Draft Welsh Language Scheme consultation responses
1 Introduction

This paper outlines the responses received to the recent joint consultation regarding the Legal Ombudsman draft Welsh Language Scheme prepared under the Welsh Language Act 1993.

The draft scheme was developed in conjunction with the Welsh Language Board and specifies the measures the Legal Ombudsman proposes to take to treat the English and Welsh languages on a basis of equality so far as is both appropriate to the circumstances and reasonably practicable. The draft scheme sets out how we will do this when we provide our services to the public in Wales.

The Legal Ombudsman would like to thank staff at the Welsh Language Board and those who participated in the consultation.

2 Details of the consultation exercise

The scope of the consultation was agreed with the Welsh Language Board (WLB) with the intention of consulting as widely as possible on our draft Welsh Language Scheme. Comment and discussion was encouraged from our stakeholders and the wider public. Following comments received and further discussion with the WLB, this document will be submitted with the final scheme to the WLB for approval.

The consultation period began on 3 February 2011 and closed on 31 March 2011. Details of the consultation and the draft scheme were published in a bilingual format on the Legal Ombudsman and Welsh Language Board websites. A notice was sent to our stakeholders indicating how it can be accessed and the following stakeholders were invited to respond:

- Legal Services Board
All of the above stakeholders were directed to send a notice to their members in Wales. In addition to this, bilingual copies of our draft scheme were also sent in electronic format to the following organisations:

- EHRC - Equalities and Human Rights Commission Wales
- Plaid Cymru
- Welsh Centre for Language Planning
The above list was not intended to be exhaustive or exclusive and responses were welcomed from anyone with an interest in, or views on, the subject covered by the consultation exercise.

We intend to publish all responses to the consultation on our website, unless a respondent explicitly requests that a specific part of the response, or all of it, should be kept confidential. We will record the identity of the respondent and the fact that they have submitted a confidential response in our summary of responses.

A copy of all comments will be maintained and will be used to help inform the final scheme that will be submitted to the Welsh Language Board after 31 March 2011 for approval and publication by 12 May 2011.

2 Summary of responses received

Five responses to the joint consultation were received and are summarised below. Details of the respondents and an electronically embedded version of each response appear in Appendix 1.

Question 1: Do you agree with the stated intentions of the scheme? Please make any comments on the intentions of the scheme as outlined in the introduction.

All respondents agreed with the intentions of the scheme and no comments were made.
Question 2: Do you agree with the overall approach we are taking to service planning and delivery of the scheme? Please make any comments on the Legal Ombudsman's proposed overall approach to service planning and delivery

All respondents agreed with the intentions of the scheme. The following comments were also received.

The Legal Ombudsman should:
1. Ensure that a fully bilingual corporate identity is introduced by translating “Legal Ombudsman” on all correspondence.
2. Consider including provisions within equality and diversity impact assessment documentation to ensure that Welsh language consideration is included at the earliest opportunity in any project and policy implementation.

Question 3: Do you agree with the approach we are taking to service delivery to the public in Wales? Please make any comments on the Legal Ombudsman’s proposed approach to service delivery to the public in Wales.

Four respondents agreed and one broadly agreed with the approach we are taking to service delivery to the public in Wales. The following comments were also received.

1. A commitment to transferring telephone calls to a Welsh speaking member of staff may be difficult to fulfil, and the likelihood is that LeO will need to arrange
for those who wish to speak Welsh over the phone, to have their calls to be returned when a Welsh speaker is available.

2. The ‘personal attendances’ section states that no callers are received without an appointment. Considering this, there appears to be no practical reason why an arrangement cannot be made for the appointment to be made for a Welsh-speaking representative to conduct a face-to-face meeting.

3. If public meetings are held in Wales there will be a requirement to have provision for bilingual working.

4. The issuing of publications in Welsh should not be prioritised in accordance with usage or demand. An assessment of usage or demand is not in the spirit of the Welsh Language Act 1993 and may fall outside the scope of the Welsh Language (Wales) Measure 2011. Currently, the Legal Ombudsman states that it will publish bilingual versions of its most commonly requested short publications, leaflets, downloadable forms and information, where practicable. We believe that the Legal Ombudsman should provide specific criteria for deciding when it will publish bilingual versions of documents.

5. A commitment should be made to issue press notices simultaneously in both languages where possible.

**Question 4: Do you agree with the recruitment and staffing section of the scheme? Please make any comments on how the Legal Ombudsman**
proposes to ensure that our recruitment processes take account of the use of the Welsh language.

All respondents agreed with the recruitment and staffing section of the scheme and no comments were made.

**Question 5: Please make any comments on how the Legal Ombudsman proposes to implement, monitor and publish the scheme.**

The following comments were received in response to this question.

1. It would be helpful if contact details for the Welsh Language Board could be included in the complaints section of the scheme.

**Question 6: If you have any other comments regarding the scheme, please state these below.**

One respondent acknowledged that the “Welsh Language Act (section 5) requires that in giving effect to the principle of equality of treatment of the English and Welsh languages this must be done so far as is both proportionate in the circumstances and reasonably practicable... great care must be taken to ensure that policies and systems are proportionate and affordable and that valuable resources should not be spent in providing services which will not be used in practice. LeO must have regard to the number of likely complaints in Welsh and provide a service which is commensurate with those numbers and avoid unnecessary expenditure on systems which gets little use.”

The respondent suggested that LeO should implement the scheme in accordance with the minimum requirements in order to comply with the Act and review the position to determine whether further measures may be required at a later stage.
3 Post consultation discussion with the Welsh Language Board

The Head of Compliance discussed the results of the consultation exercise with the Welsh Language Board on 11 April 2011. The outcome of this discussion is summarised below.

The Welsh Language Board confirmed they had not received any separate responses to the consultation exercise and had received a copy of each of the five responses received by the Legal Ombudsman. In respect of each of the matters raised in response to the consultation questions, the Welsh Language Board confirmed that:

i. Where the title “Legal Ombudsman” conveys a corporate image and/or logo, this does not have to be translated to display the same corporate image in a bilingual format.

ii. The current sections relating to ‘telephone calls’, ‘personal attendances’, ‘press notices’ and ‘meetings’ are considered to be reasonable and appropriate. These sections are commensurate with other Welsh Language Schemes operated by organisations located in England and require no amendment.

iii. The Legal Ombudsman is a new organisation and therefore requires time to reasonably monitor the nature and volume of enquiries received in Welsh. As such, the Welsh Language Board agrees that the Legal Ombudsman may reasonably determine what information and publications it intends to initially provide in a bilingual format, although this may change from time to time as future demand dictates. Additionally, this approach will also ensure that policies and systems are proportionate and affordable and that valuable resources are not spent providing services which may not be used in practice.
The following amendments to the draft scheme were considered to be reasonable and of benefit to the Legal Ombudsman draft scheme:

iv. A provision within the Legal Ombudsman equality and diversity impact assessment process and documentation should be introduced to ensure that Welsh language consideration is included at the earliest opportunity in any project and policy implementation.

v. The contact details for the Welsh Language Board should be included in the complaints section of the scheme.

In addition to the above, the Welsh Language Board agreed that ‘cyhoeddus’ should be amended to ‘cyhoedd’ on page 4 of the draft scheme.

A copy of the revised scheme, including the above amendments, is attached as Appendix 2 and is submitted to the Office for Legal Complaints (OLC) for approval. Once approved, the scheme will be submitted to the Welsh Language Board along with this paper for final ratification.

4 The next steps

Following approval by the OLC, the revised draft scheme is to be presented to the Welsh Language Board for approval and to be published and implemented by the Legal Ombudsman with effect from 12 May 2011.
Following implementation, the Legal Ombudsman will monitor data related to the scheme and provide the OLC with an annual report, which will be shared with the Welsh Language Board. The first annual report will be provided to the Welsh Language Board within one month following the first anniversary of the implementation of the scheme.

Andy Taylor
Board Secretary and Head of Compliance
11 April 2011
Appendix one: full list of respondents and responses received

Legal Services Commission

The Chartered Institute of Patent Attorneys (CIPA)

The Bar Standards Board

The Welsh Committee of the Administrative Justice and Tribunals Council (AJTC)

The Law Society
Appendix two: revised draft Legal Ombudsman Welsh Language Scheme (version 0.6 April 2011).

Welsh Language Scheme (version 0.6 April 2011)