

Health and Social Services Committee

HSS(2)-03-05(p.5)

Date: Wednesday 2 February 2005

Venue: Committee Room 3, National Assembly for Wales

Title: Status of Case Notes in Welsh

Language of Record

1. The issue of language of record in instances of joint assessment between health and social services is causing some complications for the organisations involved in parts of Wales. This concerns people who are assessed by social services authorities where the service user's choice of language is Welsh. The assessment is then made in Welsh. The case notes are then passed to a NHS employee who may or may not be a Welsh speaker.

2. The legal advice received is that a joint assessment is in effect a medical record, and there is no legislative requirement as to the language that must be used for medical records. The organisations involved must look towards their commitments in their respective Welsh Language Schemes, which they have a statutory duty to deliver upon.

3. The respective organisations have stated that they welcome communication from the public in both Welsh and English. The term 'public' includes other public bodies; thus the onus for translation falls upon the receiving body. Therefore, it is the responsibility of the receiving body to translate written correspondence and take the necessary measures to provide this service in line with their Welsh Language Scheme. However, it is important to note that the body making the record in the first instance has a responsibility to make it legible, easily read and easily shared in whatever language it is prepared.

4. It appears the issue may have occurred over differing interpretations of respective Welsh Language Schemes. The Assembly has advised that if no agreement could be reached, then there should be an approach to the Welsh Language Board as the statutory body that monitors Welsh Language Schemes. It is noted that these issues have been resolved amicably in some parts of Wales. For example, in Ceredigion the Local Authority and the NHS Trust have reached arrangements that suit both parties.

Brian Gibbons AM
Minister for Health and Social Services

Contact: Graham Williams, Ext 3196