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Ofcom's Third Review of Public Service Broadcasting: Public Service Content in a Connected Society

The Welsh Language Commissioner welcomes the opportunity to contribute to Ofcom's third review of Public Service Broadcasting. This comment should be taken as evidence in supporting Ofcom to review an area recognised as being highly significant with regards to the Welsh language.

The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.

The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.
One of the Commissioner's priorities is to scrutinise policy developments with regard to the Welsh language. The Commissioner will provide comments in accordance with these terms of reference, acting as an independent advocate on behalf of Welsh speakers in Wales. Such an approach is adopted in order to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of individual bodies' performance or the Welsh Government's performance in accordance with the provisions made in the Measure.

The Welsh Language Commissioner's comments on the review may be summarised as follows:

The importance of Welsh language broadcasting

- Broadcasting plays a prominent role in promoting regional and minority languages across the world. Within Europe, the importance of broadcasting in maintaining and promoting minority languages is recognised within Article 11 of the European Charter for Regional or Minority Languages\(^1\).

- In 1996, the High Commissioner on National Minorities appointed by the Organization for Security and Co-operation in Europe (OSCE) asked the Organization for Interethinic Relations to consult with a small group of recognized international experts, to receive recommendations by them on the appropriate and reasonable use of the linguistic rights of persons belonging to national minorities within the OSCE’s territory. This led to the publication of ‘the Oslo recommendations regarding the linguistic rights of national minorities\(^2\)’. Four specific recommendations were made with regards to the media and broadcasting in minority languages, highlighting the importance of ensuring access for speakers of minority languages to broadcasting services that meet their linguistic needs.

  “Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and appropriate to its situation and needs\(^3\)”.

- With regards to the Welsh language in particular, the key role of the media and broadcasting is long-established within linguistic planning in Wales. This is stated clearly within the Welsh Government's Welsh Language Strategy for 2012-17, ‘A living language: a language for living’

  “Public service broadcasters in Wales, including BBC Cymru Wales, S4C and ITV Wales, latterly as a programme producer, have played an important role in ensuring that the Welsh language continues to thrive. Although broadcasting is not a


\(^2\) [http://www.unesco.org/most/in2pol7.htm](http://www.unesco.org/most/in2pol7.htm)

\(^3\) [http://www.unesco.org/most/in2pol7.htm](http://www.unesco.org/most/in2pol7.htm) - recommendation 9
devolved matter, the Welsh Government is committed to doing all it can to ensure that Welsh-language broadcasting continues to develop and improve, especially in the light of recent discussions about the future and editorial independence of S4C... However, online service provision through the medium of Welsh has not been given the same priority as it has through the medium of English. We hope that the new arrangements announced for the relationship between S4C and the BBC will lead to a strengthening of online provision through the medium of Welsh, to the same level as that provided through the medium of English. We will also seek to ensure that Welsh-language service provision is effectively safeguarded and developed by regulatory bodies such as Ofcom.

Therefore the importance of broadcasting in minority languages is widely recognised and in Welsh in particular in Wales.

The review

- The purpose of the review is to assess the extent to which public service broadcasters are delivering the public service broadcasting (PSB) purpose. One PSB purpose is to meet the needs and satisfy the interests of the available audiences. In accordance with that, it may be said that one of the purposes of PSB in Wales is to meet the needs and satisfy the interests of the significant proportion of the audience who speak Welsh.

- While the consultation document discusses the differences between the UK nations, including differences in their linguistic needs, the document does not consider the extent to which PSB in Wales meet the needs of Welsh speakers or satisfies their interests. No evidence regarding this is offered in the consultation documents.

- Nor do the consultation questions invite any comments with regards to the extent to which PSB in Wales meets the specific needs of Welsh speakers and satisfies their interests.

- It appears, therefore, that this review will not include an assessment of the extent to which Welsh language public service broadcasters delivers the PSB purpose of meeting the needs and satisfying the interests of the audience. If so, the review must be considered an incomplete assessment of PSB in Wales. Therefore, we ask Ofcom to consider conducting a specific review with regards to Welsh language broadcasting, either as part of this review or as a separate review. That reflects the calls that were made by persons present at the event held at Ofcom’s offices in Cardiff in January this year for a specific review of PSB in Wales that would give due consideration to Welsh language services. Without this, there is a risk we will not know to what extent does Welsh language public service broadcasting deliver its purpose nor to what extent does it succeed in supporting the use of Welsh in accordance with the wishes of the Welsh Government.


[5] Section 264(4)(c) of the Communications Act 2003
It is recognised that this is a challenging time for Welsh language broadcasting, mainly due to recent financial cuts to limited Welsh language broadcasting services, and that there are developments on the horizon that could severely impact the future of Welsh language broadcasting, for example amending the BBC's charter and its implications for the BBC's Welsh language broadcasting services on S4C. With that in mind, we consider it vital that we understand to what extent does Welsh language PSB deliver its purpose at present and this review provides a clear opportunity to gain an understanding of that.

Thank you for the opportunity to contribute to this consultation. We trust that the above comments will be of use in planning Ofcom's future work.

Yours sincerely,

Meri Huws
Welsh Language Commissioner