



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Welsh Language Commissioner's Standards Report – Section 64 Welsh Language (Wales) Measure 2011

County councils and county borough councils in Wales

[Ref: 20140530ASCSCBS - 1]

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1. Background and context

The principal aim of the Welsh Language Commissioner, an independent organization established under the Welsh Language (Wales) Measure 2011, 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 will underpin the Commissioner's work:

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

On 6 January 2014 the Welsh Government published a document entitled 'Proposed standards relating to the Welsh language'.¹ These proposed standards have been developed to impose duties upon county councils and county borough councils in Wales, national park authorities and Welsh Ministers.

In introducing the document, the following was noted by the Welsh Government:

The Standards have been drafted with the principles of reasonableness and proportionality in mind. With regards to some services, we have developed a selection of standards that vary in terms of the level of provision that must be provided.²

This document formed the basis for the Welsh Language Commissioner's standards investigation and the Welsh Government's exercise to collect evidence to prepare a Regulatory Impact Assessment.

¹ <http://wales.gov.uk/docs/dcells/publications/140106-consultation-on-standards-relating-to-the-welsh-language-en.pdf>

² <http://wales.gov.uk/docs/dcells/publications/140106-consultation-on-standards-relating-to-the-welsh-language-en.pdf>

2. Standards investigation in relation to county councils and county borough councils in Wales

In accordance with section 62 of the Welsh Language (Wales) Measure 2011, an exploration notice was presented on 6 January 2014 for the attention of all county councils and county borough councils in Wales. An exploration notice is a notice in writing, stating the Welsh Language Commissioner's intention to carry out a standards investigation, and which specifies the subject matter of the standards investigation. The Commissioner may not carry out a standards investigation unless she has given an exploration notice to each relevant person (organization), at least 14 days before beginning the investigation.

The subject of this standards investigation was to determine which standards (if any) should be specifically applicable to all county councils and county borough councils in Wales (whether or not the standards are already specified by the Welsh Ministers under section 26(1)).

The period of this standards investigation commenced on 27 January 2014. It ended on 18 April 2014.

As part of this standards investigation, information was collected from all county councils and county borough councils in Wales. This was done by receiving a completed questionnaire. Alongside the process of collecting evidence from all relevant persons, evidence was collected from the Advisory Panel and the public.

A public questionnaire was placed on the Welsh Language Commissioner's website. The purpose of this questionnaire was to provide members of the public with an opportunity to note what they felt was reasonable for the organizations to do and to provide in Welsh, considering the requirements involved in the proposed standards published by the Welsh Government on 6 January 2014. Notices were placed in the national press during the standards investigation period drawing the public's attention to this questionnaire. Furthermore, a video was launched in order to provide an introduction to the statutory process, and to provide guidance to the public on how to respond to the standards investigations.

3. Reasonableness and proportionality

In accordance with section 63 (1) Welsh Language (Wales) Measure 2011, the Commissioner must have regard to the need to secure that requirements for persons to comply with standards by virtue of section 25(1) are not unreasonable or disproportionate.

In carrying out a standards investigation, the Commissioner must consider the following:

- (a) whether, in respect of each of the activities specified in Schedule 9 which a person carries out, it is reasonable and proportionate for service delivery standards to be specifically applicable to a person, and
- (b) as respects each such activity, if it is reasonable and proportionate for service delivery standards to be specifically applicable to a person, conclude that service delivery standards should be specifically applicable to a person in relation to that activity.

In considering the question of reasonableness and proportionality, it should be noted that the Measure places a duty upon Welsh Ministers to secure that regulations provide for service delivery standards relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

But Welsh Ministers need not secure that regulations provide for service delivery standards to be specifically applicable to a person in relation to an activity specified in Schedule 9 if, or to the extent that:

- (a) a standards report under section 64 indicates that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity, or
- (b) Welsh Ministers think it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity.

This does not prevent regulations from providing for other service delivery standards to be specifically applicable to a person.

By making regulations under this Measure exercisable by statutory instrument, the Commissioner is authorised to give a compliance notice to a person.

A compliance notice is a notice given to a person by the Commissioner which-

- (a) sets out, or refers to, one or more standards specified by the Welsh Ministers under section 26 (1), and

(b) requires a person to comply with the standard or standards set out or referred to.

The Welsh Language Commissioner will consider the evidence provided in reaching a decision on the content of a compliance notice given to a person.

The fact that a standard is made specifically applicable to a person does not mean that there is a duty to comply with that standard. A duty to comply with a standard is only in force if the Commissioner gives a compliance notice to the person, and that the notice states that particular standard.

The Welsh Language Commissioner will consult with the person before giving the person a compliance notice. The failure of a person to participate in a consultation will not prevent the Commissioner from giving the person a compliance notice.

After the Welsh Language Commissioner has given a compliance notice to a person, that person may apply to the Commissioner asking her to determine whether or not the requirement to comply with that standard, or to comply with it in that respect, is unreasonable or disproportionate. Should the Commissioner inform the person that the requirement to comply with the standard is not unreasonable or disproportionate, they have the right under the Measure to appeal to the Tribunal for determination.

The Welsh Language Commissioner's Criteria

In reaching a conclusion on the subject of this standards investigation, in accordance with the requirements outlined in Part 4, Chapter 8 of the Measure, the following criteria were considered alongside the evidence received as part of the standards investigation:

- Is the organization liable to be required to comply with standards – does the organization come within Schedule 5 and also within Schedule 6, or does it come within Schedule 7 and also within Schedule 8?
- Is the class of standard (service delivery; policy making; operational; record keeping; promotion) potentially applicable to the organization?
- Does the organization carry out the activity³ in question?
- Has the organization already undertaken to provide the activity or action in question, in part or in full, via its statutory language scheme or Welsh language policy?
- Does the organization already provide the service in Welsh (whether this corresponds exactly to the requirements included in the standard or not), or carrying out the activity in accordance with the standard?
- Does the majority of other organizations within the same sector provide services in Welsh, or carry out the activity?
- Are there any other reasons, for or against, making the standard specifically applicable to the organization?

³ This condition will be considered in respect of service delivery standards only.

4. Evidence received from county councils and county borough councils in Wales

Evidence was received from every county council and county borough council in Wales. The evidence consisted of 136 questions in a questionnaire, as well as further evidence that included publications, policies and materials already produced bilingually by the organizations.

All responses were read individually and software was also used to record and analyse the evidence and identify general themes. Regular meetings were held amongst officers of the Welsh Language Commissioner to analyze the evidence received from organizations as part of the standards investigation, along with the current Welsh language schemes commitments of the organizations concerned.

An average percentage of the commitments in the Welsh language schemes of the organizations concerned is provided in this section, which correspond to the standards for each activity.

When analysing current Welsh language schemes commitments against the standards, it should be noted that it was not possible to match many of the standards in relation to service delivery activities due to the detailed nature of the standards published by the Welsh Government. In some circumstances, it is possible that county councils and county borough councils in Wales are committed to, or comply with the requirement, but that it is not stated explicitly in their Welsh language schemes. For consistency, those standards were not recorded as corresponding commitments when analysing.

A summary is given of the evidence received from all organizations. The evidence submitted included information regarding what activities are carried out by the organizations in question, what activities they carry out through the medium of Welsh and to what degree they can comply with the standards.

Service delivery standards

Activity 1: Correspondence

Standards for correspondence [1-8]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 22 organizations (100%) noted that they carried out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 83% of the commitments corresponded with the standards relating to correspondence.⁴

Pembrokeshire County Council noted that further explanation was needed regarding the exact meaning of the proposed standards [4 and 5] for correspondence.

Similarly, concern was expressed by 3 organizations (13%) namely Pembrokeshire County Council, Vale of Glamorgan Council, and Neath Port Talbot County Borough Council, regarding their ability to comply if all correspondence from the authority had to be completely bilingual. The reasons for this included implications in terms of financial cost, following timetables and ensuring continuous compliance. Anglesey County Council noted that ensuring consistency across the council when dealing with individuals would be a challenging task as the council does not have organizational systems in place to record language choice. Anglesey County Council did note, however, that they did not foresee any impediments in delivering standard 8 although there would be financial implications involved when producing visual materials. Pembrokeshire County Council added that they would have to develop mechanisms to raise awareness and ensure compliance, therefore reasonable and proportionate time would be needed to implement these proposed standards.

Concern was expressed by Swansea City and County Council and Pembrokeshire County Council regarding the practicality of complying with some standards, referring to the duty placed on organizations in standards 84 and 85 [standards regarding databases]. 12 of the 22 organizations (55%) noted that no one integrated IT system existed, and that information of this kind was maintained per department. It was noted that substantial investment in terms of time and resources would be needed in order to ensure compliance with this requirement. In specifying standards under section 26, Welsh Ministers should ensure that the regulations outline the requirement clearly.

Neath Port Talbot County Borough Council, Bridgend County Borough Council and Swansea City and County Council noted that their current Welsh language scheme did not include a reference to the standards relating to signing Welsh and English versions of correspondence and e-mail messages. However, 16 of the 22 organizations (73%) noted that they were satisfied that making the standards in question specifically applicable would not be unreasonable or disproportionate. 3 of the 22 organizations (14%) noted that they considered that making a selection of the proposed standards relating to this activity specifically applicable to them would be reasonable and proportionate.

⁴ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

Activity 2: Telephone calls

Standards for telephone calls [9-18]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 21 organizations (95%) noted that they carried out the activity in question through the medium of Welsh. Only Torfaen County Borough Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 84% of the commitments corresponded with the standards relating to telephone calls.⁵

In practical terms, however, it is likely that the organizations could not deal with telephone calls in both Welsh and English on an equal basis at present. Concern was expressed by some organizations regarding their ability to comply with some of the standards for telephone calls. Vale of Glamorgan Council noted that it would be difficult to guarantee a Welsh speaker to deal with every call where the caller had submitted a prior request to conduct the conversation in Welsh, as that would require substantial resources and would be especially difficult in some cases, e.g. if the matter was of a technical nature. Others noted that they were aware of difficulties that existed in terms of complying with the standards e.g. lack of resources, workload problems in terms of translation and the current freeze on recruitment. However, it was confirmed that they had a protocol in existence to tackle Welsh language telephone calls, whether that was via the switchboard or directly to members of staff.

Concern was expressed by 7 of the 22 organizations (32%), namely Vale of Glamorgan Council, Merthyr Tydfil County Borough Council, Rhondda Cynon Taf County Borough Council, Torfaen County Borough Council, Swansea City and County Council, Newport City Council and Flintshire County Council, that they were not currently in a position to provide the service at all times due to the level of Welsh language skills within the relevant departments.

Pembrokeshire County Council confirmed that their contact centre did not currently facilitate a 'switchboard', and that they had alternative systems which enabled users to contact the relevant service e.g. Welsh medium service. Similarly, Wrexham County Borough Council noted that the main switchboard did not provide an out of hours answering service and that it was not possible for customers to leave messages. Rather, it was confirmed that the answering machine message gave customers a choice either to turn to the Council's website with their query or to make another call during office hours.

6 of the 22 organizations (27%), namely Vale of Glamorgan Council, Newport City Council, Bridgend County Borough Council, Torfaen County Borough Council, Wrexham County Borough Council and Pembrokeshire County Council, noted that they did not

⁵ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

have procedures in place to comply with a selection of the standards for telephone calls at present. However, 13 of the 22 organizations (59%) noted that they were satisfied that making the standards in question specifically applicable would not be unreasonable or disproportionate. 3 of the 22 organizations (14%) noted that making a selection of the proposed standards regarding this activity specifically applicable to them would be reasonable and proportionate, and that they could be complied with if some resources were set aside for them.

Activity 3: Help-lines and call-centres

Standards for help-lines and call-centres [19-25]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 21 organizations (95%) noted that they carried out the activity in question in Welsh. Only Torfaen County Borough Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 51% of the commitments corresponded with the standards relating to help-lines and call centres.⁶ It should be noted that it is possible that helplines and call centres fall under the provisions of general phone calls in some Welsh language schemes.

Considering the current situation, Caerphilly County Borough Council and Merthyr Tydfil County Borough Council noted that compliance with a selection of the standards could be challenging in the short term and that additional time and resources would be needed in order to ensure compliance. Some organizations identified the need to upskill their workforces, offer training and conduct a recruitment process for a number of their call centres.

Similarly, Pembrokeshire County Council noted that offering service in Welsh at weekends would be challenging, due to the numbers of staff working on Saturdays, and the rota arrangements for those periods. On that basis, it was noted that making some standards in relation to the activity specifically applicable to them would be unreasonable and disproportionate.

Denbighshire County Council, Monmouthshire County Council and Pembrokeshire County Council noted that they did not operate an automated system at present.

In responding to a question regarding standard 21, Torfaen County Borough Council, Monmouthshire County Council and Flintshire County Council noted that it would be unreasonable to make this standard specifically applicable due to the linguistic profile of the area. Similarly, Blaenau Gwent County Borough Council expressed concern

⁶ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

regarding the practicality of implementing this standard and questioned why people would need to hear a message about the opening hours of the help line when they contacted the organization, when that service was open in Welsh and in English.

Activity 4: Personal meetings

Standards for personal meetings [26-29]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 19 organizations (86%) noted that they carried out the activity in question in Welsh. Torfaen County Borough Council, Bridgend County Borough Council and Vale of Glamorgan Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 90% of the commitments corresponded with the standards relating to personal meetings.⁷

3 organizations (14%), namely Conwy County Borough Council, Isle of Anglesey County Council and Caerphilly County Borough Council, raised questions regarding the practicality of implementing standards 28 and 29 involving translation from English to Welsh, other than in exceptional circumstances when a member of the public could not understand English, such as a meeting with a young child or a dementia sufferer.

Activity 5: Public meetings

Standards for public meetings [30-38]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 18 of the 22 organizations (82%) noted that they carried out the activity in question in Welsh. Torfaen County Borough Council, Pembrokeshire County Council, Merthyr Tydfil County Borough Council and Vale of Glamorgan Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 84% of the commitments corresponded with the standards relating to public meetings.⁸

Carmarthenshire County Council confirmed that they ask attendees when they register for public meetings, which language they wish to speak. Monmouthshire County Council noted that this was the current practice when they are notified beforehand, whilst Swansea City and County Council noted that corresponding provision was part of their current Welsh language scheme.

Vale of Glamorgan Council noted that the cost involved in providing Welsh translation in

⁷ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

⁸ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

all public meetings would mean that they would not be able to hold so many meetings and so making the standards specifically applicable to them would be unreasonable and disproportionate. Bridgend County Borough Council expressed concern regarding their ability to comply with some of the requirements as it was not their current practice.

Activity 6: Publicity and advertising Standards for publicity and advertising [41]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 22 organizations (100%) noted that they carried out the activity in question in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 95% of the commitments corresponded with the standards relating to publicity and advertising.⁹

21 of the 22 organizations (95%) confirmed that they were of the opinion that it would be reasonable and proportionate for them to comply with the standard. 1 of the 22 organizations, namely Pembrokeshire County Council, noted that they were not of the opinion that full compliance with the standard could be ensured due to the additional costs foreseen in connection with advertising. It was confirmed that their current policy noted that they advertised in the language of the medium in which the advert was placed.

Neath Port Talbot County Borough Council stated that it would be a challenge for them to comply with the requirements in terms of the social media due to the direct nature of the service.

Activity 7: Public exhibitions Standards for public exhibitions [42]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 21 organizations (95%) noted that they carried out the activity in question in Welsh. Only Torfaen County Borough Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 100% of the commitments corresponded with the standards relating to public exhibitions.¹⁰ This evidence was corroborated by 21 of the organizations (95%) confirming that they were of the opinion that it would be reasonable and proportionate for them to comply with the standard. Torfaen County Borough Council confirmed in their

⁹ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

¹⁰ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

response that it was current practice but not for all service areas within the authority.

1 organization (Neath Port Talbot County Borough Council) noted that it ensured the titles, names and headings of displays and exhibitions were bilingual and tried to ensure equality between Welsh and English in other exhibition material. However, they noted that the cost of providing display and exhibition materials bilingually would be unreasonable.

Activity 8: Publications

Standards for publications [43-45]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 21 organizations (95%) noted that they carried out the activity in question in Welsh. Only Torfaen County Borough Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 91% of the commitments corresponded with the standards relating to publications.¹¹

No strong objection was received to the requirements attached to the standards. However, it should be noted that 20 of the 22 organizations (91%) confirmed that they did not provide all the publications noted in standard 43. Specific attention was drawn to the challenge of producing cabinet papers, agendas and minutes bilingually, with some noting that this was only done on request at present.

3 organizations, namely Caerphilly County Borough Council, Merthyr Tydfil County Borough Council and Newport City and County Councils noted that they had avoided using criteria of the kind introduced in standard 44 because assessing individual documents takes a considerable amount of time and staff resources. It was added that a clear framework would be needed in order to ensure consistent treatment in assessing the need for a Welsh version of a publication. In the opinion of the organizations named above, ensuring this would reduce the possibility of challenges in the future.

Activity 9: Forms

Standards for forms [46-49]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 22 organizations (100%) noted that they carried out the activity in question in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes,

¹¹ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

¹² Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

on average, 78% of the commitments corresponded with the standards relating to forms.¹²

A positive response was received to the standards for forms, with 22 of the 22 organizations (100%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle. However, some additional comments were provided by Newport City and County Councils and Pembrokeshire County Council. Pembrokeshire County Council noted that it was uncertain of its ability to ensure that all forms were available bilingually considering the scale of the organization, with Newport City Council noting that the standards can be complied with where it is permitted by the software used to produce the forms. Examples were given of software provided by a third party which was problematic.

Activity 10: Websites and on-line services

Standards for websites and on-line services [50-52]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 21 organizations (95%) noted that they carried out the activity in question in Welsh. Only Newport City Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 64% of the commitments corresponded with the standards relating to websites and on-line services.¹³ It should be noted that Welsh language schemes have not ordinarily covered apps due to the fact that such platforms were not readily available or common practice at time of agreement.

A positive response was received to the standards for websites and on-line services, with 22 of the 22 organizations (100%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle.

However, comments were submitted by Pembrokeshire County Council and Torfaen County Borough Council expressing uncertainty regarding their ability to comply with all the requirements for all websites managed and provided by them. Torfaen County Borough Council noted that the standard was slightly unclear in terms of the requirements relating to micro websites, with Pembrokeshire County Council noting that it would not be possible to ensure that all of the Council's websites complied immediately, due to the anticipated audience of some of the websites.

In response to standard 52, one organization (Monmouthshire County Council) confirmed that it currently produced apps bilingually. However, no strong objection was received to the standard, with Ceredigion County Council noting that they would ensure that any apps were produced bilingually in future. Swansea City and County Council

¹³ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

confirmed that the production of apps and alternative on-line materials was being considered by the council at present, with the intention of drawing up a policy in this area. Torfaen County Borough Council noted that they would have to consider the ability to produce on-line materials due to the cost implications.

Activity 11: Signs Standards for signs [53-57]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 22 organizations (100%) noted that they carried out the activity in question in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 83% of the commitments corresponded with the standards relating to signs.¹⁴

A positive response was received to the standards for signs, with 22 of the 22 organizations (100%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle.

However, there was objection from 12 of the 22 organizations (55%) to standard 56, which imposes requirements on organizations to place the Welsh text on signs so that it is the language that is read first.

Those 12 organizations noted that it would be unreasonable and disproportionate for them to comply with this standard. The reasons noted for this included the fact that there was no comparable commitment in their current Welsh language schemes, that there would be cost implications in having to change all the signs, as well as considering the demography of the areas they served. This matter is dealt with in the Welsh Language Commissioner's conclusions [Section 7].

Activity 12: Welcoming visitors Standards for welcoming visitors [58-62]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 19 organizations (86%) noted that they carried out the activity in question in Welsh. Torfaen County Borough Council, Pembrokeshire County Council and Rhondda Cynon Taf County Borough Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 70% of the commitments corresponded with the standards relating to welcoming visitors.¹⁵

¹⁴ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

¹⁵ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

In responding to the questions regarding standards for welcoming visitors, no objection was received to the requirements in principle. However, it appears from the evidence received that the ability of organizations to welcome visitors in both Welsh and English is challenging. 7 of the 22 organizations (32%) noted that some of the organization's main receptions could comply fully, with others complying on specific occasions. 3 of the 22 organizations (14%), namely Torfaen County Borough Council, Newport City Council and Pembrokeshire County Council, noted that it would not be possible for them to provide a Welsh service in the main reception areas on all occasions. The reasons noted included a limited number of staff with Welsh language skills, challenges in terms of recruiting and training together with the local demand for the service.

Activity 13: Official notices

Standards for official notices [63-65]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 21 of the 22 organizations (95%) noted that they carried out the activity in question in Welsh. Only Torfaen County Borough Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 70% of the commitments corresponded with the standards relating to official notices.¹⁶

A positive response was received to the standards for official notices, with 22 of the 22 organizations (100%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle.

However, 7 of the 22 organizations (32%) raised objections, namely Vale of Glamorgan Council, Caerphilly County Borough Council, Merthyr Tydfil County Borough Council, Torfaen County Borough Council, Newport City Council, Monmouthshire County Council and Pembrokeshire County Council, to standard 64, which imposes requirements upon organizations to place the Welsh language text in official notices so that it is the language that is read first. This matter is dealt with in the Welsh Language Commissioner's conclusions (Section 7).

Those organizations noted that it would be unreasonable and disproportionate for them to comply with this standard. The reasons included lack of commitment to do so in their current Welsh language schemes together with the demography of the areas they serve.

¹⁶ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

Activity 14: Awarding grants

Standards for awarding grants [66-69]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 18 organizations (82%) noted that they carried out the activity in question in Welsh. Flintshire County Council, Torfaen County Borough Council, Neath Port Talbot County Borough Council and Vale of Glamorgan Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 74% of the commitments corresponded with the standards relating to awarding grants.¹⁷

A positive response was received to the standards for awarding grants, with 21 of the 22 organizations (95%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle.

Pembrokeshire County Council noted that they would, in principle, be able to comply with the standards for grants. However, it was stated that introducing methods to facilitate and ensure compliance would be challenging for an organization of its scale.

Activity 15: Awarding contracts

Standards for awarding contracts [70-73]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 16 organizations (73%) noted that they carried out the activity in question in Welsh. Pembrokeshire County Council, Wrexham County Borough Council, Torfaen County Borough Council, Conwy County Borough Council, Neath Port Talbot County Borough Council and Vale of Glamorgan Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 66% of the commitments corresponded with the standards relating to awarding contracts.¹⁸

A positive response was received to the standards for awarding contracts, with 19 of the organizations (86%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle.

Evidence was received from 3 organizations (Vale of Glamorgan Council, Pembrokeshire County Council and Flintshire County Council) which confirmed that they were not of the opinion that it would be reasonable and proportionate for them to have to comply with the standards.

2 of those organizations (Flintshire County Council and Pembrokeshire County Council)

¹⁷ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

¹⁸ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

noted that translating Invitation to Tender documents could mean major contractual implications if the content was not correctly translated, leading possibly to disputes and legal challenges from suppliers.

Evidence was received of some challenges faced in order to fully comply with the standards, which included difficulties with the national procurement website and a lack of provision of legal tendering documents by the Joint Contracts Tribunal.

Activity 16: Raising awareness of Welsh language services that are available Standards for raising awareness of Welsh language services that are available [74-77]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 20 organizations (91%) noted that they carried out the activity in question in Welsh. Torfaen County Borough Council and Rhondda Cynon Taf County Borough Council noted that they did not carry out the activity in relation to Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 69% of the commitments corresponded with the standards relating to raising awareness of Welsh language services that are available.¹⁹

A positive response was received to the standards for raising awareness of Welsh Language Services, with 19 organizations (86%) confirming that the requirements were already current practice, and that they were reasonable and proportionate in principle.

Comments were provided by 4 organizations (Isle of Anglesey County Council, Blaenau Gwent County Borough Council, Pembrokeshire County Council and Conwy County Borough Council) regarding the practicality of standards 76 and 77. Conwy County Borough Council noted that staff on reception would not necessarily know who the visitor was as he/she walked to reception, or whether that person had expressed a wish to be greeted in Welsh without them knowing who the visitor was. Similarly, the City and County Council of Swansea noted that placing standard wording on all the bullet points listed could possibly cause practical difficulties [standard 76].

Evidence was received from 3 organizations (Vale of Glamorgan County Council, Pembrokeshire County Council and Flintshire County Council) which confirmed that they were not of the opinion that it would be reasonable and proportionate for them to have to comply with some/or all of standards 74-77. The reasons noted included cost implications and consideration for the demography of the areas they served.

It should be added that section 12 (2) (b) of the Welsh Language Act 1993 noted that Welsh language schemes must state in what ways an organization will ensure publicity for the scheme. The Commissioner emphasizes that this measure is not an optional element within the legislation.

¹⁹ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

Additional service delivery standards to those listed in Appendix 9

Activity 17: Public events

Standards for public events [39-40]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 20 organizations (91%) noted that they carried out the activity in question in Welsh. Torfaen County Borough Council and Vale of Glamorgan Council noted that they did not carry out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 66% of the commitments corresponded with the standards relating to public events.²⁰

A generally positive response was received to the standards for public events with all the organizations confirming that the requirements were already current practice, that they were reasonable and proportionate in principle or that it would be possible to comply with them over time. However, 6 organizations (Caerphilly County Borough Council, Merthyr Tydfil County Borough Council, Wrexham County Borough Council, Cardiff Council, Newport City Council and Flintshire Council) noted that it would be challenging for them to be able to ensure equality in providing service and support for persons at those events, together with audio messages in some cases. The reasons noted by the organizations included a current lack of Welsh speakers, the demography of the areas they served together with a lack of resources for implementing a continuous programme of awareness-raising and training.

Activity 18: Corporate identity and branding

Standards for corporate identity and branding [78]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 22 organizations (100%) noted that they carried out the activity in Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 100% of the commitments corresponded with the standards relating to corporate identity and branding.²¹

The 22 organizations confirmed that they were of the opinion that it would be reasonable and proportionate to make this standard specifically applicable to them.

²⁰ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

²¹ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

Activity 19: Courses Standards for courses [79-81]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 11 organizations (50%) noted that they carried out the activity in question in Welsh. Flintshire County Council, Pembrokeshire County Council, Denbighshire County Council, Newport City Council, City and County Council of Swansea, Wrexham County Borough Council, Torfaen County Borough Council, Bridgend County Borough Council, Neath Port Talbot County Borough Council, Blaenau Gwent County Borough Council and Vale of Glamorgan Council noted that they did not carry out the activity in Welsh. Of those organizations that did not carry out the activity in Welsh, four indicated that they supported the principle of Standard 81 in the sense that they would consider a response to a demand for Welsh medium courses, although there was no reference to assess the need. The organizations in question were the City and County Council of Swansea, Torfaen County Borough Council, Bridgend County Borough Council and Blaenau Gwent County Borough Council. Pembrokeshire County Council indicated that it could comply with the standard if it developed a process of assessment.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 36% of the commitments corresponded with the standards relating to courses.²²

In responding to questions regarding courses as part of the standards investigation, it appears that there has been a lack of clarity among the organizations regarding the exact definition of the standards in relation to this activity. Evidence was received from a number of organizations which referred to the reasonableness and proportionality of providing training and courses for employees only.

6 organizations confirmed that they already provided specific courses in Welsh, or were working towards offering them in Welsh. Carmarthenshire County Council noted that adult community learning courses were available to people over the age of 16, with Welsh medium courses available. It was added that the courses advertised in its brochure noted whether the tutor spoke Welsh or not and that they encouraged learners to communicate with the tutor (if a Welsh speaker) in their chosen language. In some courses where almost all the learners were Welsh speakers, it was confirmed that the language of the provision or the discussions could be in Welsh. Ceredigion County Council noted that education or training courses were offered in Welsh if they were specifically aimed at persons aged 18 or younger (e.g. swimming lessons held during school hours, theatre workshops). In submitting their evidence, Cardiff Council noted that this could be achieved in part by working with external providers, e.g. Menter Caerdydd to offer Welsh courses for people under 18 years of age specifically, together with increasing partnership work and Welsh e-learning modules (e.g. the Welsh language awareness training module that they have already purchased).

²² Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

It appears from the evidence received that a considerable number of the organizations in question are of the opinion that it would be challenging, or impossible in some cases, to comply with the requirements attached to standards 79-80 (offering educational and training courses in Welsh) in practical terms. Flintshire County Council noted that it would be a challenge for them to recruit or commission Welsh speaking tutors with specific skills to be able to provide every education or training course. However, it was acknowledged that the arrangements already in place with nearby organizations could mean that this need could be tackled, depending on resources and the budget. However, it was noted that there were some specific fields in which specialist skills were needed e.g. leisure services and therefore the organization would depend on being able to recruit Welsh speaking trainers/coaches or contract the service from other providers.

Rhondda Cynon Taf County Borough Council noted that it would not currently be possible for them to comply with these standards. Although they were of the opinion that they could not fully comply at present, it was noted that increased partnership work, together with applications for European funding, could increase the Welsh medium provision in areas such as adult education and youth services.

Caerphilly County Borough Council confirmed that the standards could be complied with partially, if the organization were to become a part of the All Wales Academy for Local Authorities with the Welsh Local Government Association (WLGA) and other councils. They noted that it was hoped that this Academy would be funded via an application made through the Wales European Funding Office.

In relation to standard 81, evidence was received highlighting that assessing the need for courses was current practice in some Welsh language schemes. Others added that it was not current practice but that it would be possible to provide Welsh courses if there was a demand for them, or as a result of receiving feedback from individuals.

Activity 20: Public announcement systems Standards for public announcement systems [82-83]

17 of the 22 organizations (77%) noted that they carried out the activity in question. Of those, 12 of the 17 organizations (71%) noted that they carried out the activity in question in Welsh. Flintshire County Council, Monmouth County Council, Wrexham County Borough Council, Torfaen County Borough Council and Neath Port Talbot County Borough Council noted that they did not carry out the activity in Welsh. Of those organizations that did not carry out the activity in Welsh, one organization (Neath Port Talbot County Borough Council) referred to partially complying with the standards. Furthermore, Torfaen County Borough Council noted that its language scheme complies with standard 82.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 39% of the commitments corresponded with the standards relating to public announcement systems.²³

3 organizations (Wrexham County Borough Council, Monmouth County Council and Flintshire County Council) noted that it would not be reasonable and proportionate for them to have to comply with standards for public announcement systems. The reasons noted included lack of staff who could speak Welsh fluently employed in the organization's leisure centres and difficulties in recruiting Welsh speakers as an organization hired a professional announcer to make audio announcements at high profile events.

There was objection from 8 organizations (32%) to standard 83, which imposes requirements upon organizations to make any audible messages in Welsh first.

It appears from the evidence received that there is lack of clarity regarding the exact definition of the standards for public announcement systems. 5 organizations noted that they did not undertake the activity; however, in submitting further evidence it was confirmed that announcements were made, in relation to electoral results, customer contact centres, leisure centres etc.

Activity 21: Databases

Standards relating to databases [84-85]

22 of the 22 organizations (100%) noted that they carried out the activity in question. Of those, 15 organizations (68%) noted that they carried out the activity in question in Welsh. Flintshire County Council, Powys County Council, Pembrokeshire County Council, Carmarthenshire County Council, Torfaen County Borough Council, Neath Port Talbot County Borough Council and Blaenau Gwent County Borough Council noted that they did not carry out the activity in relation to Welsh.

In evaluating current commitments within the organizations' Welsh language schemes, on average, 64% of the commitments corresponded with the standards relating to databases.²⁴

A generally positive response was received to the standards relating to databases, with 21 organizations (95%) confirming that the requirements were already current practice, that they were reasonable and proportionate in principle or that it would be possible to comply with them over time. 1 organization (Pembrokeshire County Council) noted that it would be unreasonable and disproportionate for them to have to comply with the standards. The reasons for this included the present level of demand, together with the fact that they were of the opinion that some residents would not wish to be asked their language preference.

²³ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

²⁴ Average percentage of commitments within the organizations' Welsh language schemes, which correspond to the standards for each activity.

Although there was a positive response to the requirements from the vast majority of the organizations, 12 organizations noted that they did not operate any database for the purposes of keeping information about the public's language choice. Rather, it was noted that specific services had databases including details of the language choice of their clients e.g, the Rates and Benefits department, Social Services etc.

Policy making standards [86-94]

All the organizations noted that the policy making standards, in principle, were current practice and that they operated in accordance with them, to varying degrees, through their Welsh language schemes. There are commitments in all the organizations' Welsh language schemes to assess the possible linguistic effect of any new proposals submitted for approval by the organization.

No comments were received from any organizations highlighting any particular difficulties in respect of complying with policy making standards. In response to questions asked as part of the standards investigation, 19 of the 22 organizations (86%) noted that they were of the opinion that making the policy making standards specifically applicable to them would be reasonable and proportionate.

21 of the 22 organizations (95%) noted that they consulted in making Policy decisions, with 1 organization (5%) noting that they did not do so at present. The evidence received from Torfaen County Borough Council noted that they were not currently complying with the standard e.g. draft consultation documents, whilst Isle of Anglesey County Council acknowledged that there was further work to be done to refine their internal processes.

Conwy County Borough Council highlighted the need for further clarity on what will be required under the policy making standards in practical terms, with others questioning the need for standards 88, 91 and 94 at all.

Operational standards [95-120]

Standards for the use of Welsh in internal administration [95-100]

Considering standards 95-96, 7 of the 22 organizations (32%), noted that these commitments were current practice within the organization and that they already implemented them in accordance with the standards. 9 organizations (41%) noted that they did not provide the documents as a matter of course, but that documents would be available in Welsh on request. 5 organizations (22%) responded to this section confirming that they partially complied with the standards at present, as not all documents/policies listed are produced bilingually. 1 response (5%) was received which

confirmed that they did not provide any of the documents/policies in Welsh noting that there would be substantial costs in order to ensure compliance with the requirements.

In responding to standards 97-100, 14 of the 22 organizations (64%) noted that it would be possible for them to comply with the current associated standards. Of those, 4 of them confirmed (City and County Council of Cardiff, Merthyr Tydfil County Borough Council,

Caerphilly County Borough Council, Torfaen County Borough Council) that it would be impossible to ensure the presence of a Welsh speaker (or Welsh speakers) from their Human Resources and Union sections etc. Considering this, it was noted that there would be implications in terms of resources to offer simultaneous translation services at such internal meetings but, considering the profile of the workforce, their opinion was that this would hardly occur and so the requirements would not lead to any substantial and regular additional costs for them.

Standards for ICT and support materials [101-104]

In responding to the requirements attached to standards 102-104, 8 organizations (36%) noted that they either operated an intranet system entirely in Welsh (Gwynedd Council), or that a percentage of the pages or information were available in Welsh for staff (Caerphilly County Borough Council, Conwy County Borough Council, Ceredigion County Council, Denbighshire Council, Carmarthenshire County Council, Rhondda Cynon Taf County Borough Council, Isle of Anglesey County Council). 4 organizations (18%) noted that substantial investment and time would be needed in order to ensure compliance with the requirements.

Ceredigion County Council confirmed that they currently administered a specific Welsh section within the intranet in order to support staff working bilingually or who are looking for advice regarding the Welsh language. However, it was confirmed that the Council intranet was being redeveloped and that it would be available bilingually by 2015.

10 of the 22 organizations (45%) noted that it would be unreasonable and disproportionate to make the standards in relation to the intranet specifically applicable to them, due to the need to focus on providing front line services; the associated cost implications in order to maintain the service; together with the low number of employees identified and recorded as fluent Welsh speakers.

Standards for Welsh language skills – planning and training the workforce [105-110]

All the organizations noted that the standards for planning and training the workforce, in principle, were current practice and that they operated in accordance with them, to varying degrees, through their Welsh language schemes. Confirmation was received from 19 of the 22 organizations (86%) that they currently implemented a Welsh language skills strategy. Only Neath Port Talbot County Borough Council, Newport City Council and Denbighshire County Council noted that they did not implement a specific Welsh language skills strategy at present. However, Denbighshire Council confirmed that work is being undertaken to assess staff's Welsh language skill levels. This involves asking staff to self-assess their language skills. The information is then fed to the Council's human resources system and the information is available to managers as they prepare annual business plans.

Various examples were received from the 22 organizations of what they offer in terms of training for their employees. These included Welsh language courses, language awareness courses for employees and councillors as well as support for front line staff who choose to learn or improve their Welsh by paying for the course of their choice as well as providing them with time off from work to attend the training.

There was no objection from the organizations in question to the requirements attached to standards 105-110.

Standards for recruitment [111-115]

Similar to the standards for planning and training the workforce, there was no objection to the requirements attached to standards 111-115 [recruitment]. All the organizations noted that the standards for planning and training the workforce, in principle, were current practice and that they operated in accordance with them, to varying degrees, through their Welsh language schemes. However, it was confirmed that some elements of the requirements attached to standard 112 were things that they did not do as a matter of course at the present time.

Standards for signage [116-119]

19 (86%) of organizations noted that signs displayed within the organization's buildings were in Welsh. 3 organizations (14%), namely Vale of Glamorgan County Council, City and County of Newport Council and Wrexham County Council, confirmed that signs within their buildings were not currently in Welsh. Vale of Glamorgan Council stated that having to ensure compliance with standards 116-119 would mean a substantial increase in the translation work, and that it would not be reasonable for them to do so due to the low number of employees who could speak and understand Welsh.

However, the City and County of Newport Council was of the opinion that it was

reasonable for them to have Welsh language signs but that it would not be reasonable to place the Welsh text so as to be read first. This opinion was shared by 7 organizations (41%) in relation to standard 119.

Standards for publications and audible messages [120]

6 (27%) of the organizations noted unreasonableness in respect of standard 120. The reasons for this included the linguistic profile of their employees and their service users; the need to ensure there was no conflict with prescribed national signs provided by the Welsh Government; together with the ability to secure an adequate number of Welsh speaking staff to provide publications on all occasions.

Promotion standards [121-125]

Similar to the operational standards, some of the requirements attached to the promotion standards are not a common expectation in the organizations' current Welsh language schemes. However, in responding to the questions regarding promotion standards as part of the standards investigation, several examples of promotional activities carried out voluntarily by the organizations were noted.

One organization (Blaenau Gwent County Borough Council) confirmed that they implemented an organizational strategy in order to promote wider use of the Welsh language. However, 21 of the 22 organizations (95%) noted that they promoted the use of Welsh more widely by various means. These included collaboration with the local mentrau iaith, Urdd Gobaith Cymru and local Ti a Fi groups; conducting a linguistic audit of the position of the Welsh language within the authority's communities; funding an officer to promote the language; together with developing and co-ordinating a language strategy as part of the authority's work plan.

Although no evidence was received of wider promotion and facilitation activities by Neath Port Talbot County Borough Council, they noted that it would be possible to work towards complying with these standards but that it would not be possible to comply straight away.

In responding to the standards investigation, Pembrokeshire County Council confirmed that they did not at present assess the demographic profile of the Welsh language within the communities they serve, as they believed to be no demand for this within the authority, and that there were cost implications to carrying out these assessments. In addition, it was noted that more explanation was needed on what they are expected to assess, as they are of the opinion that the wording of the standards is somewhat vague at present.

Record keeping standards [126-134]

All the organizations noted that the record keeping standards, in principle, were current practice and that they operated in accordance with them, to varying degrees, through their Welsh language schemes. There are commitments in all of the organizations' Welsh language schemes to provide an annual monitoring report for the attention of the Welsh Language Commissioner, together with keeping a record of complaints they receive regarding the implementation of their language schemes.

In responding to a question regarding the record keeping standards as part of the standards investigation, 19 of the 22 organizations (86%) noted that it would be reasonable and proportionate for them to have to comply with the standards. Vale of Glamorgan Council and the Neath Port Talbot County Borough Council expressed concern regarding their ability to comply with standard 126.

Referring to standard 126, Vale of Glamorgan Council noted that there would be a demand for substantial resources in order to comply with this standard as records were not kept as a matter of course in respect of all the activities noted. Neath Port Talbot County Borough Council noted that they considered it more appropriate to link the monitoring of compliance with work carried out by its Audit Department as part of their monitoring role. They added that they were not presently in a position to decide whether their present procedures would be adequate for the associated requirements.

Pembrokeshire County Council confirmed that there were currently no procedures in place to assist with the work of complying with the record keeping standards. They noted that the organization would have to develop an action plan to plan and implement the new procedures, but that they were concerned that it would not be possible to implement some of the requirements as they had no designated language officer within the organization.

Although Rhondda Cynon Taf County Borough Council and the City and County of Swansea Council confirmed that the record keeping standards were achievable, they were of the opinion that they needed time to develop systems that would enable continuous compliance..

Ceredigion County Council and Conwy County Borough Council noted that it would be possible to tackle the record keeping standards when more details were received regarding the associated requirements, and how these records would be expected to be submitted to the Welsh Language Commissioner.

Gwynedd Council noted that they accepted the need and welcomed the challenge of improving recording arrangements. However, they expressed concern that overly detailed requirements would lead to a deterioration in their provision, forcing them to monitor what is now completely fundamental to their provision and culture. They added that it would be more reasonable for them to undertake some elements of recording by

monitoring on the basis of failure to provide through the medium of Welsh rather than counting every Welsh language contact. It should be noted that it is a requirement for organizations to promote and facilitate the use of the Welsh language, by implementing all the standards that are applicable to them. It is emphasized that the definition of record keeping standards under the Measure is broader than that of complaints relating to compliance or in relation to the Welsh language in general.

5. Evidence received from members of the public

409 responses were received from members of the public to the standards investigations carried out by the Welsh Language Commissioner. 182 responses to the standards investigation were received by individuals who chose to complete the questionnaire provided for them by the Welsh Language Commissioner on the website. 227 further responses were received based on a template of a standard response published for use by Cymdeithas yr Iaith Gymraeg on its website; in this case, 225 of the responses were the same apart from 2 of them, which were variations on the original. In 15 cases, responses were received from individuals twice. This happened because individuals responded via the Commissioner's consultation as well as completing Cymdeithas yr Iaith Gymraeg's template. The Commissioner has noted every response received. A full list of respondents who were willing for their responses to be published can be seen at Appendix A.

Figure 1 indicates from where the respondents came according to their group and geographical location.

Figure 1 Number of responses to the standards investigation by location²⁵

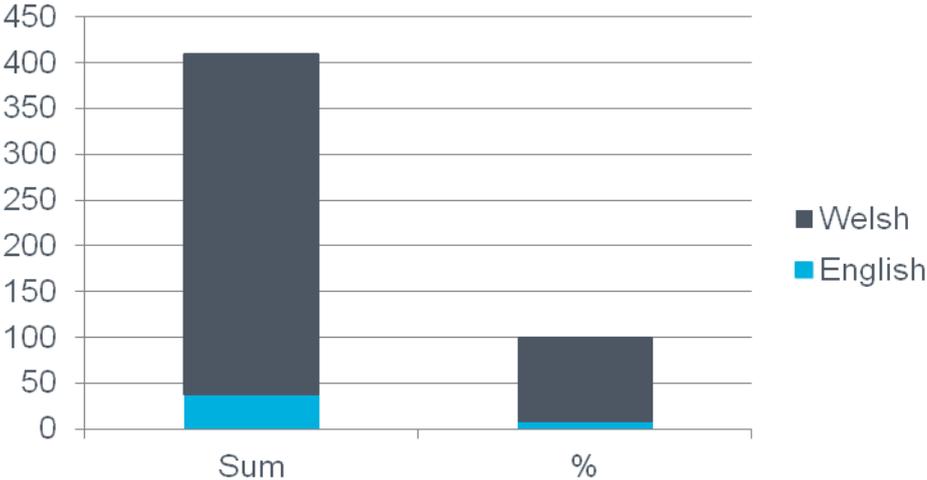
| Locations | Number | Percentage (%) |
|-------------------|--------|----------------|
| Swansea | 7 | 2 |
| Blaenau Gwent | 8 | 2 |
| Vale of Glamorgan | 8 | 2 |
| Caerphilly | 3 | 1 |
| Newport | 4 | 1 |
| Neath Port Talbot | 10 | 2 |
| Ceredigion | 56 | 14 |
| Conwy | 14 | 3 |
| Cardiff | 54 | 13 |
| Gwynedd | 72 | 18 |
| Merthyr Tydfil | 3 | 1 |
| Bridgend | 4 | 1 |
| Powys | 19 | 5 |
| Rhondda Cynon Taf | 15 | 4 |
| Pembrokeshire | 2 | 0 |

²⁵ These statistics include all the responses received via the questionnaire, together with the Cymdeithas yr Iaith Gymraeg template.

| (Continued) Locations | Number | Percentage (%) |
|-----------------------|------------|----------------|
| Denbighshire | 17 | 4 |
| Monmouthshire | 2 | 0 |
| Carmarthenshire | 50 | 12 |
| Flintshire | 13 | 3 |
| Torfaen | 14 | 3 |
| Wrexham | 5 | 1 |
| Isle of Anglesey | 18 | 4 |
| Outside Wales | 6 | 4 |
| No information | 5 | 1 |
| Total | 409 | 100 |

Of the 409 responses received from members of the public, 371 were in the Welsh language. 38 responses were received in English by members of the public (see Figure 2 below).

Figure 2 Number of responses to the standards investigation by language²⁶



The public's response to the subject matter of the standards investigation

Service Delivery Standards

In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the service delivery standards, they were asked to respond to the following question in the questionnaire:

Do you agree or disagree that the organizations in question should conduct the activities set down below in the Welsh language, in order to enable you as a member of the public to use the Welsh language in the following situations?

In answering this question as part of the questionnaire, the public were given the opportunity to respond per activity within the scope of the service delivery standards. These included activities noted in Schedule 9, Welsh Language (Wales) Measure 2011, together with some additional activities for which standards have been drawn up and which were published within the Welsh Government's proposed standards document. Figures 3 and 4 indicate the variety of the responses received.

Figure 3 Response to question 1 of the questionnaire - Service Delivery Standards (Activities designated in Schedule 9, Welsh Language (Wales) Measure 2011)

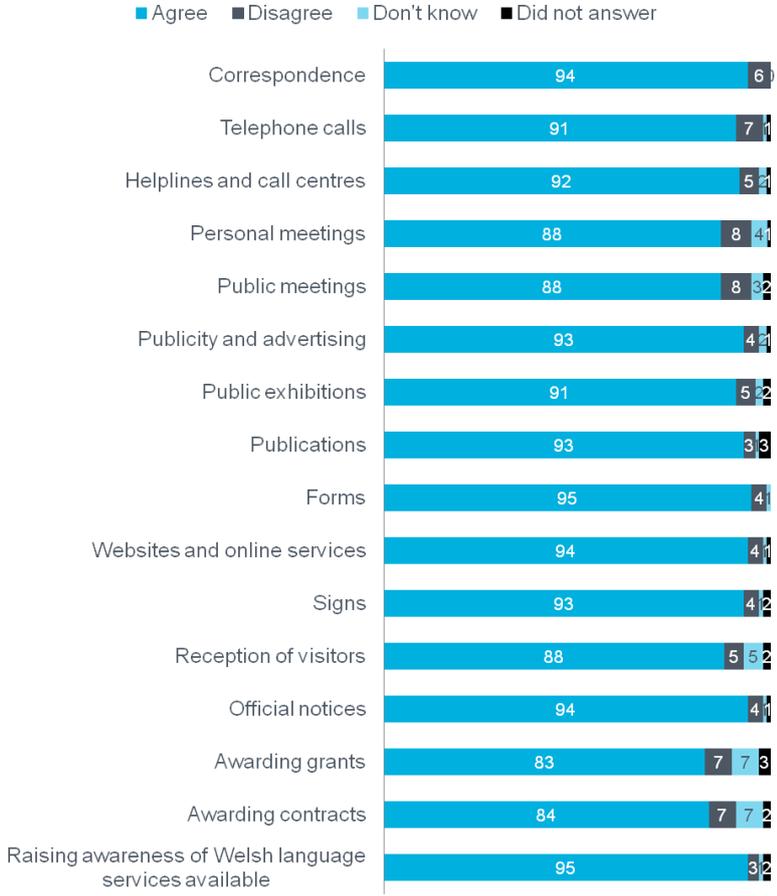
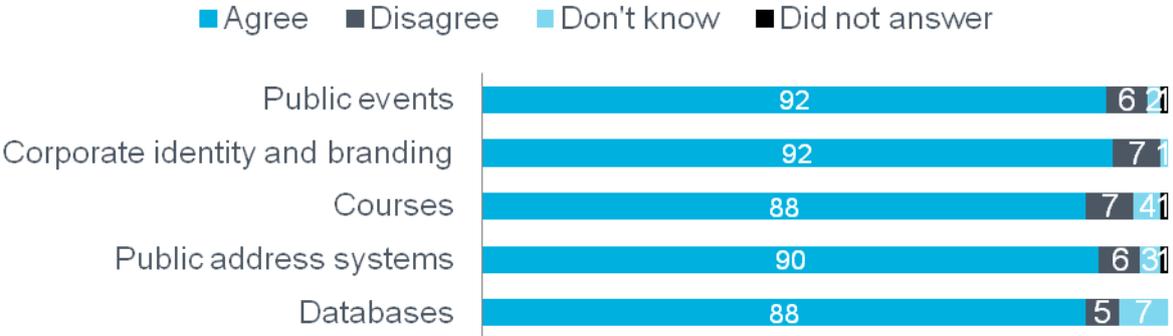


Figure 4 Response to question 2 of the questionnaire - Service delivery standards (Additional activities to those listed in Schedule 9, Welsh Language (Wales) Measure 2011)



Policy making standards

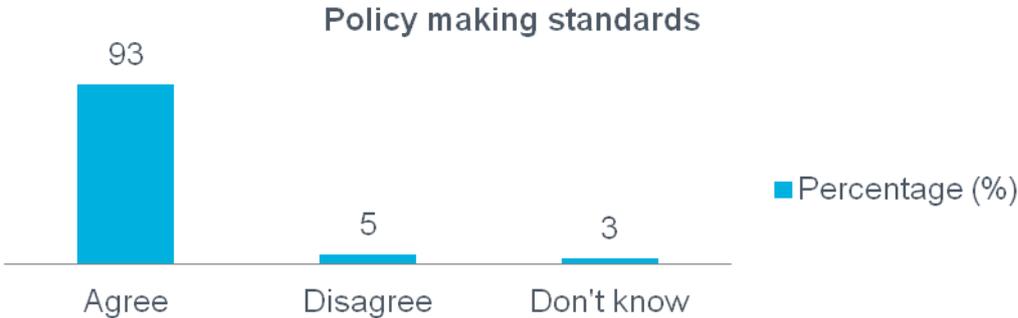
In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the policy making standards, they were asked to respond to the following question in the questionnaire:

Do you agree or disagree that the policy decisions of the organizations in question should improve the opportunities for you to use the Welsh language and ensure better treatment for the Welsh language?

Of the 182 that responded via the questionnaire on our website, 97% (177) had answered this question. Of the 177 that responded, 93% (164) agreed that the policy decisions of the organizations in question should consider the effects of their policy decisions, and secure, or contribute towards securing better opportunities for persons to be able to use the Welsh language and also to ensure better treatment for the Welsh language.

The figure below indicates how members of the public responded to that question:

Figure 5 Response to question 3 of the questionnaire - Policy making standards ²⁶



Operational standards

In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the operational standards, they were asked to respond to the following question in the questionnaire:

Do you agree or disagree that the organizations in question should have to facilitate the use of the Welsh language in accordance with the operational standards?

Of the 182 that responded via the questionnaire on our website, 99% (180) had answered this question. Of the 180 that responded, 92% (166) agreed that the organizations in question should have to facilitate the use of the Welsh language in accordance with the definition of the operational standards in the Welsh Language (Wales) Measure 2011.

²⁶ It is noted that these statistics relate to respondents who had answered this question.

The figure below indicates how members of the public responded to that question:

Figure 6 Response to question 4 of the questionnaire - Operational standards²⁷



Record keeping standards

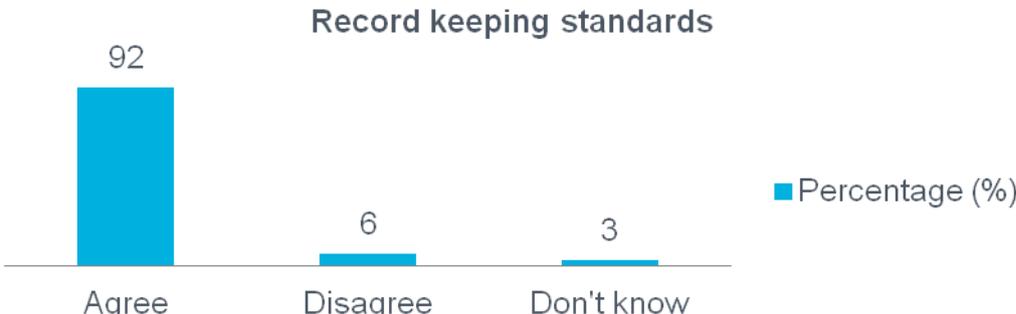
In seeking the public's opinion regarding the reasonableness of the requirements attached to the record keeping standards, they were asked to respond to the following question in the questionnaire:

Do you agree or disagree that the organizations in question should have to keep a record of how they adhere to the Welsh language standards and keep a record of complaints?

Of the 182 that responded via the questionnaire on our website, 98% (178) had answered this question. Of the 178 that responded, 92% (163) agreed that this duty should be imposed on the organizations in question.

The figure below indicates how members of the public responded to that question:

Figure 7 Response to question 5 of the questionnaire - Record keeping standards²⁸



²⁷ It is noted that these statistics relate to respondents who had answered this question.
²⁸ It is noted that these statistics relate to respondents who had answered this question.

Promotion standards

In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the promotion standards, they were asked to respond to the following question in the questionnaire:

Do you agree or disagree that the organizations in question should promote and facilitate the Welsh language more widely as noted in the promotion standards?

Of the 182 that responded via the questionnaire on our website, 99% (180) had answered this question. Of the 180 that responded, 90% (162) agreed that the organizations should have to facilitate and promote the Welsh language more widely.

The figure below indicates how members of the public responded to that question:

Figure 8 Response to question 6 of the questionnaire - Promotion standards²⁹



Further Comments

As well as providing responses to specific questions on the subject of the standards investigation, the public were given the opportunity to note any additional standards they believed should be set down and made specifically applicable to the organizations in question, together with any further comments relevant to this standards investigation.

Of the 182 that responded via the questionnaire on our website, 34% (62) provided additional comments to be considered by the Welsh Language Commissioner as part of the standards investigation.

Figure 9 Further comments provided by members of the public



²⁹ It is noted that these statistics relate to respondents who had answered this question.

General comments

The responses were supportive and welcomed the concept of developing standards in order to see clear rights for Welsh speakers, with regard to Welsh services.

Similarly, there was considerable eagerness to ensure that the standards set were clear, robust and understandable to ordinary people. A number of the comments noted that there was a need for the standards specified to be ambitious and ones which would enable the organizations in question to develop and strengthen the provision available through the existing language schemes over time.

Outlined below are the main themes of the responses received that were in favour:

- The need to ensure that none of the proposed standards are weaker than the Welsh language schemes of the organizations in question
- The lack of standards to ensure that services that are contracted out are provided in Welsh
- The lack of higher tier standards that would ensure that more bodies moved towards internal administration in Welsh
- The need to ensure that the active offer is used as a policy tool in highlighting services to people
- Limited scope of the policy making standards

Some responses were received from members of the public expressing a general objection to language duties. Others noted that any duties imposed on organizations should reflect the needs of the areas served by the organizations.

Outlined below are the main themes of the responses received that were against:

- The need to ensure that the policy of imposing duties upon organizations to comply with standards regarding the Welsh language reflects the needs of the majority of the people of Wales.
- The need to consider the present economic climate, and the way in which public money is spent on the Welsh language.
- The need for standards to be imposed that reflected the number of Welsh speakers, together with the demand there is for Welsh services within areas, using the latest figures published in the 2011 Census.
- The need to consider the appropriateness and reasonableness of imposing a single and consistent standard across organizations.

6. Evidence received by the Welsh Language Commissioner's Advisory Panel

Evidence was received from the Advisory Panel³⁰ in accordance with the requirements outlined in section 63 (3) of the Welsh Language (Wales) Measure 2011.

The responses received from the Advisory Panel showed support for the purpose of the proposed standards namely to realise the fundamental objectives of the Welsh Language (Wales) Measure 2011, that Welsh is an official language in Wales and that it should not be treated less favourably than English.

The Panel was of the opinion that the reasonableness and proportionality of making the standards specifically applicable to the relevant organizations should be considered alongside the context. That, in their view, included the intention of the legislation and the desire of the legislature in terms of the legal status of the Welsh language; the size of the organizations in question, their involvement with the public and the difference between imposing standards and the timetable for compliance with those standards.

It was added that reasonableness and proportionality could be considered in two ways; the setting of different standards for organizations in different areas of Wales reflecting the linguistic nature of the relevant areas or to set common standards across Wales stating different imposition days regarding when organizations will be required to comply with a standard(s) e.g. that an organization where an element of staff training is needed in order to comply with a standard could have more time to comply with the standard than an organization where appropriate staff resources are already available. The Panel was strongly of the opinion that the second method was the most appropriate, considering that ensuring better consistency between organizations in terms of providing Welsh language services is one of the main objectives of the Welsh Language (Wales) Measure 2011.

Service Delivery Standards

The Panel agreed that service delivery standards relating to all the activities should be made specifically applicable to all county councils and county borough councils in Wales, enabling members of the public to use the Welsh language in the situations in question.

³⁰ Comments were not received by one member on the standards investigation being carried out in relation to county councils and county borough councils in Wales, and that because of his role as a Councillor of Conwy County Borough Council.

Policy Making Standards

The proposed policy making standards were welcomed by the Panel in general. However, the Panel was of the opinion that a further explanation was needed on the exact requirements attached to the policy making standards. It was also noted that there is a need for assurance on whether the requirement on organizations will be to maintain or in fact develop their policies further in order to ensure better treatment of the Welsh language.

The Panel agreed that the policy decisions of all county councils and county borough councils in Wales should improve the opportunities for persons to use Welsh and ensure better treatment for the Welsh language, and that policy making standards should be made specifically applicable to them.

Operational Standards

The Panel agreed that all county councils and county borough councils in Wales should have to facilitate the use of the Welsh language in accordance with the operational standards, and that the operational standards should be made specifically applicable to them.

Record Keeping Standards

The Panel agreed that all county councils and county borough councils in Wales should keep a record stating how they adhere to other specific standards, and keep a record of complaints. The conclusion was reached that record keeping standards should be made specifically applicable to them.

Promotion Standards

The Panel agreed that all county councils and county borough councils in Wales should facilitate and promote use of the Welsh language more widely and that the operational standards should be made specifically applicable to them.

7. Conclusions of the Standards Investigation

General Comments

The following conclusions were reached on the basis of the evidence received by all county councils and county borough councils in Wales, the public and the Advisory Panel on the subject matter of the standards investigation, in addition to independent evidence collected by the Welsh Language Commissioner in relation to the organizations' Welsh language schemes.

It is noted in the Explanatory Memorandum on the Welsh Language (Wales) Measure 2011 that one of the main objectives of the legislation was to modernize and build on the system of Welsh language schemes created under the 1993 Act. Similarly, it is noted that the aim of the Welsh Government in legislating was to ensure better consistency between organizations, especially between organizations in the same sector, in terms of providing Welsh language services.

Similarly, we note that section 42 of the Measure imposes a duty on Welsh Ministers to ensure that regulations provide service delivery standards relating to each of the activities specified in Schedule 9 specifically applicable to the organization if and to the extent that the organization, do those activities.

However, it should be noted that they do not have to do so if the Commissioner indicates in a standards report, or if the Welsh Ministers are of the opinion that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to an organization in relation to that activity. It should be noted that this section in the Measure does not prevent regulations under section 39 from providing that other service delivery standards to be specifically applicable to organizations.

In accordance with the above, if the standards investigation identifies that an organization carries out the activity³¹, be that to a lesser or a greater extent, the Welsh Language Commissioner will conclude that all standards relating to that activity should be made specifically applicable. These conclusions were reached due to the fact that the standards introduced by the Welsh Government are interdependent on each other within the scope of the activity.

We also note that the way in which an organization delivers a service under an activity can change in the future and that it would be necessary to adapt to reflect that by varying the compliance notice, rather than going back to regulations.

However, where evidence exists that an organization does not undertake an activity at all, whether by means of evidence acquired as part of the standards investigation, or by other means, the Welsh Language Commissioner will conclude that standards in relation to that activity should not be specifically applicable to it.

³¹ A service delivery activity as defined in section 28 of the Welsh Language (Wales) Measure 2011.

The Welsh Language Commissioner will consider the evidence provided in order to reach a decision on the content of compliance notices issued to organizations under section 44 of the Welsh Language (Wales) Measure 2011.

Standards that should be made specifically applicable to county councils and county borough councils in Wales

Service delivery standards

As a result of carrying out this standards investigation, and on the basis of the evidence received, the Commissioner has reached the conclusion that county councils and county borough councils in Wales should be able to deliver services in relation to the activities specified in Schedule 9. Similarly, the conclusion was reached that county councils and county borough councils in Wales should be able to deliver services in addition to those listed in Schedule 9.

Although the challenges noted by county councils and county borough councils in respect of a number of service delivery standards is acknowledged, the Commissioner has reached the conclusion that there is a need to clearly differentiate between the commitments of an organization (what is expected of them) and performance (to what extent they comply with those expectations at present). Every Welsh language scheme carries the full authority of the organization when agreeing its content. Not to specify standards that are equal to those commitments and to make them specifically applicable to the organizations in question would be a step back and go against the intention of the Welsh Language (Wales) Measure 2011. We note that performance, as well as to what degree the organization can comply with a standard at a specific period in time is a practical matter. Those degrees can improve, deteriorate or remain the same. The Welsh Language Commissioner is of the opinion that commitments should meet the needs of the Welsh language users they serve, with a reasonable timetable set down for dealing with any challenges that exist.

The Welsh Language Commissioner has reached the conclusion that Welsh Ministers should secure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to all county councils and county borough councils in Wales.

- correspondence
- telephone calls
- helplines and call-centres
- personal meetings
- public meetings
- publicity and advertising
- public exhibitions
- publications
- forms
- websites and on-line services
- signage
- welcoming visitors
- official notices
- awarding grants
- awarding contracts
- raising awareness of Welsh language services that are available
- public events
- corporate identity and branding
- courses
- database

In relation to public address systems, evidence was received from 5 organizations who indicated that they did not carry out the activity concerned. However, as outlined in Part 4 of the report, it appears that there is a lack of clarity on the exact definition of the standards for public address systems, with those who confirmed that they did not carry out the activity presenting evidence that announcements were in fact made, and that in relation to electoral results, customer centres and leisure centres. Welsh Ministers should ensure that there is clarity on the exact definition of this activity when specifying standards.

If announcements as mentioned above were to fall within the scope of the activity, the Welsh Language Commissioner has reached the conclusion that Welsh Ministers should secure that regulations provide for service delivery standards in relation to the activity below to be specifically applicable to all county councils and county borough councils in Wales.

- public address systems

Several county councils and county borough councils objected to standards which elevated the Welsh language, mainly in relation to signs. Apart from the cost and practical reasons, a number of them objected to the principle of putting the Welsh language first. Discussing the principles which form the basis of the proposed standards is not the primary function of this standards report.

Policy making standards

As a result of carrying out this standards investigation, and on the basis of the evidence received, the Commissioner has reached the conclusion that it is reasonable and proportionate for the policy decisions of county councils and county borough councils in Wales to improve the opportunities for persons to use Welsh and ensure that the Welsh language is not treated less favourably than English.

The Commissioner's reasons for reaching that conclusion is that there is already an expectation on county councils and county borough councils in Wales to assess the linguistic implications of new policies, strategies and initiatives, during the process of their creation and review. The required measures that form the basis for the content of Welsh Language Schemes can be seen in the form of statutory guidelines approved before the House of Commons [Guidelines for the Form and Content of Language Schemes were approved by the UK Parliament on 19 July 1995]. It is specified in those guidelines that organizations should specify the measures the organization proposes to take when assessing the impact of new policies, strategies and initiatives and when implementing them.

The Welsh Language Commissioner has reached the conclusion that Welsh Ministers should secure that regulations provide for policy making standards to be specifically applicable to all county councils and county borough councils in Wales.

Operational standards

Section 30 of the Welsh language (Wales) measure 2011 states that the meaning of operational standards are:

a standard that is intended to promote or facilitate the use of the Welsh language

- (i) by A in carrying out A's relevant activities
- (ii) by A and another person in dealings between them in connection with A's relevant activities, or
- (iii) by a person other than A in carrying out activities for the purposes of, or in connection with, A's relevant activities

In response to the comments, the Welsh Language Commissioner collected evidence regarding the internal administration commitments within current Welsh Language schemes, organizational policies and policy statements.

Of the 22 organizations which were part of the Welsh Language Commissioner's standards investigation, it was calculated that 7 did not have a commitment at all in their language schemes. 15 organizations had commitments. In addition, some organizations had an organizational policy or a policy statement on the language of the organization's internal administration. It's important to state that there has been no requirement on organizations to include a commitment on the language policy of their internal administration so far. The organizations choose to do this and choose to include a commitment in a language scheme or as a matter of policy.

With the arrival of the operational standards a statutory incentive is highlighted in this area and for the first time in Wales. However, this practice is not new as many of the organizations use the Welsh language as their main or only administrative language. Where this does not occur, there are departments, such as education departments, which use the Welsh language extensively. Therefore in some areas the practice of working through the medium of Welsh is one which can be implemented. Within the 22 organizations, it can be summarised that 19 organizations are working constructively as regards to internal administration but it's emphasised that this occurs to varying degrees. The evidence encompasses the following:

- policy on the workplace's official language - with a range of policy scales attached to that.
- clear policy on the administrative language in dealing with schools and also in providing for elected members;
- training;
- the practical expectations as organizations conduct their internal administration;
- policy of promoting further opportunities to use the Welsh language;
- policy of offering choice or of giving staff linguistic rights (which is sometimes qualified);
- internal signs policy;
- schemes to encourage and support staff to use the Welsh language;
- commitments to embrace a positive culture towards using the Welsh language internally;
- practical support resources and IT facilities which support using the Welsh language and mentoring schemes;
- progress monitoring methods on many levels;
- policies for the 'internal customer' e.g. human resources forms.
- Creative proposals were seen in action regarding increasing usage. A report was recently published by Carmarthenshire County Council³² which set the aim of

conducting its administration mainly through the medium of Welsh for itself.

The Welsh Government's policy statements in this respect are also positive and over the years the Government has actioned several projects focussing on the internal use of the Welsh language, particularly in its offices in Llandudno and Aberystwyth. As part of the recommendations presented in the Welsh Communities Report, a report recently commissioned by the Welsh Government, it was noted that 'targets should be agreed with relevant agencies in respect of expanding the bilingual workforce and internal bilingual operations within the scope of Welsh Language Standards.'³³

The Welsh Language Commissioner recognizes that some elements attached to the operational standards are new to the organizations in question, and so inevitably they would need time in order to ensure full compliance with the requirements. However, it should be noted that a number of the requirements are expected from organizations under current Welsh language schemes. These include specifying measures to ensure that workplaces which have contact with the public in Wales seek access to sufficient and appropriately skilled Welsh speakers; measures to identify those posts where the ability to speak Welsh is considered to be essential and those where it is considered to be desirable together with measures to assess the need for training and to provide it for employees.

To that end, and based on the evidence received, the Commissioner concludes that it is reasonable and proportionate for county councils and county borough councils in Wales to enable persons to carry out their relevant activities through the medium of Welsh. Regarding those elements that are not embedded in the Welsh language schemes of the organizations in question, the Welsh Language Commissioner has reached the conclusion that it would be reasonable and proportionate to allow adequate time for organizations to comply with those new requirements.

The Welsh Language Commissioner has reached the conclusion that Welsh Ministers should secure that regulations provide for operational standards to be specifically applicable to all county councils and county borough councils in Wales.

Record keeping standards

As a result of carrying out this standards investigation, and on the basis of the evidence received, the Welsh Language Commissioner concludes that county councils and county borough Councils in Wales should note how they propose to adhere to the standards on which they are expected to comply, along with complaints. It is a requirement under the organizations' Welsh language schemes to determine actions to be taken to publish

information on the organization's performance against the statutory requirements. That was confirmed by the evidence that was received, with every organization noting that the record keeping standards, in principle, is current practice.

Record keeping standards note what an organization must keep in the form of a record of its activity in respect of other specified standards. The record keeping standards as they stand do not detail what must be collected.

There are other provisions in the legislation regarding monitoring arrangements and reporting requirements for the standards system (Section 27 - Supplementary Provisions). These arrangements and requirements will be specified in regulations as they go before the National Assembly for Wales. The Measure notes the following:

- (4) Standards specified under section 26(1), or regulations under section 26(2), may, among other things, deal with any or more of the following —
 - (a) the preparation, by persons who are under the duty in section 25 to comply with standards, strategies or plans setting out how they propose to comply with the standards;
 - (b) procedures to be followed by persons who are under the duty in section 25 to comply with standards;
 - (c) the collection of information by persons who are under the duty in section 25 to comply with standards, including information about the use of Welsh and the use of English in relation to a particular conduct;
 - (d) information to be made available to the Commissioner;
 - (e) monitoring arrangements and publicity requirements;
 - (f) reporting requirements.

In summary, section 27 of the Measure outlines how a person is expected to comply with standards.

Beyond the elements noted above, the Commissioner must draw up an Enforcement Policy. The Welsh Government policy document 'Inspection, Audit and Regulation'³⁴, explains that the role of inspectors is to "investigate independently using professional expertise and legal powers". This is supplemented by the Crerar Report on inspection in Scotland which notes that the role of external inspectors is to provide independent assurance that services are being managed well and are fit for purpose. According to Crerar, the five main principles are public focus, independence, proportionality, transparency and accountability. Crerar's proposals are consistent with the principles of Hampton which note that inspection should take place on the basis of risk; that inspections should not be carried out for no reason and that regulators should be able to

³² <http://online.carmarthenshire.gov.uk/agendas/cym/BWGW20140331/REP04.HTM>

³³ www.wales.gov.uk/topics/welshlanguage/publications/welsh-speaking-communities-report-and-work-plan/?lang=eng

provide authoritative and accessible advice.

There is also an acknowledgement that it is not possible for inspection bodies to oversee everything service providers do. That is, there is an increasing expectation upon service providers to have robust internal scrutiny and audit arrangements. In addition, self-assessment plays an increasingly important role in external audit arrangements.

The Welsh Language Commissioner has reached the conclusion that Welsh Ministers should secure that regulations provide for record keeping standards to be specifically applicable to all county councils and county borough councils in Wales.

Promotion standards

As a result of carrying out this standards investigation, and on the basis of the evidence received, the Welsh Language Commissioner concludes that the county councils and county borough councils in Wales should promote and facilitate the Welsh language more widely. As noted in section 4, 21 of the organizations confirmed that they promote and facilitate the wider use of the Welsh language, by varied means. Similar to that noted regarding operational standards, the Welsh Language Commissioner has reached the conclusion that it would be reasonable to allow adequate time for organizations to comply with those new requirements.

The Welsh Language Commissioner has reached the conclusion that Welsh Ministers should secure that regulations provide for promotion standards to be specifically applicable to all county councils and county borough councils in Wales.

Additional standards that should be specified and made specifically applicable to county councils and county borough councils in Wales

Section 64(3) Welsh Language (Wales) Measure 2011 notes the following:

If -

- (a) the conclusions of the investigation are (in whole or in part) that standards should be specifically applicable to P, and
- (b) any or all of those standards are not specified by the Welsh Ministers under section 26(1), the standards report must set out the standards that are not specified.

The Welsh Language Commissioner received evidence in relation to the proposed standards (those presented by the Government on 6 January 2014). The evidence indicates that certain standards are absent or brings attention to standards that should be revised. Evidence was received from the public and from organizations. Where numerous comments were made by an organization or the public on a particular Standard, current practices and commitments were investigated as well as any other evidence that was considered valid.

The Welsh Language Commissioner concludes that additional standards to the ones introduced by the Welsh Government on 6 January 2014 should be specified. Welsh Ministers should specify the following standards regarding the classes of standards noted below through regulations:

Service delivery standards

Activity: a range of standards relating to visual materials e.g. publications, notices, signs and forms

Many of the proposed standards in relation to visual materials note the following criteria for defining what is meant by ensuring that the Welsh language is not treated less favourably than the English version:

Font, format, colour, size, clarity and prominence.

The Welsh Language Commissioner has reached the conclusion that ‘quality’ and ‘timing’ should be added to that list. On some occasions the ‘publishing cost’ should also be included as a relevant criterion on the basis that not doing so would lead to a regression.

Activity: Publications

Some organizations indicated that they did not do everything listed in standard 43 (see Welsh Government’s proposed standards document). On the contrary, there was concern by the public that expectations are reduced in comparison with the commitments of Welsh language schemes. Standard 43 was among those standards that was of concern.

In order to avoid regression, the Welsh Language Commissioner has reached the conclusion that the list of categories should also include the following:

- o guidelines

³⁴ <http://wales.gov.uk/docs/dpsppublicationsinspectionpolicystatement/090930inspstatementen.pdf>

- cards
- codes of practice
- statistical publication
- newsletters
- consultative documents
- annual reports and accounts
- minor legislation and statutory instruments
- maps
- white papers and green papers
- posters
- rules and regulations
- arrangements

Similarly, the criteria for considering what other publications that should be produced in Welsh should not be less than what is contained in the guidelines issued by the Welsh Language Board as to the form and content of Welsh language schemes e.g.

- material aimed at the general public in Wales, should be published bilingually
- consideration should be given to the size and nature of the audience, the nature of the document and how widely it is proposed to distribute it, timing, the likely demand, importance, value for money
- the Welsh publication must not be treated less favourably than the English version in terms of font, format, colour, size, clarity, prominence, quality, timing and, if relevant, price.

Some county councils and county borough councils raised concerns about their ability to produce agendas, minutes and other papers for meetings, conferences or seminars that are open to persons immediately. There was no objection to the general principle in each case. The Welsh Language Commissioner believes that this element should be taken out of the list on the proposed standards concerning publications and that that they should be included in a separate standard. If it were to be kept in the current standard (43) there would be a risk that the imposition day set for the standard in its entirety would not allow for making the other publications on the list a duty sooner than that.

Welsh Ministers should specify a particular standard for publications relating to agendas, minutes and other papers for meetings, conferences or seminars that are open to persons.

Activity: Forms

Welsh Ministers should specify the following standards in regulations, in addition to standards 46-49.

Organizations must give persons the right to complete a form in Welsh only if that is their wish.

A form must be equally as easy to obtain at distribution centres.

Where separate forms are produced, a message must be included on each form stating that it is available in the other language.

Welsh Ministers should add the following considerations when specifying standard 47 in regulations:

- Forms aimed at the general public in Wales, to be bilingual
- In all other circumstances the following will be relevant: the size and nature of the audience, the nature of the forms and how widely it is proposed to distribute it, , timing, the likely demand, importance, value for money.

Activity: Signage

Regarding standard 57, the word 'reasonable' has been included. This is strange considering the practice in question. It is not acceptable to grant a discretion within a standard.

Welsh Ministers should specify the following standard in regulations:

Any new, replacement, or temporary sign erected must contain the information to be conveyed by the sign in Welsh, and the Welsh language text must be positioned so as to be read first.

Activity: Service Delivery via joint-provision arrangements

The Commissioner considered the comments received and further research was undertaken into the nature and range of the functions of the organizations which were the subject of this investigation and any evidence enquired about or received as part of the standards investigation.

Section 7 of the standards investigation questionnaire asked about the way services are delivered and, specifically, organizations were asked to supply evidence of partnerships

they had in force. Several partnerships were highlighted and reference was made to services such as the integrated family support service which provides specialist services to families with complex needs or specialist children's services (to name only two). One organization was able to list 59 partnerships and an abundance of joint service provision arrangements were listed by the other organizations.

The evidence received shows that joint service planning takes place on a strategic and operational level and that it is expected practice in some areas in particular e.g. children and young people; care, health and welfare; education; the economy; community safety and the environment. It is worth noting the following comment from the Sir Paul Williams' recent Commission³⁵ that:

citizens need clarification on how responsibilities are allocated amongst various organizations so that they understand their entitlement to services and how to utilize these services. They also have the right to expect continuous and co-ordinated services which together satisfy their needs, without having to negotiate or arrange such provision independently.

It was reported that service planning across complex functional boundaries can lead to poor services. A service in Welsh is open to such a risk unless specific standards are in place which impose a duty on organizations to implement an effective process when working in collaboration.

Neither the standards in respect of the activities in schedule 9 of the Welsh Language (Wales) Measure 2011, nor the additional activities, impose any duty on organizations to consider the Welsh language in respect of cross-boundary joint planning. The policy making standards do not allow for addressing this to the expected degree and it specifically does not address the matter of accountability.

Standard(s) should be specified which impose an expectation on persons to plan services within the complex contexts that exist and ensure that the accountability is totally clear in all circumstances. Welsh Ministers will need to ensure clarity regarding the expectations in a situation where one organization has a duty to implement standards but that this is not true of others.

It was confirmed by county councils and county borough councils in response to a question within the questionnaire, that there was evidence of collaborative provision. Welsh language schemes include commitments to consider the Welsh language in partnerships.

Standard(s) should be specified which impose a duty upon an organization to set down the action taken to deliver services through the medium of Welsh when those services are delivered via joint-provision arrangements. Welsh Ministers should explain what the arrangements will be when standards are imposed on one person within a cross-

organizational partnership but that all the persons will not be subject to those standards e.g. promotion standards.

Welsh Ministers should specify the following standards in regulations:

An organization must plan to deliver all services for which it is accountable so that they are, when operational, consistent with the standards to which it is required to comply with.

When an organization leads a partnership or is part of another arrangement, whether strategic or financial, it will ensure that its linguistic conduct is consistent with the five standards to which it is required to comply with.

When an organization joins a partnership or other arrangement which is led by another body, the organization's input to the partnership or arrangement will comply with the standards to which it is required to comply with, and it will encourage other parties to comply.

When an organization joins or forms a partnership or arrangement of any kind, it will ask the prospective partners for the standards to which it is required to comply with, and ensure that they operate in accordance with the highest requirements.

In commencing any collaboration arrangements, an organization must carry out an assessment in order to identify and agree the action to be taken in order to ensure that the collaboration itself does not lead to a reduction in the nature of the Welsh language service persons can expect to receive.

Activity: Personal meetings

There is evidence from the public expressing concern that the proposed standards are limited to the extent that they are concerned only with elements of administrative activity at the expense of qualitative aspects.

In relation to personal meetings, Welsh Ministers should set a standard that recognizes circumstances in which it is not possible to hold a personal meeting with an individual other than in the individual's language. The standard should note that it must be planned to meet the needs of the individual without delay. The meaning of circumstances will be where the use of a mediator or translation is neither appropriate nor moral as this would detrimentally effect the welfare of that individual.

³⁵ <http://wales.gov.uk/docs/dpsp/publications/psgd/140120-psgd-full-report-env2.pdf>

Welsh Ministers should specify the following standard in regulations:

When planning service delivery for persons, the service must be provided entirely through the medium of Welsh, without the use of a mediator, in circumstances where not doing so would detrimentally effect the welfare of the person.

Activity: Meetings (personal, public and public events) – general matters

Welsh Ministers should specify the following standard in regulations:

The organization must greet and welcome those attending meetings verbally in Welsh.

Activity: Courses

Evidence was received from organizations that raised doubts about the definition of the standard concerned. Evidence received from the public emphasised the importance of maintaining social activities and opportunities for young people to socialize in the Welsh language.

The Welsh Language Commissioner would like to know to what extent does the proposed standards relating to courses include social activities, specifically youth clubs, within the scope of the proposed standard. If the standard does not include social activities within the scope of the standard, then the Welsh Language Commissioner has reached the conclusion that Welsh Ministers should specify an additional standard in relation to social activities. A standard of this nature should ensure that there is a duty on the organization to assess the need for delivering social activities in Welsh and to meet that need as required.

Activity: Publicity and advertising - response methods

Welsh Ministers should specify a standard in relation to response methods for publicity campaigns in regulations on the basis that not doing so would lead to a regression:

Response methods for publicity campaigns that ensure persons are able to use the language.

Activity: Publicity and advertising - public surveys

Welsh Ministers should specify a standard in relation to conducting public surveys in Wales in regulations on the basis that not doing so would lead to a regression:

Conducting public surveys in Wales in Welsh.

Activity: Awarding contracts

In order to highlight the duty which is implicit in the Welsh language (Wales) Measure 2011, Welsh Ministers should specify the following standard in relation to awarding contracts:

So that an agent or contractors carry out and deliver services in Welsh to the public on its behalf and under its supervision, an organization must ensure that the requirements upon it to comply with relevant standards are noted to contractors when making contractual arrangements and that the operational requirements of the contract are the same as the requirements upon the organization to comply with relevant standards, to the degree that they are applicable to the contract in question.

Activity: Raising awareness of Welsh language services that are available

The following requirements should be attached to standards 74-76 as that would strengthen the concept of the active offer. The Welsh Language Commissioner has reached the conclusion that the standards in question be revised on the basis of the evidence received by the public. The evidence pressed for Welsh language services being offered proactively. Some of the points set out below are based on the content of Welsh language schemes or duty in section 12 of the Welsh Language Act 1993.

The organization must:

- declare the format in which it will give publicity to the Welsh language services supplied by the organization.
- state publicly what the arrangements are for overseeing, encouraging, enabling, facilitating or supporting the use of the Welsh services provided
- give a public undertaking that it will deliver service of equal standard in the Welsh language as in the English language
- highlight the complaints procedure in respect of Welsh language standards and

provide the name of a contact

- o describe the actions the organization will take to seek feedback regarding experiences of Welsh medium service
- o make it clear to persons, in written form and verbally, that Welsh services are available and that the responsibility for offering language choice lies with the provider every time persons come into contact with the organization.

Operational Standards

In addition to what is contained in the proposed standards, Welsh Ministers should specify operational standards which encompass and reflect the linguistic context found within all county councils and county borough councils in Wales, ensuring that there is no reduction in benefit to Welsh language users in moving from language schemes to standards. Welsh Ministers should address the following issues with a view to specifying standards. The issues below reflects the range of evidence collected when analysing the content of their Welsh language schemes.

- o internal administration: an official language policy of the workplace - with a range of policy scales associated with that e.g. Welsh only, Welsh as the main language, both languages being official languages;
- o language commitments when dealing with schools ;
a policy on the language medium when dealing with elected members, by delivering and administrating in accordance with the language choice of that member;
- o Vocational training in accordance with the organization's official language policy; guidelines noting the practical, operational expectations as an organization carries out internal administration (in terms of language); a scheme and targets in order to promote more opportunities to use Welsh at work ;
- o schemes to encourage and support staff to use the Welsh language and to foster a positive culture towards internal use of the Welsh language.

Welsh Ministers should specify the following standard in regulations:

The organization must provide a Welsh domain on the intranet which offers support materials to facilitate and support the use of the Welsh Language.

Promotion Standards

The Welsh Language Commissioner has reached the conclusion that promotion standard 124, which imposes a duty upon an organization to prepare and publish a

strategy should also impose a duty to link that strategy with the organization's strategic and corporate schemes.

The Welsh Language Commissioner concludes that the county councils and county borough councils' promotion strategy must give attention to the following areas (without restriction) as these themes are included in a statutory national strategy³⁶ :

- language transfer within families;
- children and young people;
- education and skills;
- promoting the Welsh language within communities;
- working with other sectors or bodies;
- infrastructure and research.

Record keeping standards

In respect of standard 126, the Welsh Language Commissioner has reached the conclusion that the standard should be specified in a form that is consistent with the other record keeping standards. Considering that Welsh Ministers may specify standards in respect of additional activities, a list of this kind should be avoided. The standard, as presented in the Welsh Government document, has omitted public events from the list.

In accordance with section 44 of the Measure, a compliance notice is a notice given to an organization by the Commissioner making it a requirement for them to comply with the standard or standards. It does not necessarily follow that it will be a requirement for an organization to comply with every standard made specifically applicable to them in regulations. Considering that, Welsh Ministers should alter the wording of the record keeping standards in order to reflect the fact that a compliance notice is the tool that requires an organization to comply with a standard or standards.

Welsh Ministers should specify record keeping standards in respect of the following in regulations:

- A record indicating that the duties to comply with standards that are in force and the associated arrangements to be implemented are noted at the organization's highest level and that they carry the organization's full authority when implemented.
- A record of those who bear the responsibility for co-ordinating all operational aspects of the organization's compliance with standards.
- A record of the qualifications of translators carrying out the work on behalf of the organization.

8. Next steps

In preparing this standards report, the Welsh Language Commissioner has considered all the responses submitted to the standards investigation. This report will be submitted to the following in accordance with section 64(4) Welsh Language (Wales) Measure 2011:

- all relevant persons;
- Advisory Panel to the Welsh Language Commissioner;
- all persons who participated in the Commissioner's consultation in accordance with section 63;
- Welsh Ministers.

Alongside the standards investigations of the Welsh Language Commissioner, Welsh Ministers are expected to carry out regulatory impact assessments in respect of relevant secondary legislation they intend to create, using their own secondary legislation powers.

The Government of Wales Act 2006 notes that a Regulatory Impact Assessment is as follows:

‘A regulatory impact assessment is an assessment as to the likely costs and benefits of complying with relevant Welsh subordinate legislation’³⁷

In this respect, a Regulatory Impact Assessment may be considered:

- a process to help Welsh Ministers to consider the effect of the proposed regulation on the interests of individuals, groups, organizations etc.
- a means of enabling Welsh Ministers to weigh up the costs and benefits of all the options available to them before implementing a policy; and
- a means of submitting the relevant evidence on the positive and negative effects of such interventions for the purposes of scrutinizing that evidence.³⁸

Welsh Ministers will be expected to consider the evidence they collected for the purposes of the regulatory impact assessment, alongside the Welsh Language Commissioner's conclusions in a standards report in deciding whether or not to exercise the powers granted to them under Part 4 Welsh Language (Wales) Measure 2011.

The Rt Hon. Carwyn Jones AM, First Minister of Wales confirmed in a written statement on 21 October 2013 that it is currently foreseen that the regulations will come into force in November 2014 following a debate and vote on approving the regulations at a Plenary Meeting of the National Assembly.

³⁶ <http://wales.gov.uk/docs/dcells/publications/122902wls201217en.pdf>

Appendix A - List of the respondents to the standards investigation

Below is a list of the relevant person(s) in respect of which a standards investigation was carried out, the Advisory Panel, together with the members of the public who were willing for us to publish their comments.

Relevant persons

Blaenau Gwent County Borough Council
Bridgend County Borough Council
Caerphilly County Borough Council
Cardiff Council
Carmarthenshire County Council
Ceredigion County Council
Conwy County Borough Council
Denbighshire County Council
Flintshire County Council
Gwynedd Council
Isle of Anglesey County Council
Merthyr Tydfil County Borough Council
Monmouthshire County Council
Neath Port Talbot County Borough Council
City of Newport Council
Pembrokeshire County Council
Powys County Council
Rhondda Cynon Taf County Borough Council
Swansea City and County Council
Vale of Glamorgan County Council
Torfaen County Borough Council
Wrexham County Borough Council

Members of the Public

Enfys Jones
Amelia Davies
Delyth Hughes
Harri Bryn Jones

Elan Grug Muse
Huw Thomas
Rhodri Jones
T Roberts
William Lewis
Thomas Howard Thomas
Menna Jones
Bethan Jones
Wyn Hobson
Elwyn Vaughan
Nia Besley
Nic Daniels
Tryfan Williams
Jina Gwyrfai
Geraint Jones
Clive James
Sioned Williams
Allan Wynne Jones
Iago ap Steffan
Marc Jones
Liza Jones
Gareth Thomas
Michael Bacigalupo
Lloyd Evans
Glenn Wall
Shon Wyn Hughes
Gaynor Hughes
Mathew Rees
Ffion Hughes
Robert Williams
J Protic
Ellen Andrew
Ivoreen Williams
Gwyneth Owen
Dewi Rhys-Jones
Mr K Jones
Steve Evans
Yvonne Balakrishnan
Siwan Hywel
Ben Screen

Mared Ifan
Leighton Adams
Kathryn Tovey
Kelly Young
Michael Weedall
Beverley Lucas
Rhian Davies
Alun Pugh
Ffion Rhisiart
Lowri Jones
Ann Joyner
Ffion Rees
Bethan Shone
Carys Tudor
Huw Roberts
Frances Jones
Sarah Gwilym
Hari Powell
Linda James
Nia Wyn Jones
Einir Sion
Catrin Reynolds
Sioned Thomas
Nei Wyn Jones
Alun Thomas
Angela Marshall
Gwyn Morgan
Gwenda Roberts
Heledd Williams
Dewi Snelson
Mari Fflur
Rhidian Evans
Bethan Lewis
Iorwen Jones
Andrew Hawke
Gill Stephen
P Denning
Trefor Jones-Morris
Bryn Davies
William Schleising

Ifor Gruffydd
Julia Owens
Osian Rhys
Rhianon Hywel Jones
Ellen Roberts
Mererid Haf Roberts
Aaron
Manon Prysor Huws
Sian Howys
Sean Driscoll
Elwyn Hughes
Gwawr Davalan
Anthony Barry
Gareth Popkins
Edward Thomas
Mari Wynne Jones
Gareth Dobson
Paul Owen
Amanda Jaine Evans
Teresa Davies
Elin Wyn
Adam Jones
Powys Thomas
Angharad Rhys
Iago John
Mark A. Strong
Alan Baker
Reverend Emyr Wyn Thomas
Lydia Jones
Gregory Snelgrove
Dafydd Trystan
Hywel Wyn Jones
Alfred S Nathan
Eirian Conlon
Eryl Jones
Rhys Stephen

Organizations/Movements

The Association of Welsh Translators and Interpreters (Cymdeithas Cyfieithwyr Cymru)
National Union of Teachers Wales (UCAC)
Consumer Futures (Dyfodol Defnyddwyr)
The Welsh Language Society (Cymdeithas yr Iaith Gymraeg)
Dyfodol i'r Iaith
Menter Iaith Maelor
Menter Iaith Maldwyn
Menter Iaith Sir y Fflint
Mentrau Iaith Cymru
Merched y Wawr
Celebrating Our Language (Mudiadau Dathlu'r Gymraeg)
Plaid Cymru Assembly Group
Bangor University

Advisory Panel to the Welsh Language Commissioner

Dr Ian Rees
Gareth Jones
Professor Gwynedd Parry