



**PRE-LEGISLATIVE SCRUTINY OF THE PROPOSED
LEGISLATIVE COMPETENCE ORDER IN COUNCIL ON THE
WELSH LANGUAGE**

BT's response to the Welsh Affairs Committee

March 2009

Introduction

1. BT welcomes the opportunity to contribute to the Welsh Affairs Committee's pre-legislative scrutiny of the proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009. This written submission provides a snapshot of BT's current position on the proposal.
2. BT is helping Wales to take its place in the global knowledge economy and is equally as proud of its record in the field of Corporate Social Responsibility (CSR), playing a leading role on a range of issues, from tackling climate change to helping alleviate social exclusion. For example, we are;
 - championing the Welsh language - with an award-winning bilingual policy;
 - supporting its communities - through schemes encouraging digital inclusion; and
 - promoting competitiveness - by investing millions in the Welsh economy annually.
3. Our commitment to the Welsh language is an essential part of our presence in Wales. In 2004, BT celebrated the tenth anniversary of its Bilingual Code of Practice, which was established as part of our commitment to the diverse nature of Welsh culture. BT's code of practice states that it is intent on communicating with its customers in an open and helpful manner and on demonstrating genuine care and concern for Wales' economic and social well being, as well as its cultural and natural environment. The company's mission statement, therefore, states that it will provide a consistent and reliable bilingual service, and uphold the same standards in Welsh and English wherever practical.
4. In recent years our bilingual policy has been praised by the Welsh Assembly Government and the Welsh Language Board. In 2007 we launched a Welsh Language Service Awareness campaign to highlight BT's Welsh language services and encourage more Welsh speakers and Welsh language learners to use our services and keep the Welsh language alive. We look forward to increasing the use of the Welsh language in Wales over the coming decade, working with the Welsh Assembly Government and other private, public and voluntary sector partners.

Responses to the specific questions posed by the Committee

Question 1. Is the LCO request in the spirit and scope of the devolution settlement?

5. BT understands why it is logical to transfer primary legislative powers over the Welsh language to the National Assembly but wishes at the same time that more resources in the private, public and voluntary sector were deployed to make a genuine difference to Welsh language usage and adoption of increased services. BT believes that any activity on the legislative front should not detract from, or reduce focus and energy on, increasing usage of the language and increasing the skills and confidence of Welsh speakers to use the language day to day, be it in the workplace or in the home environment.

Question 2. Is the use of the LCO mechanism in accordance with the Government of Wales Act 2006?

6. BT has no comment on this question.

Question 3. Is the use of an LCO more appropriate than, for example, the use of framework powers in a Westminster Bill?

7. Following from our response to Question 1, we believe the Welsh Assembly Government should provide increased funding to encourage the uptake of existing services. One possible initiative might be the creation of language brokers to support the less fluent and those not used to using Welsh outside a home environment. This has worked in community programmes around the use of ICT.

Question 4. The extent to which there is a demand for legislation on the matter(s) in question?

8. BT has had a voluntary code of practice on the Welsh language for many years. We wholeheartedly support the language and wish to see it flourish and strengthen across the whole of Wales. Within the field of “telecommunications” we are a market leader in providing bilingual, Welsh and English, services. BT does not wish to be included under any future legislation. It believes that continuing with its voluntary code is the best solution. We hope that this element can be reconsidered.
9. We believe the majority of our customers, both English speakers and Welsh speakers, expect BT to support the Welsh language. Our hope is that more customers can be persuaded to use the service.
10. We have been pressing the Welsh Assembly Government and its relevant ministers to concentrate activity not on legislation but on practical programmes that would encourage more use of the language by Welsh speakers and learners. This needs to include proactive marketing of Welsh language services (across all sectors) and support for Welsh speakers in confidence building and skills development.
11. We wish to see the use of the Welsh language encouraged in communities through the existing Mentrau Iaith (local language initiatives) and, as noted previously, possibly the creation within those of language brokers to support the less fluent and those not used to using Welsh outside a home environment. However, there must be commitments to clearly defined outcomes and measurable impacts over a long term period, e.g. the ten year period between each census, managed through a central agency (possibly managed by the Welsh Language Board) which would implement and capture best practice and support local needs, and whose delivery would be scrutinised by the National Assembly for Wales.
12. BT wishes to ensure therefore that practical steps are taken to promote uptake of existing Welsh language services along with the devolution of powers over the Welsh language contained in this proposed Legislative Competence Order (LCO).

Question 5. To what extent might the transfer of functions proposed have wider implications for the UK budget?

13. In terms of any practical implementation of a legal requirement on BT our dilemma is that we genuinely do not know what the practical requirements will be. Therefore it is not possible for us to comment on wider implications on BT as a company on a UK wide level and thus by extension the impact it would have on our business within an UK wide context.
14. We have asked for details but do not believe that the process has been fully scoped. We have been told it will be 'light touch'. What does that mean? There will have to be some degree of process and that will require some degree of bureaucracy to support it. How much? At present we employ a Welsh Language officer who focuses as much as he can on community based projects, e.g. we are working with the Urdd on a Welsh language child internet safety project. Will he have to spend time at meetings with Welsh Assembly Government officials instead? Without knowing the practicalities we cannot estimate any potential costs.
15. We understand that the legislation will cover all companies in the "telecommunications" sector that provide services to the public. This must be in the interest of customers and of fair competition. Clear definitions will be needed for those companies of the services they will be expected to provide.
16. BT believes there must be complete equality between the requirements bestowed upon it, under Matter 20.1 (h, iv.) as "telecommunication services", and its competitors. Failure to do so would lead to competitive advantage being given to our competitors through legislation by the Welsh Assembly Government. We ask the Committee to secure confirmation on this from the Welsh Assembly Government.
17. As an exemplar of best practice in Welsh language services provision, we believe that our award winning Bilingual Code of Practice¹ could be used as a benchmark for the sector.

Question 6. To what extent might the transfer of functions impact on reserved functions?

18. As with our response to Question 5, it is not possible for us to comment on how it will effect our organisation in policy fields which are reserved.

Question 7. Are there any cross-border issues relating to the LCO? (Would legislation subsequently be required in England?)

19. The Office of Government Commerce published a document in 2008 extolling the virtues of ethical procurement. The document, *Buy and make a difference – How to address social issues in public procurement*, illustrates how social issues can be considered at each stage of procurement process. Published on 11 June 2008 the Exchequer Secretary to the Treasury, Angela Eagle MP, talking at a procurement Solutions conference in London noted:

¹<http://www.btplc.com/Thegroup/BTUKandWorldwide/BTRegions/Wales/WelshLanguagePolicy/Bilingualcodeofpractice.pdf>

*"Innovative approaches and solutions through public procurement should be used to achieve social outcomes and objectives. I want procurers to be looking at imaginative options and to talk with customers and interest groups to understand what the market can provide."*²

20. We believe that providing Welsh language services should be seen as an example of good ethical behaviour when it comes to awarding UK Government and Welsh Assembly Government contracts in Wales.

Question 8. Would the proposed LCO necessitate the formation or abolition of Welsh institutions and structures? If so, where does the legislative competence to exercise such changes lie?

21. We have worked harmoniously with the Welsh Language Board for a number of years and value their support and guidance. BT hopes the Board will continue to play a key role in promoting the Welsh Language. Indeed, BT wishes to see an increase in the Board's resources to promote the use of Welsh Language services across all sectors and to support Welsh language skills development. As stated earlier, emphasis should be given to increasing the uptake of services and competency of Welsh speakers to use the language.

Summary of main points

22. BT understands why it is logical to transfer primary legislative powers over the Welsh Language to the Assembly but hopes that scarce resources in the public, private and voluntary sectors can be better deployed to make a genuine difference to Welsh language usage and adoption. We are concerned that the proposed legislation will not actually address the real issues facing the Welsh language in the 21st Century and may instead concentrate energy and activity on legal process instead of on practical actions.
23. We call on the Welsh Assembly Government to put in place increased funding to encourage the uptake of existing services as well as other practical initiatives prior to considering legislating further. One such practical initiative could be the creation of a programme that would genuinely increase the skills levels of Welsh speakers to provide confidence to those which are fluent in the home environment to be confident of using the language in the workplace.
24. BT does not wish to be required under law to provide Welsh Language services. It wishes to continue to do so voluntarily. It requests that this element of any proposed measure be revisited and reconsidered.
25. BT calls for complete equality between the requirements it may have under Matter 20.1 (h, iv.) as "telecommunication services", and those required of its competitors. Failure to do so would lead to competitive advantage being given to competitors through legislation by the Welsh Assembly Government. We ask the Committee to secure confirmation on this from the Welsh Assembly Government.

² http://www.ogc.gov.uk/About_OGC_news_8440.asp

26. BT, as an exemplar of best practice in Welsh language services provision, calls for any future requirements to take BT's award winning Bilingual Code of Practice³ as a benchmark for the sector.
27. BT concurs with the comment of the Exchequer Secretary to the Treasury, Angela Eagle MP, that: "*Innovative approaches and solutions through public procurement should be used to achieve social outcomes and objectives.*" BT believes that in Wales, the Welsh language should be seen as one of these factors.

British Telecommunications plc
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³<http://www.btplc.com/Thegroup/BTUKandWorldwide/BTRegions/Wales/WelshLanguagePolicy/Bilingualcodeofpractice.pdf>