standards), and may be particularly beneficial in areas where Welsh is not the main language.

The Draft Bill also introduces a range of provisions to strengthen County Council's abilities to identify and realise opportunities for improvement. These include new measures on self assessment, peer review, and working more closely with external review bodies. The Draft Bill also proposes to require external review bodies to complete regular, light-touch 'combined assessment' of County Councils, to give an overview of their governance and services as a whole. This should support County Councils to continue to improve their performance, meaning that, for example, Welsh Language Standards are more likely to be met, and quality services provided in Welsh. Any shortcomings are more likely to be identified, and effective solutions implemented. Again, these provisions could be particularly beneficial in areas where Welsh is not the main language.

4. Openness, engagement, and transparency

The Draft Bill seeks to ensure local democracy is stronger, more open, and more participative. It does so by way of a public participation duty for County Councils, and provisions affording communities

specific rights to contribute to Council discussions, and to participate in community governance. Under the participation duty, County Councils will have to set out how they intend to encourage local people to participate in County Council's decision-making, and how they can make representations before and after decisions are made. This is likely to improve engagement with Welsh speakers and Welsh-speaking communities, increasing the likelihood their needs are met effectively.

County Councils will be subject to the Welsh Language Standards in exercising this function. It will therefore give Welsh speakers a greater opportunity to make representations about decisions which might affect the Welsh language, either positively or negatively. In addition, County Councils will be required to broadcast Council meetings, allowing Welsh-language communities, often in rural areas, to understand how decisions affecting them are taken.

Moreover, voluntary bodies and community groups often have good ideas about how the services that affect them could be improved. The Bill proposes that community bodies, including voluntary bodies, community groups and Community Councils, should be able to make an 'improvement request' to the County Council. This would enable community bodies to enter into a dialogue with the County Council about how improvements could be achieved, and the County Council would be required to publish a report showing the outcomes of the discussions and the decisions made. These provisions would allow community bodies with an interest in Welsh language services, or the needs of Welsh language speakers, to have a greater say about how County Councils could improve Welsh language services, or services which affect Welsh-speaking communities and Welsh speakers.

For the first time, the Draft Bill proposes to enlarge the remit of County Council Standards Committees to include under-performance amongst Elected Members (as well as misconduct). It is considered that this will be more likely to ensure that Welsh-speaking communities would have an effective Elected Member.

5. Community Area Committees

The Draft Bill aims to establish a framework to allow for greater sharing of power and responsibility between County Councils and the communities they serve. This will enable communities to go beyond having their voice heard to actively seeking to take responsibility for the changes and improvements they wish to see in their community.

The Draft Bill proposes to require County Councils to establish Community Area Committees in the community areas identified under the Well-being of Future Generations (Wales) Act 2015. Community Area Committees will be led by the Elected Members for the community area, and will include representation from the community (through Community Councils and the voluntary sector) on an equal basis. Community Area Committees will ensure communities' interests are represented to the Council, and that local priorities are addressed by directly influencing the way public services are delivered in the local area. They will strengthen the link between communities and larger County Councils, and between communities and the Public Services Board for the area. Community Area Committees will have a role facilitating the County Council's exercise of its public participation duty set out in this Draft Bill. . This provision will have positive effects in supporting more sustainable and resilient communities in Welsh speaking areas and making County Councils more responsive to the needs of Welsh speakers in all communities in Wales. Indeed, County Councils may consider there to be an opportunity for Mentrau Iaith to become a member of Community Area Committees in particular communities.

6. General Power of Competence

The Draft Bill contains provisions to extend a general power of competence to all Counties and to Community Councils with competence. Community Councils with competence will be those demonstrating a minimum of two thirds elected members, a qualified clerk, and sound financial governance.

Within certain constraints, the general power of competence releases County Councils from the need to identify a specific power to do things in legislation. It enables them to do anything an individual generally may do. The power has been used by Local Authorities in England, for example, to run mortgage indemnity schemes to support first time house buyers, in partnership with private lending bodies and housing associations. The general power could be used by County Councils to take action to promote and facilitate use of the Welsh language, directly or indirectly, in ways they may not be currently authorised to do, but it will be for individual Councils to determine how they wish to exercise the power. In the case of Community Councils, their legal basis for taking action is currently very limited. The general power will give them extensive freedom to act in new ways in response to the cares and concerns of their communities.

Where the general power is used to develop alternative delivery models on behalf of a County Council, for example involving co-operatives, mutuals or other partners, it is worth noting that the delegated function continues to be a function of the County Council and so subject to the Welsh Language Standards. For example, it is the County Council's responsibility to ensure service users are able to access services (to which the Welsh Language Standards apply) in the Welsh language where the service is delivered by another body on behalf of the Council, and for the Welsh Language Commissioner to ensure those standards are enforced.

7. Strengthening Town and Community Councils

The Draft Bill proposes several measures to strengthen Town and Community Councils.

The Local Democracy and Boundary Commission for Wales (LDBCW) will review Community Council arrangements, with the aim of grouping smaller Community Councils under a Common Community Council. The purpose of these reforms is to strengthen the capacity and capability of Community Councils so that they can take a more active role in the management of facilities and the delivery of services in their local area. This ambition is not achievable where Community Councils are too small to be able to employ a qualified clerk and other employees.

The Welsh Ministers will direct the LDBCW to take into account the linguistic characteristics of the communities being grouped together and the language in which those Councils primarily work. As the intention is that larger Community Councils will have a more active role and be involved in a wider range of activities than at present, it is all the more important Community Councils do more to promote and facilitate use of the Welsh language and ensure services are delivered in the preferred language of users, including where Welsh is not spoken as the main language in the community.

The Draft Bill also proposes to introduce competency standards for Community Councils, to improve their governance and financial accountability. In order for Community Councils to be able effectively to take responsibility for more community assets and local services, they require the resources to employ a clerk and community development officer, and to be able to invest in local facilities or services. The Welsh Ministers' view, therefore, is Common Councils consisting of two or more linked communities will have greater resources to tackle the threats facing smaller communities and strengthen their resilience during a period of financial pressure and demographic change. This is likely to benefit all Welsh-speaking communities, as decisions will be taken closer to communities and are more likely to be in their interests. This could be of particular benefit to Welsh speakers in areas

where Welsh is not the main language, as more effective and robust Community Councils are more likely to be able to effectively meet the needs of Welsh speakers.

Community Councils with competence would also be granted the general power of competence (see above), allowing them significantly greater freedom and to innovatively act in the best interests of their communities.

8. Public Service Staff Commission

The Draft Bill proposes to place the Public Services Staff Commission on a statutory footing. As part of its remit of advising the Welsh Ministers on a broad range of public service workforce issues, the Staff Commission already plays a role in supporting the use of the Welsh language among public service workforces. A key element of the Staff Commission's work includes identifying best practice in bilingual working. At least one Commissioner is required to be fully bilingual in English and Welsh, and the Welsh Ministers have made clear that all Commissioners will be expected to display empathy towards the Welsh language. The Commission will continue to play this important role throughout the period of Local Authority mergers.

Outlining the role and function of the Staff Commission in legislation is likely to enhance its standing. This is likely to strengthen any advice or guidance it may issue, including on the use of Welsh in the workplace. This, together with the degree of permanence afforded by a statutory Staff Commission, is likely to provide greater assurance to Welsh-speaking workforces across the public sector.

All of the Staff Commission's guidance will be fully appraised in the future, and should not be pre-empted here. Nonetheless, a statutory Staff Commission would be able to support the position of Welsh as a language of business in Local Authorities, and help to ensure that best practice is applied across merging Local Authorities.

Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the proposals?

All Welsh speakers and learners are stakeholders, wherever they live or work in Wales. Other stakeholders directly affected include Local Authorities, Community Councils, Elected Members, and senior officers.

Welsh speakers and Welsh-speaking communities have been involved throughout the development of the proposals. The consultation on the White Paper *Reforming Local Government: Power to Local People* received responses from a wide range of organisations and many members of the public, many of which were in Welsh. It asked specific questions on the proposals' impacts on the Welsh language and Welsh-speaking communities. A number of events were held across Wales which provided opportunities for views to be put forward including on the impact of the proposals on the Welsh language. The Welsh Ministers have also engaged in a dialogue with the Welsh Language Commissioner. Contributions in respect of the potential impact on the Welsh language will again be welcome during this consultation exercise in respect of the Draft Bill.

Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes?
(This could be used in the Welsh Language Tribunal in future)

N/A

What actions/ further work has been identified at the initial planning stage?
e.g. data requirements, need for peer review, external engagement with Welsh speaking groups, identify stakeholders or consultation list, need to contact Welsh Language Unit for advice)?

N/A

Following the consultation on the Draft Bill, a further Welsh Language Impact Assessment will be published as the Local Government (Wales) Bill is introduced to the National Assembly.

STAGE 2: IDENTIFYING AND ASSESSING IMPACTS

Impact Assessment Summary

Summarise the detailed impact assessment carried out together with the scores assigned.

Positive effects/ impacts:

1. Local Authority mergers

The Draft Bill proposes to merge the existing 22 Local Authorities in Wales to form 8 or 9 new County Councils, in order to strengthen their capability and capacity. Newly-merged County Councils will remain subject to the Welsh Language Standards, and this presents an opportunity for best practice to be strengthened and shared among Local Authorities. Larger, more resilient Local Authorities are likely to be in a better position to effectively fulfil their commitments to the Welsh Language, particularly in light of the demographic and financial challenges they face.

IMPACT SCORE 12 (Impact: 3, Probability: 4)

2. Diversity of Elected Members

The Draft Bill proposes a range of measures to improve the diversity of Elected Members, so they more closely represent the communities they serve. This could improve the representation of Welsh speakers and Welsh-speaking communities, with positive impacts on the decisions taken relating to the Welsh language.

IMPACT SCORE 6 (Impact: 3, Probability: 2)

3. Corporate governance, performance, and improvement

The Draft Bill proposes a range of measures to improve the corporate governance and performance of County Councils, enabling them best implement their strategies to promote and facilitate use of the Welsh language. It is considered that merged Local Authorities with shared capability are more likely to be able to realise opportunities to improve their fulfilment of Welsh language commitments, of particular benefit in areas where Welsh is not the main language.

IMPACT SCORE 9 (Impact: 3, Probability: 3)

4. Openness, engagement, and transparency

The Draft Bill seeks to ensure local democracy is stronger, more open, and more participative. It

proposes the introduction of measures to ensure greater openness and transparency which it is considered would bring Local Government closer to Welsh speakers and Welsh-speaking communities, so that decisions would more likely be taken in their interests. Formal opportunities for voluntary bodies and community groups to make 'improvement requests' to County Councils would enable them to have a greater say about how County Councils could improve Welsh language services, or services which affect Welsh-speaking communities and Welsh speakers. Communities would benefit from being more directly and closely involved in decision-making and service-delivery.

IMPACT SCORE 16 (Impact: 4, Probability: 4)

5. Community Area Committees

The Draft Bill aims to establish a framework which allows for greater sharing of power and responsibility between County Councils and the communities they serve. This will enable communities, including Welsh language communities, to be involved in identifying the priorities and objectives for their area and submitting them to the County Council to inform decisions and budgets. One of the aims of the Bill is to improve communities' resilience and viability.

IMPACT SCORE 16 (Impact: 4, Probability: 4)

6. General Power of Competence

The Draft Bill proposes to extend a general power of competence to all Counties and to Community Councils with competence, thus enabling Local Government to become more innovative in its service delivery. This would provide a greater range of options to take action to promote or facilitate use of the Welsh language. Where the general power is used to develop alternative delivery models on behalf of a County Council, the Welsh Language Standards continue to apply to that function.

IMPACT SCORE 6 (Impact: 2, Probability: 3)

7. Strengthening Town and Community Councils

The Draft Bill includes provisions to reform, strengthen and empower the Community Council sector. A review of Community Council arrangements will be conducted, with a view to grouping smaller communities under Common Community Councils. The proposal to introduce competency standards would also improve the governance, financial accountability, and professionalism of Community Councils. Community Councils with competence would gain greater freedom to act in the best interests of their communities through the general power of competence. It is considered that strengthening Community Councils is likely to ensure this tier of government is robust, effective, and ambitious, which is more likely to effectively serve and represent Welsh speakers and Welsh-speaking communities.

IMPACT SCORE 9 (Impact: 3, Probability: 3)

8. Public Service Staff Commission

The Draft Bill proposes to place the Staff Commission on a statutory footing. While the Staff Commission will already play a role in identifying best practice in working in the Welsh language as part of its consideration of a broad range of workforce issues, placing the Commission on a statutory footing is likely to strengthen any advice it may issue, and provide assurance to workforces through a clear timescale for its work. It is also likely to be able to play a more significant role through the period of Local Authority mergers.

IMPACT SCORE 12 (Impact: 3, Probability: 4)

Adverse effects/ impacts:

No direct adverse effects are identified.

However, the Welsh Ministers recognise that it is important to take care to ensure that the creation of larger Counties does not erode current practice in those Local Authorities which conduct their

internal administration either entirely or largely in Welsh. It is important that current practice across Local Government is strengthened and built upon.

Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?

All the effects identified above give opportunities to promote and facilitate use of the Welsh language.

Evidence/ data used including demographic profile when considering the effects/ impacts:

No further analysis has been undertaken at this stage.

A further Welsh Language Impact Assessment will be published when the Local Government (Wales) Bill is introduced to the National Assembly.

What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?

Positive:
 Adverse:
 Neutral:
 Unknown:

Decision following IA

- | | |
|---|-------------------------------------|
| 1. No major change | <input checked="" type="checkbox"/> |
| 2. Adjust the policy to improve impacts | <input type="checkbox"/> |
| 3. Continue the policy with mitigation measures | <input type="checkbox"/> |
| 4. Stop and remove the policy | <input type="checkbox"/> |

If answered 2,3, or 4 above – then answer the following:

How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:

If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?

This Draft Bill is published for consultation. This consultation will seek consideration of the practical application of the provisions in the Draft Bill and the accompanying consultation document. Stakeholders will be free to identify and highlight potential impacts of the proposals on the Welsh language, Welsh speakers, and Welsh-speaking communities. Engagement events will be held across Wales. The responses will form part of the evidence used by the Welsh Minister to refine the provisions, and inform the Local Government (Wales) Bill as it is introduced to the National Assembly.

STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION

Following consultation, what changes have you made to address any Welsh language issues that were raised?

As outlined above, following the consultation on the White Paper *Reforming Local Government: Power to Local People*, a range of considerations have been raised by Welsh-language stakeholders.

Welsh Ministers accept the importance of these considerations, and have carefully considered this feedback, together with discussions at stakeholder engagement events. This revised Welsh Language Impact Assessment seeks to address these concerns, and explain the Welsh Ministers' positions. Further views will be sought in this consultation exercise on the Draft Bill.

A further Welsh Language Impact Assessment will be completed to accompany the Local Government (Wales) Bill as it is introduced to the National Assembly. This will provide the opportunity to address any issues raised during this consultation, and will assess the impacts of any proposed policy changes.

How will you monitor the ongoing effects during the implementation of the policy?

The Welsh Ministers will continue to closely monitor the effects of the proposed reforms as they are implemented. Monitoring will take place as part of the wider Reforming Local Government programme, with the input of the Welsh Language Commissioner and other stakeholders.

Please outline how you will continue to capture effects/ impacts in future monitoring and evaluation?

Monitoring on the impacts of these provisions will focus on:

- The work of Transition Committees in regard to the Welsh language, and Welsh-speaking communities;
- Advice provided by the task and finish group to consider the impact of the mergers on the Welsh language;
- Reports and advice produced by the Public Services Staff Commission; and
- Reports of the Welsh Language Commissioner on Local Authorities'/County Councils' implementation of the Welsh Language Standards, both before and during mergers and reform.

The results of this monitoring will be used by the Welsh Ministers, the Welsh Language Commissioner, Local Authorities, and other stakeholders to inform their ongoing dialogue, and to improve the quality of services in Welsh.

Any other comments – ongoing results of evaluations, emerging impacts

4. Declaration

Policy lead: <i>*Please delete as appropriate:</i> The policy <i>*does / does not</i> have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and actions have been put in place.
Name:
Department: EPS
Date (s):
Signature:
Planned Review Dates:

SRO ENDORSEMENT and REVIEW	
I am satisfied that the WLIA is an accurate reflection of the programme/project at this stage of development. By signing, I am able to confirm that the Welsh Language Standards have been given the appropriate attention. I will re-assess the programme/project at key stages throughout the life of the programme/ project, including policy reviews.	
Signed (Senior Responsible Owner)	Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date