



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

LANGUAGE COMMITTEE

Date and Time

10.30 am, THURSDAY, 12TH OCTOBER, 2017

Location

Siambr Hywel Dda, Council Offices, Caernarfon, Gwynedd. LL55 1SH

Contact Point

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(DISTRIBUTED 04/10/17)

LANGUAGE COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Elwyn Edwards
Aled Ll. Evans
Elin Walker Jones
Elfed Williams

Alan Jones Evans
Judith Mary Humphreys
Olaf Cai Larsen
Charles Wyn Jones

Independent (5)

Councillors

Elwyn Jones
Kevin Morris Jones
Eirwyn Williams

Eric M. Jones
John Pughe Roberts

Llais Gwynedd (1)

Councillor

Alwyn Gruffydd

Individual Member (1)

Councillor

Aelodau Ex-officio / Ex-officio Members

Chair and Vice-Chair of the Council

Other Invited Member

Councillor Mair Rowlands, Cabinet Member - The Welsh Language

A G E N D A

1. APOLOGIES

To receive apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest

3. URGENT BUSINESS

To note any items that are a matter of urgency in the view of the Chairman for consideration

4. MINUTES

5 - 9

The Chairman shall propose that the minutes of the previous meeting of this committee held on 4 July 2017 be signed as a true record.

5. REPORT OF THE CABINET MEMBER - THE WELSH LANGUAGE

To submit the verbal report of the Cabinet Member – The Welsh Language

6. RESPOND TO THE WHITE PAPER CONSULTATION DOCUMENT - STRIKING THE RIGHT BALANCE: PROPOSALS FOR A WELSH LANGUAGE BILL

10 - 40

To consider the report of the Cabinet Member – Welsh Language

7. THE LANGUAGE COMMITTEE'S WORK PROGRAMME FOR 2017-18

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To consider the report of Welsh Language Development Officer

8. COMPLAINTS AND INVESTIGATIONS

43 - 44

To consider the report of the Welsh Language Development Officer

9. SUPPLEMENTARY PLANNING GUIDANCE

Verbal update by the Welsh Language Development Officer

10. WORKSHOP

At the end of the meeting, there will be a workshop to discuss the new Gwynedd Language Strategy.
Facilitator: Welsh Language Development Officer.

LANGUAGE COMMITTEE, 04.07.17

Present: Councillor Alwyn Gruffydd (Chair)
Councillor Cai Larsen (Vice-chair)

Councillors: Elwyn Edwards, Aled Evans, Judith Humphreys, Charles W. Jones, Elin Walker Jones, Elwyn Jones, Eric M. Jones, Kevin Morris Jones, John Pughe Roberts, Eirwyn Williams and Elfed Williams.

Also in attendance: Councillor Mair Rowlands (Cabinet Member - Welsh Language)

Iwan Evans (Monitoring Officer), Sion Huws (Senior Solicitor - Corporate), Debbie Anne Jones (Welsh Language Services Manager), Gwenllian Williams (Welsh Language Development Officer) and Eirian Roberts (Member Support Officer).

1. ELECTION OF CHAIR

RESOLVED to elect Councillor Alwyn Gruffydd as Chair of this committee for 2017/18.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Councillor Cai Larsen as Vice-chair of this committee for 2017/18.

3. APOLOGIES

Councillor Alan Jones Evans.

4. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

5. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 28 February, 2017 as a true record.

6. REPORT OF THE CABINET MEMBER - THE WELSH LANGUAGE

Submitted – the verbal report of the Cabinet Member - Welsh Language, detailing recent developments in the field, including the following:-

- That the Primary Language Charter had received national recognition and that it must be ensured that it worked in Gwynedd and made a difference. Reports would be submitted to the Language Committee regularly and we would also be having important discussions regularly.

RESOLVED to note the content of the report.

7. THE LANGUAGE COMMITTEE'S REMIT

The Senior Solicitor - Corporate outlined the background and change to the remit of the Language Committee adopted at the full Council meeting on 15 June 2017. It was reported that the changes had come about as a result of the new scrutiny arrangements.

Comments were made that the Language Committee should have a more operational and proactive role. A member expressed concern that the language was going in the same direction as many other topics.

The Cabinet Member reported that she was eager to consult with the committee between meetings and if there was a particular issue that needed to be looked at, she would welcome the opportunity to work with Committee members.

It was confirmed that the role of the committee was to look at how the Council's internal language policy was implemented and how the Council complied with the Language Standards. The main purpose of the Committee was to look at the Council's internal arrangements in relation to the Welsh language. It was reported that the Committee had been holding investigations which looked at specific topics or fields and had drawn up a series of recommendations for improvement. It was reported that it was presumed that these arrangements would continue and it was suggested that a work programme for the Committee could be submitted to its next meeting. It was noted that matters deriving from the standards report would be placed on the work programme. The main work of the Committee was outlined, and it was reported that promoting the Welsh language was important and that members would be consulted on the strategies but that the main focus of the committees was the internal arrangements.

8. THE CORPORATE COMPLAINTS PROCEDURE

Submitted – the report of the Senior Solicitor – Corporate noting the importance of the procedure in relation to the close link with customer care to ensure that complaints received due attention and that the responses were monitored.

Members' concerns were noted

- that the Welsh language, which was so important, would not receive deserving attention in following the corporate complaints procedure.
- about the bureaucracy and that the objective would be lost.
- about the lack of role for the committee in terms of influence on the complaints and responses. In relation to monitoring the standards, it was noted that evidence existed that the Council was responding appropriately to the standards in any case and the role of the committee was questioned.

The Monitoring Officer explained that it was a corporate complaints procedure for the public to raise a complaint about a service, including language complaints. It was noted that the public wanted a quick solution; therefore, the point of the procedure was to make things easier for the customer. If a member had a complaint, the services could be contacted directly. There would be a role for the committee if it became apparent that there was an increasing pattern to the complaints but that it was not the role of the committee to deal with individual complaints. The committee would have a wider role in terms of quality of language by looking at trends.

A member expressed concern that committee members would not see the complaints from now on. In response, it was noted that individual complaints had been submitted in

the past and the committee did not see patterns over time. Consequently, there was no influence on the committee's work programme. In following the corporate complaints procedure, trends would be identified and those trends could be brought before this committee.

A member expressed concern that the Welsh language was being pushed to have the same type of consideration as a complaint about a pothole. The Welsh language was completely different and was embedded throughout all the Council's work.

The Senior Solicitor - Corporate referred to point 17 in the report which noted the intention to report to this committee about the numbers and types of language complaints, the patterns and plans for improvement. He reported that the arrangements were stronger within the Council by now and ensured that the customer received a response to their complaint. The standard of how the Council dealt with complaints had improved as it was monitored.

In response to a question by a member, it was reported that a language complaint had not been received since the last meeting of this committee.

A member asked whether it was possible to go back to using the old system. In response, the Monitoring Officer explained that the complaints procedure was the Cabinet's responsibility and it was the Cabinet which had adopted this procedure based on the national model. This was the corporate complaints procedure. The procedure ensured that a problem which required more attention was given that and that the procedure was straightforward which stressed the need for solutions from departments.

A member suggested that a request should be sent to the Cabinet to review the procedure in relation to language complaints. He reported that language complaints were different to every other complaint and given that the language was above and beyond everything else the complaints should be dealt with differently due to the status given to the language.

The Monitoring Officer suggested that the committee received a report under the new procedure first to see how it met the requirements rather than going for a separate public procedure for the language. An annual public report would be prepared. Two public procedures would cause confusion for the public.

RESOLVED that the committee receives a report under the new procedure to see how it works.

9. GWYNEDD COUNCIL ANNUAL REPORT ON THE IMPLEMENTATION OF WELSH LANGUAGE STANDARDS

The annual report was submitted by the Cabinet Member - Welsh Language. The Welsh Language Development Officer elaborated on the contents. She explained that they had appointed an officer to the vacancy - Learning and Development Officer - who would help with developing staff skills.

Developments such as the recreational language champion and the suggestions deriving from the Investigation into the Visibility of the Welsh Language which were relevant to Language Standards 35 and 36 - Service Delivery Standards involving public events, were welcomed.

It was noted that an e-module had been developed in accordance with the requirements of the language standards which was available for all members of staff. The Language

Champions Scheme was reported upon, and the intention to disseminate it across the Council. It was noted that the type of work undertaken to date in the Consultancy department already showed the difference in the way staff communicated with each other and at meetings.

A member asked whether there was a role for the committee to seek to extend what it did e.g. working with the private sector to improve provision. For example, looking out past the county's boundaries to see how further influence could be made on the use of the Welsh language.

In response, the Welsh Language Services Manager suggested that the committee received a presentation on 'Hunaniaith', the language initiative in Gwynedd which had the role of promoting the Welsh language outside the walls of Gwynedd Council. It was reported that the Council itself also did everything within its ability to ensure understanding. The Council would create a new Language Strategy between now and March.

A member suggested extending the use of language lanyards / badges to members as well as staff.

RESOLVED

- **to accept the report**
- **that the committee receives a presentation on 'Hunaniaith' at its next meeting.**

10. ACHIEVING THE AMBITION - RESPONDING TO WELSH GOVERNMENT'S NEW WELSH LANGUAGE STRATEGY

The annual report was submitted by the Cabinet Member - Welsh Language. The Welsh Language Services Manager elaborated on the contents. Welsh Government's final Strategy would be published on 11 July 2017.

Concern was expressed that there was so much focus on education as the only way of reaching the aim.

Members' attention was drawn to the fact that there was no mention of the Welsh language strongholds, the element of social use of the Welsh language and the use of the Welsh language in communities.

The importance of setting milestones which had been addressed in the report was noted, but that it was a difficult matter to measure. The education system was often used but it would be a challenge and sophisticated ways of measuring would have to be found.

A member suggested that the only way to realise the ambition was by opening more Welsh-medium schools. There were many families where neither parent spoke Welsh therefore there was no Welsh in the home.

A member reported that three-quarters of Welsh-speakers were produced by the education system and a quarter by the home. If we were going to realise the ambition, it was suggested that the way forward was by extending the education system, particularly in the south-east. The Government should support the Local Authorities which already implemented the requirements and the authorities which were taking steps to extend the Welsh-medium education sector.

Disappointment was expressed that the report mentioned using the education system only to realise the ambition and it was suggested that the planning field should also be included. This was a field which often affected the language. A member agreed with this comment and particularly as a result of the decision by Lesley Griffiths, Welsh Government Cabinet Member, allowing developers to appeal again after Gwynedd had refused an application twice on land in Penrhosgarnedd.

A member suggested that there was room to look at the role of Hunaniaith in terms of the emphasis on developing the Welsh language in the community. It was reported that Language Initiatives had a central role in communities elsewhere and that there was room to look at the role of the Language initiative in this county.

The Cabinet Member - Welsh Language reported that the Council had clearly stressed that the ambition of having a million Welsh-speakers would not be realised through one medium, the education system, alone.

A member reported that rural companies needed to be looked-after and that promoting the economy was essential to keep Welsh-speakers here.

A member reported that the goal was fine, but that the Government and the committee which had formed the Strategy were devoid of ideas and had turned to education as if that were the answer to everything.

It was reported that all committee members came from the south-east.

In response to the comment on the committee membership, the Cabinet Member - Welsh Language reported that there was no representation from the north-west and barely any from the north at all. She noted her intention to raise the matter with the Chair of the committee and to seek fair representation of the speakers across Wales.

The meeting commenced at 10:30am and concluded at midday.

Agenda Item 6

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|------------------------------|--|
| MEETING: | LANGUAGE COMMITTEE |
| DATE: | 12 October 2017 |
| TITLE: | White Paper Consultation - Striking the Right Balance |
| AUTHOR: | Mair Rowlands |
| PURPOSE OF THE REPORT | To submit the draft response of the Language Unit to the Government's consultation on its White Paper: Striking the Right Balance: proposals for a Welsh Language Bill |

1. Background:

- 1.1 This is a Government consultation to consider changes to the Welsh Language Measure, and the way in which the Standards are set and implemented.
- 1.2 The consultation period will end 31 October 2017.
- 1.3 A request for evidence was made earlier in 2017, which asked for the experiences of local authorities following the first year of implementing the Language Standards. The Language Unit sent a response expressing our concerns and frustrations with the current system. A copy of our response can be seen as appendix 1 and a summary of all the responses received by the Government are included in appendix 2.
- 1.4 The request for evidence identified common themes, and a number of bodies drew attention to problems with the current complaints procedure and the administrative and bureaucratic workload associated with the Standards.
- 1.5 This White Paper is an attempt to deal with some of the problems and concerns that were expressed and it proposes changes to the Welsh Language Bill.
- 1.6 The overview document has been included as an Appendix. The full document can be seen

We have split the overview document, and we will provide a summary of the findings, and our observations in this report. The full consultation document can be seen by clicking on this link:

<https://ymgyngoriadau.llyw.cymru/ymgyngoriadau/bil-y-gymraeg-papur-gwyn>

2. Summary of the aim of the document and our response:

- 2.1 Seek to move away from the bureaucratic and heavy system towards a procedure that promotes and facilitates and encourages change by developing goodwill rather than enforcement.
- 2.2 Greater emphasis on Language Planning.
- 2.3 Transfer the responsibility for "imposing" standards from the Commissioner (or the existing body) to the Government itself.
- 2.4 Require bodies to deal with complaints themselves directly before they are referred to the Commissioner. The Commissioner would only investigate serious cases.
- 2.5 We welcome this change of attitude, and wish to see the standards system simplified, but we also have concerns that any change will complicate the picture. There is also a need to ensure the Government's accountability and that it does not shy away from its responsibilities by moving its existing functions to another body.
- 2.6 In particular, we welcome the change to the complaints procedure, which will enable us to deal with matters directly rather than the current hidden and complex procedure. Nevertheless, we have concerns whether it will be possible to maintain a balance between the new promotional functions and the need to investigate and advise on the standards.

3. Next Steps:

Any observations by the Welsh Language Committee will be incorporated in the response and will be sent to the Government by 31 October, in accordance with the timetable.

4. Recommendations

Members are asked to consider the draft response and to propose any observations or additions.



Welsh Government
White Paper Consultation Document

Striking the right balance: proposals for a Welsh Language Bill

Overview

Date of issue: 9 August 2017
Action required: Responses by 31 October 2017

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

Striking the right balance: proposals for a Welsh Language Bill

Overview

A White Paper is one of the ways the Welsh Government consults on proposals to make new laws. This Overview gives a summary of the key proposals in our White Paper for a Welsh Language Bill.

The headings in this Overview follow those in our White Paper. If you wish would like to understand more fully how we reached our conclusions and consider the consultation questions we ask, you should read the corresponding section in our White Paper.

How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **31 October 2017** at the latest.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The full White Paper *Striking the right balance: proposals for a Welsh Language Bill* (2017) can be accessed from the Welsh Government's website at www.gov.wales/consultations

Preparing for a Welsh Language Bill – Call for evidence: summary of responses (2017)
gov.wales/docs/dcells/publications/170718-wl-bill-sor-en.pdf

Cymraeg 2050: A million Welsh speakers (2017)
gov.wales/docs/dcells/publications/170711-welsh-language-strategy-eng.pdf

Contact details

For further information:

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Our vision for the Welsh language

1. The Welsh language is part of the unique heritage which defines us as a people and as a nation. Our ambition is that a million people in Wales will speak Welsh by 2050.
2. We want the Welsh language to be part of the fabric of everyday life in Wales, in common use at home, in the community, and at work. We want the Welsh language to be appreciated by everyone for its contribution to culture and society in Wales, and valued for its role in the economy. We have set out the steps we need to take to achieve this ambition in a document called *Cymraeg 2050*.¹

Why we need to change the law

3. In our Programme for Government, Taking Wales Forward² we made a commitment to review Welsh language legislation. We need to do this to make sure the law is up to date and supports our ambition to reach a million Welsh speakers by 2050.
4. In making proposals to change the law, we have set the following objectives:
 - to strike the right balance between promoting the language and regulating Welsh language duties;
 - to reduce bureaucracy and ensure value for money.

Striking the right balance between promotion and regulation

5. Everybody in Wales has certain rights to receive public services in Welsh. The Welsh Language Standards are legal duties on bodies which provide public services (the Welsh Government, local authorities and so on) which require them to provide certain services in Welsh. In this paper, what we mean by regulation is imposing Standards on public service providers and making sure they comply with them. The Welsh Language Commissioner ('the Commissioner') is currently responsible for making sure bodies comply with the Standards.
6. In this Overview, we use the word 'promotion' to mean promoting and facilitating the use of the Welsh language. Promotion, put simply, means work to increase the number of people who speak and use Welsh. The Welsh Government, the Commissioner and many other bodies are involved in promotion in different ways.
7. At present, we believe there is too much emphasis on regulation, and not enough on promotion.

Use of Welsh language services

8. There is a lot of work to do to change people's behaviour and encourage them to use services in Welsh. The little data we have suggests the number of people who use Welsh language services is low.

¹ <http://llyw.cymru/topics/welshlanguage/welsh-language-strategy-and-policies/cymraeg-2050-welsh-language-strategy/?lang=en>

² <http://gov.wales/about/programme-for-government/?ts=%253Flang%253Den&status=closed&lang=en>

9. One reason is because it is only in the past 25 years or so that services have become available in Welsh and not enough has been done to promote them.

Promotion

10. Many different bodies of different sizes promote the Welsh language. We think this work is an important part of delivering Cymraeg 2050. We need to make sure it is coordinated so that it has the maximum possible impact.

Funding support

11. The Welsh Government provides grants to fund bodies who deliver work to develop the use of the Welsh language in Wales. These bodies include the Mentrau Iaith, Young Farmers Clubs in Wales, local eisteddfodau, community newspapers, the Urdd, National Eisteddfod of Wales and Mudiad Meithrin.

Marketing and media campaigns

12. The Welsh Government arranges marketing and media campaigns across Wales, such as the Cymraeg for Kids campaign to encourage people to choose Welsh-medium education.
13. The Commissioner and some other bodies also carry out marketing and media work to promote Welsh. It's important the messages are consistent so that the campaigns are as effective as possible.

Supporting businesses

14. Supporting businesses to use Welsh is a priority in terms of promoting Welsh. A number of bodies – the Welsh Government, the Commissioner and the Mentrau Iaith, for example – work with small and medium sized businesses and well as large companies.

Knowing where to turn for help

15. We need to make it easy for anyone who wants information on using the Welsh language to get help and advice. At the moment, it's not clear where people should go to get help.

Language planning

16. Language planning is integral to our work to promote the Welsh language. In this context, language planning means understanding the most effective steps a body can take to encourage people to learn and use the language. For example, this could mean taking deliberate steps to maintain Welsh speaking communities, or to increase the use of Welsh in workplaces, amongst young people outside education settings, or by local businesses.
17. Good language planning means we can make smarter and more effective decisions about how to use our resources. In order to achieve our ambition of a million Welsh speakers, all public bodies will need to develop better language planning skills.

Practitioner networks and sharing good practice

18. To help deliver our challenging vision for the Welsh language, we need strong networks which bring people who promote Welsh together to build their knowledge and share good practice.

Changing behaviour

19. In order to ensure more people choose to use services in Welsh, we need to understand better what will change their choice of language. The universities are doing important work in this field and we can do more to share good practice.

Future challenges

20. The world is changing rapidly and we need to make sure the way we promote the Welsh language can adapt to new opportunities and challenges. We believe there is a need to:
- set clear priorities and objectives for a programme of work to promote the Welsh language;
 - co-ordinate and integrate local and national work to promote the language;
 - provide practical support for bodies in the public, private and third sectors;
 - advocate for the language;
 - provide a 'one stop shop' for the public;
 - lead change across many organisations; and
 - reduce duplication and ensure value for money.

Reducing bureaucracy

21. The Standards have been a big step forward in creating rights for people to receive services in Welsh. However, the Standards are numerous and complicated, and the way they are made and enforced is bureaucratic and time-consuming.
22. There is a risk this situation may undermine goodwill towards the language and divert resources and staff away from the main task of improving Welsh language services. We need to think about simplifying the way the system works.

Evidence from bodies subject to Welsh Language Standards

23. Earlier in 2017, the Welsh Government asked bodies under the Standards for their experience of the system. This evidence has helped us make proposals in our White Paper. You can read a summary of the responses in a report on our website.³

³ <http://gov.wales/topics/welshlanguage/legislation-for-the-welsh-language/preparing-for-a-welsh-language-bill/?lang=en&jgdf>

Summary of the proposals of this White Paper

24. In order to help readers understand the full picture, we set out here a summary of the main proposals. The rationale behind those proposals, the key issues and options we have considered, are set out in the main body of the White Paper.
- i. A single body should be established to be the main body with responsibility for promoting the Welsh language and monitoring and enforcing compliance with Standards.
 - ii. That single body should be a Welsh Language Commission and therefore the Welsh Language Commissioner should be abolished.
 - iii. The Welsh Government should be responsible for national Welsh language strategy, national policy, for managing and funding some bodies of national significance, and for some specified areas of work. The Welsh Government should transfer the budget and resources for other specified promotion work it currently undertakes to the Welsh Language Commission.
 - iv. The concept of Welsh Language Standards should be retained.
 - v. Standards should only apply to services. Other corporate duties currently in the Standards system which do not create enforceable rights for individuals, should be termed 'language planning duties' and should be statutory duties on bodies on the face of the legislation.
 - vi. The Standards bodies are required to comply with should be reviewed from time to time and, where appropriate, additional Standards placed on bodies or current exceptions granted to the bodies removed.
 - vii. The Welsh Government should be responsible for making and imposing Standards on bodies, and for issuing guidance and codes of practice. The Commission should be responsible for monitoring and enforcing compliance with the Standards.
 - viii. Bodies should be required to deal with complaints about the Standards in the first instance. The Commission should only investigate complaints in serious cases.
 - ix. The Welsh Language Tribunal should be retained. Bodies should be able to appeal against the imposition of a Standard on them by the Welsh Government to the Tribunal.
 - x. The Standards should be capable of being applied to any body, so long as the requirements are reasonable and proportionate and within the powers of the National Assembly for Wales ('the Assembly') (which includes the European Convention on Human Rights).

Part 1: Promoting the Welsh language

What should the Welsh Government's role be?

25. There are certain matters which the Welsh Government should be responsible for. These are to:
- prepare a national strategy under s.78 of the Government of Wales Act 2006 (currently Cymraeg 2050) and a plan to implement the strategy;
 - put in place practical arrangements to deliver the national strategy;
 - set national policies for the Welsh language;
 - propose and make legislation, with the consent of the Assembly;
 - provide resources to support the Welsh language;
 - monitor the performance of bodies involved in delivering the strategy and review the strategy from time to time;
 - maintain relationships with Governments in other countries and regions with minority language concerns.
26. There are other areas of Welsh Government policy making which are critical to the Welsh language. These include our national policies for education, early years, health, social services and social care, planning and local government.
27. The status and resources of the Welsh Government are beneficial for promoting Welsh in some specific areas and the Welsh Government should continue to lead in these areas. These areas may change over time and it might be more appropriate for different bodies to lead in some of these fields in future. At present, we think they include:
- **Developing the role of the Welsh language in digital technology**, such as automatic translation and speech recognition.
 - **Oversight of the Welsh corpus**, such as records of how the Welsh language is used, dictionaries and grammar, and standardisation.
 - **Funding and managing relationships with key national organisations**, such as the National Eisteddfod, the Urdd, Mudiad Meithrin, the National Centre for Learning Welsh and the Coleg Cymraeg Cenedlaethol.
 - **Research**, such as understanding whether our policies for the Welsh language are effective.
28. In this paper, we refer to the promotional functions set out above as 'Government promotion functions'.

Other Welsh Government resources

29. The Welsh Government also funds and manages a range of other promotion activity. This year we have also allocated an additional £2 million to enhance promotion of the Welsh language. We think we should consider whether the Welsh Government continues to be the best body to undertake this work.

30. Table 1 sets out the budgets and activities which we are calling ‘general promotion functions’ in the White Paper. Table 1 also shows the funding allocated to the Commissioner, who was established to promote and facilitate the use of the Welsh language. The budgets and activities in Table 1 are indicative only. They are subject to change and to important qualifications which are set out in full in the White Paper.

Table 1: General promotion functions

| Organisation | Budget 2017-18 | Examples of work |
|-----------------------------|---|---|
| Welsh Government | £2.7m plus £2m additional funding for 2017-18 | <ul style="list-style-type: none"> • Grants to organisations to promote Welsh: <ul style="list-style-type: none"> — Mentrau Iaith Cymru — 20 Mentrau Iaith — Merched y Wawr — Wales Young Farmers Clubs — Cymdeithas Eisteddfodau Cymru — Welsh language community newspapers — Cymdeithas Cyfieithwyr Cymru (the Association of Welsh translators and interpreters) • Promoting the use of Welsh by businesses • Media and marketing campaigns • Establishing a helpline service to ensure access to information on using the Welsh language |
| Welsh Language Commissioner | £3.051m | <ul style="list-style-type: none"> • Imposing Standards on bodies and monitoring and enforcing compliance with those Standards • Monitoring existing Welsh Language Schemes • Working with medium and large businesses to create voluntary Welsh language policies • Preparing guidelines for using Welsh in particular cases (such as a Welsh language technology guide) • Conducting research to build an evidence base to support decision-making in promoting Welsh. |
| Total | £7.751m | |

Options

31. In paragraph 19 we set out the challenges we face. We have considered four different options for strengthening arrangements to promote the Welsh language in order to meet these challenges. The options are based on the expectation that the Welsh Government will impose Standards and undertake the Government promotion functions set out in paragraphs 24-27 above.

Option 1: no change

Option 2: establish a Welsh Government Executive Agency to promote the Welsh language

This would involve establishing an Agency within the Welsh Government to undertake the general promotion functions, rather as Visit Wales promotes tourism. The Commissioner would be responsible for making sure bodies comply with the Standards.

Option 3: Establish a new body separate from the Welsh Government to promote the Welsh language

Option 3 would involve creating a new, independent body to undertake the general promotion functions. The Commissioner would be responsible for making sure bodies comply with the Standards.

Option 4: a single body responsible for promoting Welsh as well as ensuring bodies comply with Standards

Under Option 4, a single body would be responsible for undertaking the general promotion functions and ensuring bodies comply with the Standards.

Weighing up the options

32. We compared the benefits of the different options in terms of how clear each option is, the scope for promotion work to help public service providers to meet the Standards, and value for money. We believe Option 4 is the best option to enable us to face the challenges of the future.

Conclusions

33. Option 4 would create a single body with a wide range of powers, significant resources and a focal point for language development in Wales. It would make it easier for the public, businesses and other organisations to know where to go for advice, information and support. A single body would be able to help public service providers overcome the challenges of developing a bilingual workforce and providing services in Welsh. We also believe it would provide the best value for money.

Part 2: Governance and accountability

Governance

34. The single body we have proposed would play a crucial role in delivering Cymraeg 2050. It must be well run and accountable. It would need to win the trust and confidence of the public, be open and transparent, and involve people in its decision making.
35. We believe this can best be achieved if the body is led by a group of people with a mix of knowledge, experience and skills, rather than a single person.

Accountability

36. The body would be responsible for significant amounts of public money. To make sure the body spends public money wisely and performs well, we think there should be a separation of duties between the group of people who set the body's goals (strategic functions), and a chief executive who is accountable for how the body's staff and resources are used to deliver those goals (operational functions).
37. The body should have rules for how it makes decisions (called a corporate governance framework), and an audit committee to make sure it spends money prudently and that its internal controls are working properly.

General requirements

38. Whichever option we choose, the following requirements should apply to the body.
 - i. The body should have a strategic plan approved by the Welsh Government. The plan would set out the body's goals and show how it will contribute to delivering *Cymraeg 2050*.
 - ii. It should produce a report every year setting out what it has achieved.
 - iii. It should set out its policy for how it will ensure bodies comply with Standards.
 - iv. It should set out each year how much money it needs to achieve its goals. The Welsh Government should tell the Assembly how much funding it will allocate to the body.
 - v. It should be responsible for ensuring people's freedom to use Welsh is protected.
 - vi. The Welsh Government should be able to give the body directions except in relation to how it ensures bodies comply with Standards or how it protects people's freedom to use Welsh.
 - vii. The body should consult with people on its key decisions and policies. When it has conducted an investigation or taken enforcement action, it should publish the reasons for its decisions.

Options

39. We have considered different arrangements for the body. We think there are three options to consider.

Option 1: Transfer additional resources for promotion to the Commissioner within the Commissioner's existing governance arrangements

Option 2: Welsh Language Commissioner with a Governing Board

Under Option 2, there would still be one person who would be the Welsh Language Commissioner. There would also be a Governing Board whose role would be to approve the Commissioner's strategic plan, enforcement policy and the corporate governance framework.

Option 3: Welsh Language Commission

Under Option 3, we would establish a Welsh Language Commission ('the Commission'). The Welsh Government would appoint a chair and a number of members with a mix of experience and skills through a public appointments procedure. Together, the members and chair of the Commission would be responsible for setting the body's strategic plan, enforcement policy and corporate governance framework.

The Commission would appoint a chief executive who would be responsible for delivering the Commission's strategic plan and making sure the body was well run.

Weighing up the options

40. We have considered each option against the governance and accountability considerations we set out at the beginning of this part. Option 1 does not meet the requirements that there should be a group of people involved in leading the body and a separation between the strategic and operational functions of the body. Option 2 partially meets both requirements and Option 3 meets both requirements fully.

Conclusions

41. The Welsh Government's preferred option is Option 3, to establish a Welsh Language Commission to be responsible for promoting the Welsh language (the general promotion functions) and ensuring bodies comply with the Standards.

Transfer of staff, property and liabilities

42. If we proceed with establishing a Commission, we will need to consider carefully how any staff of the Commissioner or the Welsh Government might be affected and whether there will be transfers of staff. We will also consider how their employment and pensions can be protected, as well as matters such as transferring property and liabilities. We do not consider there should be any redundancies as a result of our proposals.
43. We will consult fully with employees and the Trades Unions on these matters.

Welsh Government duties under s.78 of the Government of Wales Act 2006

44. We believe there should be a direct connection between the Welsh Government's duty to prepare and implement a strategy for the Welsh language and the work of the proposed Commission. The Welsh Government's duties are set out in section 78 of the Government of Wales Act 2006. We think it would make sense to bring these duties into the proposed Welsh Language Bill so the connection is set out clearly.
45. The Welsh Government's strategy, Cymraeg 2050, is ambitious and long term. It takes time for language policy to have an impact and we usually only collect reliable data about the numbers of people who speak Welsh every 10 years, in the Census. We therefore think the duties on the Welsh Government to make a plan and to report on the strategy should be changed from annually to once every Assembly term, that is, every 5 years. This would not prevent the Assembly from holding Ministers to account at any time through its Committees or in the Senedd.

The Welsh Language Partnership Council

46. The proposed Commission should contain significant expertise in all aspects of the Welsh language. We think the Welsh Government should be able to benefit from this expertise by asking the Commission for advice on matters related to the Welsh language.
47. As this is what the Welsh Language Partnership Council currently does, we propose to abolish the Council.

Part 3: The Welsh Language Standards

Introduction

48. The Standards are still new. However, evidence suggests that the Standards are making a difference to the quality and consistency of services in the Welsh language.
49. At the same time, bodies working under the Standards say they are difficult to understand, implement and monitor.

What are we trying to achieve with legislation?

50. We are committed to a system of Standards which ensures:
 - a. consistency and quality in the provision of Welsh language services,
 - b. accountability of bodies providing those services, and
 - c. enforcement if the Standards are not met.
51. However, the current overemphasis on 'enforcement' has led to lengthy and costly investigations of very minor matters. We believe the emphasis should be on putting things right if they go wrong, and making sure bodies improve.
52. The challenge is that the number of people who speak Welsh is limited, and the proportion of Welsh speakers varies a lot in different parts of the country. This means there are limits on the number of people in the public service workforce with skills in Welsh (not just in areas covered by the Standards), such as in customer services, or in professions such as teaching, social services, medicine, nursing, the law and so on.
53. Actions can be taken to address these challenges, such as making sure more children are educated in Welsh and more students take degrees or professional training in Welsh – our strategy, *Cymraeg 2050*, sets out how we intend to achieve this – but these actions take time to take effect.
54. Any duties we impose on bodies in different parts of Wales and providing different kinds of services must be reasonable and proportionate, taking account of the practical challenges bodies face. As a result, we think any legislation we make is bound to be complex. At the very least, we should try to make sure any duties we impose on bodies become more uniform over time as bodies become more able to deliver services in Welsh.

Current situation

55. The purpose of the Standards is to ensure providers of public services meet a specified level of quality, consistency and accessibility when providing Welsh language services to the public and to their employees.
56. However, the result is a large number of Standards which can be difficult for public service providers and the public to understand. Typically, the regulations specifying the Standards include around 170-180 Standards.

Responses to the call for evidence

57. We asked bodies working under the Standards for their views. They told us that they generally welcome the Standards and the way the system has raised the profile of the Welsh language within their organisations. They also told us:

- There are overlaps between the Standards and bodies find it difficult to monitor whether they are complying with all the Standards. Some suggested that similar Standards could be merged together.
- The large number of Standards makes it difficult for the public to understand what their rights are.
- Although the Standards are detailed, there are some situations where it is uncertain how they should be applied, for example, when two bodies are working together.
- The current system does not make sure that bodies get better at providing Welsh language services over time.

Options

58. We have considered 5 different options to ensure services are available in Welsh.

59. The current system requires those duties to be reasonable and proportionate for the body. We think this is a sound principle which we should retain.

Option 1: no change

Option 1 would see the current system continue. We do not think this is viable.

Option 2: reform the current system

Under Option 2, we would keep the current system but make improvements:

- a. Remove or amend Standards which do not contribute directly to improving services.
- b. Remove or amend Standards that are costly to implement but produce little public benefit.
- c. Give bodies more opportunity to exercise reasonable judgement without undermining the principle of enforceable Standards. Some Standards already permit this, for example, by requiring a body to make an assessment.
- d. Publish guidance to help bodies comply with Standards.

From time to time, we would also review the Standards which bodies must comply with to see if they could deliver more in Welsh.

Option 3: a small set of more general Standards on the face of primary legislation

Option 3 would be different to the current Standards system. In this system, a few general Standards would be set out in the Welsh Language Bill. To make the system work, the law would need to allow exceptions to the Standards so that they are reasonable and proportionate for different bodies.

Option 4: regulated exceptions schemes based on a small set of more general Standards

Under Option 4, the Standards would be set out in the Welsh Language Bill. Each body would be required to prepare a scheme of exceptions which should apply to it. Each scheme of exceptions would need the approval of the Welsh Government.

Option 5: rights for individuals to use Welsh set out in primary legislation

Option 5 would give people rights in law to use Welsh with bodies in Wales. In this case, because of the constraints on Welsh language skills in the workforce, we know we would need to make exceptions to the rights to make the system work. These exceptions would need to be tailored to each individual body.

Weighing up the options

- 60. We have considered the different options on the basis of whether they provide greater clarity (to the public and the bodies), whether they lead to improvement in Welsh language services, and the costs of change.

Conclusions

- 61. The Welsh Government’s preferred option is Option 2, reform of the current system of Standards. The Welsh Government believes Option 2 offers an effective system which makes bodies improve gradually over time. We also believe this option builds on the work the Welsh Government, the Commissioner and bodies have already done, and ensures we do not waste the resources we have already invested in the Standards system.

The classes of Welsh Language Standards

- 62. There are currently different classes of Standards. The law restricts which Standards can be imposed on different bodies. Table 2 sets out the different classes and how they apply to different types of bodies:

Table 2: Classes of Standards

| Class | Welsh Government & Local Government | Most devolved & non-devolved bodies | Most utilities and private sector service providers |
|------------------|--|--|--|
| Service delivery | ✓ | ✓ | ✓ |
| Policy making | ✓ | ✓ | x |
| Operational | ✓ | ✓ | x |
| Promotion | ✓ | x | x |
| Record keeping | ✓ | ✓ | ✓ |

- 63. Only some of the Standards are about services which organisations deliver directly to the public and to their staff. Many of them are corporate duties on organisations, such as having a strategy to promote Welsh and assessing the impacts of their decisions on the Welsh language.
- 64. These corporate duties are important and we wish to keep them. However, we don’t think these corporate duties should be Standards set out in regulations, but instead should be language planning duties set out in the Bill itself. We could consider including other duties as language planning duties, such as those relating to Welsh in

Education Strategic Plans. We think the Standards should only relate to services which people receive.

65. The Commission's role would be to monitor how bodies are complying with their language planning duties and provide practical support to help them improve.

Procedures for making, imposing, implementing and enforcing Standards

Making and imposing Standards on bodies

66. The process of making and imposing Standards is too bureaucratic. This is partly because both the Commissioner and the Welsh Government are involved – the Welsh Government makes the Standards regulations and the Commissioner imposes them on bodies.
67. We propose to simplify the process so that the Welsh Government is responsible for making and imposing Standards, and the Commission is responsible for monitoring and enforcing compliance.
68. The Welsh Government should be required to hold a public consultation on proposed Standards and, as under current arrangements, the Assembly would need to approve them. We also propose the Welsh Government should be responsible for issuing codes of practice to help bodies comply with the Standards.

Making and imposing Standards on sectors

69. Some sectors which can currently be required to comply with Standards comprise a large number of small bodies. For example, there are over 730 community councils in Wales.
70. Preparing compliance notices for each individual body within that sector would be a significant task. Therefore, we propose that Standards could be imposed directly by regulations rather than by individual compliance notices. This raises some important questions which we ask in the White Paper.
71. We should emphasise that we have no intention of bringing community councils under the Standards in the immediate future.

Standards to be imposed on the Welsh Government

72. The Welsh Government is currently required to comply with Standards. Our proposal in paragraph 67 means that the Welsh Government would be responsible for imposing Standards on itself. That needs to happen in an open and transparent fashion.
73. One option is that the Assembly should have a role in approving which Standards the Welsh Government should comply with.

Standards in the context of joint working between bodies and local government reform

74. A number of bodies have told us they are unsure how the Standards apply practically in situations where bodies are working together, and how they should apply in light of the proposed local government reforms. We commit to working with local government as our proposals develop.

Complaints

Complaints to bodies

75. At present, if somebody wishes to complain that a body is not meeting the Standards in some way, they can complain directly to the Commissioner. This is different from the situation where somebody wants to complain about any other service. In those cases, the Public Services Ombudsman for Wales insists the complaint must go through the body first, so that the body has the opportunity to take responsibility and fix the problem itself.
76. The same principle should apply to the Standards and bodies should be required to have a complaints procedure which meets certain conditions.
77. We propose people should be required to complain directly to the body in the first place. If they are still unhappy at the end of that process, they should be able to take their complaint to the Commission.

Complaints to the Commission

78. When it receives complaints, the Commission should look at the body's decision and how they made it. The Commission should only take action where the body's decision about a complaint is unreasonable or where they have not followed the complaints process properly.
79. If the body has done something wrong but the Commission doesn't think it is serious, then the Commission should be able to give advice or make the body look at its decision again. The Commission could also choose to do nothing.
80. In cases where the Commission thinks something serious has gone wrong, then the Commission should start an investigation. The Commission should also be able to decide to start an investigation in other circumstances where it becomes apparent something serious has gone wrong.

Enforcement action following an investigation

81. Under our proposals, the focus of the Standards system would be putting things right and making sure the same problem does not happen again.
82. Sometimes, stronger action is needed, for example, if a body refuses to put things right. So in addition to its enforcement powers set out in paragraph 78, the Commission should also be able to direct the body to take certain action, impose a fine (currently up to £5,000) or ask a court to make the body take action.
83. In our view, these stronger powers should be kept for the most serious cases.

Appeal to the Welsh Language Tribunal

84. At present, the Welsh Language Tribunal ('the Tribunal') hears appeals about decisions of the Commissioner. This makes it easier and cheaper for the public and public service providers to get access to justice without going through judicial review at the High Court.

85. We think we should keep the Tribunal to hear appeals relating to the Commission's enforcement decisions and appeals relating to the Welsh Government's decisions to impose Standards on bodies. We think the Tribunal should only hear appeals where there is a reasonable chance of the appeal being successful or where there is some other compelling reason why the Tribunal thinks they should hear the appeal.

Part 4: The scope of bodies covered by Welsh language legislation

86. At present, the Welsh Language (Wales) Measure 2011 ('the Measure') restricts the type of bodies that can be required to comply with Standards.
87. These restrictions apply because the UK Government placed limits on the Assembly's powers to make laws when the Measure was passed. The Assembly's powers have been extended since that time and we believe, as a result, that the current restrictions should be removed.
88. The impact of lifting the restrictions in the Measure would be that Standards could be placed on any body as long as it was within the Assembly's power to do so (which includes being compatible with the European Convention on Human Rights). This means Standards could potentially be placed on more private businesses than the Measure currently permits.
89. Given the uncertainty surrounding implementation of the decision to leave the EU, any extension of the Standards system to more private sector businesses and the associated costs of doing so would need to be considered very carefully.
90. If more businesses are included within the Standards system, we propose the Standards for private businesses should be restricted to services provided to customers and only as part of a wider programme of working with the sector to ensure they are prepared for the advent of Standards.

Part 5: Assessing the impact of our proposals

Impact assessments

91. The Welsh Government is required to assess the impacts of our proposals. We have conducted a Welsh Language Impact Assessment, a Children's Rights Impact Assessment and an Equality Impact Assessment.
92. Copies of the impact assessments are available on the Welsh Government's website.
93. We will publish a Regulatory Impact Assessment to identify and assess the costs and benefits of our final proposals alongside our proposed Welsh Language Bill.

Next steps

94. The White Paper contains a number of questions about our proposals. Responses to the consultation will be used to inform our next steps.
95. The closing date for responses to the consultation is 31 October 2017.

Appendix 2: Draft Response Report

Gwynedd Council's response to the consultation document

Part 1: Promoting the Welsh language

This section deals with the Government's role in promoting the Welsh language.

It outlines the areas of national policy that are critical to the Welsh language. Here, it addresses the education policy and the new 30 hour provision of free child care. This of course coincides with the commitments of Cymraeg 2050, which places much greater emphasis on creating Welsh speakers through the education system.

What has been left out here is any specific reference to areas such as planning and the economy. Point 51 (p.15 in the full document) refers to "Planning, local government, social services and health are amongst other policy areas which have an important impact on the vitality of the Welsh language." but it does not elaborate on this.

This section also suggests changing the way in which bodies such as the Mentrau Iaith, the Urdd and the Young Farmers' Clubs are funded and their lines of accountability, in addition to uncertainty about additional funding streams in this area in future.

The third part of this section, "Options" outlines the possible options for a new structure and where the various functions and responsibilities will sit. The Government favours

Draft response:

Welsh Government's Role:

Other areas of national policy that are critical to the Welsh language - mention here of education and the areas mentioned in the Strategy, but no mention of other areas where there is potential to influence language use. The same weakness can be seen in the 2050 strategy itself, namely no mention of planning, the economy or tourism.

Additional key area: We suggest that influencing Universities' research work could be included here – to encourage practical research into issues and themes that arise from the Standards that would improve our understanding of how people use services. Technology is a specifically important field- before investing in Welsh content, we must have an evidence and research base to show how people use the Welsh language on-line.

This could be beneficial for organisations and bodies in language planning.

Other Welsh Government resources:

These changes are not explained clearly in the white paper, and therefore this uncertainty is causing us concern. We have worked hard in recent years to nurture a relationship and understanding with the Government officials, especially in terms of Gwynedd's unique situation and the promotional requirements and needs that apply to the county, and therefore having to establish a new relationship with another body could be problematic.

The feeling that the Commission would have to make more promotional work, but without extra funding.

Options:

Mae **Options 2 and 3** involve establishing 3 bodies, and we would not support this under any circumstances. We strongly believe there is a need to work on that which already exists and amend responsibilities, rather than creating more change and complexity too early. Time must be allowed for arrangements to be established before enforcing another major change.

The advantage of **Option 4** and the idea of establishing a single body is that there would be an element of independence, and the promotional function would be at arm's length of the function of setting standard.

Nevertheless, we are concerned about this option for a number of reasons.

- Such a change, although this is actually a form of restructuring and amending the Commissioner's office to a model that greater resembles the previous Welsh Language Board, will still be a major change, and it takes time for any change to have effect. A likely long period of stabilising and adapting to responsibilities could lead to another unstable period for the bodies and agencies that need guidance and support.
- We are not sure that all the responsibilities that have been outlined would sit comfortably under the same umbrella. Centralising the promotional functions makes sense on the face of it, but the Standards provide us with a very different context therefore any body needs to be able to respond to this current context. The proposed option also requires the body to monitor the Standards (but not to impose them) and to be a contact point and a grant allocator for activities relating to promoting the Welsh language. Clear arrangements and structure would be needed to ensure that all areas receive due attention, and therefore the white paper alone does not give us this assurance.
- Removing the duty of imposing standards is one thing, but if the enforcement and complaints investigation role still remains with the Commissioner / Commission, the possibility of a conflict of interest remains. Can one organisation really be both the carrot and the stick simultaneously? It is very difficult to maintain a balance and there would be a need to ensure that any monitoring is done in the spirit of seeking to improve services rather than scrutinise weaknesses. This would require organisations to change their attitude, and also the officers of public bodies who are already part of the Standards procedure, in order for everyone to move forward together.
- There is also the question, if the Government is responsible for imposing Standards it should also be responsible for enforcing and penalising. Even with the proposed changes to the complaints procedure, which makes it more flexible, it is difficult to see how one body could be promoting and providing support if it is also the one that is investigating.
- **Option 4** also means that this body would allocate grant funding for organisations such as the Mentrau Iaith.

- There is a danger for this one body to be overstretched, and that resources will be too scarce to make any real difference. Therefore, there would be a need to ensure that the budget is appropriate, and that it increases as needed, rather than expecting the body to undertake more duties under the same budget.

Part 2: Governance and accountability:

This outlines new potential governance arrangements. It offers several governance models, depending on which model will be selected in part 1. As the Government is favouring the establishment of a Commission, option 3 is obviously favoured here.

This section also deals with the Government's duties to draw-up a language strategy.

Draft response:

In principle, we support Option 3, namely establishing a Welsh Language Commission, in order to obtain assurances for accountability - in particular in terms of the new responsibilities.

Certainly, many of the concerns about the current system have been associated with the fact that an individual has the power to make decisions in a field that is often grey rather than black and white. There would be a need to see a proposed departmental structure for the body in order to ascertain how it would work and how the various functions would be given fair attention.

Welsh Government's duties under section 78 of the Welsh Government Act 2006

There is some uncertainty regarding this proposal. Although we welcome the idea that the Commission's strategy would make a direct contribution towards the vision of Cymraeg 2050 - and that this reflects how we here in Gwynedd Council are attempting to combine the direction and long-term strategic vision by tying-in the Strategy with the Well-being Plan and so forth - we are concerned that what is offered here is ambiguous.

We do not believe that the independent body (Commission) should be responsible for delivering Cymraeg 2050, although they should, like every other organisation and public body, be able to show how they contribute towards it.

We agree that reporting every year on a long-term strategy is unrealistic, however, it is not possible to wash your hands of broader responsibilities.

Therefore, there is concern that there is no clear accountability for Government departments, as a civil service themselves to show the way and lead by example.

Part 3: The Welsh Language Standards

This part explains the changes proposed to the current Language Standards system.

The changes attempt to shift to a more balanced and fair system, with less "enforcement" and more emphasis on "remedy".

It also proposes changes that will attempt to remedy much of the uncertainty that exists around defining a number of standards.

Draft response:

In its proposals, the Government may well be attempting to be too flexible and attempting to answer everyone's problems, and this could ultimately lead to more inconsistency. Many are talking about amending or abolishing standards, and there will be a need to be careful that this does not complicate things further.

Basically, what is needed is an understanding that we are on a journey and that bodies will reach the aim at different times. However, there is a risk by not imposing the relevant standards from the start that bodies will take their time to act without monitoring where they need to reach in the end. There is a need to reduce the exceptions and work on how to encourage a continuum of improvement.

Exception schemes (option 4) would give organisations too much power, and by setting a small set of general standards one runs the risk of weakening the commitment to act that is starting to manifest amongst public bodies.

Although we agree that the best option is to amend the current system, much more information will be required, along with specific examples so that we can be completely certain.

Rights for individuals to use Welsh

We believe that this option should be considered separately to the considerations around amending the Standards. We believe that the measure should include some kind of basic commitment to the rights of individuals. Although we acknowledge that this would be difficult to define, we believe that people need assurance that their linguistic needs are respected, and that this can only be achieved by setting a legal right. Gwynedd Council follows the principle that what is best for the residents comes first, and that we will achieve this by delivering services that place the people of Gwynedd at the centre of everything. In the context of the standards and implementation of our language policy, this means that we consider what is best for the individual, and what they need, rather than what is most convenient or most practical to the provider. By following the same principle, and setting a precedent in the Measure, it can be ensured that organisations are duty bound to respond to the needs of people and provide a Welsh-medium service if it is really needed. This would tie-in with the principles of More Than Just Words, which sets a framework for health and care services, to consider language "need" rather than "choice". The Standards already include a reference to meetings relating to well-being, for example, and one could simply expand on this. Imposing a right for individuals to choose and use the Welsh language in situations relating to well-being and personal matters, for example, would strengthen the public's rights.

Without imposing this basic right, there is a risk that some organisations will continue to argue that there is no "demand".

Distribution of Standards and linguistic planning duties

Although there is a risk that changing the distribution of standards will again add to the confusion and inconsistency, it is possible to agree to the definition of standards relating to the rights of individuals and the standards relating to linguistic planning. It is true that the majority of standards as they relate to procedures, and that they are of no interest whatsoever to those who are receiving services, and therefore, defining the standards under these two headings could make things clearer and assist organisations to understand their duties.

We agree that there is a need to place more expectation on organisations to plan linguistically, and it is important for them to see how their efforts to plan the workforce and so forth contribute to the broader vision.

A clearer link is also required between the Standards and other relevant frameworks and policies, such as the More Than Just Words framework and the Well-being of Future Generations Act, and placing a linguistic planning duty, which encourages organisations to look at the links and merge relevant plans, is a way of achieving this.

However, organisations would need to receive clear guidance so that they understand the expectations.

Procedures for making, imposing, implementing and enforcing Standards

Making and imposing standards on bodies

We agree with the proposal to give responsibility for imposing the Standards to Government, and that the consultation process prior to their imposition is as simple and swift as possible.

We are not so certain about the proposal to give powers to publish codes of practice or guidelines in relation to the standards to Welsh Government. One could argue that if the proposed Commission is responsible for promotion that this duty should lie with that body.

If the intention is to seek clarity on the definition of standards, it could sit with Government, otherwise, and if the intention is to offer guidance and share good practice, then surely the most suitable location for this duty would be with the promotional arm. Under the current system, the Commissioner has not been the most effective at producing codes of practice and guidelines, but this may well be because of the difficulty in defining the two roles, and offering advice and guidance on the exact standards they should be regulating. There is a need to ensure that the same conflict does not occur in the future and we believe that any guidelines would be better received by the independent body if the main intention of these changes is to nurture goodwill and positive attitudes.

Making and imposing standards on sectors

Agree that Government should have powers to impose standards on specific sectors.

Complaints

Generally, we agree with the changes proposed to the complaints procedure. In respect of the proposed Commission's right to hold investigations individually if a matter comes to its attention suggesting that a body is not complying, it must be ensured that the evidence base for any

investigation is robust, and that it is not based on the views of an individual or on one random incident only. Bodies must be allowed to respond in a full and meaningful way to complaints, and this means that there is a need to know the nature of the complaint, including details about location and date, etc. If information is concealed and if it is not made clear what the complaint is, an organisation cannot determine what information is needed and what evidence is essential. By having full details from the start, it will be possible to simplify the process and ensure that bodies do not waste time and scarce resources.

Part 4: The scope of bodies covered by Welsh language legislation

We agree in principle with the proposal that should remove the restrictions imposed in the current Measure so that the Government can set standards on private sector bodies, but we do not agree that this should be restricted to standards relating to services delivered to customers only. Although there is a desire to see a general reduction in administrative burden in the Standards, we do not believe that it would be wise to exempt the record keeping standards in their entirety. Considering the previous discussion about linguistic planning functions, record keeping is an essential way of evidencing that bodies purposefully plan to respond to the public's requirements and needs.

| | |
|--------------------------|---|
| MEETING: | LANGUAGE COMMITTEE |
| DATE: | 12 OCTOBER 2017 |
| TITLE: | LANGUAGE COMMITTEE WORK PROGRAMME |
| AUTHOR: | Gwenllian Mair Williams Welsh Language Service Manager |
| PURPOSE OF REPORT | Introduce the programme of works for the committee for the next few months. |

1. Background

- 1.1 In the last meeting of the Language committee (4th July 2017) the Senior Solicitor (Corporate) gave a presentation on the remit of the Language Council.
- 1.2 It was confirmed that the specific role of the committee is to overlook the implementation of the Language policy and the council's compliance with the Language standards, and the way in which the council's internal procedures and departments go about promoting the use of the language while delivering Services to the public.
- 1.3 It was noted that the committee has conducted investigations in the past into specific areas of work, and that there will be an opportunity to do the same in the future.
- 1.4 A request was made to clarify what sort of things the committee would be looking at in the near future, and so this report sets out the various work streams that the committee will have input into over the next few months.

2. Proposed work streams for the committee

- 2.1 These are the current work streams that the Language Committee will have input into over the next few months.

| | |
|----|--|
| 1. | Gwynedd Language Strategy |
| 2. | Gwynedd and Môn Well-being Plan |
| 3. | Gwynedd and Môn Supplementary Planning Guidance – in cooperation with the Communities Scrutiny Committee |
| 4. | The Welsh Bill – consult and respond to proposed changes |

- 2.2 Reports will also be submitted to the Language committee on the following subjects in their next meeting:
 - More than Words

- The work of Hunaniaith

3. Recommendation

The members are asked to consider and accept the content of this report.

| | |
|--------------------------|--|
| MEETING: | LANGUAGE COMMITTEE |
| DATE: | 12 OCTOBER 2017 |
| TITLE: | LANGUAGE COMMITTEE WORK PROGRAMME |
| AUTHOR: | Gwenllian Mair Williams Welsh Language Service Manager |
| PURPOSE OF REPORT | Present the latest complaints and investigations for the information of the members. |

COMPLAINTS RELATING TO COMPLIANCE WITH THE LANGUAGE STANDARDS

1. Investigation CSG127 Final Decision

- 1.1 In September 2016, the council received notice that the Welsh Language Commissioner intended to conduct an investigation into an assumed failure to comply with the Welsh Language Standards.
- 1.2 The investigation was into the possible failure by Gwynedd to comply with two specific standards while delivering swimming lessons in the council's leisure centres.

Standard 81

You must promote any Welsh language service that you provide, and advertise that service in Welsh.

Standard 84

If you offer an education course that is open to the public, you must offer it in Welsh.

- 1.3 The final judgement of the investigation was received on July 25th 2017.
- 1.4 The judgement noted that Gwynedd Council had not, in the opinion of the Commissioner, failed to comply with Standard 84, but had failed in its compliance with standard 81 on the basis that the Council does not state that swimming lessons are offered in Welsh as it promotes and advertises the swimming lessons.
- 1.5 The commissioner also included with its final judgement advice on how to ensure steps were taken to ensure compliance with the Standard in the future.

3.10.6 Examples of possible methods that can be used to promote and advertise the Welsh swimming lessons are:

- *including information on any relevant pages on the local authority's website;*
- *sharing information via social media;*

- *including information in any written materials available at leisure centres and other locations;*
- *contacting people directly, or distributing materials, in order to draw attention to the fact that swimming lessons are being offered in Welsh;*
- *ensuring that frontline staff direct people who enquire about Welsh swimming lessons to any provision that is available.*

1.6 The language unit have been working with the Leisure department and the website team to find the most suitable solution to this need to take steps.

COMPLAINTS RECEIVED DIRECTLY REGARDING SERVICES OR THE COUNCIL LANGUAGE POLICY

| Department | Number of Complaints |
|-------------------|-----------------------------|
| Corporate Support | 2 |

The two complaints received in relation to the Council's Language Policy are to do with the council's recruitment policy and the need to be able to speak Welsh to apply for jobs.