



Llywodraeth Cymru
Welsh Government

Preparing for a Welsh Language Bill

Call for evidence: summary of responses

Date of publication: July 2017

Preparing for a Welsh Language Bill

Call for evidence: summary of responses

Audience

Public bodies in Wales; third sector bodies in Wales; private sector companies in Wales; organisations who work to promote the use of the Welsh language; the Welsh Language Commissioner; other interested parties and the public.

Overview

This document summarises the experience and views of some of the bodies already operating under the Welsh language Standards, bodies which are preparing to come under the Standards, and some other stakeholders.

The Welsh Government will consider the responses as part of the evidence to produce policy proposals in a White Paper to be published over the summer. It is not the intention of the Welsh Government, by publishing the responses received, to interfere with or influence any decisions made by the Welsh Language Commissioner or the Welsh Language Tribunal.

Action required

None – for information only.

Further information

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Additional copies

This document can be accessed from the Welsh Government's website at <http://gov.wales/topics/welshlanguage/legislation-for-the-welsh-language/preparing-for-a-welsh-language-bill/?lang=en>

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.



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Introduction

Background

1. In the Assembly Plenary Session on 18 May 2016, the First Minister committed to seek to amend the Welsh Language Measure (Wales) 2011 (“the Measure”) during this Assembly period.
2. The Measure is the current legislative framework in relation to the Welsh language. The Measure establishes the role of the Welsh Language Commissioner and sets the framework in relation to the Welsh language Standards (“the Standards”).
3. In an oral statement in the Assembly on 12 July 2016, the Minister for Lifelong Learning and Welsh Language said:

“I’m keen to look again at the Measure to ensure that the legislative basis for the Welsh language is appropriate, up to date and makes the process for imposing standards less bureaucratic.”

4. On 31 January 2017, the Minister for Lifelong Learning and Welsh Language issued a written statement, beginning a period of informal engagement with partners and stakeholders. The statement called for evidence of experiences of working under the Standards regime established by the Measure, the role of the Welsh Language Commissioner, and the arrangements to promote and facilitate the use of the language. The period of engagement came to an end on 31st March 2017.
5. The Minister for Lifelong Learning and Welsh Language asked three specific questions:
 - What is your experience or opinion of the Standards regime? I would like to hear in particular about the processes of setting and enforcing Standards, and your experience of implementing or preparing to implement the Standards within your organisation.
 - The Welsh Language Commissioner’s role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?
 - What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language. In particular I would like to hear your views on who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field.

Engagement methods

6. Three different methods were used to gather evidence from stakeholders and partners:

- a call for stakeholders and partners to present written evidence (35 responses);
- three workshops were held with representatives of bodies subject to the Standards or bodies about to be made subject to them – 49 officials attended these;
- Individual meetings with two bodies.

7. This document contains a report on the written evidence obtained by issuing a call for evidence.

Summary of written responses

8. 35 written responses were received following the call for evidence. This document summarises those responses and identifies the main themes highlighted. Responses were received from the following bodies:

Body	Number
Local Authorities	10
Blaenau Gwent County Borough Council	
Neath Port Talbot County Borough Council	
Bridgend County Borough Council	
Cardiff Council	
City and County of Swansea Council	
Gwynedd Council	
Anglesey County Council	
3 Local Authorities who wish to remain anonymous	
Public bodies in the Education sector	4
Colleges Wales	
Higher Education Funding Council for Wales	
Estyn	
Language, Policy and Planning Research Unit, School of Welsh, Cardiff University	
Public bodies in the Justice sector	4
Police and Crime Commissioner for Dyfed-Powys	
North Wales Fire and Rescue Services	
South Wales Police	
North Wales Police	
Public bodies in the Health sector	2
Abertawe Bro Morgannwg University Health Board	
1 body that wishes to remain anonymous	
Other public bodies	2
Information Commissioner's Office – Wales	
1 body that wishes to remain anonymous	
Others	13
National Centre for Learning Welsh	
Mentrau Iaith Cymru	
Mentrau Iaith Bro Dinefwr, Sir Ddinbych, Merthyr Tudful, Rhondda Cynon Taf, Sir y Fflint & Maelor	
Mudiad Meithrin	
Ateb	
Cymdeithas yr Iaith Gymraeg	
Dyfodol i'r Iaith	
Welsh National Opera	

1 body that wishes to remain anonymous	
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9. The responses do not necessarily represent the experience of each body that falls into the above categories and it must be remembered that it is not the public's opinion that was gathered.
10. The majority of the responses responded to the three questions in order, but others chose to respond to the first question in relation to experience or opinion regarding the Standards regime only.
11. There was considerable overlap in the comments on questions two and three, and so this summary deals with the themes that arise under both questions together. The questions ask specifically about the experience and views of organisations, and so quantitative data has not been gathered.
12. Contributions provided in Welsh have been translated into English and are marked by an asterisk (*) and labelled accordingly.

The Standards regime

Question 1 – What is your experience or opinion of the Standards regime? I would like to hear in particular about the processes of setting and enforcing Standards, and your experience of implementing or preparing to implement the Standards within your organisation.

The value and effect of Standards

13. A number of the responses show support to the Government's vision to create a million Welsh-speakers and to the principle that public bodies in Wales should offer services in Welsh. Of the respondents that make general comments on the Standards, the vast majority agree with the principle of having Standards:

The County Council welcomes the principles of the Welsh Language (Wales) Measure 2011.

Anglesey County Council [Translation]

The Council fully supports the principle behind the standards.

Neath Port Talbot County Borough Council

Most of the Standards have been implemented smoothly, building on the Welsh Language Scheme.

Blaenau Gwent County Borough Council

**Gwynedd Council and hunaniaith¹ both welcome the commitment and vision of the Government of Wales for the Welsh language, which is the ambition to create a million speakers by 2050*

Gwynedd Council [Translation]

We agree with the principle of the Standards.

Local Authority that wishes to remain anonymous

**The change to the standards system has caused change in departments and individuals.*

Cardiff Council [Translation]

**Certainly the new standards have led to a significant increase in the availability of services in some Welsh local authorities and this is something to be welcomed.*

Cardiff Council [Translation]

¹ Menter Iaith Gwynedd

The ethos of the Standards has meant promoting the language within the organisation has been positive.

Local Authority that wishes to remain anonymous

The standards have been a strong driver for promoting improvements in our Welsh language services. They have provided us with a useful set of directives against which we are able to evaluate the range and effectiveness of our Welsh language services. They have helped us to identify particular areas where we need to improve opportunities for staff to use their Welsh language skills. They have also provided an additional impetus for staff to undertake Welsh language training.

Estyn

I fully support the Welsh Language and any movements to improve its use throughout Wales. To this end, I am sure that in general terms, the process of ensuring services are fully compliant with the requirements set out by the Welsh Language Standards has and will continue to benefit the public in terms of ensuring equality of provision.

Police and Crime Commissioner for Dyfed-Powys

**There is also a need to recognise that preparing for the new requirements has provided an opportunity to put the Welsh language and its role in providing quality services back on the radar and a chance to re-establish previous good practice.*

North Wales Police [Translation]

The renewed commitment and thoroughness required by the standards has 'raised our game' and the level of prescription has got us to a good place.

Welsh National Opera

**The process of going through the Standards gave us an opportunity to look at all our Welsh output. Although we have implemented a Welsh Language Scheme since 1998, it was an opportunity to check that we are following our Scheme and it was an opportunity for us to look at the gaps, if any.*

Wishes to remain anonymous [Translation]

**The experiences of our clients who have been through the process of having standards imposed and beyond has been a positive one – increasing the confidence of staff who speak Welsh and raising awareness of the language, and the importance of delivering services through the medium of Welsh.*

Wishes to remain anonymous [Translation]

14. Three bodies identify certain circumstances that are not covered by the Standards at the moment:

**Standards imposed on local authorities in accordance with the Welsh Language Measure 2011 do not refer specifically to providing additional learning support. Neither have there been efforts to set standards on school governing bodies.*

Mudiad Meithrin [Translation]

**Take, for example, a situation where someone asks for a Welsh language service by a body that is over the counter but not at a reception... Further, in the case of the police, only when someone is "assisting with enquiry" or "if one or more of those persons have been arrested" is there a requirement to provide face-to-face services in Welsh.*

The current law does not guarantee unconditionally the right of bodies to work internally and externally in Welsh only.

... employees of companies, such as bus, rail and energy, are not entitled to learn Welsh, nor is there a requirement on the bodies to put policies in place in order to properly plan the workforce.

Cymdeithas yr Iaith [Translation]

**We consider there is scope to strengthen the link between the standards and implementation of the target of a million speakers and to that end, it would be good to add clauses to monitor use of the services available in the Welsh language as part of the requirements of the standards.*

Wishes to remain anonymous [Translation]

15. One organisation believes the Standards are weaker than previous arrangements:

**What the standards do is to set a minimum provision of Welsh, and the reality is that the minimum imposed was too low to meet the general commitment and ambition of Gwynedd Council for the Welsh language.*

In the case of Gwynedd Council, where the standards were considered as a minimum, and they did not adequately reflect the Council's commitment towards the Welsh language, in order to protect that commitment, the Council has been required to draw up and adopt a new language policy in order to safeguard the Council's ambition for the Welsh language, along with the commitment to take every opportunity to promote the language.

Gwynedd Council [Translation]

16. One body asks how the standards' success is measured:

It is not clear what success should look like – is it more speakers or less complaints? What exactly should we be monitoring to show how we are improving? Who is capturing and sharing this information? Who has an eye on the bigger picture outside of the Standards?

North Wales Fire and Rescue Services

Bodies subject to the Standards

17. Just one respondent comments on the bodies that are subject to the Standards:

**There is not a single bank or supermarket that provides a complete Welsh language service and the development of Welsh language services is not a priority for any of them. The private sector companies are not responding to the moral obligation on them, therefore a legal duty must be put on them.*

Cymdeithas yr Iaith [Translation]

18. This respondent also draws attention to Cardiff Airport and on-line companies such as Gumtree, Twitter and Trip Advisor.

Number and nature of the Standards

19. Of those who comment on this matter, a number refer to the number and detail of the Standards, along with the kind of language used:

Some of Standards relate to the same requirement and on this basis we feel there is scope for rationalisation.

Blaenau Gwent County Borough Council

The standards are very prescriptive in part but not in others. The language used is unclear. Should there be so many standards relating to a single area of work – e.g. meetings?

Neath Port Talbot County Borough Council

Compliance Notice – 172 Standards, repetitive in nature. Can be summarised to a 40 point action plan.

Local Authority that wishes to remain anonymous

**There are over 170 standards imposed... the requirements can be summarised into far fewer standards which would make the regulations much clearer to the public and to the staff who implement the standards. There is no need for 12 separate standards on only answering the phone or 6 for creating 1 annual report for example.*

Cardiff Council [Translation]

**A smaller set of more achievable standards would have a far bigger impact on the health board's ability to improve Welsh language service provision and will also encourage more staff engagement and overall compliance.*

Local Health Board that wishes to remain anonymous [Translation]

**There is scope to improve the phraseology of the regulations, to ensure that they are clear and unambiguous to the user*

Colleges Wales [Translation]

20. A number of the responses state that it is very difficult for the public to understand which services are available in Welsh, and because of that their rights are not clear:

It is very difficult for the individual Welsh citizen to discern their Welsh language rights in a straightforward and clearly understandable manner.

Language, Policy and Planning Research Unit, School of Welsh, Cardiff

We believe, that from a service user's perspective, the introduction of the Standards have meant uncertainty with who, what, where and when they can expect a Welsh language service. A simplified and clearer set of standards would have meant more organisations implementing the Standards sooner.

Local Authority that wishes to remain anonymous

Not public friendly – contrary to the intention, the standards do not simplify the process for the public

North Wales Fire and Rescue Services

**It is unlikely that the general Welsh speaker will know their details [the compliance notices], and because of this it is unlikely that the general Welsh speaker knows exactly what are their rights.*

Dyfodol i'r Iaith [Translation]

21. One respondent calls for a framework that would offer more flexibility to bodies to agree on Standards that are appropriate for them:

Some Welsh Language Standards would be better set through a process of local dialogue between individual organizations and the regulator, the Welsh Language Commissioner. In other words, rather than being set as regulations, that is as secondary legislation and everything entailed by that in terms of inflexibility and bureaucratic burden, such commitments to the Welsh language, similar to many commitments made under Welsh Language Schemes, could be agreed

through negotiation with the Welsh Language Commissioner and then be subject to the approval of the Minister.

Language, Policy and Planning Research Unit, School of Welsh, Cardiff

22. Two bodies believe a principle or principles should be adopted as the basis for the Standards regime:

**Although we would not want to go back to a regime of language schemes, one of the strengths of that regime was the standard clause in them o 'treat the two languages on a basis of equality'. This created an expectation that each body would have a statutory language scheme to improve their Welsh language provision over time.*

Cymdeithas yr Iaith [Translation]

We would welcome future legislation that affords organisations a degree of flexibility in their Welsh language provisions through a principle based-approach which recognises the different purposes and client groups of public authorities and, in particular, ones such as the ICO which operates in all four parts of the UK.

To illustrate this approach, one can look at the Data Protection Act 1998 (DPA), which is primarily based on eight principles but applies throughout all sectors of public administration and the wider economy. The DPA is no less complex in its application than the Welsh Language Act, and failure to comply can still result in legally-enforceable and effective regulatory action, but there is much greater scope for interpretation amongst practitioners. In addition, it successfully promotes the rights of individuals whilst balancing the practicality of service delivery, a balance that we feel the existing Welsh language legislation fails to achieve.

Information Commissioner's Office – Wales

23. One body is of the opinion that bodies should be motivated to reach a high Standard:

**A quality mark should be created within the public sector with an impetus to reach the best quality mark. This would allow Councils to develop according to their own ability by giving a positive rather than critical message about Welsh language developments.*

Menter Iaith Rhondda Cynon Taf [Translation]

Making, setting and implementing the Standards

24. The majority of the responses include comments on this point. Of those, several refer to the length of the process and most consider the regime to be bureaucratic:

The whole process itself has been a protracted and unnecessarily arduous one; bureaucratic and time consuming, for officers, members as well as the Commissioner and her staff.

Neath Port Talbot County Borough Council

**The preparatory work for the Welsh language standards on Gwynedd Council (in the same way as for other public organisations) was also a burden, with the need for:*

- *self assessment*
- *response to consultation on the draft standards*
- *standards investigation (136 question questionnaire)*
- *response to the consultation on the Welsh Language Commissioner's Enforcement Policy*
- *response to the consultation on the draft compliance notice*
- *receiving 151 Standards in the final notice*

Gwynedd Council [Translation]

**The process of establishing standards in the force has been awfully long. We had the initial questionnaire in January 2015, and it has taken over 2 years for the standards to come into force.*

Public body that wishes to remain anonymous [Translation]

The process of setting and enforcing the standards was overly bureaucratic, especially at the consultation stage. Moreover the nature of the language used in the consultation documents meant that the directives were not always accessible and easy to understand.

Estyn

WNO found the initial investigation by WLC into their current Welsh language provisions to be cumbersome and prescriptive. WNO was presented with a questionnaire of some 30 pages, with a covering letter from the WLC informing them that a response was invited by a certain deadline. The letter also informed WNO that WLC would in any case be conducting its 'own investigation into WNO's current Welsh language provision and practices'. This statement appeared rather overbearing, and was somewhat disheartening as management contemplated filling the 30 page questionnaire.

Welsh National Opera

25. One respondent is of the opinion that developing the Standards in this way, although laborious, has been a positive step:

The process by which the Commissioner's office has developed the Standards has been thorough. It includes opportunities for organisations to comment on the draft Standards, and on their draft Compliance Notice. Such opportunities are essential and welcome, although the number and complexity of the Standards mean that the process of responding is rather laborious and time-consuming. The process also includes some opportunities for direct dialogue with the Commissioner's Office, and these are very welcome.

Higher Education Funding Council for Wales

26. According to some respondents, the Standards regime means that bodies concentrate on complying with a process rather than improving services:

**Another burden which follows from the standards is the need to test and record how we comply with the standards, at a time when resources are scarce. This raises the question of what real value it adds in terms of improving the quality, range and availability of Welsh services to the citizen?*

An example of this is that many of the standards in the field of policy making expect bodies to be able to evidence how we mainstream the Welsh language. That could lead to the need for Gwynedd Council to document things in ways we have not been used to doing and to do so in order to show that we are compliant with the policy making standards. Creating a regime to satisfy the regulator which does not, in fact, add value to citizens, is contrary to the principles of Gwynedd Council.

Gwynedd Council [Translation]

We have become more focussed on process rather than being focussed on implementation, promotion and facilitation.

Blaenau Gwent County Borough Council

**The danger of exclusively focusing on the regulatory side is that it is possible to offer far fewer activities and services in Welsh without breaching a certain standard ... As the Commissioner only looks at which standards have been breached, it is understandable perhaps that some officials and organisations will only look at compliance rather than what services should be offered in Welsh.*

Cardiff Council [Translation]

**There is a danger that we lose focus on the bigger picture, namely providing genuine language choice and trying to promote greater use of the language in everyday life because of the need to keep detailed records to satisfy reporting requirements only.*

North Wales Police [Translation]

Introducing the Welsh language Standards may have brought some organisations 'up to speed' but those who were making headway in improvements have suffered a decline in momentum as the Standards have taken a lot of energy and resources to adopt – it almost feels like we are now coming out of a long tunnel and can just about see the light at the end where we can start looking positively at what we can do to continue this momentum but there is no support to be able to do this effectively.

Public body that wishes to remain anonymous

27. Two bodies comment on the separation of responsibilities between Welsh Government and the Commissioner in terms of making and setting the Standards:

**The fact that the regulations were written and agreed by Welsh Ministers and regulated by the Commissioner has added to the frustration experienced by Councils.*

Local Authority that wishes to remain anonymous [Translation]

**Indeed, rather than following the Welsh Language Commissioner's independent conclusions, civil servants have limited language rights because of individual lobbying by bodies which fall under the Standards. In many cases, it appears that the civil servants and lawyers forget that it is possible to vary the Standards through the Commissioner's compliance notice if needed, rather than in the regulations themselves.*

Cymdeithas yr Iaith [Translation]

28. Another factor referred to by some of the bodies subject to the Standards is that challenging the Standards in the compliance notice has led to differences between bodies within similar geographical areas:

The Standards, in their naming were seen as a way of building on the Council's Welsh Language Schemes and moving towards a common standard of Welsh language services delivered throughout Wales, albeit taking some authorities more time to reach the desired level, again due to demographics and workforce skills.

We are now at a stage where, in South East Wales, each Council's Compliance Notice varies greatly due to individual challenges put forward.

Local Authority that wishes to remain anonymous

At the present moment, 7 of the 22 LAs (over 30%) have not yet had their compliance notice finalised. As a result, those LAs which have agreed their notices – in general those who are doing their utmost to

comply – are in more of a position to be criticised. This is hardly a level playing field!

City and County of Swansea Council

**The standards regime also means that there must be a 'challenge' to the standards in order to receive specific exceptions or a little further clarity regarding the requirements, and this has led to a lack of 'standard' across sectors and regions. The system has rewarded organisations that have challenged the most. The regime should allow flexibility for the Commissioner to allocate revisions to the standards for all organisations in identifying issues/problems systematically across whole sectors.*

Cardiff Council [Translation]

**The term Standard means there is a standard, however, some local authorities have challenged the wording/interpretation of some standards and have received exceptions. It seems that the standards are being applied inconsistently across Wales because of the exceptions between organisations.*

Local Authority that wishes to remain anonymous [Translation]

Interpreting the Standards and codes of practice

29. The majority of respondents feel the Standards can be difficult to interpret and there is criticism regarding the lack of publication of codes of practice, sharing good practice, and sharing information and explanations about decisions made by the Commissioner:

There was little forthcoming advice, guidance and detail in relation to the interpretation of the Standards and the expectation of WLCO... Whilst the Policy Team has made every effort to interpret the Standards and advise accordingly, the implementation is the responsibility of all 3,500 staff overseen by the management. This is a challenge given that the service areas will interpret the relevant standards differently.

Blaenau Gwent County Borough Council

It has been difficult to obtain effective guidance throughout the process, any request has been met with a referral to the legislation/Welsh Government or that help cannot be provided due to the regulatory nature of the Commissioner's role.

Neath Port Talbot County Borough Council

The reluctance of the Commissioner to issue Codes of Practice, statutory under the Welsh Language (Wales) Measure 2011 has meant

the interpretation of the requirements varies from Council to Council, and more so down to officer level.

Although the Commissioner has offered general guides on specific service delivery aspects, the interpretation of each standard is what all authorities have been seeking.

Local Authority that wishes to remain anonymous

Where we have requested clarification or an explanation of a detail within a standard, we have received excerpts from the Legislation.

Local Authority that wishes to remain anonymous

In order to increase consistency and transparency, the council would like to see the Commissioner publish more information on the website to promote shared understanding. For example, when clarity is given on a particular standard, this should be published on the website so that all organisations adhering to the same standard are party to the same level of detail at the same time. The council would like to see this extended to the outcome of investigations – together with any advice/resolutions – to prevent the same or similar complaints from being received elsewhere and to improve practice across Wales.

Bridgend County Borough Council

The Register of Complaints which the OWLC publishes in line with the legislation does not really contain enough detail for it to be of any use either for members of the public to review what has happened or for other WLOs to compare with their own experience.

City and County of Swansea Council

It is clear that there is ambiguity in the Standards with each Force interpreting some Standards differently. This leads to a lack of consistency across the policing service and therefore has the potential to cause confusion to the public. It would have therefore been beneficial to each force if they had been issued with guidance notes outlining the Commissioner's expectations for each Standard. Such guidance would also have reduced the demand on the Commissioner's Team in dealing with a myriad of queries from each force.

South Wales Police

**Establishing the new requirements would be much easier if guidance, advice notes and generic templates were available to organisations in order to assist the process of responding to the needs of the Standards. For example it would be useful for organisations to receive a template for producing a monitoring report.*

North Wales Police [Translation]

Individual organisations are now left to their own devices to proactively attempt to share good practice which is in danger of being sporadic and adhoc – Bwrdd yr Iaith accomplished this effectively but this has been lost and consequently the process of sharing what works well has been less successful

North Wales Fire and Rescue Services

It would be a positive step if the Commissioner was better able to identify and share good practice across organizations facing similar challenges. This would also help to engender even more goodwill and positive attitudes towards the Welsh language.

Estyn

**There is a need to advise bodies through the process, particularly those new to bilingualism. Not alienating [people] in the proses of implementing the standards is essential to the success of the language in the future.*

Colleges Wales [Translation]

30. Some responses give specific examples where the Standards create ambiguity:

One small example – our extensive use of social media, video content and other downloads became an area of focus: what would we need to do about ‘archive’ content that was not available bilingually? There was simply not enough time or money to ‘retro-fit’ some of this content bilingually, but removing it seemed perverse as it made our available content less ‘rich’.

Welsh National Opera

Our Wales office does not have a reception service as we are not an open office in the traditional sense of being open to the public. However, standards relating to a reception service have been imposed on the ICO, along with other standards that suggest some form of publicly-available office. This has understandably led to confusion within the ICO Wales office as to how we are to comply.

Information Commissioner’s Office – Wales

For example, standard 69 relates to official notices. The definition of an “official notice” at paragraph 41 of Part 3 is circular. It states that an “official notice” means any notice that a body publishes to inform persons about service delivery activities or changes to service delivery activities, but does not include official notices prescribed by an enactment. Should this be revised to state any notices prescribed by an enactment?

31. Some respondents note that it is not clear how the Standards deal with outsourcing services and working in partnership with other authorities to provide services:

**At the level of collaboration, it is at times, difficult on a practical level where neighbouring public bodies are exempt from certain Standards or have not yet received a Final Compliance Notice. This can create a lack of agreement on the need to provide some documentation bilingually or hold well-being meetings in Welsh without an interpreter service.*

Anglesey Council [Translation]

There is much confusion as to the status of partnerships (formal and informal), joint initiatives and arm's-length bodies... It seems that decisions made by these groupings are not necessarily subject to any set of standards – but implementation by their constituent bodies would be subject to each one's individual set of standards (where they exist) – potentially requiring 4 or more slightly different interpretations (including possibly none).

City and County of Swansea Council

Public services are now more conscious of the benefits of collaboration and joint working – but the Standards do not capitalise on this. There should be more synergy (ie the same not different standards) to facilitate collaboration and more direction offered (sharing of best practice)

North Wales Fire and Rescue Services

**The increasing element of organisations coming together to provide services, or outsourcing public services, requires expert guidance and support from the Welsh Language Commissioner to equip public organisations to make meaningful decisions about alternative models of delivering public services and also to be a means to protect the Welsh language, and what alternative models (if any) would be included under the Welsh Language (Wales) Measure 2011. There is an obvious risk to the Welsh language if consortia, and other models set up to provide public services, are not subject to the Language Standards.*

Menter Iaith Sir y Fflint a Maelor [Translation]

32. Two bodies note that the requirements are not clear in terms of bodies operating beyond the borders of Wales:

**We are concerned that wording compliance notices for agencies which work across the UK to note the requirement to ensure the provision of 'information for Wales only' in Welsh means that there will be no assurance that all the documents and information that is relevant to Wales, provided by agencies such as the Information Commissioner's Office, is available in Welsh because it also applies to other countries of the UK.*

Mudiad Meithrin [Translation]

Practical problems

33. According to a number of the bodies subject to the Standards or bodies about to be made subject to the Standards, there are practical problems in complying with the Standards:

There are some areas of recognised shortfall of Welsh speakers where dealing with the public is a requirement to some degree or other. There is little or no external Recruitment taking place at the moment into LAs. As a result, the option is not available to recruiting into new positions to redress this. The main source for fulfilling vacant positions is as a result of redeployment of existing staff whose current roles are going and their Welsh language skills may not be a perfect match for the available posts. It is not an option to make these members of staff redundant and then to recruit someone specifically because of their Welsh language skills.

City and County of Swansea Council

Staff profile is a challenge for us i.e. with only around 40 fluent Welsh speakers and a lack of staff with language ability in the areas most needed i.e. receptions etc... Equally 'confidence' to develop language skills is also a significant challenge. We are encouraging staff to take up the language, however the 'mystery shopper' approach and the punitive sanction and threat of fines for non-compliance, leaves many officers too scared to say something in Welsh, in case they say it wrong.

Blaenau Gwent County Borough Council

The council employs 3,257 members of staff and only 2.7% speak, read or write in Welsh. The council conducted a survey of these employees to ascertain whether they would be prepared to assist non-Welsh speaking colleagues. Only 41 were prepared to assist. The feedback was that Welsh speakers did not feel confident enough to provide translation support or to converse in Welsh in a business context.

Bridgend County Borough Council

**It also leaves a gap in how public bodies can influence other organisations, and especially through third party agreements. In addition, the exceptions that have been allowed for some standards, or the fact that some Councils are exempt from certain basic standards, mean that at times agreement cannot be reached on some key issues.*

Gwynedd Council [Translation]

The level of work required to comply with the Standards has resulted in little or no time to promote the use of the language, within our organisation. We now rely on the work of external organisations, such as Mentrau Iaith, to promote the use of the language socially on our behalf.

Local Authority that wishes to remain anonymous

There are 24 solicitors and barristers employed within the Authority's Legal Services, one of whom feels competent enough to use their Welsh language skills for business purposes but only in their own areas of specialism. There is only one Welsh speaker in the Authority's Licensing Section and that person is not a licensing officer. There are no staff within the Procurement Team who have Welsh language skills... In terms of availability in the general market of solicitors who are Welsh spoken or sufficiently skilled in Welsh, it is only recently that the Welsh language has been used for legal education and then only in limited form. Welsh speaking lawyers are not available in sufficient numbers or in sufficient areas in order to provide a full range of services through the medium of Welsh.

Neath Port Talbot County Borough Council

One particular area of concern for my organisation is in relation to the implementation of the Standards by the services delivered on our behalf (commissioned services). As many of the services I commission are highly specialised in nature, relating to the administration of justice or the provision of support for victims of crime and the pool of potential suppliers is already quite restricted, insisting that they must be able to provide a fully bilingual service could reduce this pool further and impact negatively on a competitive tendering process and our ability to provide some of these unique services.

Police and Crime Commissioner for Dyfed-Powys

Whilst preparatory work had been undertaken in advance of the final compliance notice, this short timescale for implementation has placed a great deal of pressure on the Force to ensure it is fully compliant with the standards.

South Wales Police

We do have concerns that some of the new Standards will be difficult for us to meet, either because they are not really applicable to our particular activities, or because they will be disproportionately burdensome for a relatively small organisation such as HEFCW

Higher Education Funding Council for Wales

We simply do not have, and nor are we likely to be able to recruit, the number of Welsh speakers required for us to provide Welsh language support continuously for Welsh speaking service users.

Local Health Board that wishes to remain anonymous

The health board cannot monitor the implementation of the standards across such a large, diverse, multidisciplinary organisation. Thousands of interactions between staff and service users takes place each day, across a wide variety of healthcare settings. This would require another level of bureaucracy to police and monitor, therefore, the health board cannot measure and guarantee compliance with the standards at all times. The only way the health board would know if a standard has been breached would be as a result of a complaint or feedback stating so.

Local Health Board that wishes to remain anonymous

**It is unlikely each of the Welsh local authorities or other public bodies have experts in the field of socio-linguistics who would be able to draw up an effective [Welsh language] facilitation plan.*

Dyfodol i'r Iaith [Translation]

Compliance costs

34. Several responses refer to the costs of compliance:

It has been a real challenge for elected members who are making difficult decisions to cut services and reduce budgets, whilst having to agree budgets to implement the Welsh Language standards.

Further the timing around the introduction of the Standards has been unfortunate given the significant changes in legal frameworks that affect how the council delivers services. The timing of the introduction of the Standards has been unhelpful as they came when the Local Authority was making every effort to understand and respond to the new legislative and policy framework requirements in relation to Future Generations Act, Social Services and Wellbeing Act, Violence against Women, Domestic Abuse and Sexual Violence Act etc. Thus the Local Authority like every other in Wales has been under a significant and enduring bureaucratic burden.

Blaenau Gwent County Borough Council

In the case of in-house developments, there is no real problem in designing systems which are compliant with our standards... In such cases, providing for a Welsh language processing option may need a work-around or some expensive customisation, neither of which are an easy option. It would help if some further leverage were available at a national level to try to ensure that fully bilingual software is available.

City and County of Swansea Council

**As regards translation and documentation, we would like to see a situation where all documents are publicly available in Welsh and English across all organisations in Wales, but we have to prioritise translation resources. The requirements of standard 41 in particular means that we translate up to 60 thousand words each month for minutes of sub-committees.*

Cardiff Council [Translation]

**The aspiration of the Force is to comply with the requirement of the Welsh language Standards in full. But the timing of the introduction of the Standards has been highly unfortunate thinking about the financial challenges that have faced the Police and the need to make significant savings.*

North Wales Police [Translation]

**It must be remembered that Welsh speakers are in the minority in Wales and there is therefore a need to consider how to integrate and communicate a positive message about the development [of the standards] with those who do not speak Welsh. Especially because there is an additional cost attached to implementing the standards.*

Colleges Wales [Translation]

The standards have hugely increased our expenditure on translation services and we are reviewing how best this can be managed in future... We currently expect the cost of reaching compliance in the current financial year to be up to £40,000. We have budgeted £20,000 for next year too. This does not include the considerable internal staff time involved. These are large sums of money for a charitable organisation (such as WNO) to find.

Welsh National Opera

Complaints and investigations into a breach of a Standard

35. Almost every response comments on the complaints process, and there are strong views in general about the length and complexity of the process.

**In the case of a language complaint , if the complainant goes directly to the Welsh Language Commissioner, the organisation does not have an opportunity at all to respond to the complaint or the complainant, as the Commissioner either investigates the complaint directly itself, or if it decides that the complaint is not valid but that there is sufficient evidence of a lack on the part of the organisation, the Commissioner may use that as grounds to conduct an inquiry anyway ... The slowness of the process for conducting an investigation by the Commissioner also devalues the process and procedure for the organisation, but more importantly for the complainant.*

Gwynedd Council [Translation]

**There is a need to reform the complaints and enforcement process, and a move to a system similar to the Ombudsman where complaints are referred to the regulator only when the organisation has not dealt with the issue sufficiently. As far as I'm aware, the Ombudsman does not undertake an investigation lasting 4 months or more on the basis of 1 tweet.*

- 1. Organisation validates*
- 2. Organisation provides comments on the terms of reference*
- 3. Organisation provides evidence*
- 4. Accept and respond to the proposed decision*
- 5. Accept the final decision*

The process takes at least 3-4 months, no matter how simple the complaint /investigation is, and the organisation needs to provide 5 responses to each complaint. This procedure is not sustainable.

Cardiff Council [Translation]

The complaints process is extremely long-winded and involved. It is recognised that this is in many ways a result of the regulations governing the process, and the fact that there are opportunities for resolution at various points – but it would be preferable if complainants could be referred in the first instance to the body involved to allow a resolution/explanation.

City and County of Swansea Council

This current heavy handed approach slows down a resolution to the complaint and impacts negatively on the goodwill within the organisation.

Neath Port Talbot County Borough Council

**The process is very bureaucratic and in some cases we have been able to resolve the issue very quickly, but continue to be part of an investigation about something that has been acted on many months previously.*

Local Authority that wishes to remain anonymous [Translation]

The Commissioner continued to investigate what she deemed an invalid complaint, without opening dialogue with us, and providing an opportunity for us to consider the 'complaint' internally using our well-established complaints procedure rather than embark on a lengthy and time-consuming investigation.

Blaenau Gwent County Borough Council

**The process of resolving small errors on the whole is seen as lengthy and time-consuming to resolve. The lengthy and costly processes are another way of turning the public and organisations against the language.*

Colleges Wales [Translation]

**It is also questionable whether the timetable and such a bureaucratic process (which is set in the Measure) will encourage people to complain about the lack of a service in Welsh, and convince the complainant that the Welsh language service will be available as a result of conducting the inquiry? Knowing about some who have submitted complaints as individuals, the process is long, complex, difficult and tedious, without result, despite being 'under consideration' for a long time.*

Menter Bro Dinefwr [Translation]

36. The vast majority of responses express the opinion that complaints should be referred to the body itself in the first place.

The council would like to see this focus on local resolution of complaints being adopted in relation to implementation of the Welsh language standards. We strongly believe that all complaints should be investigated locally in the first instance though the use of corporate complaints procedures and only if this is not possible should they be escalated to the Commissioner.

Bridgend County Borough Council

**The Commissioner's process for handling complaints also creates difficulty and is unfair to the organisation and the complainant. The Welsh Language Commissioner's complaints process is fundamentally different to that of the Public Services Ombudsman, as the organisation is not given the first opportunity to respond to the complainant and*

redress the error made, enabling the organisation to put better arrangements in place to make sure it does not happen again.

Gwynedd Council [Translation]

**It would be easier to build a positive message about the language across the organisation if the internal process enabled us to resolve issues at the earliest opportunity. Many issues such as simple spelling mistakes can be corrected very quickly.*

Local Authority that wishes to remain anonymous [Translation]

The investigation into complaints is both unnecessary and lengthy, and could easily be rectified by treating Welsh language complaints in the same manner as any other complaint, through the Corporate Complaints procedure where the intervention of the Commissioner as the Ombudsman would better deliver the positive and often instant results for customers.

Local Authority that wishes to remain anonymous

**It would be constructive to consider how it would be possible to ensure that the body will have the opportunity to resolve a complaint in the first instance, before the Commissioner intervenes. Requiring the body to investigate and propose a solution through their complaints procedure as a first step would follow a similar procedure by other organisations such as Public Services Ombudsman's Office.*

Wishes to remain anonymous [Translation]

37. One respondent notes the possible advantages of changing the complaints system:

**It is likely that a change to the process of dealing with complaints could free up the Commissioner's resources to share good practice and successes from implementing the standards, which is an area that could be useful.*

Wishes to remain anonymous [Translation]

38. One body expresses a different opinion:

**The process as it is implemented by the Commissioner means that the individual must receive an injustice (in his or her view), complain to the organisation about the injustice, wait to receive a response, then, if the response is unsatisfactory, the individual is expected to send a complaint to the Commissioner. This may in itself deter many from expressing an opinion. We would call for a more flexible and effective system, with definite and powerful penalties. We would agree, of course, that there is scope for a complaints regime, but we believe that the current system puts too much burden on the individual to express*

dissatisfaction, and not enough on the organisations to improve their provision.

Dyfodol i'r Iaith [Translation]

Penalties

39. Just one respondent comments on the Commissioner's role in setting fines and other penalties. Having listed the enforcement actions available to the Commissioner, the respondent notes:

It is the council's view that it would make for better compliance with the standards and an improvement in service delivery if the Commissioner's office were to work with the council rather than impose sanctions, as outlined above.

Bridgend County Borough Council

Reviewing the Measure

40. One respondent comments on the timing of the review of the Measure:

**In general, we welcome this review and believe that there is an opportunity to improve and streamline some of the core elements of the process of placing and enforcing the standards. We would also like to note that it is still in early days and it is essential that any proposed changes take that into account – it feels soon to introduce radical changes at the moment. We also feel that not enough time has passed to measure the impact of the standards on the Welsh language.*

Wishes to remain anonymous [Translation]

Regulatory functions and promoting and facilitating the use of Welsh

Question 2 – The Welsh Language Commissioner’s role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?

Question 3 - What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language. In particular I would like to hear your views on who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field.

41. There was considerable overlap in the comments received under these questions, and so this summary deals with the themes that arise under both questions together.
42. It is important to note also that fewer respondents chose to answer these questions.
43. It appears that some respondents interpret ‘promoting and facilitating’ in the specific context of the Standards regime, that is, perhaps without considering the broader range of activities that could be described as ‘promoting and facilitating’. This must be kept in mind in relation to the following comments.

Responsibilities of the Welsh Language Commissioner

44. Of the responses received on this point, just one respondent is of the opinion that the balance is right:

The Health Board believes that the balance of the Welsh Language Commissioner’s role is right, although initially the Health Board had concerns that the Commissioner would be acting solely as a regulator.

Abertawe Bro Morgannwg University Health Board

45. The majority of respondents feel that there is not a balance between the regulatory functions of the Commissioner and those relating to promoting and facilitating:

**Certainly, the role of the Welsh Language Commissioner since its inception has leant more toward regulation rather than promoting and facilitating the use of the Welsh language, and the Commissioner has not been able to combine the two functions in the same way and that was achieved by the Welsh Language Board earlier.*

Gwynedd Council [Translation]

There is no balance between promotion and regulation.

Local Authority that wishes to remain anonymous

It would be more useful if the WLC became more like the EHRC – there seems to be more of a balance between the role of regulator and that of providing support and guidance.

Neath Port Talbot County Borough Council

**Most of the Commissioner promotional work is largely concentrated with organisations that do not come under statutory duties (3rd sector etc.). We would welcome further promotion and facilitation work with organisations that are subject to the standards such as local authorities. It is difficult for the Commissioner to offer constructive and practical ‘advice’ to organisations on compliance with the standards because of its role as regulator.*

Cardiff Council [Translation]

We fully appreciate that the Welsh Government and the Commissioner need robust arrangements to ensure that public sector bodies engage properly with their responsibilities in relation to using and promoting use of the Welsh language. However, we consider that the balance has moved somewhat too far in the direction of regulating public bodies.

Higher Education Funding Council for Wales

The emphasis should be more on the promotion rather than regulation of organisations’ and individuals’ efforts.

Police and Crime Commissioner for Dyfed-Powys

It appears that the Commissioner’s role is driven primarily by her regulatory functions and less so by her promotional and facilitating work. It may be helpful if there was a better balance between the two roles.

Estyn

Our view is that during the implementation process, the Commissioner has weighted the balance too far in favour of regulatory functions. As a regulating body ourselves, we fully understand the importance of getting this balance correct, and over 30 years experience as a regulator has taught us that there is far greater value in helping organisations improve their practices and taking a pragmatic view as opposed to taking enforcement action.

Information Commissioner’s Office - Wales

**We do not think that the role of supporting and promoting general /social use of the language by the Commissioner is evident to Wales’*

learners, beyond the improvements that will hopefully come in due course as a result of the standards.

National Centre for Learning Welsh [Translation]

**The Welsh Language Commissioner's direct promotion and facilitation work is not evident to the public, and we worry there is a danger it will be seen as a regulatory body, with the Welsh language Tribunal being central and the promotion and facilitation work supplementary and peripheral. We see a place to develop this work by holding a forum for the Welsh Language Commissioner's partners in order to build on and develop promotion and facilitation campaigns in certain areas e.g. community use, education, health, social care, children's work, in order to ensure consistency and sharing of good practice experiences.*

Mudiad Meithrin [Translation]

**Perhaps the Commissioner's role as facilitator should be marketed more, because it is the regulatory role which is prominent.*

Wishes to remain anonymous [Translation]

**As a result of cuts in funding to the Commissioner's offices, it looks like there is no way for the Commissioner to spend time on the promotion and facilitation element. This element has been neglected since the abolition of the Welsh Language Board. Although there is a need to be robust in regulating it looks like far too much emphasis is on the regulatory procedures.*

Menter Iaith Merthyr Tudful [Translation].

From the outset there has been a lack of clarity as to the functional identity of the office of the Welsh Language Commissioner. This relates in part to the legislation but also to how the role has been described in public discourse. Thus, the Welsh Language Commissioner is variously conceived of as a regulator, an ombudsman, a policy advisory body, a champion engaged in promoting the Welsh language, and as an advocate for Welsh speakers. Many of these roles are mutually incompatible and are in conflict with each other. As a result, the office of the Welsh Language Commissioner is in the invidious position of occupying contradictory roles both by dint of public expectation and also by dint of the Measure. The regulatory style adopted by the Welsh Language Commissioner has also contributed to the perceptions of others of the functional identity of the office.

Language, Policy and Planning Research Unit, School of Welsh, Cardiff University

**Over the last five years, the emphasis has been on establishing the standards, and creating a regulatory structure to support them; this process has been arduous and lengthy one, and we believe as well that the current system is too cumbersome. We accept that there is a need to protect the rights of the Welsh language, but it must be acknowledged that growth as well and protection is the challenge and the priority now if the language is to thrive.*

Dyfodol i'r laith [Translation]

46. A number of respondents note that the balance between the Commissioner's different functions have changed over time:

Dialogue with the Commissioner has been notable by its absence throughout the process ... However, over recent months this has improved with meaningful dialogue taking place in relation to the challenge.

Neath Port Talbot County Borough Council

When we did eventually receive a visit from the WLCO's office, this proved a positive and constructive engagement opportunity to raise concerns and clarify some burning points at the time. It was also the first time we were told we were doing well in a particular area of implementation and that the practice was possibly good practice.

Local Authority that wishes to remain anonymous

The Health Board has found the Commissioner's publications, guidance documents and workshops very informative and useful. Staff who attended the workshops have been able to use the content of the workshop to promote and facilitate the use of Welsh in the workplace for staff and service users... The Commissioner has promoted good initiatives and encourages organisations to replicate good practice.

Health Board that wishes to remain anonymous

**At the beginning of the relationship with the Commissioner's Office, there was more of a vote on compliance, but recently, we have received more help from the office. For example, by meeting officials more often and by the Commissioner's office holding information events.*

Public body that wishes to remain anonymous [Translation]

Whilst our initial relationship with the Welsh Language Commissioner's Office was focused on compliance, over the past 6 months, we have seen this relationship develop to more of an advisory role in aiding our understanding of the Standards and also providing advice on the challenge process.

The process also includes some opportunities for direct dialogue with the Commissioner's Office, and these are very welcome. The recent Briefing Session which the Commissioner's office organised for higher and further education organisations, including HEFCW, was very helpful in clarifying the practicalities of the process. Members of the Commissioner's staff will now have an individual meeting with each of the organisations affected by the new legislation. That is a very important stage for us, as it will enable us to raise our questions and concerns about the Standards which pose particular difficulties for us, or which we do not consider applicable to us. We hope that the Commissioner's office will be responsive to these concerns, and willing to take a flexible and proportionate approach.

Higher Education Funding Council for Wales

47. Two respondents feel the roots of the problem date back to the period when the Commissioner was established:

**It is unfortunate that the Welsh Language Commissioner's role was undermined right at the outset when the Welsh language standards were rejected.*

Gwynedd Council [Translation]

**In our opinion it was particularly unfortunate that the Welsh language Commissioner's role was undermined at the outset when the Welsh language Standards were rejected, and that has had a very negative impact on the image and credibility of the Commissioner, and has put her work back. This has also created a situation where there was no requirement or means for Councils to start to moving forward for a long time and it is going to be very difficult to recover the momentum lost because of that.*

Menter Iaith Sir y Fflint a Maelor [Translation]

48. Some respondents are concerned about the negative effect of regulatory language:

**The emphasis on regulation also means that all the discourse around the Welsh language standards (since their inception) is negative, and that is reflected at its worst amongst Language Officers of public organisations, who are the very stakeholders that should be advocates on behalf of the Welsh language Commissioner! Another side effect of the emphasis on regulation is that there is a danger that all the Welsh language resources of public organisations (Language Officers) are entirely occupied by the regulator's regime and demands.*

Gwynedd Council [Translation]

There is an over use of negative vocabulary which does little to foster good relations. Instances of this include: the contact email for commissioner's office is 'investigationandenforcement@welshlanguagecommissioner.wales'

Blaenau Gwent County Borough Council

Bear in mind there is no actual distinction between individuals living and working in Wales, and individuals working within organisations striving to achieve the standards: they are the same people and their main experience is of the language of compliance, imposition and enforcement... We have found the language involved in the process to be negative and intimidating: 'imposition' and 'enforcement' in particular are not helpful when in fact the changes being made are positive and for the right reasons. It has very definitely felt like it's all 'stick' and no 'carrot'.

Welsh National Opera

**The Standards should be a positive tool for change, but the conversation surrounding them has been negative since the beginning, and the emphasis and the encouragement given to 'complaining' about the lack of Welsh service adds to this negativity. Need the opportunity and platform to record, celebrate and share good practice.*

Menter Iaith Rhondda Cynon Taf

49. A small number of responses draw attention to the Commissioner's public campaigns about the standards:

The current campaign, encouraging individuals to complain to the commissioner in the first instance, does not promote and facilitate Welsh speakers to use and expect their service in Welsh. A more positive campaign would be to encourage users to use their Welsh when visiting Councils.

Local Authority that wishes to remain anonymous

We understand that the public campaign has actively encouraged people to test organisations and lodge complaints with the Commissioner. Again, this is a negative focus – where is the positive PR campaign? It shouldn't just be about naming and shaming.

Welsh National Opera

**The Commissioner has gone about announcing and promoting on television and in the media, if Welsh speakers are unhappy with provision of a service they can complain directly to the Commissioner.*

Local Authority that wishes to remain anonymous

50. Another theme that appears in the responses is acknowledgment of what is being lost as a result of the focus on regulation:

**It is believed that restarting the activities undertaken in the past by the Welsh Language Board and/or the Welsh Local Government Association for public sector language officers to discuss developments and share good practice in relation to supporting and promoting the Welsh language would be of significant assistance.*

Anglesey Council [Translation]

Meetings of Rhwydiaith and, to a lesser degree, Equality Officers Network allowed for a fairly free exchange of information, ideas and good practice – particularly regarding initiatives which an individual LA may have tried out

City and County of Swansea Council

**There is a need of support and guidance for Welsh language officers and organisations in order to help them to fulfil the requirements of the language duties. When support that has been provided following a request for information or guidance it has been useful.*

North Wales Police [Translation]

There is also a need for the promotion and facilitation of the language in the wider Welsh society, beyond the public sector organisations themselves. In our experience, the current take-up of Welsh language services is, in practice, low. This suggests that there is a need for more confidence-building measures, promotional activities and courses to encourage Welsh speakers and Welsh learners to use the language in a broader range of contexts, and to identify themselves as Welsh speakers. We suggest that greater priority should be given to those kind of activities in future, rather than the development of further regulation.

Higher Education Funding Council for Wales [Translation]

**Because the current role of the Welsh Language Commissioner leans more towards regulation rather than promotion and facilitation, there is a gap in terms of offering leadership, help and practical support to institutions to do more to promote and facilitate, as well as providing more services through the medium of Welsh. The Commissioner therefore needs to look again at the support that can be offered to bodies which are subject to the Standards.*

This gap is also evident in the context of the private sector, and to a lesser extent, the third sector, and the lack of information sharing about the Commissioner's work in these areas, and the relationship with the work of the Mentrau Iaith, or opportunities to work together also confirm

that some aspects of the existing arrangements do not facilitate action and collaboration, thus ensuring the best outcomes for the language.

Menter Bro Dinefwr [Translation]

**This gap is highlighted in the absence of any activities that bring Language Officers of public organisations together to discuss the language, Standards, publications and guidance documents etc, an element which the Welsh Language Board and the WLGA (through the network 'Rhwydiaith') used to deliver in the past.*

Menter Iaith Sir y Fflint a Maelor [Translation]

**The feedback from a number of Council Officers is that they miss the leadership, assistance and support which was available to them from the Welsh Language Board previously.*

Menter Iaith Rhondda Cynon Taf [Translation]

51. Several respondents said that a combination of legislation and activities to promote and facilitate was needed in order to increase the number of Welsh-speakers and language use.

**Certainly, it is not through legislation and regulation alone that we will succeed in increasing the numbers of Welsh speakers and the number of those who choose and use the language every day – there is a need for law and instinct to ensure that. Certainly, the standards should be a positive tool for change, along with the far-reaching efforts to encourage and promote the Welsh language, as well as opportunities and a platform to record, celebrate and share good practice.*

Gwynedd Council [Translation]

**There is need for an act and language duties. But there is also a need to promote the use and to provide support as well.*

North Wales Police [Translation]

**What is crucial is that everyone feels pride in having two languages in Wales and that we support the people of Wales to understand the developments. The legislation which has happened is good but now we must ignite the public's interest in order to secure the sustainability and prosperity of the Welsh language.*

Colleges Wales [Translation]

**It must be remembered that the purpose of regulation is to ensure compliance and to aim for progress against a set of specific indicators, but more importantly than that, it should support the more challenging and far-reaching vision of creating more speakers of the language, and prepare a range of opportunities for everyone to use it [the Welsh language] in all aspects of their lives.*

52. Comments about the current arrangements to promote and facilitate the Welsh language were few, beyond comments made about the Standards regime and the Commissioner's role. However, as is seen throughout this report, the need to strengthen activities to promote the language is a consistent theme:

**Unfortunately, confusion already exists since the abolition of the Welsh Language Board, Welsh has been weakened, with responsibility for protecting, promoting and growing the language shared between too many bodies. Now there is no single place to get the full service. It doesn't matter who is responsible, what's needed is clarity and ease of process.*

Colleges Wales [Translation]

Who should promote and facilitate the use of the Welsh language?

53. Two respondents list specific factors that should be considered in making appropriate arrangements:

- 1. That a change in regulatory style is necessary in that whichever body undertakes the function of regulation that it becomes an enabling regulator.*
- 2. That the public visibility of the operation of public policy in the area of the promotion of the Welsh language and the encouragement of its use is weak and needs to be strengthened.*
- 3. That a more structured approach to the management of institutional transitions is necessary in that any significant new public bodies, offices or post holders would clearly benefit from purposeful briefing and institutional induction.*
- 4. That greater clarity, both amongst institutions and also in terms of public understanding and visibility, is needed in relation to the distribution of institutional functions whether that function is regulation, the providing of policy advice, of promoting and encouraging the use of the Welsh language, or legal intervention and adjudication.*
- 5. That greater clarity amongst institutions is required regarding the relative independence and lines of accountability between institutional actors in the operation of their respective functions.*

Language, Policy and Planning Research Unit, School of Welsh, Cardiff University

**(i) The need for a coherent strategy based on a thorough understanding of Bilingualism and recognised Language Planning principles.*

(ii) The need for continuity and consistency over an extended period of time. Under the current regime political change (e.g. change of Minister) and change among civil servants could endanger that continuity.

(iii) The need to increase the emphasis on promoting the language, not just on securing rights. [...]

(iv) The need for boundaries of responsibility between the different entities with responsibility for the Welsh language to be clear and unambiguous.

(v) The need to prioritise co-ordination of the different entities' efforts, rather than allowing competition for the same resources.

Dyfodol i'r laith [Translation]

54. It is generally agreed that national policy should be a matter for the Welsh Government:

**It is a role for the Welsh Government to set strategic direction and policy for the language and the long term vision is set out in the document 'A Million Welsh Speakers by 2050 '*

Anglesey Council [Translation]

**Menter laith Sir Ddinbych welcomes the commitment and vision of the Welsh Government to the Welsh language, which is the ambition of creating a million speakers by 2050, and believes that it is the responsibility of the Government to set the framework and policy direction for the Welsh language. Similarly, we believe that the monitoring framework and ensuring accountability for implementation in accordance with the policy direction set out in A Million [Welsh] Speakers by 2050 is the responsibility of Government.*

Menter laith Sir Ddinbych [Translation]

Were the Welsh Government to create an arms length body [henceforth ALB] with the purpose of undertaking certain functions to promote the Welsh language and to encourage its use, it remains the case that it is wholly appropriate, indeed necessary, that the Welsh Government has ownership of public policy and that it remains accountable for that the the National Assembly for Wales.

Language, Policy and Planning Research Unit, School of Welsh, Cardiff University

**The Welsh Government will determine and distribute budgets ... It will be the Welsh Government's responsibility to decide fundamental policy*

(e.g. that the Welsh language should be promoted and that the aim is to create a bilingual Wales) and to specify objectives from time to time (e.g. a million speakers by 2050).

Dyfodol i'r Iaith [Translation]

55. One respondent describes the options for an arm's length body to promote the Welsh language:

...presented in ascending order of their degree of autonomy from the Welsh Government:

- *Executive agency – the shortest arm's length;*
- *Departmental sponsored body- the median arm's length;*
- *Independent public interest body – the longest arm's length.*

Note that this rules out the creation of an ALB as a constitutional body that is wholly independent from the Welsh Government, is accountable to the National Assembly for Wales, has appointments made to it by the National Assembly for Wales and has its budget set by the National Assembly for Wales. The reason for this is that only bodies with a Parliamentary or constitutional function require independence of this sort [e.g. Auditor General, Ombudsman]. The scholarly and professional literature unambiguously demonstrate that to provide an ALB with public policy functions that degree of independence entails very considerable risk indeed as regards accountability and performance in particular. The options that attend to the management of such risks have, of necessity, some degree of accountability to Government. Thus, the challenge is to ensure the correct balance between the independence of the ALB and the accountability of the Minister.

Language, Policy and Planning Research Unit, School of Welsh, Cardiff University

56. Several respondents believe one body is able to fulfil different functions, with some referring to the Welsh Language Board:

**In terms of promoting and facilitating the use of Welsh at the national level, it is believed that one can look at the Welsh Language Board model as one of good practice. It succeeded in maintaining the balance between regulation and promotion and facilitation of the Welsh language. It is believed, therefore, that a single body can carry out both functions successfully and build a relationship of collaboration with individual organisations in order to strengthen the use of the Welsh language.*

Angelsey Council [Translation]

**Certainly, in the current financial climate, it would be very difficult to justify the establishment of a new body at arm's length from the Welsh Government to be responsible for promoting and facilitating the Welsh language, and establishing a promotional body separate from the Welsh Language Commissioner would to an extent confirm the interpretation of its role as regulatory only, and create another layer of complexity and bureaucracy. Certainly, there is a loss and a gap following the abolition of the Welsh Language Board, but most of the criticism of the Board when it was operational was that it was a 'quango'! What is needed now is to marry the role of regulation and promotion and facilitation far better, and in order to facilitate this, it is suggested that it would be good to see the Government transfer the grant regime for promoting and facilitating the Welsh Language to the Commissioner (as it was in the Welsh Language Board previously). That would be a means of encouraging creativity and innovation, characteristics that are difficult to find within a regime of civil servants.*

Gwynedd Council [Translation]

The continued promotion of the Welsh Language should be the role of the Welsh Language Commissioner.

South Wales Police

Our view is that having a single independent body is an effective method for regulating legislation and promoting good practice. We are aware of the confusion surrounding this area of responsibility, and note the establishment of the Welsh Language Commissioner.

Information Commissioner's Office - Wales

Promoting the benefits of learning and using Welsh seem to be done in a piecemeal way at present. There needs to be a more coherent and strategic approach to this task. The Commissioner is well placed to do this promotional work and this would be likely to ensure a greater synergy between promotional campaigns and legislative work.

Estyn

**In terms of promoting and facilitating the language, it is possible for the Commissioner to do this if they establish a sub-brand and receive substantial funding to sustain marketing campaigns to support it.*

Colleges Wales [Translation]

It is quite feasible to create an institutional arrangement in which greater clarity and visibility is given to the function of promoting and encouraging the use of the Welsh language without creating a new ALB. This could be accomplished through transforming the office of

the Welsh Language Commissioner so that its core function is that of promotion.

Language, Policy and Planning Research Unit, School of Welsh, Cardiff University

57. Others note there should be a specific body to be responsible for promotion and facilitation functions. It is not always clear whether this should be a new body or not:

**The absence of a body at arm's length from the Government to promote the Welsh language is clear, and neither a regulator like the Commissioner nor the Welsh Government should be responsible for this ... it would be of great benefit having a new body responsible for these aspects as well as the allocation of grants, working with private organisations and scrutinising organisations' processes to offer positive assistance and advice. The Government has been engaged in elements of this work but having an arm's length body with specific duties for promotion and use of the Welsh language and increasing bilingualism would be very exciting and would stimulate the change needed in order to ensure that Wales become fully bilingual country.*

Cardiff Council [Translation]

We believe that either the Welsh Government or the Commissioner (subject to a rebalance of their functions) should be responsible for promoting the Welsh Language. When consulting on our Welsh Language Promotion Strategy it was evident that there was a clear lack of strategic planning, commissioning and co-ordination and delivery of Welsh Language services in Blaenau Gwent.

Blaenau Gwent County Borough Council

**There would be benefit in having a central body with strategic responsibility for language planning in Wales which would be responsible for language promotion/ Welsh for Adults / Welsh in education etc.*

North Wales Police [Translation]

**One 'body'/national team could co-ordinate all activities across a range of organisations, creating integrated campaigns on multiple platforms to promote the language.*

This should be a small, agile body/ team that is able to undertake a programme of engagement with stakeholders, who have creative skills and an understanding of all platforms. All related organisations would need to 'buy into' this vision and agree to plan strategically together. We need a meaningful narrative throughout the year, not the commissioning of ad-hoc campaigns.

National Centre for Learning Welsh [Translation]

It is difficult for a body to be a regulator and a promoter at the same time.

Wishes to remain anonymous

**...it is possible that the Government is not the best body to implement the role of promoting and facilitating the use of Welsh throughout Wales. That asks for qualities such as flexibility and creativity, to respond to local need, practical support, piloting, trust etc. Wouldn't a body at arms length from the the Welsh Government fulfill these roles more effectively?*

Menter Iaith Sir Ddinbych [Translation]

**An arm's length body would act to co-ordinate, raise awareness, develop and monitor initiatives and policies to promote the Welsh language across the different relevant areas.*

Dyfodol i'r Iaith [Translation]

**We continue to argue for the establishment of a body separate from the Commissioner and the Government to take responsibility for promoting the Welsh language, namely the Welsh Language Council which would be able to use finance and strategy to promote the use of the language.*

Cymdeithas yr Iaith [Translation]

58. One body believes the Welsh Government could be responsible for leading promotion and facilitation:

**As a Menter Iaith we accept calls from the Government to promote the Government's marketing projects. The projects are ad hoc and without thorough planning. The Mentrau Iaith across Wales promote the Welsh language in the Community generally even if they are promoting the marketing schemes of other partners, e.g. Cymraeg for Kids, Welsh for adults etc. It would be better if the Government had more resources perhaps to lead on promoting and facilitating nationally through the Welsh partners in a structured way with advice from marketing specialists and language planning.*

Menter Iaith Merthyr Tudful [Translation]

59. A large number of the responses that comment on promoting and facilitating note it is a role for a number of bodies. Of these, some refer to the Standard that imposes a duty on local authorities to have a strategy to promote the Welsh language, and others refer to the need for leadership and co-ordination:

Under the Standards, each Council has a responsibility to increase the number of Welsh speakers by promoting the use of Welsh (Standard 145), this is only achievable with clear direction from Welsh

Government on Welsh Education Policy, training and appropriate funding of organisations, such as the Urdd and Mentrau Iaith if it is to realise the target of a million Welsh speakers by 2050.

Local Authority that wishes to remain anonymous

We have recently produced our Welsh Language Promotion Strategy. We are proud of the efforts we made in developing this important document, which will set out how we will work in partnership to promote and facilitate engagement with and use of the Welsh Language... We would welcome support from the Commissioner as a 'critical friend' as we strive to effectively deliver against our commitments in the Strategy.

Blaenau Gwent County Borough Council

**.. standard 145 has led to the creation of Bilingual Cardiff Strategy for promoting and facilitating Welsh ... There is no requirement to submit the strategy to the Commissioner or the Government therefore the content of these strategies are the sole responsibility of the local authorities. Because the Welsh Government is about to publish a strategy for a million Welsh speakers it would have been useful to receive further advice on how local authorities can contribute to the achieving this aim or even to ensure that the compliance dates coincide. The Commissioner has officials responsible for promoting and facilitating the Welsh language to private organisation but there is a need to focus on sharing good practice and facilitate the use of Welsh in the organisations subject to the standards also.*

Cardiff Council [Translation]

The promotion of the Welsh language lies primarily with the Welsh Government with its strategic role e.g. education, grant funding, planning etc. However, there is also a role for other organisations, including local government, but only in so far as their remit extends. The specific promotion standard places an expectation on local government which it is not able to fulfil – targets are required that only set us up to fail! ... A more realistic approach would be to have nationally set targets to which every organisation can contribute. This would help alleviate concerns due to potential issues with changing demographics, etc.

Neath Port Talbot County Borough Council

The responsibility for promoting the Welsh language belongs to everyone. The Commissioner, Welsh Government, public sector organisations, private sector and the public have a duty to promote the Welsh language and its use within Wales. The Welsh Language Commissioner, along with Welsh Government, should monitor how organisations are promoting and facilitating the use of Welsh.

Local Health Board that wishes to remain anonymous

Everyone has a responsibility for promoting the Welsh language. The Commissioner, Welsh Government, public sector organisations, private sector and the public all have a duty to promote the Welsh language and its use within Wales.

Abertawe Bro Morgannwg University Health Board

**What is clear is that each organisation under the standards regime has a responsibility of promoting the language and the services.*

Colleges Wales [Translation]

**Many of these bodies [the third sector] are essential to the survival and growth of Welsh as a community language as they offer an opportunity for people to volunteer through the medium of Welsh and enable people to receive services in their mother tongue, as well as celebrating the language and the traditions associated with it.*

Wishes to remain anonymous [Translation]

**We note the need to ensure strong leadership in the field, ensuring the coordination of promotional bodies already operating on the ground. There are a number of organisations already operating, including the Mentrau Iaith, Welsh for Kids, members of 'Mudiadau Dathlu'r Gymraeg', Welsh for adults, Coleg Cymraeg Cenedlaethol and Mudiad Meithrin. While we agree that so many bodies can lead to confusion, we note that mapping and coordinating the work already is happening on the ground in order to be able to develop, share and recognise what is happening already.*

Mudiad Meithrin [Translation]

60. Some – the Mentrau Iaith and some local authorities – believe more responsibility and resources should be given to community-level activities:

**Ensuring greater responsibility for Welsh Language partners to take action in their fields would mean that it is possible to continue to offer flexibility and creativity, a response to local needs, practical support, innovation and piloting new projects, developing local ownership, etc. We therefore believe that more responsibility should be given to the Mentrau Iaith and Welsh language partners to take action, but that there is a need to ensure further investment in the work to develop that role to its full potential.*

Menter Bro Dinefwr [Translation]

Next steps

61. The Welsh Government is grateful to all those who responded to the call for evidence and who attended one of the workshops. All responses contribute to the evidence we are considering as we develop policy proposals to reform legislation supporting the Welsh language.
62. The Government will publish those proposals in a White Paper. There will be a full public consultation on the White Paper.