



**General  
Osteopathic  
Council**

## **Welsh Government White Paper consultation**

### **Striking the right balance: proposals for a Welsh Language Bill**

#### **General Osteopathic Council response to the consultation**

##### **1. The General Osteopathic Council**

The General Osteopathic Council (GOsC) regulates the practice of osteopathy in the four countries of the United Kingdom. We have one office, in London, and 24 FTE staff.

By law osteopaths must be registered with the GOsC in order to practise in the UK and we keep the Register of all those permitted to practise osteopathy in the UK.

We work with the public and osteopathic profession to promote patient safety by:

- registering qualified professionals
- helping patients with any concerns or complaints about an osteopath – we can and do remove from the Register any osteopaths who are unfit to practise
- setting, maintaining and developing standards of osteopathic practice and conduct
- assuring the quality of osteopathic education and ensuring that osteopaths undertake continuing professional development.

The GOsC is funded solely by registrants' fees; as of 2 October 2017 there were 5,300 osteopaths on the Register, of whom 143 had a registered address in Wales.

##### **2. Response to White Paper consultation**

The GOsC is committed to promoting equality in our operations and services and we will do everything reasonable to provide the best possible service in Wales. We have tried to do this through the services we provide under our Welsh Language Scheme and will continue to do so in the future when new Welsh Language Standards are applied to us.

With a view to reducing the financial burden on our registrants, in recent years the UK Government has required all health and care professional regulators to reduce costs and related registration fees. We therefore welcome in general the proposals set out in the White Paper and the Welsh Government's aim of simplifying the process of making

and imposing standards, and adopting a proportionate approach so that scarce resources can be focused on providing services to the public in Wales.

The GOsC's response to the specific consultation questions is below. Our responses focus on those areas of direct relevance to us as a UK-wide service provider supporting the public in Wales, rather than as a body with a specific interest in the promotion of the Welsh language.

# Striking the right balance: proposals for a Welsh Language Bill

## Consultation response form

Your name: Margot Pinder

Organisation (if applicable): General Osteopathic  
Council

e-mail/telephone number: mpinder@osteopathy.org.uk

Your address: Osteopathy House. 176 Tower Bridge  
Road, London SE1 3LU

Responses should be returned by **31 October** to:

Welsh Language Bill Team  
Welsh Language Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [UnedlaithGymraegWelshLanguageUnit@gov.wales](mailto:UnedlaithGymraegWelshLanguageUnit@gov.wales)

## Part 1: Promoting the Welsh language

**Question 1** – In paragraphs 49–54, we have set out the role we propose the Welsh Government should play in promoting the Welsh language, i.e. the Government promotional functions. Do you agree with our proposal?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	✓
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**Supporting comments**, including whether any fields should be added or taken away from the list in paragraph 53.

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**Question 2** – In Table 1 we have outlined the resources related to general promotional functions which we think should be available to any body or bodies involved in promoting the Welsh language and monitoring and enforcing compliance with Standards. Do you agree with our proposal?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	✓
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**Supporting comments**

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**Question 3** – Do you agree with our preferred option (Option 4) to have a single body responsible for promoting the Welsh language as well as monitoring and enforcing compliance with Standards?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	✓
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If not, please state which option (including options we have not discussed in the White Paper) you believe we should consider.

**Supporting comments**

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**Question 4** – We have based our preference for a single body on the grounds of clarity, synergy and value for money. Do you agree with our rationale?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	✓
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**Supporting comments**

While we have not taken a view on what are the most appropriate arrangements for
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monitoring and enforcing compliance, and promoting the Welsh language, it is important to recognise the potential tensions in this area. Regulatory decisions must be based on established principles, including proportionality, which can at times conflict with the desire to promote an activity to the fullest extent possible. Therefore, we think it is important that it is recognised at the outset within the new body that there may be an inherent conflict that needs to be managed appropriately for the benefit of all stakeholders.

**Question 5** – What other relevant issues should we consider in making our final proposal as to which body or bodies should carry out work to promote the Welsh language and monitor and enforce compliance with Standards?

**Supporting comments**

**Question 6** – Do you have any further comments on Part 1 of the White Paper?

## Part 2: Governance and accountability

**Question 7** – In paragraphs 93–95 we have set out some general requirements regarding the body’s governance and accountability arrangements. What are your views on these general requirements, and are there other checks and balances you believe should apply to the proposed body?

### Supporting comments

We agree with the general requirements as proposed. In particular we believe that it is important that the new body should have the widest possible stakeholder base and bring a wide range of views and perspectives to bear on its key decisions and policies in order to benefit the public in Wales who wish to use the Welsh language.  
Please also note the comments on Question 4 (above) which will require the governance arrangements to acknowledge and manage the inherent tensions between promotion and compliance responsibilities

**Question 8** – Do you agree with our preferred option (Option 3), to establish a Welsh Language Commission to promote and facilitate the use of the Welsh language and monitor and enforce bodies’ compliance with Standards?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

**Question 9** – What are your thoughts on the analysis we have provided which supports our preference for Option 3? Are there any other considerations we should take into account in making any final proposal?

We agree with the analysis supporting a preference for Option 3.

**Question 10** – Do you believe Option 3 provides sufficient safeguards in relation to the independence of the proposed Commission in exercising its functions in monitoring and enforcing bodies’ compliance with Standards?

<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Unsure</b>	<input type="checkbox"/>
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### Supporting comments

**Question 11** – Are there any additional matters to those listed in paragraphs 121–122 that we should consider regarding arrangements to establish the proposed Commission?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Unsure</b>	<input checked="" type="checkbox"/>
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### Supporting comments

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**Question 12** – Do you agree with our proposal to move the requirement on the Welsh Government to produce a Welsh language strategy from the Government of Wales Act 2006 to the new Welsh Language Bill?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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### Supporting comments

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**Question 13** – Do you agree with our proposal that the Welsh Government should report to the Assembly on the Welsh language strategy every five years instead of annually?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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### Supporting comments

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**Question 14** – Do you agree with our proposal that the Welsh Government should publish a plan setting out how it will implement the strategy every five years instead of annually?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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### Supporting comments

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**Question 15** – Do you agree with our proposal to abolish the Welsh Language Partnership Council and provide the Welsh Government with a power to request advice from the proposed Welsh Language Commission?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

We agree this appears to be a function that can be exercised by the proposed new Commission.
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**Question 16** – Do you have any further comments on Part 2 of the White Paper?





### Part 3: The Welsh Language Standards

**Question 17** – We propose that a reformed model of the Standards (Option 2) should be adopted as the best way to ensure people’s rights to receive Welsh language services. Do you agree with this proposal?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**, including (if relevant) any further reforms you would like to see made to the current system, or any alternative approaches you think we should consider.

**Question 18** – We have based our preferred proposal for reformed Standards (Option 2) on the grounds of the clarity, capacity for improvement and the costs of change associated with each option (paragraphs 163–165). Do you agree with our analysis?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**, including (if relevant) any other factors we should take into account in making any final proposals.

**Question 19** – Do you agree with the proposal to abolish the current classes of Standards and differentiate between ‘Standards’ (which would relate to services) and ‘language planning duties’ (which would relate to corporate duties)?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

**Question 20** – Are you of the opinion that provisions relating to the Welsh in Education Strategic Plans should be included within the new legislation as language planning duties?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Unsure</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Question 21** – Are there any other matters which you believe should be included in the new legislation as language planning duties?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Unsure</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Question 22** – Do you agree that the proposed Commission should have general powers to conduct examinations into how bodies meet their Welsh language duties, which would include both the Standards and the language planning duties?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

**Question 23** – Do you agree with our proposal that the proposed Commission should monitor and support bodies in relation to their language planning duties, rather than enforce them?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

**Question 24** – Do you agree with our proposal for the Welsh Government to be responsible for imposing Standards on bodies either through a compliance notice or other mechanism?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

**Question 25** – Do you agree with our proposal that all regulations to make Standards should be subject to a full public consultation before seeking the approval of the Assembly?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

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**Question 26** – Do you agree with our proposal to abolish Standards Investigations?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

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**Question 27** – Do you agree with our proposal that the Welsh Government should be given powers to issue codes of practice or guidance relating to the Standards?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

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**Question 28** – Do you agree with our proposal that the Welsh Government should have a power to impose Standards on all the bodies in a sector directly through regulations without the need for a compliance notice or other such mechanism?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**, including your views on the factors we should take into account in drafting Standards to be imposed directly on bodies within a sector, whether individual bodies should retain the right to challenge the imposition of a Standard, and whether there should be an enhanced consultation process.

<p>One of the problems identified previously has been in defining whether bodies fit appropriately within a particular sector. In the case of healthcare professional regulators, they operate within the health sector and also as statutory tribunals. However, that does not mean that an organisation such as the GOsC shares the same characteristics as an NHS hospital or the Wales Employment Tribunal, nor can it be expected that the same standards would be appropriate. Therefore it is essential that individual bodies retain the right to challenge the imposition of a Standard.</p> <p>An important test of any standard must be proportionality which must reflect the size of organisations, their physical location and how they are funded. For example, the GOsC, is a small organisation with a UK-wide mandate, which like the other healthcare professional regulators, is funded solely from our registrants' fees. Any disproportionate burden on our finite resources resulting from the imposition of standards would potentially have a negative impact on our ability to deliver our core function of public protection.</p>
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**Question 29** – What factors should we take into account or what procedure should we follow in order to ensure the process for imposing Standards on the Welsh Government is fair and transparent?

**Supporting comments**

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**Question 30** – Do you agree with our proposal that complaints should have to be dealt with through the relevant body’s complaints procedure first before the proposed Welsh Language Commission can investigate an alleged failure?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

We agree that this is an appropriate use of the principle of subsidiarity and reflects arrangements in most aspects of public service.
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**Question 31** – Do you agree with our proposal that bodies must adhere to an approved complaints procedure, such as the Model Concerns and Complaints Policy?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input checked="" type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

As a public body we operate a corporate complaints policy under which we would anticipate handling any initial complaints about how our services are provided in Welsh. We do not operate under a model complaints procedure such as that of the Welsh Ombudsman. We do not operate under the auspices of an ombudsman, although our performance is monitored by the independent Professional Standards Authority for Health and Social Care.
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**Question 32** – Do you agree with our proposal that the proposed Commission should only take further action regarding a complaint if it believes the alleged breach of a Standard or complaints procedure is serious?

<b>Agree</b>	<input checked="" type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**, including any comments on our definition of a ‘serious breach’ in paragraph 219.

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**Question 33** – Do you agree with our proposal to allow the proposed Commission to conduct an investigation of its own initiative?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

**Question 34** – Do you agree that the actions set out in paragraph 225 provide an effective range of enforcement action?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**, including any thoughts on alternative enforcement actions that have been rejected or not considered in the White Paper.

**Question 35** – Currently, the Commissioner has powers to impose a civil fine of up to £5,000 and in some circumstances to request a court order to require a body to comply. Do you agree with our proposal that these powers should be retained?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**, including any comments on the maximum civil fine that the proposed Commission should be able to impose (if at all).

**Question 36** – Do you agree with our proposal to retain the Tribunal’s role in relation to the proposed Commission’s decisions regarding enforcing bodies’ compliance with Standards?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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**Supporting comments**

**Question 37** – Do you agree with our proposal that the Tribunal should also deal with appeals against a decision of the Welsh Government to impose Standards on a body?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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**Question 38** – We propose to introduce a mandatory first stage for the Tribunal in relation to appeals against the proposed Commission’s decisions concerning enforcing Standards. The first stage would require the Tribunal to give permission on the grounds that an application has a reasonable chance of success or another compelling reason why the application should be heard. Do you agree with our proposal?

<b>Agree</b>	✓	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input type="checkbox"/>
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### Supporting comments

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**Question 39** – Do you believe that the proposed mandatory first stage should apply to appeals against a decision of the Welsh Government to impose Standards on a body?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	✓	<b>Unsure</b>	<input type="checkbox"/>
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### Supporting comments

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**Question 40** – Do you have any further comments on Part 3 of the White Paper?

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## Part 4: The scope of bodies covered by Welsh language legislation

**Question 41** – Do you agree with our proposal to remove the constraints in the Measure so that the Welsh Government has the power to make Standards applicable to any body within the Assembly’s legislative competence?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Question 42** – Do you agree with our proposal that private sector businesses should only be liable to comply with Standards that relate to the services they provide to their customers?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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**Supporting comments**, including your views on any limits that should be placed on the powers to impose Standards on private businesses.

**Question 43** – Do you agree with our proposal that Standards should only be imposed on private businesses as part of a wider package of promotional and awareness raising initiatives?

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Question 44** – If the Welsh Government is given powers to impose Standards on any body within the Assembly’s competence, do you believe that Standards should be imposed on any body or sector that is not currently within the scope of Welsh language legislation?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Unsure</b>	<input checked="" type="checkbox"/>
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**Supporting comments**

**Question 45** – Do you have any further comments on Part 4 of the White Paper?



## Part 5: Assessing the impact of our proposals

**Question 46** – We have assessed the impact of our proposals on equality, children, young people and their families, and the Welsh language. Do you have comments on any of these assessments?

**Question 47** – We would like to know your views on the effects that the proposals in our White Paper would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

### Supporting comments

**Question 48** – Please also explain how you believe the proposed options could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

### Supporting comments

**Question 49** – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

