

## Impact case study (REF3)

<b>Institution:</b> Cardiff University		
<b>Unit of Assessment:</b> Modern Language and Linguistics (26)		
<b>Title of case study:</b> Changing public policy and legal context of Language Commissioners and language regulation in Wales and Ireland		
<b>Period when the underpinning research was undertaken:</b> 2005 – 2017		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Diarmait Mac Giolla Chríost Patrick Carlin Colin H Williams	Professor Research Associate Emeritus Professor	01/09/2004 – present 01/08/2012 – 31/06/2015 01/10/1994 – 31/07/2016
<b>Period when the claimed impact occurred:</b> 01/01/2014 – 31/07/2020		
<b>Is this case study continued from a case study submitted in 2014?</b> No		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>In Wales, approximately 10% of the population speaks Welsh on a daily basis and in Ireland, 1.5% speak Irish daily outside of the education system. Language policy and planning are essential to protect these native languages and provide opportunities for them to thrive. Cardiff research analysed the efficacy of Language Commissioners in protecting, regulating and promoting native languages in both countries, and made recommendations to improve outcomes for Welsh and Irish speakers. These research recommendations shaped policy in Wales and Ireland, leading to the simplification of complex regulation, clarity around public policy roles and the interaction between Commissioners and Governments, and imposition of stronger duties on public bodies to deliver services in Welsh and Irish.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>In Wales and Ireland, language planning and policy are high-profile fields in which significant political capital is invested. The creation of Language Commissioners (2003 in Ireland and 2011 in Wales) is a national development of real significance for minority language speakers. Cardiff researchers undertook a multidisciplinary comparative study, funded by the ESRC [G3.1], to evaluate the effectiveness of these offices. They reviewed the legislative and policy frameworks within which the Commissioners operated, including:</p> <ul style="list-style-type: none"> <li>• <i>Language Schemes</i> (which cannot be imposed on public organisations; they require the Commissioner and the Government to negotiate with the organisation regarding which services they will provide in Welsh/Irish); and</li> <li>• <i>Language Standards</i> (which impose legal duties on public organisations as regards to provision of services in Welsh/Irish; these therefore ensure higher levels of compliance).</li> </ul> <p>The researchers also conducted and analysed semi-structured interviews with the Commissioners, Ministers and other stakeholders, and scrutinized a substantial body of official government documents in relation to several languages, including legislation, statutory instruments and policy documents.</p>		
<b>2.1 Wales</b>		
<p>The project identified areas of improvement in the way in which the promotion and regulation of the Welsh language was undertaken. Mac Giolla Chríost's 2016 monograph [3.1] critiqued the Welsh Language (Wales) Measure 2011, which has a significant impact on how Welsh speakers are able to use their language. The Measure secured official status for Welsh, created a legal framework of statutory obligations and institutional duties, and replaced Language Schemes with Language Standards. The Cardiff research team argued that this important and ambitious law would benefit from simplification. Key recommendations to refine</p>		

the law and the policy framework included [3.2]:

- reduce duplication of effort, particularly in respect to language promotion, by explicitly defining the specific responsibilities of both the Commissioner and the Government;
- create clear lines of accountability between the Commissioner, the Welsh Government, and the National Assembly for Wales (now the Welsh Parliament) by simplifying the broader legal and public policy framework;
- streamline Language Standards, which were seen as a positive change from the previous Language Schemes, and could be improved further;
- support the development and implementation of Welsh language policy by creating a governmental unit dedicated to that task.

The research also involved a comparative critique of accountability and independence in international contexts [3.3] and showed that the current language policy framework at times over-reached [3.1]. For example, the team argued against introducing a Welsh language requirement for all local government roles. They highlighted that in regions (outside the UK) with minority language regulations where such a policy approach was in operation (for example, Ireland), it was typically ineffectual and counter-productive [3.4].

## 2.2 Ireland

Mac Giolla Chríost's research analysed Ireland's Official Languages Act 2003, the creation of the office of Irish Language Commissioner, and the establishment of legal rights for Irish speakers [3.5]. Via the ESRC-funded project, the Cardiff team built on this original research and also produced a briefing paper [3.6] for the Irish Government's 2014 review of the Official Languages Act. Implementation of the Act had led to public conflict between the Irish Language Commissioner and the Government. The Commissioner argued that Language Schemes must, according to the letter of the law, be revised every three years, but the Government viewed this as overzealous. The Cardiff research team recommended that:

- the shelf-life of Irish Language Schemes should be extended beyond the regulatory 3-year cycle [3.6]. This builds on research on Wales' Language Schemes (which inspired the Irish ones) which revealed that none were ever revised within a 3-year cycle, despite this being a legal requirement [3.2];
- consideration should be given to replacing Irish Language Schemes with Irish Language Standards;
- standards placed upon public bodies in the Gaeltacht (primarily Irish-speaking areas) ought to be more stringent than for elsewhere [3.6].

## 3. References to the research (indicative maximum of six references)

[3.1] Mac Giolla Chríost, D., *The Welsh Language Commissioner in context: roles, methods and relationships* (Cardiff: University of Wales Press), 2016. Available in REF3.

[3.2] Mac Giolla Chríost, D., Carlin P. & Williams C.H., *Preparing for a Welsh Language Bill pursuant to the Written Statement of 31 January 2017 by the Minister for Lifelong Learning and the Welsh Language* (Language, Policy and Planning Research Unit, School of Welsh, Cardiff University, UK), 2017, 31 pages, 7601 words. Available from HEI on request.

[3.3] Mac Giolla Chríost, D., 'Language commissioners and their independence'. In S. Nason (ed.) *Administrative Justice in Wales and Comparative Perspectives* (Cardiff: University of Wales Press), 2017, pp. 107–124. Available from HEI on request.

[3.4] Mac Giolla Chríost, D., & Carlin P., *Response to the report 'Language, Work and Bilingual Services. Report of the Working Group on the Welsh Language and Local Government (Welsh Government: June 2016)'* (Language, Policy and Planning Research Unit, School of Welsh, Cardiff University, UK), 2016, 16 pages, 4844 words. Available from HEI on request.

[3.5] Mac Giolla Chríost, D., *The Irish language in Ireland from goídel to globalisation*

(London: Routledge), 2005. Available from HEI on request.

**[3.6] Mac Giolla Chríost, D., Carlin P. & Williams, C. H.,** *Briefing paper for the Department of the Arts, Heritage and the Gaeltacht, the Government of Ireland on language schemes and language standards* (Language, Policy and Planning Research Unit, School of Welsh, Cardiff University, UK), 2014, 27 pages, 9858 words. Available from HEI on request.

**Selected grant:**

**[G3.1] Williams, C. H.,** 'The office of language commissioner in Wales, Ireland and Canada', ESRC, June 2012–July 2015, £343,000

**4. Details of the impact** (indicative maximum 750 words)

The effects of language planning and policy initiatives are usually measured over decades; meaning that they can run for a long period without refinement or improvement. By intervening early at a key stage in the existence of new Language Commissioner regimes, Cardiff researchers were able to recommend unique and timely changes, enabling both Welsh and Irish Governments to subsequently recognise the need for change and act accordingly. This has directly influenced policy initiatives in Wales, and language planning and policy in Ireland.

**4.1 Language planning and policy initiatives in Wales**

**a. Influencing policy on Welsh language in local government employment**

In 2016, the Welsh Government rejected recommendations made by its own expert working group regarding the Welsh language in public service employment and local government. Those recommendations were to legally impose minimum Welsh-language skills on every post in the local government workforce. Evidence presented by the Cardiff team **[3.2]** discussed, in particular, the principle that there should be a direct relationship between the requirements of the post and the language skills of the post holder. In rejecting the expert working group's recommendations, the Welsh Government cited Cardiff's research and evidence **[5.1, p.7]**. No other researchers presented evidence in support of this vital point regarding minimum Welsh-language expectations.

**b. Reviewing the Welsh Language (Wales) Measure 2011**

Cardiff research findings on the need to revise the Welsh Language Measure were submitted as evidence to the Welsh Government consultation on a Welsh Language Bill. The researchers also shared them in confidential briefings to the Government (2014, 2015, and 2016) and the Language Commissioner (2015). They were the only researchers to call for a macro-level review of the Measure and in May 2016, Welsh Government announced its intention to revise the 2011 Measure. Cardiff provided the only academic research identified as relevant in the Government's subsequent White Paper (August 2017) for a proposed Welsh Language Bill **[5.2]**.

In August 2018, the Welsh Government's Culture, Welsh Language and Communications Committee undertook an inquiry to better understand the impact and implementation of the 2011 Measure. This inquiry was designed to feed into the proposals for the new Welsh Language Bill. Cardiff research was submitted as evidence by Mac Giolla Chríost and cited in the Committee's final report **[5.3]**. The proposed Bill did not ultimately progress but the influence of Cardiff research via the two routes noted above is evident in a subsequent announcement made by Eluned Morgan AM (Minister for International Relations and the Welsh Language) in her August 2019 written response **[5.4]** to the Committee's report **[5.3]**. The two relevant aspects of her announcement were:

**i. Clarifying the roles of the Government and the Commissioner**

A key recommendation from the Culture, Welsh Language and Communications Committee aligns with Cardiff's findings and recommendations regarding the duplication of roles. The Committee recommended that *"the Welsh Government should set out clear demarcation of roles and responsibility between itself and the Welsh Language Commissioner,"* and these should be *"communicated clearly with stakeholders and the public"* **[5.3]**.

Accepting this recommendation, the Minister announced a Memorandum of Understanding *“which provides clarity to both organisations about how we will work together, and clarity for stakeholders and the public regarding which organisation leads on which strands of work aimed at increasing the use of Welsh”* [5.4]. This clarification of roles is to enable the Government and the Commissioner to *“collectively achieve more [...] towards the common goal of more use of Welsh”* [5.4].

She also announced the creation of Prosiect 2050, a new multi-disciplinary delivery unit within the Welsh Government, to *“provide greater focus and rigour in language planning, promotion and behaviour change”* [5.4]. This aligns with the Cardiff team’s recommendation to create a governmental unit dedicated to developing and implementing Welsh language policy [3.3]. Prosiect 2050 will be responsible for driving *Cymraeg 2050*, the Government’s national language strategy.

## ii. Streamlining Welsh Language Standards

In line with the Cardiff research and recommendations, the Committee’s inquiry report recommended *“that the Welsh Government [should] explore options to adapt Welsh language standards ... this could be done by streamlining or combining multiple standards that have the same aim or outcome”* [5.3, p.5]. Morgan accepted this recommendation when announcing the decision to develop new standards for two sectors of relevance to large numbers of Welsh speakers: healthcare regulators and water companies. She stated that this would be implemented *“in a manner which is consistent with the Committee’s recommendation with regard to adapting standards, by streamlining or combining multiple standards”* [5.4].

## 4.2 Language planning and policy in Ireland

### a. Shelf-life of Language Schemes and revision of the Official Languages Act

The Cardiff team’s 2014 paper [3.5] for the Irish Government’s review of the Official Languages Act was unique amongst the body of evidence submitted in pointing out the inadequacy of the three-year shelf-life of Schemes. It was also the only source to argue for a longer period under which the Schemes should run. These arguments were accepted in the Government’s decision to change public policy and allow individual Schemes to remain in force for over three years [5.5].

In alignment with the Cardiff research [3.5], the Irish Government’s Heads of Bill of 2014 (the text noting the revisions intended for the Official Languages Act) provides for *“An increase from 3 to 7 years for the period during which a language scheme remains in force”* [5.6]. The Government’s review stated that this change *“will considerably lessen the administrative burden in drafting, agreeing and confirming language schemes. Moreover, it will provide public bodies with an opportunity to identify and organise their priorities for the incremental improvement of services in Irish in a more strategic manner”* [5.5, p.9, 5.6].

Key players have noted the impact of the research [3.5] in the context of the revision of the Official Languages Act. Conradh na Gaeilge (the leading Irish-language lobby group) described the research as being *“extremely useful”* for *“revising the Act”* [5.7a], and the Language Commissioner noted that it provided *“great insight to the difficulties specific to Language Schemes”* [5.7b] and *“an invaluable portrait of the way ahead for the provision of state services”* [5.7b].

### b. Replacing Schemes with Standards and imposing stronger duties in the Gaeltacht

Although the Heads of Bill of 2014 was stalled by political difficulties and the election of a new Government, Mac Giolla Chríost’s work [3.5] was subsequently cited in the Irish Parliament’s 2016 report that reinvigorated political debate and kept the revision of the law on the parliamentary agenda. A new Heads of Bill (June 2017) and a further Bill (December 2019) reflect his research recommendations covering the replacement of Schemes with Standards and the need for more stringent application of duties in predominantly Irish-speaking areas, as outlined below.

For example, the 2017 Heads of Bill provides for *“the introduction following consultation with relevant government departments and public bodies, by Regulation, of language standards*

for different sectors of the public service in place of the current language scheme regime” [5.8, p.16]. An accompanying explanatory note stated that introducing standards will give public bodies greater clarity on their responsibilities under the Act, ensure a more coherent approach to the provision of services in the Irish language, and support organisations to embed the Irish language within their corporate identity [5.8]. The 2019 Bill includes a proposed regulatory framework for the introduction of Standards and outlines the circumstances in which the Minister “may prescribe Language Standards to apply to a public body or class of public bodies” [5.9, p.22].

Cardiff’s recommendation for Irish-speaking areas is also evident in the Heads of Bill’s commitment to stratifying the Standards to ensure that “organisations with an office in the Gaeltacht or with a greater interface with Irish speakers will have a greater onus to provide services in that official language” [5.8].

The changes introduced within the Official Languages (Amendment) Bill 2019, and informed by Cardiff research, ensure that Irish speakers can interact with and access public services through a high standard of Irish. On publication of the Bill, then-Taoiseach Leo Varadkar stated: “I believe that this legislation will make a big difference to the Irish Language and to the life of the language in this country” [5.10].

#### 5. Sources to corroborate the impact (indicative maximum of 10 references)

[5.1] Welsh Government (2016) ‘Language, work and bilingual services’, The Welsh Government’s response to the Report of the Working Group on the Welsh Language and Local Government

[5.2] Welsh Government (2017) ‘Welsh language impact assessment’, Welsh Language Bill White Paper

[5.3] Culture, Welsh Language and Communications Committee (2019), ‘Supporting and Promoting the Welsh Language’

[5.4] Written Statement by Eluned Morgan AM: The Welsh Government’s response to the Culture, Welsh Language and Communications Committee’s ‘Supporting and Promoting the Welsh Language’ report (August 2019)

[5.5] Irish Government review of the Official Languages Act 2003 (April 2014)

[5.6] Irish Government’s Heads of Bill of 2014

[5.7] Emails (October 2016) noting the impact of the research on revision of Ireland’s Official Languages Act: **5.7a** Julian de Spáinn, CEO of Conradh na Gaeilge and **5.7b** Rónán Ó Domhnaill, Irish Language Commissioner

[5.8] Official Languages Amendment Bill 2017: General scheme and draft Heads of Bill

[5.9] Official Languages (Amendment) Bill 2019 (pp.22-33)

[5.10] ‘Government approves Official Languages (Amendment) Bill 2019’, Irish Government News Service (10 December 2019)