

Striking the right balance: proposals for a Welsh Language Bill

Consultation response form

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Responses should be returned by **31 October** to:

Welsh Language Bill Team
Welsh Language Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: UnedlaithGymraegWelshLanguageUnit@gov.wales

Part 1: Promoting the Welsh language

Question 1 – In paragraphs 49–54, we have set out the role we propose the Welsh Government should play in promoting the Welsh language, i.e. the Government promotional functions. Do you agree with our proposal?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments, including whether any fields should be added or taken away from the list in paragraph 53.

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Question 2 – In Table 1 we have outlined the resources related to general promotional functions which we think should be available to any body or bodies involved in promoting the Welsh language and monitoring and enforcing compliance with Standards. Do you agree with our proposal?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

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Question 3 – Do you agree with our preferred option (Option 4) to have a single body responsible for promoting the Welsh language as well as monitoring and enforcing compliance with Standards?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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If not, please state which option (including options we have not discussed in the White Paper) you believe we should consider.

Supporting comments

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Question 4 – We have based our preference for a single body on the grounds of clarity, synergy and value for money. Do you agree with our rationale?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

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Question 5 – What other relevant issues should we consider in making our final proposal as to which body or bodies should carry out work to promote the Welsh language and monitor and enforce compliance with Standards?

Supporting comments

No comment

Question 6 – Do you have any further comments on Part 1 of the White Paper?

Any proposed change should build upon the work which the Commissioner has done in implementing, regulating and promoting the Welsh language Standards. The role of the Commissioner has played an important part in the success of implementing the Standards and helped in gaining public understanding of the official status of the language and the freedom of Welsh speakers to use the language if they so wish. Recent findings have shown that Welsh language services and their quality are improving, any proposed change should build on this good work and focus on continuing in improving quality, consistency and availability of services in Welsh.

Part 2: Governance and accountability

Question 7 – In paragraphs 93–95 we have set out some general requirements regarding the body’s governance and accountability arrangements. What are your views on these general requirements, and are there other checks and balances you believe should apply to the proposed body?

Supporting comments

The body’s governance will require independent scrutiny of policies and decisions to ensure accountability and transparency that objectives are met for the benefit of increasing opportunities to use the language in all areas both public and private, giving the Welsh speaking public of Wales a real language choice.

Question 8 – Do you agree with our preferred option (Option 3), to establish a Welsh Language Commission to promote and facilitate the use of the Welsh language and monitor and enforce bodies’ compliance with Standards?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	✓
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Supporting comments

The role of the Commissioner is still fairly new having been established in 2012, since that time there has been a positive shift in the use of the Welsh language with the implementation of the Standards. The Commissioner has worked with the Welsh speaking public of Wales and has encouraged Welsh speakers to use their language and to speak out when they have felt unable to do so. The Commissioner has gained public confidence and working at arms length independently from Welsh Government has ensured that all public organisations including the Welsh Government are increasing their Welsh language services and compliant with the Standards. There could possibly be a conflict of interest should any preferred option considered have a closer working/accountable relationship with Welsh Government. Any change in language trends take a significant long time and the Welsh Governments aim of having 1 million Welsh speakers by 2050 is a high achieving target, one that will require the setting of more Standards and strict regulation to ensure that Welsh speakers are able to use their language skills in all aspects of their lives not just when dealing with the public sector.

Question 9 – What are your thoughts on the analysis we have provided which supports our preference for Option 3? Are there any other considerations we should take into account in making any final proposal?

See comments above

Question 10 – Do you believe Option 3 provides sufficient safeguards in relation to the independence of the proposed Commission in exercising its functions in monitoring and enforcing bodies’ compliance with Standards?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	✓
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Supporting comments

See comments above

Question 11 – Are there any additional matters to those listed in paragraphs 121–122 that we should consider regarding arrangements to establish the proposed Commission?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unsure	<input type="checkbox"/>
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Supporting comments

Question 12 – Do you agree with our proposal to move the requirement on the Welsh Government to produce a Welsh language strategy from the Government of Wales Act 2006 to the new Welsh Language Bill?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

No comment

Question 13 – Do you agree with our proposal that the Welsh Government should report to the Assembly on the Welsh language strategy every five years instead of annually?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Language planning and progress takes a number of years to show any shift in language use, reporting every five years would provide more measurable results than those provided annually.

Question 14 – Do you agree with our proposal that the Welsh Government should publish a plan setting out how it will implement the strategy every five years instead of annually?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

As stated in comments in 13 above.

Question 15 – Do you agree with our proposal to abolish the Welsh Language Partnership Council and provide the Welsh Government with a power to request advice from the proposed Welsh Language Commission?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

No comment

Question 16 – Do you have any further comments on Part 2 of the White Paper?

Any change should build on the good work which has been done over the last few years to ensure that Welsh language services are more consistent across the whole of Wales in the public sector and that this work should continue reaching out into the private sector where reasonable.
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Part 3: The Welsh Language Standards

Question 17 – We propose that a reformed model of the Standards (Option 2) should be adopted as the best way to ensure people’s rights to receive Welsh language services. Do you agree with this proposal?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments, including (if relevant) any further reforms you would like to see made to the current system, or any alternative approaches you think we should consider.

The Standards have given an official status to the Welsh language and care should be taken with any reformed model adopted not to weaken the status of the language and Welsh speakers freedom to use their language in all aspects of their lives. The recent assurance report published by the Commissioner has shown that Welsh language services are increasing and their quality improving following the implementation of the Standards. Any future reforms should build upon the good work already done and widen this work in the true spirit of the Welsh Language (Wales) Measure 2011 that a person should be able to live their lives through the medium of Welsh or bilingually if they so wish.

Question 18 – We have based our preferred proposal for reformed Standards (Option 2) on the grounds of the clarity, capacity for improvement and the costs of change associated with each option (paragraphs 163–165). Do you agree with our analysis?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments, including (if relevant) any other factors we should take into account in making any final proposals.

Any reform should ensure that Welsh language services continue to improve and increase in areas which will benefit the public, in time, working towards more consistency in the public and private sectors where reasonable across the whole of Wales.

Question 19 – Do you agree with the proposal to abolish the current classes of Standards and differentiate between ‘Standards’ (which would relate to services) and ‘language planning duties’ (which would relate to corporate duties)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Needs careful consideration and planning, language planning is still quite new and bodies will need support and guidance and training in this area to ensure they fulfil their duties. Close monitoring will need to be carried out to ensure that bodies are developing and increasing Welsh language skills of their workforce in order to be able to work bilingually for the future.

Question 20 – Are you of the opinion that provisions relating to the Welsh in Education Strategic Plans should be included within the new legislation as language planning duties?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input checked="" type="checkbox"/>
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Supporting comments

This may help organisations with business priorities for the year ahead with regards to Welsh language in developing or improving systems/services in place. Similar to Action Plans as found in Welsh Language Schemes

Question 21 – Are there any other matters which you believe should be included in the new legislation as language planning duties?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Unsure	<input type="checkbox"/>
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Supporting comments

Question 22 – Do you agree that the proposed Commission should have general powers to conduct examinations into how bodies meet their Welsh language duties, which would include both the Standards and the language planning duties?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Any agreed proposal would need to monitor how bodies are exercising their duties and offer support and guidance where there is a possibility of non compliance.

Question 23 – Do you agree with our proposal that the proposed Commission should monitor and support bodies in relation to their language planning duties, rather than enforce them?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

As per comments in question 22

Question 24 – Do you agree with our proposal for the Welsh Government to be responsible for imposing Standards on bodies either through a compliance notice or other mechanism?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

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Question 25 – Do you agree with our proposal that all regulations to make Standards should be subject to a full public consultation before seeking the approval of the Assembly?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

No comment

Question 26 – Do you agree with our proposal to abolish Standards Investigations?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

The system of setting Standards should be amended, Standards should be set on the commitments organisations have already made in their Schemes in place, with measures in place for those services to increase and develop. Overtime this will increase the Welsh language services of organisations, those measures should be reviewed and monitored regularly to ensure that Welsh language services are increasing and improving.
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Question 27 – Do you agree with our proposal that the Welsh Government should be given powers to issue codes of practice or guidance relating to the Standards?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

Codes of practice or guidance would prove useful when bodies who are operating different Standards are required to work together to ensure that each is compliant with the relevant part of their own compliance notice.
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Question 28 – Do you agree with our proposal that the Welsh Government should have a power to impose Standards on all the bodies in a sector directly through regulations without the need for a compliance notice or other such mechanism?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments, including your views on the factors we should take into account in drafting Standards to be imposed directly on bodies within a sector, whether individual bodies should retain the right to challenge the imposition of a Standard, and whether there should be an enhanced consultation process.

For bodies who provide a similar service/duty, following consultation those relevant bodies, they in turn would carry out their own consultation internally to ascertain their ability to comply with the proposed Standards. Consulting initially with the sector on an outline proposal could eliminate the need for challenge when Standards imposed in most cases.

Question 29 – What factors should we take into account or what procedure should we follow in order to ensure the process for imposing Standards on the Welsh Government is fair and transparent?

Supporting comments

Under the current system in place having the Commissioner who is independent from Welsh Government has ensured that the Standards imposed are fair and transparent. If another option is considered, to ensure a fair and transparent process with no conflict of interest an independent body should be considered such as the suggested Assembly to oversee the process and ensure that Welsh Government follow the same procedures as all other bodies. The Assembly would in turn also need to monitor compliance.

Question 30 – Do you agree with our proposal that complaints should have to be dealt with through the relevant body's complaints procedure first before the proposed Welsh Language Commission can investigate an alleged failure?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

An organisation should be given the opportunity to resolve any complaint directly with the complainant following the same process as any other complaint received by the body, following their complaint processes and procedures in place. This would allow for the body to work with the complainant in resolving the issue and build trust and good customer relationship for the future. This would also allow the body to put right any reported non-compliance in a short time and to put measures in place internally to stop the likelihood of this happening again.
There are costs to consider for both the Welsh Language Commissioner and the body concerned in investigating a complaint which could take several months in time and money to resolve.

Question 31 – Do you agree with our proposal that bodies must adhere to an approved complaints procedure, such as the Model Concerns and Complaints Policy?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

All public bodies have a complaints procedure in place which is either similar or the same as the above mentioned model.

Question 32 – Do you agree with our proposal that the proposed Commission should only take further action regarding a complaint if it believes the alleged breach of a Standard or complaints procedure is serious?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments, including any comments on our definition of a ‘serious breach’ in paragraph 219.

Complainant should be able to raise unsolved or serious issues with the proposed Commission and through discussion with the relevant body, measures put in place to attain the requirements of the Standard(s) in question. For issues which remain unresolved, repeated or serious breach of Standards then the proposed Commission should rightly take appropriate action in line with the breach in question.

Question 33 – Do you agree with our proposal to allow the proposed Commission to conduct an investigation of its own initiative?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Agree for serious breach of Standards.

Question 34 – Do you agree that the actions set out in paragraph 225 provide an effective range of enforcement action?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments, including any thoughts on alternative enforcement actions that have been rejected or not considered in the White Paper.

No further comment

Question 35 – Currently, the Commissioner has powers to impose a civil fine of up to £5,000 and in some circumstances to request a court order to require a body to comply. Do you agree with our proposal that these powers should be retained?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments, including any comments on the maximum civil fine that the proposed Commission should be able to impose (if at all).

It is not so much the civil penalty, but the negative publicity and reputational damage for the body of failing to provide a service for customers in their language of choice.

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Question 36 – Do you agree with our proposal to retain the Tribunal’s role in relation to the proposed Commission’s decisions regarding enforcing bodies’ compliance with Standards?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

No comment

Question 37 – Do you agree with our proposal that the Tribunal should also deal with appeals against a decision of the Welsh Government to impose Standards on a body?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

No comment

Question 38 – We propose to introduce a mandatory first stage for the Tribunal in relation to appeals against the proposed Commission’s decisions concerning enforcing Standards. The first stage would require the Tribunal to give permission on the grounds that an application has a reasonable chance of success or another compelling reason why the application should be heard. Do you agree with our proposal?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

No comment

Question 39 – Do you believe that the proposed mandatory first stage should apply to appeals against a decision of the Welsh Government to impose Standards on a body?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input type="checkbox"/>
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Supporting comments

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Question 40 – Do you have any further comments on Part 3 of the White Paper?

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No further comments

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

Question 41 – Do you agree with our proposal to remove the constraints in the Measure so that the Welsh Government has the power to make Standards applicable to any body within the Assembly’s legislative competence?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

No comment

Question 42 – Do you agree with our proposal that private sector businesses should only be liable to comply with Standards that relate to the services they provide to their customers?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments, including your views on any limits that should be placed on the powers to impose Standards on private businesses.

With the aim of Cymraeg 2050 of having 1 million Welsh speakers, there will be a need to bring private sector business into the Standards regime especially those private businesses who provide services to a high percentage of the population. This will help in the ability of being able to conduct business with these businesses in Welsh and increase the opportunities to use the language in both the public and private sector again one of the aims of Cymraeg 2050.
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Question 43 – Do you agree with our proposal that Standards should only be imposed on private businesses as part of a wider package of promotional and awareness raising initiatives?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

See comments above

Question 44 – If the Welsh Government is given powers to impose Standards on any body within the Assembly’s competence, do you believe that Standards should be imposed on any body or sector that is not currently within the scope of Welsh language legislation?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Unsure	<input type="checkbox"/>
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Supporting comments

All bodies which are funded publicly and provide a service to the public of Wales should fall within the scope of Welsh language legislation. This will also help in bringing all public services in line and provide a more consistent Welsh language service.

Question 45 – Do you have any further comments on Part 4 of the White Paper?

No further comments

Part 5: Assessing the impact of our proposals

Question 46 – We have assessed the impact of our proposals on equality, children, young people and their families, and the Welsh language. Do you have comments on any of these assessments?

The proposals would increase opportunities for those individuals who wish to use the language in their daily lives. The proposals would help in normalising the use of the language so that it will be heard and seen written in more places across Wales, helping in making Wales a truly bilingual country for the future.

Question 47 – We would like to know your views on the effects that the proposals in our White Paper would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

As per comments above

Question 48 – Please also explain how you believe the proposed options could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

As per comments above

Question 49 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

No further comments

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: