This framework explains how the Welsh Language Commissioner will implement her work programme for regulating Welsh language standards and Welsh language schemes.

Section 5 of the Welsh Language Measure (Wales) 2011 (the Welsh Language Measure) grants the Commissioner enforcement powers. This framework does not relate to the Commissioner’s enforcement work. Information on that is provided in the Enforcement Policy. Neither the actions nor powers within this framework limit or impair the Commissioner’s enforcement powers under the Enforcement Policy in any way.

Enforcement is not the Commissioner’s only means of ensuring compliance. In her strategic plan for 2015-17, the Commissioner refers to two priorities for regulating Welsh language standards, namely:

- Implementing a proactive regulatory programme in order to measure the performance of organizations against language duties;
- Giving an independent opinion on the performance of organizations and reporting on the language experiences of Welsh language users.

The Commissioner will encourage compliance in order to allow things to unfold as they should in a proactive manner and this framework explains the scope of the work.
Language legislation requiring public bodies to plan their services so that they are available in Welsh has existed since 1993. Despite this, it is not always easy for those who wish to use the Welsh language in their everyday lives to do so.

In introducing the Welsh Language Measure and Welsh Language Standards, the Welsh Government's aims are to: increase and improve Welsh language services for the people of Wales; ensure greater clarity and consistency in terms of the services that can be expected in Welsh; give the people of Wales rights in terms of receiving services through the medium of Welsh. As noted in the Welsh Government's policy statement 'A living language: a language for living - Moving forward', the standards will be an important catalyst for ensuring that organizations take responsibility for the Welsh language agenda in the areas for which they are responsible. With a clear strategic direction already set, the Commissioner is responsible for regulating the implementation of the standards, which will allow the aims to be met.

In addition, the Welsh Language Measure itself states that the principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. In this respect, and in implementing her general functions, the Welsh Language Commissioner must work towards increasing the number of opportunities available to use the Welsh language in terms of service provision, as well as increasing other opportunities for people to use the Welsh language. The Commissioner's work however is not limited to this.
The Commissioner must also have regard to:

- the official status which the Welsh language has in Wales;
- the duties to use Welsh which are (or may be) imposed by law, and the rights which arise from the ability to enforce those duties;
- the principle that, in Wales, the Welsh language should be treated no less favourably than the English language;
- the principle that persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.\(^8\)

In regulating the implementation of the standards, the Commissioner will seek to ensure that organizations contribute to the aim of enabling people to live their lives through the medium of Welsh. This will be done by:

- working on behalf of Welsh language users;
- reporting on the experiences of Welsh language users;
- developing an understanding of how organizations perform;
- forming an opinion on general compliance with the standards based on robust evidence;
- providing support for organizations to enable good compliance with the standards;
- giving continuing consideration to the adequacy of the law in order to meet the aims of the Welsh Language Measure.

\(^8\) Section 3(2) Welsh Language (Wales) Measure 2011
What is regulated by the Welsh Language Commissioner?

To the extent permitted by legislation, regulating Welsh language standards will follow the same principles as those for regulating Welsh language schemes. This regulatory framework is relevant to both regimes.

**Welsh language standards**
Responsibility for regulating Welsh language standards lies with the Welsh Language Commissioner. She will impose and enforce those standards on organizations in accordance with the Welsh Language Measure.

Welsh language standards explain how organizations are expected to use the Welsh language in different situations. The duties which come from the standards mean that organizations should not treat the Welsh language less favourably than the English language, together with promoting and facilitating the use of the Welsh language.

The purpose of the standards is to clarify which services people can expect to receive in Welsh, and for those services to be consistent. The Welsh Language Measure establishes which organizations must comply with the standards (Appendix 5-8) including public organizations as well as some private companies and third sector organizations. It also details the phases involved in drawing up, approving and implementing standards.

These phases can be summarised as follows:

**Phase 1:** Undertake a standards investigation to determine whether or not an organization should be required to comply with standards, and if so, which standards should be specifically applicable to it.

**Phase 2:** Produce a standards report which outlines the conclusions of the standards investigation and the Commissioner’s reasons for reaching those conclusions.

**Phase 3:** Introduce Welsh Government regulations to be tabled before a Plenary Meeting of the National Assembly. A vote to approve the regulations will make the standards specifically applicable to the organization, and will allow the Commissioner to issue them with a compliance notice.

**Phase 4:** Give a compliance notice to an organization to require it to comply with one or more standards. The notice will set out which standards an organization has a duty to comply with, and by when it is expected to comply.
Welsh Language Schemes

The Welsh Language Measure made provision for the transfer of functions relating to Welsh language schemes to the Welsh Language Commissioner. Until standards are imposed on organizations, Welsh language schemes, introduced in accordance with the Welsh Language Act 1993 (WLA 1993), continue to be in force. The WLA 1993 established the principle that, in the conduct of public business and administration of justice in Wales, the English and Welsh languages should be treated on a basis of equality. Welsh language schemes explain which services are provided in Welsh in accordance with this principle and the Commissioner is responsible for regulating their implementation.

9 Section 5 (2) Welsh Language Act 1993
The organization’s responsibility
When implementing the standards process, it will be important for the organization to be self-regulating as it is the organization, not the Welsh Language Commissioner, that has a statutory duty to comply. Welsh language standards contain specific duties which enable this including:

- Publicising the standards and the way in which the organization intends to comply
- Record keeping
- Publishing arrangements for overseeing, promoting and facilitating
- Publishing a complaints procedure
- Producing an annual report on compliance with standards
- Providing information to the Commissioner

The Welsh Government will introduce a set of regulations which will create standards which are specifically applicable to organizations subject to those regulations. Those standards can vary between regulations.
The Commissioner’s activities

Section 4 of the Welsh Language Measure grants the Commissioner the power to do anything that is appropriate in order to promote and facilitate the use of the Welsh language, and ensure that it is treated no less favourably than the English language. This includes, but is not limited to, any of the following:\(^1\):

- promoting the provision of opportunities to use the Welsh language
- encouraging best practice in relation to the use of Welsh
- keeping under review the adequacy and effectiveness of the law relating to the Welsh language
- producing and publishing reports
- carrying out, or commissioning others to carry out, research
- carrying out, or commissioning others to carry out, educational activities
- giving assistance (including financial assistance) to any person
- making recommendations in writing to Welsh Ministers
- making representations to any person
- giving advice to any person

The Commissioner will use methods that will allow her to look beneath the surface in order to gain a better understanding of why things are as they are. She will then use her powers to increase the opportunities available for Welsh speakers to use the language. Below are examples of the methods that the Commissioner will use:

The users’ experience

The quality of the users’ experience is central to the Commissioner’s regulatory work. She will engage with Welsh language users to gain an understanding and report on their experiences. This will reinforce her understanding of what is important to them and will lead to more effective regulation than if they are excluded from the process. The findings of the work will allow organizations to focus on those improvements which could make the biggest difference to people’s lives.

\(^1\) Section 4(2) (a) – (j) Welsh Language (Wales) Measure 2011
The Commissioner will undertake activities such as mystery shopper exercises or user surveys. She could, for example, look at the experiences of visiting public reception areas, telephoning organizations, corresponding with organizations and using websites and online services. No advance warning will be provided to organizations in terms of the timing or the nature of the work. A survey could be held on a national level or in a particular geographic area, with focus groups and with particular user cohorts. Methods will be tailored as required depending on the topic in question.

Codes of practice
The Commissioner may issue codes of practice for the purpose of providing practical guidance with respect to the requirements of any standards specified by Welsh Ministers under section 26(1) of the Welsh Language Measure. If the Commissioner decides to publish a code of practice, she will consult with those organizations that are required to comply with the standards to which the code of practice relates. The Commissioner hopes that codes of practice will assist organizations as they make arrangements for complying with the standards.

Encouraging good practice
In order to help organizations improve the effectiveness and the efficiency of their Welsh language provision, the Commissioner will be searching for established successful practices. Once examples have been identified, the Commissioner will analyse those practices. If they are practices that can be shown to work well and have been proven and validated over a period of time, the Commissioner will promote those practices to other organizations.

The Commissioner will maintain a library of good practice case studies, identified as a result of her regulatory work, on her website. The Commissioner will from time to time hold events to raise awareness of the good practices identified. A wide range of organizations will be invited to share information and practical experiences, and facilitate learning by providing an opportunity to discuss solutions to common barriers.

Organizations are expected to assist the Commissioner by being proactive in highlighting what they consider to be good practice within their own organizations. Organizations will also need to be open to sharing detailed information on good practices with the Commissioner, in order to allow her to share meaningful information with others.
Thematic studies
The Commissioner will undertake thematic studies on groups of standards in order to aid good compliance by organizations. The studies will allow the Commissioner to gain a detailed and wide ranging understanding of the way Welsh language services are delivered. This will allow her to make proposals for organizations to consider, with regards to arrangements for reinforcing and improving compliance.

The Commissioner will publish a report on the findings of the studies and, where necessary, will provide feedback to organizations in order to facilitate improvement. Events where organizations can search for answers together in order to ensure compliance will also be facilitated.

The way in which these studies are undertaken will vary. For example, information and data may be sought from all organizations or a selection of them and the depth of the enquiries may also vary. The Commissioner may ask organizations to allocate some time for officers and other representatives to meet with her officers to contribute to the study. The approach will depend on the matter in question.

Dealing with systematic problems
As the standards process is introduced for the first time, despite the fact that a large number of the requirements are not new to organizations, it is likely that some difficulties may arise. When the Commissioner learns of problems which are common to many organizations, and when organizations can testify that they have taken every reasonable action possible to overcome these problems, the Commissioner may choose to undertake research and take action in order to find the root cause of any difficulties in order to facilitate organizations’ ability to comply with the standards.

Responsive work
From time to time, the Commissioner will choose to undertake some responsive work. This will be done when important issues arise and where the Commissioner’s involvement in the issue may help organizations to comply with their statutory duties, for example, when a new piece of legislation is introduced or when a national event, such as an election, takes place. Some such issues can be anticipated, others might be brought to the Commissioner’s attention through other sources such as press and media
reports, information from other regulators and information provided to the Commissioner by the organizations themselves.

**Adequacy of the law and Welsh language standards**

The Commissioner will express an opinion on the adequacy and efficiency of the law relating to the Welsh language. The Welsh Language Measure\(^{12}\) granted the Welsh language official status in Wales and section 1 (2) of the Welsh Language Measure elaborates on how the enactments of the Welsh Language Measure give effect to this status.

The Commissioner will evaluate the procedures and processes put in place by the Welsh Language Measure to meet the objectives of promoting and facilitating the use of the Welsh language and ensuring that it is treated no less favourably than the English language. She will evaluate the extent to which existing standards continue to be relevant and adequate, in order to reflect new trends and developments in service provision and opportunities to facilitate the use of Welsh. In addition, she will consider the need to review the Welsh Language Measure’s appendices in order to ensure that those organizations contributing to meeting these objectives are subject to a statutory duty. Where there is evidence to suggest that the legislation is not adequate, the Commissioner will make recommendations to Welsh Ministers.\(^{13}\)

**General**

The Commissioner will normally publish reports on work undertaken. In all cases where an organization is named, an opportunity will be given to comment, where appropriate, before the report is published.

Every year, the Commissioner will publish an assurance report to provide a general overview of how organizations comply with their duties or fulfil their language commitments. It also discusses the opportunities available to the public to use the Welsh language from day to day. The report is mainly based on the surveys held by the Commissioner during the previous year, as mentioned above. The aim of these reports is to encourage organizations to strengthen their arrangements and support individuals who use the Welsh language. The report also notes examples of successful compliance and highlights examples of cases where organizations have identified the need to

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12 Section 1(2) Welsh Language (Wales) Measure 2011
13 Section 4 (2) (h) Welsh Language (Wales) Measure 2011
provide Welsh language services and have planned intentionally to meet the demand.

Any information collated through studies, surveys or exercises included in this framework's remit will be used for the intended purpose only. However, if as a result of undertaking the work, officers become concerned that an organization is not complying with a standard as it should, then any doubts will be referred to the Commissioner's officers responsible for implementing her Enforcement Policy. Investigation and enforcement officers will consider the situation under the provisions of this policy. Any investigation, if necessary, will be held in accordance with the Enforcement Policy.
Compliance of individual organizations
Welsh language standards and Welsh language schemes

Annual reports
One aspect of reporting on compliance with statutory linguistic requirements is the annual report. If specified in a compliance notice, organizations subject to standards must publish annual reports. The same is true for organizations who have committed to publishing annual monitoring reports in their Welsh language schemes.

The reports provide a self-evaluation by the organization of the way it promotes and facilitates opportunities to use the Welsh language and ensures that it is not treated less favourably than the English language. The Commissioner will use these reports as an additional source to the independent information that she collects in order to measure organizations’ compliance with their statutory duties.

Effective and intelligent regulation comes from having good information on organizations at the right time. The Commissioner will carefully consider each annual report published and consider how to respond. She will use the reports in order to identify trends in particular sectors or areas and will ensure that those matters are addressed coherently through her annual work programme. The Commissioner will not provide a written response to each annual report published as a matter of course.
In some cases, the Commissioner will wish to receive further information and a higher level of assurance from organizations regarding their compliance with standards. The Welsh Language Standards Regulations\(^\text{14}\) require an organization to provide information requested by the Commissioner which relates to compliance with particular standards.

This includes, but is not limited to, information on issues such as the following (to the extent that relevant standards are included in an organization’s compliance notice):

- the quality of Welsh language services
- employees’ Welsh language skills
- developing employees’ Welsh language skills
- policy decisions
- the Welsh language within the body’s internal administration
- awareness of linguistic needs
- complaints
- compliance monitoring arrangements
- the promotion and facilitation of the use of services
- the promotion of the Welsh language (where relevant)

The Commissioner will ask for the information to be provided within a reasonable timeframe, set by herself. The information submitted is expected to be relevant, current and in an electronic format, when this is specified in the request.

In this context, the Commissioner's requests for information are not made under the Freedom of Information Act. Therefore, an organization cannot use the exceptions of the Freedom of Information Act to refuse to provide the information, unless allowed by legal limitations.

\(^{14}\) Welsh Language Standards Regulations
The Commissioner has a responsibility to express an independent opinion on the existing opportunities for people to use the Welsh language. She will do this by publicly reporting on the findings of her work and the performance of organizations that are implementing Welsh language standards. She will ensure that this opinion is heard in the right places by the right people. In order to facilitate improvement in the experiences of Welsh language users and to support and improve compliance with the standards, she will use the powers granted to her in section 4 (2) of the Welsh Language Measure:

- write and publish reports on findings and conclusions
- make recommendations in writing to Welsh Ministers
- present comments and/or advice to an organization
- share examples of good practice and case studies
- hold events, seminars and workshops to raise awareness of findings and conclusions

The Commissioner has already published advice documents on matters such as recruitment, grants, technology and design. The Commissioner will consider the need for further advice arising from the findings of her regulatory work. Advice can be provided to an individual organization or a group of organizations, and comments and advice will be submitted in the most appropriate format.

The Commissioner is keen to ensure that the flow of information between herself and organizations continues. Where a discussion is required on the Commissioner’s regulatory work, the conclusions of that work and the Commissioner’s judgement on organizations’ performance, she will liaise with organizations to make the necessary arrangements.
Section 20 and 21 of the Welsh Language Measure allow the Commissioner to collaborate and undertake joint investigations with other ombudsmen and commissioners if an investigation into standards enforcement could also be the subject of an investigation by them.

Also, the Commissioner has a general responsibility to work with other scrutiny bodies in order to add value and create better services and outcomes for the people of Wales. The Commissioner will undertake joint working and share information as appropriate, with the aim of ensuring that there are no regulatory gaps or duplication. The Commissioner will meet regularly with scrutiny partners to discuss strategic and operational matters of common interest.
When undertaking her duties, the Commissioner will be mindful of the need to self-evaluate and assess the effectiveness of her regulatory work in accordance with her principal aim. She will do this on an annual basis and will inform organizations of any changes to this Framework.
The complaints procedure relating to the Commissioner’s functions has been established in accordance with section 14 of the Welsh Language Measure.

Further details on this procedure are available on the Commissioner’s website or by contacting the Commissioner directly.

If any person wishes to complain about actions or omissions in relation to exercising the Commissioner’s functions, the Commissioner can be contacted using the following details:

Welsh Language Commissioner
Market Chambers
5 – 7 St Mary Street
Cardiff CF10 1AT

0845 6033 221
post@welshlanguagecommissioner.wales
welshlanguagecommissioner.wales