

Annual report to the Welsh Language Commissioner on implementation of LSB Welsh Language Scheme

1. Introduction

- 1.1. This report covers the period from October 2019 to October 2020.
- 1.2. The Legal Services Board (LSB) is the independent body responsible for overseeing the regulation of lawyers in England and Wales. Our vision is for legal services that everyone can access and trust. We want to reform and modernise the legal services market place by putting the interests of people who need legal services at the heart of the system, reflecting the objectives of the statute that created us, the Legal Services Act 2007 (“the LSA”).
- 1.3. Although the LSB has a broad programme of stakeholder engagement including with legal services providers and members of the public through the public panel, the focus of our powers is on the regulatory bodies. Regulatory rules and guidance that we develop are aimed, amongst other things, at ensuring that the approved regulators have robust internal governance in place and that we can enforce these rules effectively. (“the Scheme”)
- 1.4 The LSB’s Welsh Language Scheme was developed and approved in 2010, shortly after the LSB took on its full statutory powers. We reviewed the Scheme to inform this report and we have concluded that it remains fit for purpose, subject to minor amendments to job titles and addresses.

1. Progress

- 1.1. During this reporting period, we continued to focus on ensuring that our responsibilities are carried out effectively.
- 1.2. During 2019/20, we engaged with individuals and organisations from across the legal sector in Wales:
 - In May 2020 we commissioned Dr Adam Wyner, Associate Professor in Law and Computer Science at Swansea University to prepare a paper and participate in a podcast interview on how legal educators and regulators should respond to the increased use of technology to deliver legal

services. The paper and podcast have both been published on the LSB [website](#).

- In September 2020, our Chief Executive, Matthew Hill, met Helen Lentle and Neil Buffin from the Welsh Government Legal Services Department as part of the LSB's programme of stakeholder engagement to inform a new strategy for the legal services sector. The discussion considered particular issues facing the Welsh legal sector, in particular the increasing divergence between Welsh and English law in certain practice areas which could result in Welsh firms being better placed to offer specialist services than larger, cross-border English firms.
- The Chief Executive heard that accessing legal services in Welsh was a particular challenge for consumers in Wales Welsh consumers and that this could become an acute problem as the number of Welsh speakers increases in line with Welsh government policy.

1.3. This year we have also assessed the Solicitors Regulation Authority's application to bring in a new education and training framework for solicitors. We are aware that the Welsh Language Commissioner and a wide range of other Welsh stakeholders (including the Welsh Government, the Coleg Cymraeg Cenedlaethol, the WJEC, the Welsh Justice Commissioner and the Translation Service at HM Courts and Tribunals Service in Canaerfon), have been in discussions with the SRA about how the SRA could provide the new centralised assessment (the Solicitors Qualifying Exam, or SQE) in Welsh. The SRA's application for approval of the new scheme confirmed that there will be a four year phased implementation of assessment in Welsh, resulting in all assessments being available in Welsh from 2025. We have until 28 October to make our decision on the SRA's application.

2. Research

3.1 In January 2020 we jointly published with the Law Society the results and insights of the 'Legal Needs of Individuals in England and Wales' survey. The findings were based on a survey of 28,663 adults based in England and Wales (1,630 in Wales). It identified the incidence of over 30 different types of legal issue, measuring three aspects of legal capability, sources of legal advice used and the perceived fairness of outcomes. It also estimated the number of unmet legal needs. Results in Wales were similar to those in England, although adults in Wales were more likely to use a solicitor as their main advisor and to find searching for services very easy, but less likely to search for or obtain details of services or prices when looking for a provider. A comparison between England and Wales can be viewed in appendix D of the [technical report](#).

3.2 The LSB has developed an online [dashboard](#) to indicate the impact of Covid-19 on demand for legal services and on the 'health' of providers and the justice system in England and Wales.

3.3 In August 2020, the Legal Services Consumer Panel published the 2020 Consumer Panel [Tracker Survey](#) which included 167 responses from consumers in Wales.

3.4 In September 2020, the LSB and the Competition and Markets Authority jointly published research [‘Prices of Individual Consumer Legal Services in England and Wales 2020: Wave 3 of a survey of prices for commonly used legal services’](#). The research showed that the prices charged for conveyancing, divorce and wills, trusts and probate services were often significantly cheaper in Wales compared to London and the south east of England.

4. Engagement with Welsh speakers

4.1 In 2019/20 we did not receive any feedback from the meetings referred to under section 2.2 of the Welsh Language Act that would need to be reflected in future policies or future reviews of our Welsh Language Scheme.

4.2 In 2019/20, we did not receive any phone calls from organisations or individuals wishing to speak in Welsh.

4.3 Where updates have been made to our website and to the auto-response for our enquiries function, we have reflected these in the Welsh language translations.

5. Looking ahead

5.1 We plan to translate our upcoming *Strategy Document, Narrative Volume*, into Welsh in December 2020. Our State of the Legal Services report offers an evidence-based assessment of the state of legal services in England and Wales in 2020. As the oversight regulator for England and Wales, it is important that we have due regard to the opportunities and challenges facing the Welsh sector. Our report draws on the best available evidence to assess the state of the sector in Wales, noting any differences and similarities.

5.2 We plan to arrange a virtual stakeholder event with a Wales focus in spring 2021.

6. Conclusion

6.1 Activity during this reporting period demonstrates that although there remain limited opportunities for more active promotion of the Welsh language as a consequence of our remit, the LSB continues to be mindful of its obligations under the Welsh Language Scheme and to seek opportunities to engage more widely with the Welsh community,

October 2020

Annex

1: Legal Services Board Welsh Language Scheme Annual Review 2019-2020

Section	Action	Success Criteria	Updates	Further Action
3. Service Planning and Delivery	<ul style="list-style-type: none"> We will introduce checks into the policy development process to ensure that the Welsh Language is taken into consideration and to ensure that there are no obstacles to prevent the approved regulators using Welsh when delivering services to the public in Wales. 	<ul style="list-style-type: none"> Policies, initiatives and services are consistent with commitments made in the Welsh Language Scheme 	2019/20 <ul style="list-style-type: none"> Refresher desk training provided to all members of staff including new starters. 	<ul style="list-style-type: none"> None required
4.1. Correspondence	<ul style="list-style-type: none"> We will issue guidance to colleagues on all aspects of our duties outlined in the Welsh Language Scheme. This will include, in respect of correspondence received in Welsh: <ul style="list-style-type: none"> The requirement to respond in Welsh to any correspondence sent in Welsh within the same timescale as other correspondence. That we will initiate 	<ul style="list-style-type: none"> Welsh correspondence is responded to in Welsh within the same timescales as other correspondence. 	<ul style="list-style-type: none"> 2019/20 No correspondence received solely in Welsh. 	<ul style="list-style-type: none"> We will continue to log and respond <u>to</u> any correspondence received in Welsh

	<p>correspondence with individuals, groups or organisations in Welsh if we know that this is their preferred language.</p> <ul style="list-style-type: none"> • A database will be established of those organisations who wish to deal in Welsh. • Correspondence received in Welsh will be logged in our existing Correspondence Register and the time taken to respond will be monitored. 			
4.2. Telephone Calls	<ul style="list-style-type: none"> • We will issue guidance to colleagues on all aspects of our duties outlined in the Welsh Language Scheme. This will include, in respect of dealing with telephone calls in Welsh: <ul style="list-style-type: none"> ○ The requirement to offer those who wish to speak in Welsh the option of writing to us or e-mailing in Welsh or continuing the conversation in English. 	<ul style="list-style-type: none"> • Colleagues will have a clear understanding of how to handle telephone calls in Welsh. 	<p>2019/20</p> <ul style="list-style-type: none"> • No calls received in Welsh. • Desk training recirculated in 2019/20 to ensure that staff understand their responsibilities in respect of dealing with telephone calls in Welsh 	<ul style="list-style-type: none"> • None required

4.3. Meetings	<ul style="list-style-type: none"> We will issue guidance to colleagues on aspects of our duties outlined in the Welsh Language Scheme. This will include, in respect of holding meetings in Welsh: <ul style="list-style-type: none"> Public meetings held in Wales must be publicised in Welsh and English and attendees asked to inform us in advance of their preferred language Guidance to help colleagues decide whether translation facilities are needed for public meetings held in Wales 	<ul style="list-style-type: none"> Colleagues have a clear understanding of the translation facilities that should be offered at meetings in Wales. 	<p>2019-20</p> <ul style="list-style-type: none"> Desk training recirculated in 2019/20 to all members of staff including new starters. 	<ul style="list-style-type: none"> None required
4.4. Corporate Identity	<ul style="list-style-type: none"> We will develop fully bilingual templates and headed paper to use in Wales and for documents that are used in Wales. 	<ul style="list-style-type: none"> A consistent corporate identity is presented on all documentation presented in Welsh or English 	<p>2019/20</p> <ul style="list-style-type: none"> Correspondence to the Welsh Language Commissioner produced in Welsh. 	<ul style="list-style-type: none"> None required
4.5. Publications	<ul style="list-style-type: none"> We will issue guidance to colleagues on all aspects of our duties outlined in the Welsh Language Scheme. This will include, in respect of 	<ul style="list-style-type: none"> Colleagues have a clear understanding of when a document should be translated into Welsh and that a consistent approach is applied across the organisation. 	<ul style="list-style-type: none"> 2019/20 No publication or correspondence produced in Welsh Upcoming Strategy Document, Narrative 	<ul style="list-style-type: none"> None required

	<p>translating publications into Welsh:</p> <ul style="list-style-type: none"> ○ Guidance for determining which publications should be translated into Welsh. ○ Ensuring that when new policies are being formulated or documents drafted the linguistic consequences of potential translations are considered. 	<ul style="list-style-type: none"> • Documents that have been translated into Welsh are issued in a bilingual format or at the same time as the English version where this is practicable. • Documents presented in Welsh are presented to the same standard as the English versions. 	Volume, will be translated into Welsh	
4.6. Press Notices	<ul style="list-style-type: none"> • We will put in place procedures to ensure that, where time permits, press releases to the Welsh and English language press and broadcasting media in Wales will be simultaneously issued bilingually where deadlines permit. 	<ul style="list-style-type: none"> • Colleagues have a clear understanding of when press releases should be issued in Welsh or bilingually and a consistent approach is taken across the organisation. 	<p>2019/20</p> <ul style="list-style-type: none"> • No Welsh or bilingual press releases required 	<ul style="list-style-type: none"> • None required
4.7 Recruitment	<ul style="list-style-type: none"> • We will ensure that our commitments in the Welsh Language Scheme are reflected in 	<ul style="list-style-type: none"> • The commitments made in the Welsh Language Scheme are reflected in our recruitment policy. 	<p>2019/20</p> <ul style="list-style-type: none"> • We have not placed any recruitment adverts in any Welsh publications or English Language 	<ul style="list-style-type: none"> • None required

	<p>our recruitment policy. This will include:</p> <ul style="list-style-type: none"> ○ If the LSB places recruitment advertisements in English language newspapers (or similar media) distributed mainly or wholly in Wales, they will be bilingual, or appear as separate Welsh and English. ○ Place Welsh notices in Welsh language publications. ○ The requirement to ensure that the Welsh and English versions will be equal in terms of format, size, quality and prominence. 	<ul style="list-style-type: none"> • Colleagues are aware and understand our recruitment responsibilities under the Welsh Language Scheme. 	<p>publications distributed mainly or wholly in Wales.</p>	
4.8. Publicity Campaigns and Advertising	<ul style="list-style-type: none"> • We will issue guidance to colleagues on aspects of our duties outlined in the Welsh Language Scheme. This will include, in respect of launching publicity campaigns and Advertising in Welsh: <ul style="list-style-type: none"> ○ That all supporting 	<ul style="list-style-type: none"> • Colleagues will understand when it is necessary to produce material in Welsh and a consistent approach is adopted across the organisation if publicity campaigns and advertising are launched in Welsh. 	<p>2019-20</p> <ul style="list-style-type: none"> • No actions required in this reporting period. 	<ul style="list-style-type: none"> • None required

	<p>material will be produced fully bilingually, or as separate Welsh and English versions. Both versions will be available simultaneously and will be equally accessible.</p> <ul style="list-style-type: none"> ○ General advertisements, that are not for recruitment purposes and are of specific interest to the public in Wales or of major significance to the public of Great Britain, will be issued as a bilingual version in the Welsh press 			
4.9. Website	<ul style="list-style-type: none"> • When designing a new website, or redeveloping our existing website, we will take the Welsh Language Board's <i>Bilingual Software Guidelines and Standards</i> into consideration and any other guidance issued by 	<ul style="list-style-type: none"> • Welsh language publications will be available on the website. • If appropriate the website will reflect the Welsh Language Boards <i>Bilingual Software Standards</i> 	<p>2019-20</p> <ul style="list-style-type: none"> • No feedback was received with regards to Welsh content on our website. • Existing Welsh language versions of the home page/contact us pages were transferred to a new site as part of a redesign of the LSB's website 	<ul style="list-style-type: none"> • Progress for developing further Welsh content on the LSB website will be monitored

	<p>the Welsh Language Board with regard to developing websites.</p> <ul style="list-style-type: none"> Whenever we post English language publications on our websites, if they have been produced, the Welsh versions will be posted at the same time or as soon as practically possible We will agree with the Welsh Language Board a programme to increase the Welsh content on our website 			
4.10 Official Notices and Public Notices	<ul style="list-style-type: none"> All official and public notices published or posted in public places in Wales will be issued bilingually or in both Welsh and English language versions. 	<ul style="list-style-type: none"> Staff will have a clear understanding of their responsibilities when issuing official or public notices in public places in Wales. 	<p>2019-20</p> <ul style="list-style-type: none"> No action required in this reporting period. 	<ul style="list-style-type: none"> None required
5. Implementing the Scheme	<ul style="list-style-type: none"> Internal guidance will be produced for colleagues to ensure that they are fully aware of the terms of the scheme and understand their duties under it. A training session will be arranged for colleagues to increase awareness of the scheme and to explain how it will affect their day-to-day work. 	<ul style="list-style-type: none"> Internal guidance will be produced and issued to staff. Colleagues will fully understand their responsibilities under the Welsh Language Scheme The commitments made in the Welsh Language Scheme will be applied consistently across the organisation by each colleague. 	<p>2019-20</p> <ul style="list-style-type: none"> Desk training recirculated to ensure that staff understand their responsibilities in respect of the Welsh Language Scheme All members of staff re-issued with a copy of the Welsh Language Scheme. 	<ul style="list-style-type: none"> None required

	<ul style="list-style-type: none"> • Correspondence received in Welsh will be logged in our existing Correspondence Register and the time taken to respond will be monitored. • We will contract the services of a fully qualified translator to help with delivering aspects of the scheme. • Requests for telephone conversations and the number of times the option to use Welsh at a meeting in Wales is taken up will be logged so that we are able to monitor the number of instances these requests have been made and review the Welsh Language Scheme as appropriate. 			
6. Monitoring the Scheme	<ul style="list-style-type: none"> • We will monitor our performance in meeting the commitments made in the Scheme and record the demand for Welsh language services, including any demand for services that go beyond the commitments we have made. 	<ul style="list-style-type: none"> • Progress in implementing the commitments made in the Welsh Language Scheme will be incorporated into the LSB performance management process. • The LSB will submit an annual report to the Welsh Language Board in an agreed format and on time. 	2019-20 <ul style="list-style-type: none"> • No actions required in this reporting period. 	<ul style="list-style-type: none"> • The LSB will continue to monitor any developments regarding Welsh Language requirements

	<ul style="list-style-type: none">• Each October the LSB will provide the Welsh Language Board with a completed assessment form evaluating performance in implementing the Scheme. The report will be agreed by the senior leadership team before being submitted to the Welsh Language Commissioner.			
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