

Vaughan Gething AM,
Minister for Health and Social Services
Welsh Government

10 May 2019

Dear Vaughan,

**The National Health Service (Welsh Language in Primary Care Services)
(Miscellaneous Amendments) (Wales) Regulations 2019**

I note that the Regulations relating to the Welsh language standards for primary health care providers including general practitioners, dentists, pharmacists and opticians were laid yesterday. I also note that they are due to come into force on 30 May 2019.

I am extremely concerned that the Committee has not been given sufficient time to consider them, particularly after I emphasised how important it was for us to have more than 21 days to consider them when we looked at the previous set of Regulations in March of last year.

The need for more consideration time was made clear in our Committee report and I brought it up during the Plenary debate on 20 March. I spoke then about our frustration with the rushed timetable and the fact that our stakeholders and Members felt there was insufficient time to consider the implications of the legislation properly.

In response to our concerns, Eluned Morgan AM, Minister for International Relations and the Welsh Language said:

I am highly aware that you didn't have a great deal of time to look at this, but we have complied with the 21 days that is usually in place. However, I do accept that perhaps we can look at expanding

that, if that's created a problem on this occasion. But that's the way it's always been done. But as a point of principle, I do think that we can extend the time in future.'

Given these comments, the Committee Clerk wrote to Welsh Government officials in the Legislative Programme and Governance Unit on three occasions between December and January 'to confirm that the Committee will have more than the minimum 21 days to consult on and scrutinise the regulations.' No reply was received.

I am sure you can understand how disappointed I am therefore, at finding we have, again, been given the very bare minimum of time to scrutinise this important piece of subordinate legislation.

In fact, by setting the date for the Regulations to come into force on 30 May, which includes a Bank Holiday, Privilege Day and Recess period, you have effectively given us only 10 working days to consult our stakeholders, discuss this issue and report on it to the Assembly.

I am not prepared to compromise the work of the Committee by rushing this activity. Please can you postpone the coming into force date to the third week in June? It is essential that we have time to properly scrutinise the legislation because of the importance it has for this group of service users and primary care providers.

During the debate on the previous set of Regulations relating to primary care providers the Minister acknowledged this is a contentious issue and the need for it to be discussed thoroughly with all those it will affect.

Due to the urgency, please can you reply by email or telephone as soon as possible or ask one of your officials to speak to the Committee Clerk, Martha

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu

National Assembly for Wales
Culture, Welsh Language and Communications Committee

Howells, who can be contacted on [REDACTED] or by e-mail at

[REDACTED]

Yours sincerely,

Bethan Sayed.

Bethan Sayed

Chair of the Committee



Ein cyf/Our ref MA - L/VG/0447/19

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

20 May 2019

Dear Bethan,

Thank you for your letter of 10 May.

The National Health Services (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 relate to placing Welsh language duties not standards on independent primary care providers (IPCPs) through the relevant primary care contracts and terms of service. These duties will be incorporated into the following Regulations ('the Services Regulations') –

- The National Health Service (General Ophthalmic Services) Regulations 1986;
- The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004
- The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006
- The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006; and
- The National Health Service (Pharmaceutical Services) (Wales) Regulations 2013

The approach we were taking with IPCPs was shared with the Committee during the scrutiny on Welsh Language Standards (No. 7) Regulations 2018 ('the 2018 Regulations') for the health sector and were consulted on with the representative bodies of the IPCPs by way of consultation in February 2018 i.e. –

- Chair, General Practitioners Committee Wales
- Chair, Welsh General Dental Practitioners Committee Wales
- British Dental Association Wales National Director
- Chair, Community Pharmacy Wales
- Chair, Optometry Wales

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

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.

Discussions were also held with the Welsh Language Commissioner on the 6 duties for IPCPs during 2018/19. The Welsh Language Commissioner indicated that, as they have not previously been subject to Welsh Language schemes, and based on capacity and capability in primary care, she was content that the duties are reasonable and appropriate at this time for the IPCPs.

The date of the duties coming into force on 30 May is to coincide with when most of the Welsh Language Standards for the health sector will come into force, in line with the compliance notices for health bodies which were issued by the Commissioner on 30 November. The duties for IPCPs support the service delivery Welsh language standards for Local Health Boards in relation to primary care.

In response to the email queries, Welsh Government officials spoke to officials in the Assembly Commission to provide an update on the progress of the Regulations and, when the position was confirmed, to advise them that the regulations would be made via the negative procedure. As you will be aware, under Standing Orders 21 and 27, there is no provision for a Committee other than the responsible Committee, i.e. the Constitutional and Legislative Affairs Committee, to report on an instrument subject to the negative procedure. However, I recognise the interest of the Committee in the amendments and would like to offer a technical briefing with my officials.

The approach we are taking with IPCPs has not changed since it was shared during the consideration on the Welsh Language Standards (No. 7) Regulations 2018 ('the 2018 Regulations') for the health sector. As the process follows a negative resolution procedure and the duties coming into force ties in with the Welsh Language Standards for the health sector compliance notices I am not prepared to postpone. In any case, as the SI is now made we cannot simply delay the coming into force date, it would mean having to revoke and remake the SI and any changes would require re-opening the consultation and agreement with the representative bodies.

Yours sincerely,

A handwritten signature in black ink, reading "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