



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

Ann Jones AM  
Chair of the Children, Young People and Education Committee  
National Assembly for Wales  
Cardiff Bay  
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27/02/2014

Dear Ms Jones

### **Investigation into Child and Adolescent Mental Health Services (CAMHS)**

The Welsh Language Commissioner (the Commissioner) welcomes the opportunity to submit evidence to this investigation into child and adolescent mental health services. Evidence is submitted to assist the committee in investigating an area where meeting the needs of individuals, including their language needs, is integral to the quality and effectiveness of services.

The principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language;
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to

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inspect statutory language schemes through the powers inherited under the Welsh Language Act 1993.

The post of Commissioner was created by the Welsh Language Measure (Wales) 2011. The Commissioner may investigate failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to comply with standards.

One of the Commissioner's strategic objectives is to influence the consideration given to the Welsh language in policy developments. Therefore the Commissioner's main role is to provide comments in accordance with this remit and to act as an independent advocate on behalf of Welsh speakers in Wales. This approach is used to avoid any possible compromise of the Commissioner's functions in the area of regulation, and should the Commissioner wish to formally review the performance of individual bodies in accordance with the provisions of the Measure.

The Welsh Language Commissioner's comments and the possible issues which the committee could look at in examining child and adolescent mental health services may be summarised as follows:

### **1. 2011 Census**

According to the statistics of the 2011 Census, approximately 23% of children aged 3-4, 38% of children aged 5-9 and 42% of children aged 10-14 in Wales can speak Welsh. As well as this, the ONS notes in a statement that 18% of the population under 16 years of age can speak Welsh. Considering the linguistic needs of a substantial proportion of the population is integral to any discussions and developments that form part of children's rights.

### **2. Welsh Language (Wales) Measure 2011**

As noted above, the Welsh Language (Wales) Measure 2011 (the Measure) states that the Welsh language has official status in Wales and that the Welsh language should be treated no less favourably than the English language. Moreover, it is noted that use the Welsh language has validity and that persons wishing to use Welsh together may do so.

The Measure sets a legal framework which will place a duty on some organizations to comply with standards relating to the Welsh language. Recently, the Commissioner published a schedule for carrying out standards investigations, which notes that Health Boards in Wales will form part of Cycle 2.

### **3. The recent European Charter Report (2014)**

As you know, the UK Government has signed the European Charter for Regional or Minority Languages which undertakes to *"ensure that social and care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in*



*their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age, or other reasons".*

The third recommendation in the outcome report <sup>1</sup> recommends “ensuring that health and care facilities offer services in Welsh”. Although the report acknowledges the Welsh Government's commitment to the strategic framework to strengthen the Welsh medium provision in the health and care area, it also reaches the following conclusion: *"Despite the positive developments, there is considerable concern regarding the situation at grass roots level"*.

#### **4. 'More than just words...'**

As you know, ensuring that the Welsh language flourishes is one of the Welsh Government's 19 core objectives. The Government has developed a Strategic Framework for Welsh language services in Health, Social Services and Social Care, namely *'More than just words...'*. The framework offers a systematic approach to improving services for those who need to receive care in Welsh or choose to do so. We trust that this investigation into child and adolescent mental health services considers the objectives of the framework and ensures full support for citizens if they choose to use the Welsh language in dealing with mental health services.

Offering proactive services in the Welsh language is a crucial element of high-quality care and it should be mainstreamed into child and adolescent mental health services (CAMHS).

#### **5. United Nations Convention on the Rights of the Child (UNCRC)**

A number of the articles of the United Nations Convention on the Rights of the Child (UNCRC) are relevant to language. Article 2 states that the child should be safeguarded from suffering language discrimination and places a duty upon nations that are party to it to protect the child from all forms of discrimination. There are specific references to language and expressing opinion in articles 12, 13 and 29 and article 30 gives a child who belongs to a minority the right to use his/her own language in a community with other members of his/her group. Article 24 of the United Nations Convention on the Rights of the Child (UNCRC) states that children have a right to health and health services: *"Every child has the right to the best possible health."* Therefore, it follows that child and adolescent mental health services should be provided through the medium of their mother-tongue.

#### **6. Children Act 2004**

One of the most important ways in which children in Wales are safeguarded is through the statutory duty that is placed on public bodies to protect and promote children's wellbeing. By executing the duty under section 28 of the Children Act 2004 and paying

<sup>1</sup> Council of Europe, ECRML (2014) Fourth Report of the Council of Europe's Committee of Experts in respect of the United Kingdom



attention to Welsh government guidance<sup>2</sup>, public bodies have to give clear reasons for not considering the Guidance. Section 28 protects the language rights of children and chapters 7 and 8 of the Guidance provide evidence for protecting and promoting children's wellbeing. If a Section 28 public body abandons the Guidance without giving clear reasons, that body will not be complying with the duty under Section 28 and will be breaking the law.

Full consideration should be given to the linguistic needs of children in order for their these needs to be respected and met. They should receive the full CAMHS service to the same standard and within the same timescale in English or in Welsh.

## **7. Planning the workforce giving consideration to language skills**

In order to meet the need for Welsh-medium services, the process of planning the workforce must include consideration of language skills. All the health boards have undertaken to develop and implement Linguistic Skills Strategies.

In considering language skills as an element of workforce planning, an analysis could be carried out of where Welsh language skills are needed and where skills already exist. As a result of this exercise, it would be possible to plan sensibly in order to reach the aim of providing Welsh-language mental health services of high quality in Wales.

## **8. Meeting language needs in a sensitive area**

In order to comply with the general undertakings made in Section 78 of the Government of Wales Act 2006, as revised, and its Welsh Language Scheme, the Welsh Government should pay particular attention to all opportunities to improve Welsh medium provision. Detailed consideration should be given to the opportunities that exist to plug any gaps in the provision of Welsh-language services in the area of child and adolescent mental health (CAMHS) across Wales. Local authorities, health boards, other statutory agencies and the Welsh Government all have a responsibility to identify these gaps and to plan locally and nationally as a result of the Welsh Language (Wales) Measure 2011. It is essential that bodies rectify those areas where Welsh speakers do not currently receive a service of equal standing with non-Welsh speakers.

The need is emphasized to maintain a full Welsh-language service within child and adolescent mental health services (CAMHS) in order to meet the linguistic needs of the individual in a highly sensitive area, in which language is the medium of communication as well as the medium of therapy.

It is vitally important that the most vulnerable in our communities have the right to communicate and receive the services in question in accordance with their linguistic needs. The process of assessing and providing service must meet the same standard and be realised within the same timescale, whether through the medium of Welsh or English.

<sup>2</sup> Welsh Government, *Safeguarding Children: Working Together Under the Children Act 2004*



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Thank you for the opportunity to provide evidence to your investigation. We ask that you give full consideration to the observations made above.

Yours sincerely

**Meri Huws**

Welsh Language Commissioner

