



Welsh Government
Consultation – summary of responses

Striking the right balance: proposals for a Welsh Language Bill

Date of issue: 24 January 2018

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

Audience	Public bodies in Wales; third sector bodies in Wales; private sector companies in Wales; educational establishments in Wales; organisations that work to promote and facilitate the use of Welsh; and other interested parties.
Overview	This document summarises the comments received in response to the consultation on the Welsh Government White Paper <i>Striking the right balance: proposals for a Welsh Language Bill</i> . The consultation was held between 9 August and 31 October 2017.
Action required	None – for information only.
Further information	Enquiries about this document should be referred to: Welsh Language Bill Team Welsh Language Division Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 0300 0604400 e-mail: UnedlaithGymraegWelshLanguageUnit@gov.wales
Further copies	This document is available on the Welsh Government website at gov.wales/consultations
Related documents	<i>Striking the right balance: proposals for a Welsh Language Bill</i> (2017) <i>Cymraeg 2050: A million Welsh speakers</i> (2017) <i>Preparing for a Welsh Language Bill – Call for evidence: summary of responses</i> (2017)

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1. Introduction

Background

- 1.1 In July, the Welsh Government published an ambitious strategy setting out how the government will reach its aim of a million Welsh speakers by 2050. Among the strategy's action points is a commitment by the Welsh Government to revise the legislation supporting the Welsh language to ensure it offers a firm foundation to promote and facilitate the use of the language.
- 1.2 In order to act on this commitment and the commitment in *Taking Wales Forward*¹ to revise the Welsh Language (Wales) Measure 2011 ('the Measure'), the Welsh Government published a consultation on the White Paper *Striking the right balance: proposals for a Welsh Language Bill* at the Anglesey National Eisteddfod on 9 August. The consultation remained open until 31 October.
- 1.3 There were five parts to the White Paper:
 - Part 1: Promoting the Welsh language;
 - Part 2: Governance and accountability;
 - Part 3: The Welsh Language Standards;
 - Part 4: The scope of bodies covered by Welsh language legislation;
 - Part 5: Assessing the impact of our proposals.
- 1.4 The White Paper's main proposals were:
 - A Welsh Language Commission should be established to lead the work of promoting and facilitating the use of the Welsh language and to monitor and enforce compliance with the Welsh Language Standards;
 - The Welsh Language Standards should continue as the best method of ensuring people's rights to receive Welsh language services, but that the system should be reformed;
 - The restrictions in the Measure should be abolished to enable Standards to be imposed on any body within the legislative competence of the National Assembly for Wales ('the Assembly').

¹ <http://gov.wales/docs/strategies/160920-taking-wales-forward-en.pdf>

2. Engagement methods

- 2.1 At the beginning of the White Paper, the former Minister for Lifelong Learning and Welsh Language, Alun Davies AM, noted his desire for an energetic discussion on the proposals. During the consultation, the Welsh Government engaged with a broad range of stakeholders in an attempt to ensure as many people as possible had the opportunity to express their opinion on the government's proposals. The paragraphs below elaborate on the engagement methods used.
- 2.2 49 questions were asked, based on the Welsh Government's proposals. We have created a quantitative analysis of the responses to the questions. We have also analysed the responses to give an overview of the main themes that arose. A summary of the analysis of the responses is found in part 3 of this report.
- 2.3 Responses were received by a broad spectrum of individuals, organisations and bodies. The list in Table 1 contains the categories of respondents and the number of responses received in each category.

Consultation events

- 2.4 A number of events were organised by the Welsh Government to discuss the White Paper's proposals. The former Minister led the events in Llandudno Junction, Aberystwyth, Swansea, Merthyr Tydfil and Cardiff. The events took the form of question and answer sessions between the Minister and attendees, and three separate workshops were held with a round-table discussion for attendees and a feedback session. 146 individuals attended these events.
- 2.5 The Welsh Government organised two other events with bodies which have come into contact with the Welsh Language Standards. The events were held in Llandudno Junction and Swansea and their aim was to discuss the practicality of implementing the White Paper's proposals. 66 individuals attended these events.

Social media

- 2.6 On 3 October, an online engagement event was held with the former Minister for Lifelong Learning and Welsh Language. The session was an opportunity for the public to ask the Minister questions live on social media. The feed was watched over 600 times and continues to be available to view on the Welsh Government's social media.²

Engagement with children and young people

- 2.7 In accordance with the commitment in the Children's Rights Impact Assessment which was completed in response to the requirements of the Children and Young People (Wales) Measure 2011, children and young people were given the opportunity to express their opinion. As well as contacting networks that support children's rights through the Welsh Government's Children's Rights website, two specific focus groups were held to gather the opinions of children and young people

²<https://www.pscp.tv/w/1yNGamZpYBvGj>

in partnership with the Urdd. A summary of the responses in these sessions is found in annex 1 of this report.

Engagement with vulnerable groups

- 2.8 In partnership with Carmarthenshire People First, two focus groups were held with people with learning disabilities to explain the Welsh Government's proposals and ask specific questions. A summary of the responses received through these sessions is found in annex 2 of this report.

3. Summary of the written responses

- 3.1 The 504 written responses received were divided into different categories to recognise sectoral tendencies. The responses were divided into the following categories:

Table 1

Category	Number of responses received
Members of the public	86
Local authorities	19
Education	18
Health and care	25
Bodies named in Welsh Language Standards Regulations 2, 4 and 5	23
Housing associations	8
Campaign groups, language commissioners and academics	13
Private sector	8
Bodies that receive funding from Welsh Government to promote and facilitate the use of the Welsh language	17
Others	12

- 3.2 In order to facilitate the analysis of the responses dealing with the Welsh Language Standards specifically, an additional category was created called 'bodies which have come into contact with the Welsh Language Standards'. This means bodies which:
- are subject to the Welsh Language Standards; or
 - have received a compliance notice yet to be implemented; or
 - have been named in draft Welsh Language Standards Regulations that have been subject to a Welsh Government public consultation; or
 - have been part of the Welsh Language Commissioner's Standards Inquiry or part of a sector that was subject to an inquiry.
- 3.3 In our analysis, we have included data on the responses to the closed questions. Respondents were not obliged to provide a response to each and every question. Some respondents decided to omit questions on specific parts of the White Paper that they did not consider relevant to their work. We have also highlighted the main themes seen in the responses.
- 3.4 Within the analysis, there are a number of references to the different opinions between different categories of respondents. Of the members of the public that

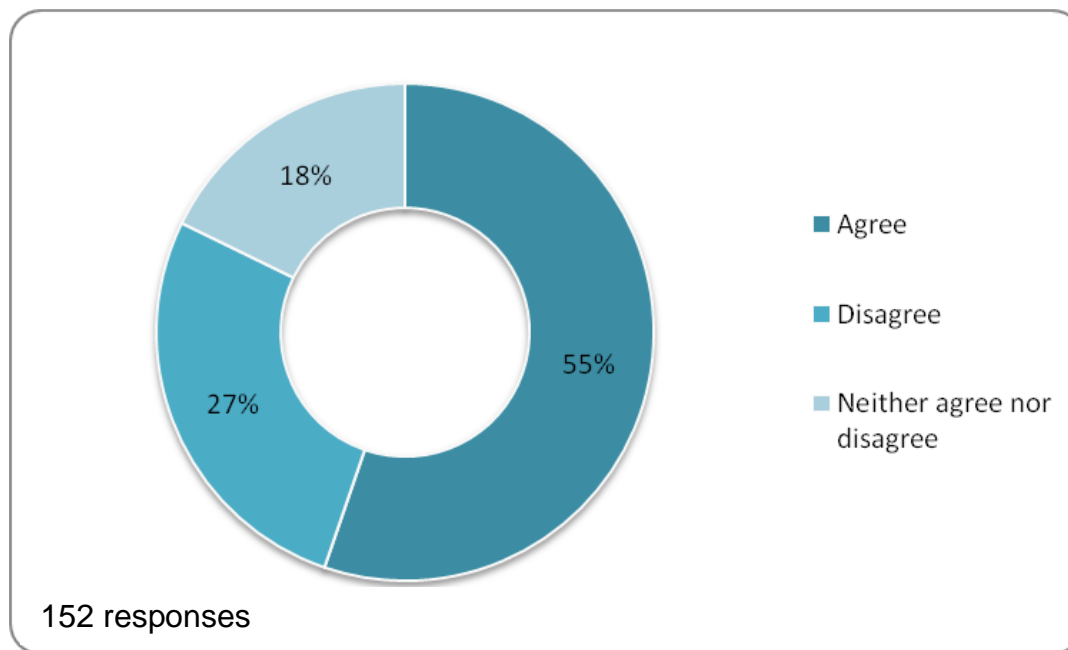
responded, a portion generally opposed Welsh Government spending on support for the Welsh language, and therefore disagreed with a number of our proposals.

- 3.5 In analysing the consultation responses, a number of responses seen in three separate campaigns became evident:
- 218 individuals sent automatic messages which were sent directly from Cymdeithas yr Iaith Gymraeg's website. A copy of the message is available within the document containing all the consultation responses on the Welsh Government's website;
 - 15 responses were received directly from different individuals who are part of a campaign supporting the stance of Dyfodol i'r Iaith on the White Paper's proposals;
 - 45 responses were received in hard copy format of the response form from a campaign of unknown origin. The responses were considered to be part of a specific campaign as the content of the response forms are identical (except for some minor additions in some).
- 3.6 For the purpose of the quantitative analysis, we have counted the responses received through these campaigns once only.
- 3.7 The vast majority of respondents were located in Wales. 22 responses were received from respondents located outside Wales. These respondents included some who deliver services in Wales. In general, the comments made by these respondents were similar to those made by respondents located in Wales.
- 3.8 The term 'majority' is used in this summary report to refer to responses with over 50% of respondents having responded one way or the other. In cases where there was no majority, the term 'most' is used. This indicates the most common response received to a specific question without necessarily being the response of the majority of respondents.

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?

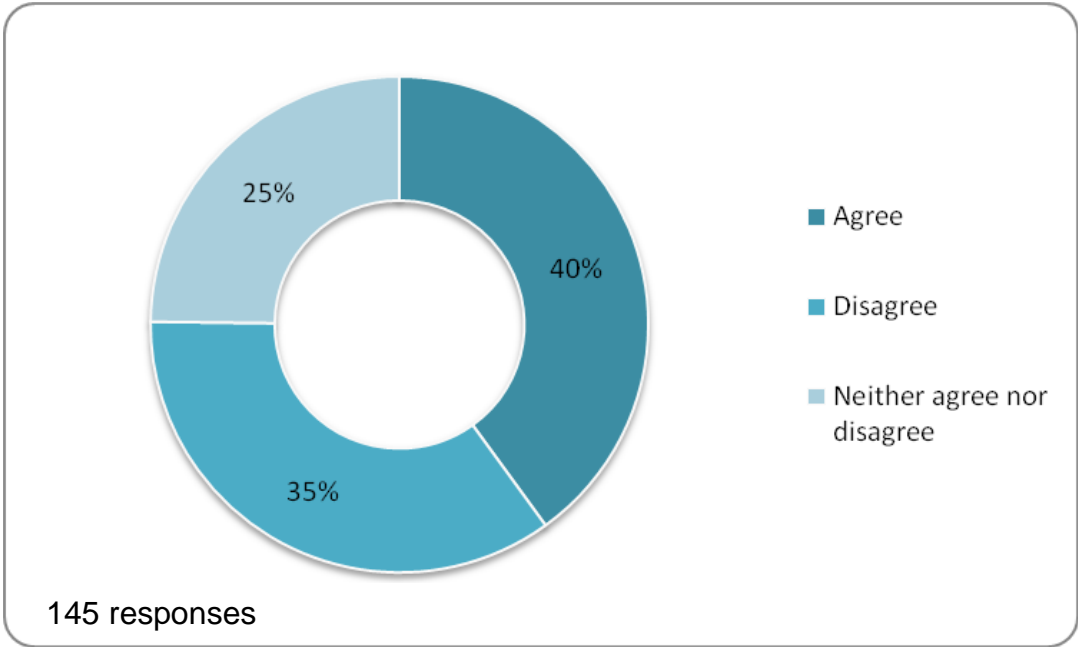
Figure 1: Responses to Question 1



- 3.9 The majority of the responses to this question agreed with the proposal.
- 3.10 Among the vast majority of responses, there was strong support for the role set out for the Welsh Government to promote the Welsh language as described in the White Paper, as respondents recognised the advantages of the government's role in creating a national strategy. 10 of the 15 local authorities that responded agreed with the proposal, with five noting that they neither agreed nor disagreed. The main group that disagreed with this proposal was the public. 39 disagreed with the statement, 22 agreed and nine neither agreed nor disagreed.
- 3.11 A number of respondents agreed with the Welsh Government's proposed role, acknowledging the government's status and influence. A number referred specifically to the importance of developing Welsh provision within technology. Some added fields they considered should be added to those noted in paragraphs 49-54 of the White Paper. Among the main fields proposed were: economic planning, town and country planning, and the Welsh language within sport and the arts. Also, some Welsh language initiatives (Mentrau Iaith) noted that community development should be added to the list of fields on which the government should lead.

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?

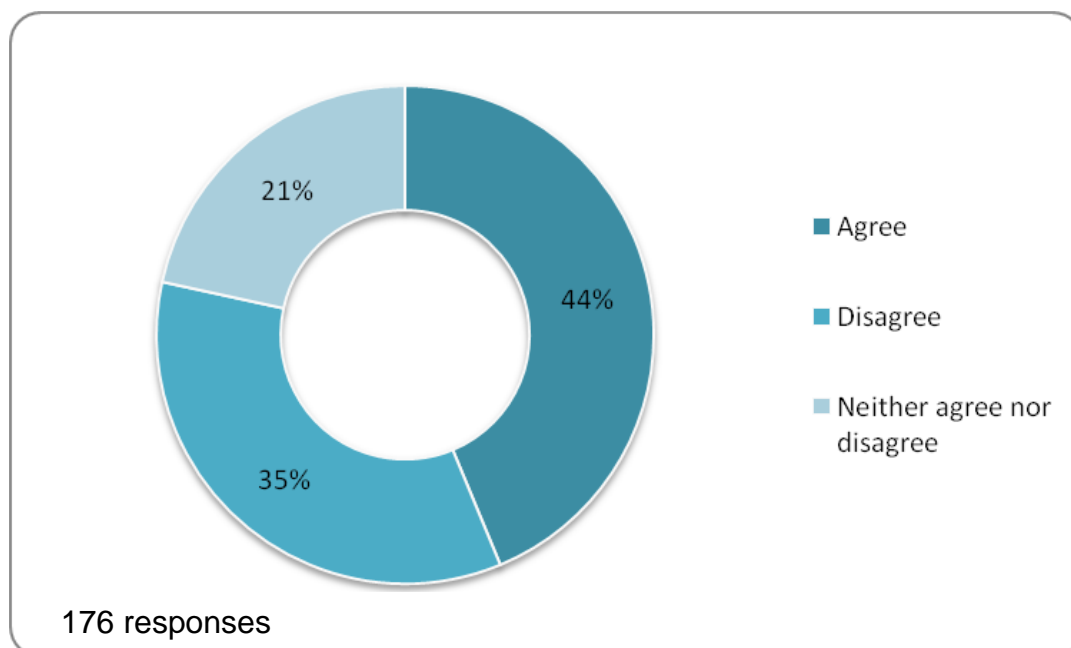
Figure 2: Responses to Question 2



- 3.12 The responses to this proposal were divided. Of those who expressed an opinion, most respondents agreed with the proposal.
- 3.13 There was a mixed response to this question across all categories of respondents. Seven local authorities agreed with the table figures, two others disagreed and five neither agreed nor disagreed. Of the respondents representing the health and care sector, five agreed with the proposal, six disagreed and four neither agreed nor disagreed. Among the members of the public that responded, 20 agreed with the proposal, 37 disagreed and 11 neither agreed nor disagreed.
- 3.14 Some respondents were of the opinion that the table which was provided in the White Paper was incomplete as it did not include relevant sums such as the financial support allocated to create a foundation phase workforce with Welsh language skills. Some compared the sums in the table and the budget allocated to the former Welsh Language Board. Some responses also noted that the budget seemed inadequate.

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?

Figure 3: Responses to Question 3



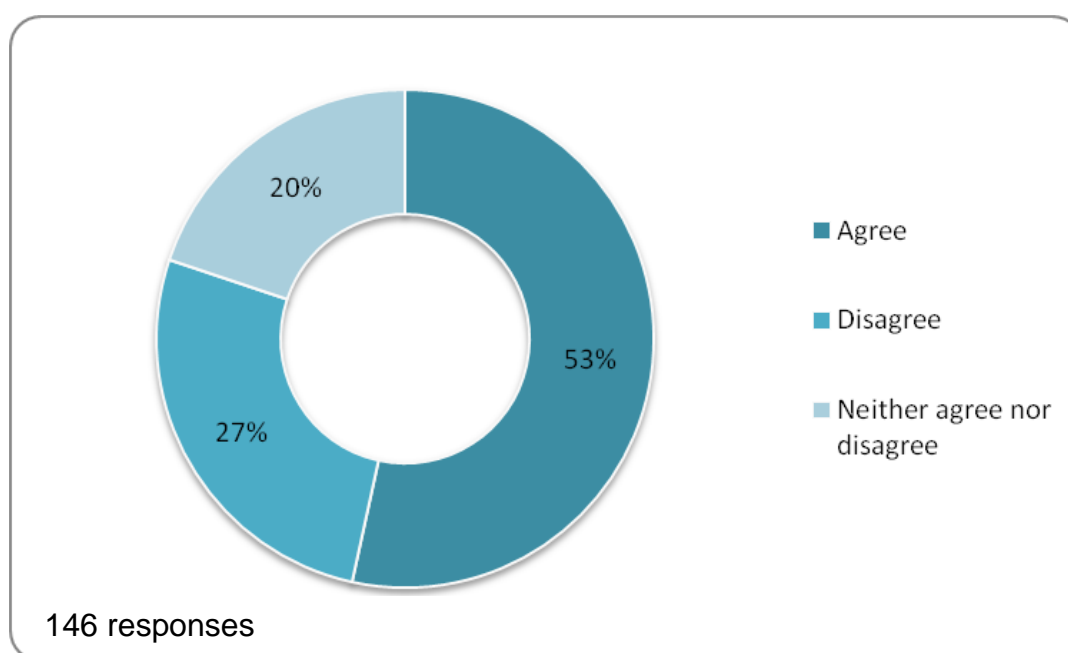
- 3.15 The responses to this question were divided. Most respondents who expressed an opinion agreed with the option of establishing a single body to be responsible for promoting the Welsh language and for monitoring and enforcing compliance with Standards.
- 3.16 Opinion regarding this question was divided across the breadth of responses. Although some categories of respondents were more likely to agree than to disagree, other categories were more likely to disagree than to agree. 11 local authorities agreed, three disagreed and five neither agreed nor disagreed. Of the bodies funded by Welsh Government to promote and facilitate the use of the Welsh language, two agreed with the proposal, 10 disagreed and two neither agreed nor disagreed. Of the bodies which have come into contact with the Welsh Language Standards (including the local authorities), 40 agreed with the proposal, 11 disagreed and 20 neither agreed nor disagreed.
- 3.17 Among some respondents, such as the Welsh Language Commissioner, the Welsh Language Commissioner's Advisory Panel and some members of the International Association of Language Commissioners, there was support for combining the roles of promoting and regulating the Welsh language. Some respondents, such as Wrexham County Borough Council, were of the opinion that the functions were complementary, and a number of responses acknowledged that this would provide the most cost-effective structure. However, a number of responses, such as Cymdeithas yr Iaith Gymraeg's response, raised the concern that combining the functions of promoting and regulating would lead to a conflict of interests.
- 3.18 Support needed by bodies to meet the Welsh Language Standards' requirements was discussed. Some questioned whether a body could successfully promote,

encourage and help a body on the one hand, while they also had investigation and enforcement functions on the other.

- 3.19 Some respondents supported their views by citing examples of sectors where regulatory and promotional functions were not held by the same body, eg the Law Society and the Solicitor Regulation Authority. Examples were given to the contrary by others of bodies who did hold regulatory and promotional functions within the same body, such as Social Care Wales.

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?

Figure 4: Responses to Question 4



- 3.20 Most of those who responded to this question agreed with the analysis in the White Paper to support the Welsh Government's proposal to establish one body. The majority of local authorities and bodies representing the education sector agreed with the rationale provided. Among the members of the public who responded, 30 agreed, 28 disagreed and 12 neither agreed nor disagreed.
- 3.21 Of those who disagreed, some were of the opinion that the rationale in the White Paper, in terms of value for money, did not reflect the possible costs involved in establishing a new body. Some felt that having two separate bodies, one promoting the Welsh language and the other regulating Welsh language services did not necessarily cause confusion. Some mentioned other considerations such as sustainability and the possible effect on momentum.

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?

- 3.22 In response to this question, recommendations were made noting possible matters to be considered as the Welsh Government finalises its proposals. Among the main recommendations, the importance of ensuring the proposed body has the skills and

experience to exercise its functions was discussed, along with the body's independence in exercising its functions, and the importance of a corporate divide between the promotional and regulatory roles to avoid conflict of interest. The Auditor General for Wales and the Wales Audit Office noted that public confidence in the arrangements and how that confidence was supported, in terms of independence, transparency and adequate accountability, were factors to be considered in establishing the proposed body.

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

- 3.23 Responses to this question echoed comments made in other parts of this report, such as concerns regarding the loss of a public figure as champion for the Welsh language, concern regarding possible delay in establishing a new system, and the need to consider town and country planning in finalising the proposals for the Welsh Language Bill. Also 10 members of the public responded to this question that disapproved generally of the proposals to support the Welsh language. Some responses discussed the need for clarity regarding who would be responsible for which functions in promoting and facilitating the Welsh language and for regulating Welsh language services. Some also discussed the importance of data collection. One respondent was of the opinion that data should be gathered on a quantitative baseline of the use of Welsh, and that research should be done on what stimulates linguistic choices as a basis for projects.

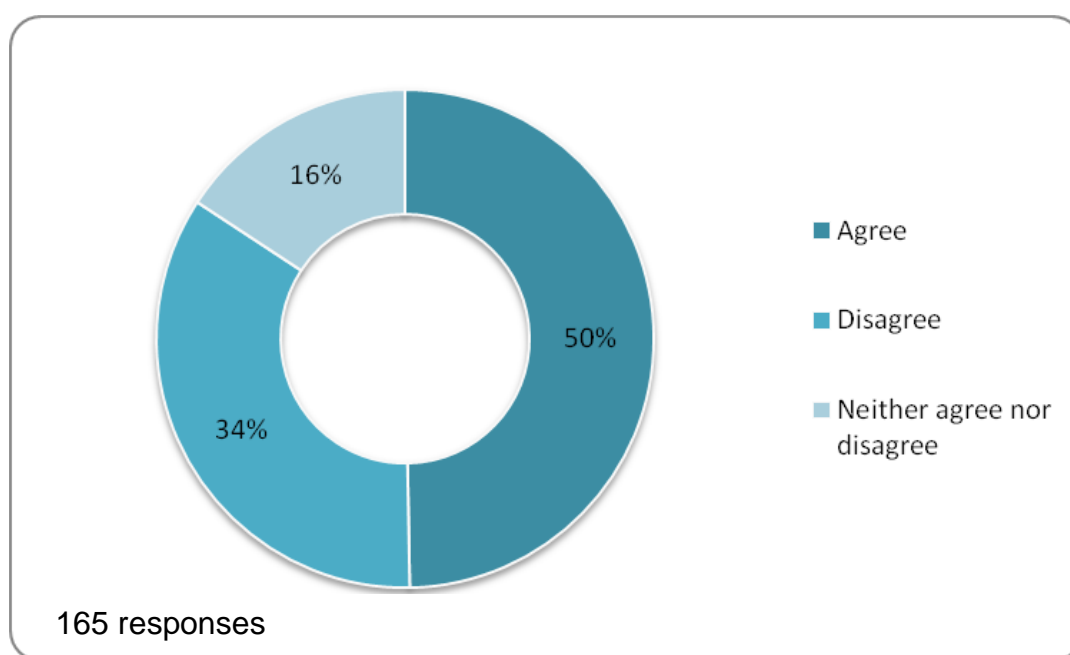
Part 2: Governance and accountability

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?

- 3.24 A significant proportion of the responses agreed with the White Paper in terms of the general requirements to be placed on the proposed body. Several respondents noted that the requirements were very similar to that required of bodies generally in the public sector. Some proposed additional requirements that should be considered for the body. For example, the Auditor General for Wales proposed measures that should be relevant to the body in relation to audit and financial processes.
- 3.25 The responses highlighted how important it is that the body works with people across sectors and on the ground in exercising its functions and making decisions. In this regard, a number of responses supported the White Paper's emphasis on how important it is that the body earns trust and confidence. Some proposed that consultation duties should be placed on the body in relation to some functions.
- 3.26 A common theme in a number of responses was the importance of ensuring the proposed body is independent of government, especially considering the role of the body in monitoring the Welsh Government’s compliance with Welsh Language Standards.

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?

Figure 5: Responses to Question 8



- 3.27 Of those who expressed an opinion, most respondents agreed with the Welsh Government's proposal to establish the Welsh Language Commission to promote

and facilitate the use of the Welsh language and to monitor and enforce bodies' compliance with the Standards.

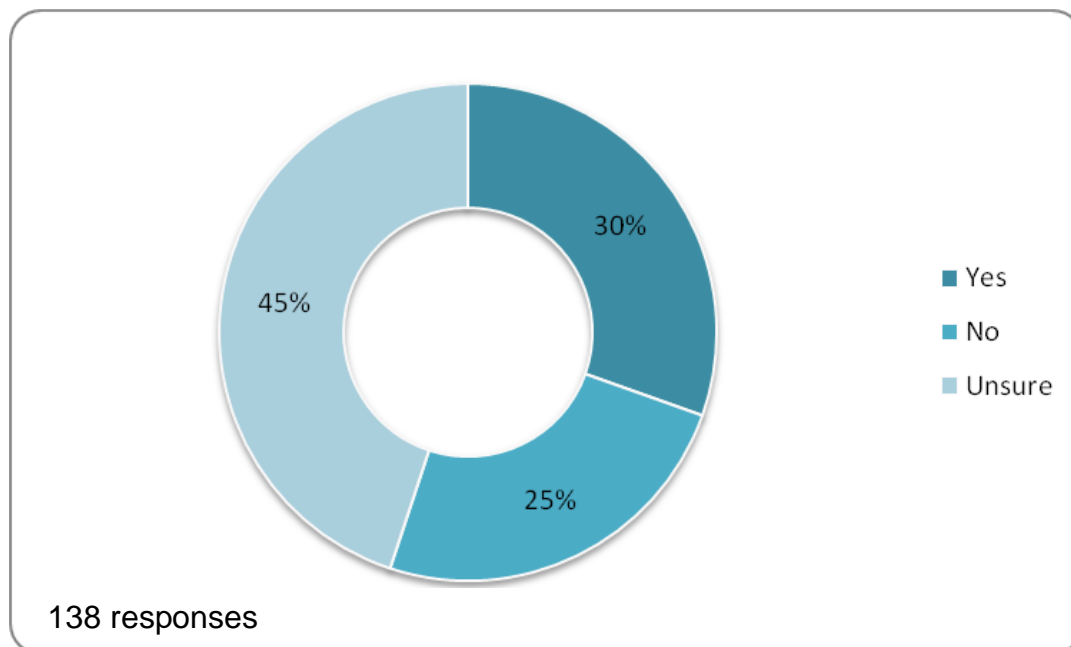
- 3.28 Generally, bodies under legal duties in relation to the Welsh language were more likely to agree with the proposal than members of the public and some campaign groups. The majority of local authorities, and health boards and trusts supported the proposal. Of the 18 local authorities that responded to this question, 12 agreed with the proposal, and every health board and trust agreed except one. Proposals were also received of possible fields of work for the proposed Commission. For example, a number saw a role for the Commission in terms of sharing good practice, maintaining networks of bodies, and co-ordinating training to help them comply with the Standards. Some were of the view that the proposed Commission could be given a planning role, and a role in relation to considering Local Development Plans.
- 3.29 A number recognised the virtues of retaining an individual Commissioner. Five health and care sector bodies agreed with the proposal to establish a Welsh Language Commission. However, they noted that they saw the advantages of retaining an individual Commissioner, and some wondered whether option 2 in the White Paper (Welsh Language Commissioner and a Governing Board) could be combined with option 3 (Welsh Language Commission).
- 3.30 Of the respondents that disagreed with the Welsh Government's preferred option to establish a Welsh Language Commission, 23 favoured an option that included an individual Commissioner, ie either the current set-up (option 1 in the White Paper) or a Welsh Language Commissioner with a Governing Board (option 2) as set out in the White Paper. Of these 23, nine respondents favoured option 2, including the current Welsh Language Commissioner. Some felt the change proposed by this option was less far-reaching than establishing a Welsh Language Commission, and more attractive in that it would be a gradual change.

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?

- 3.31 The analysis was supported by a broad spectrum of respondents. A theme that arose in a number of responses was concern that establishing a Welsh Language Commission instead of a Welsh Language Commissioner would mean losing a public figure to be champion for the Welsh language. Comparisons were made also between the proposed Welsh Language Commission and the former Welsh Language Board.
- 3.32 A number of respondents discussed the rationale for establishing a Welsh Language Commission, abolishing the Welsh Language Commissioner, while there are Commissioners in other policy areas such as the Children's Commissioner for Wales, the Future Generations Commissioner and the Older People's Commissioner for Wales. Some were of the opinion that it was too early to assess the efficiency of the current system so soon after establishing it.

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?

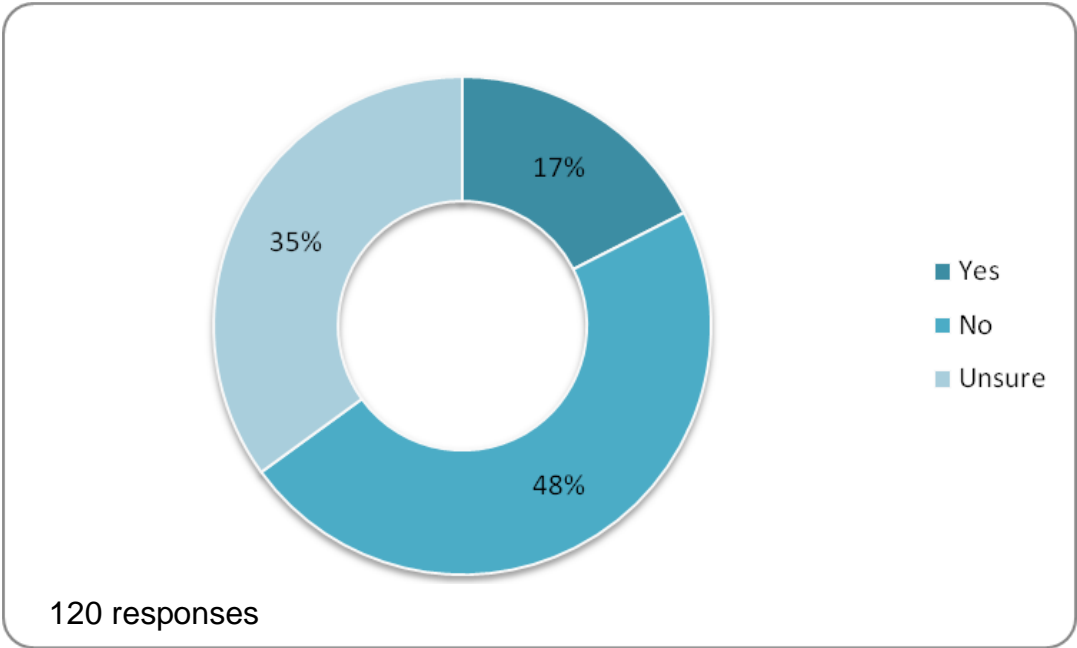
Figure 6: Responses to Question 10



- 3.33 Generally, throughout all sectors represented by respondents, there was uncertainty regarding the White Paper's proposals in terms of the proposed Commission's independence. The only sector that agreed the proposals sufficiently ensured the independence of the proposed Commission was the housing associations sector. Of the six associations that answered this question, four agreed that the proposal sufficiently ensured the independence of the proposed Commission.
- 3.34 Some recommended that the new body should be answerable to the National Assembly for Wales rather than to the Welsh Government. The appropriateness of the Welsh Government's role in appointing members of the Commission and in agreeing the body's strategic plan was also discussed, as well as the possible effect on the body's independence.

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?

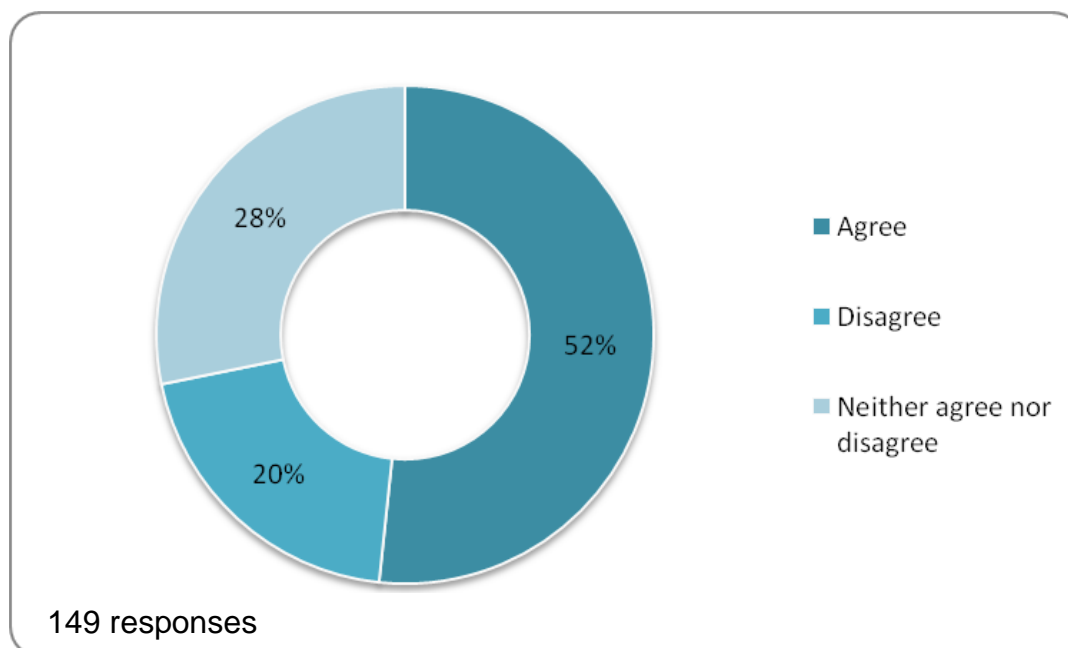
Figure 7: Responses to Question 11



3.35 In a number of responses to this question, the membership of the proposed Commission was discussed. It was clear that some felt, if a Welsh Language Commission was established, that the range of skills, expertise and experiences of the Commission members were important considerations. Other comments were made about the processes regarding a change from the current structure to a new structure in order to ensure the momentum is not lost and to ensure clarity.

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?

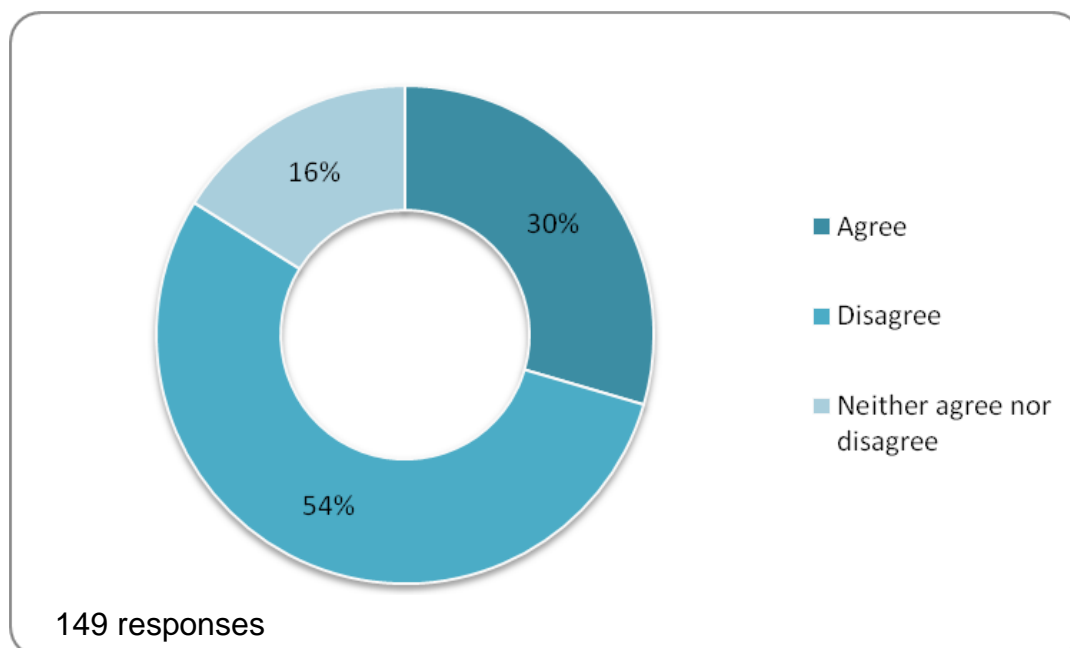
Figure 8: Responses to Question 12



- 3.36 The majority of respondents were supportive of the Welsh Government's 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. There was some uncertainty among the Welsh health boards and trusts that responded. Six agreed with the proposal, but five noted that they neither agreed nor disagreed. The proposal was supported by some on the grounds that it would provide clarity. However, some referred to the importance of the Government of Wales Act 2006 as an act of constitutional significance. On this basis, Ceredigion County Council disagreed with the proposal, as they felt that containing the duty in the Government of Wales Act 2006 gave status to this work. A minority proposed that the requirement should be included in both the Government of Wales Act 2006 and the Welsh Language Bill.

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?

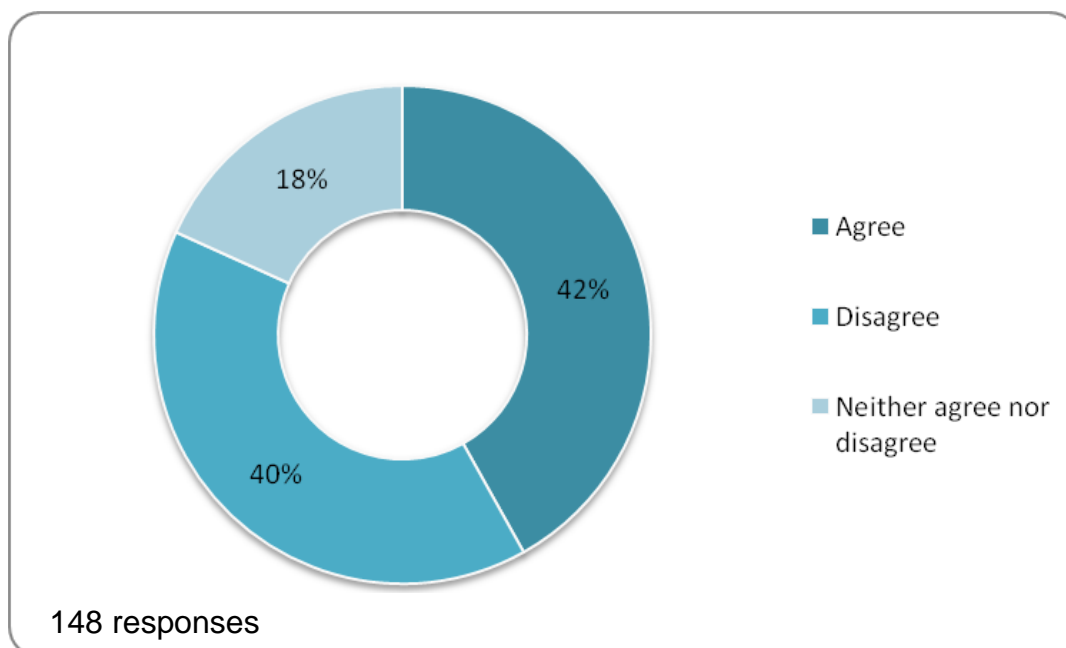
Figure 9: Responses to Question 13



- 3.37 The majority of respondents disagreed with the Welsh Government's proposal to change the current duty to report annually on progress in implementing the Welsh Language Strategy to a duty to report every five years.
- 3.38 Of the 81 that disagreed, 33 were members of the public, eight were from education sector bodies, and 13 from the health and care sector. Local authority opinions were more divided. Seven agreed while seven disagreed. A number acknowledged the rationale for the Welsh Government's proposal to change the requirement to report annually due to the difficulty of reporting annually on progress in implementing a long-term strategy. However, several respondents that disagreed with the proposal believed five years was too long between reports and an inappropriate timeframe for highlighting possible problems in the strategy's implementation. Among the respondents that agreed, it was noted that the proposed change would lead to less bureaucracy.
- 3.39 Several respondents agreed with the proposal on the grounds that the Welsh Government would lay the annual report of the proposed Commission before the National Assembly for Wales annually. Several also noted that five-year reports would not be sufficient considering how many would be published before 2050. Some proposed that changing the requirement to report every two or three years should be considered.

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?

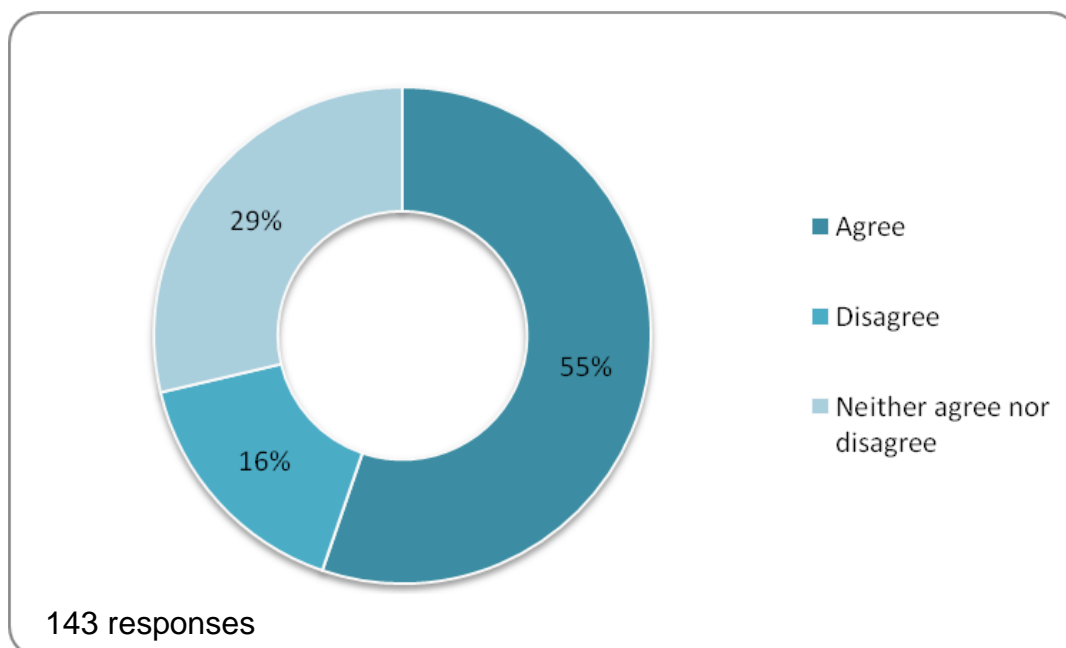
Figure 10: Responses to Question 14



- 3.40 Opinion was divided in the answers to this question. Although most of the respondents who expressed an opinion agreed with the proposal, there were only three more that agreed than those that disagreed.
- 3.41 As in question 13, the rationale for the proposal was acknowledged in a number of responses in terms of the importance of long-term planning for the Welsh language and the inappropriateness of annual plans to accomplish this. However, a number were unhappy with the proposal on the grounds that flexibility was needed in responding to changes and new tendencies that cannot be foreseen over a five-year period.

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?

Figure 11: Responses to Question 15



3.42 The majority of responses agreed with this proposal. The proposal was supported by the majority of local authorities and bodies in the education and health sectors who responded. In general, the respondents who agreed accepted the reasoning that the proposed Commission would fulfil the function of the Welsh Language Partnership Council and that the Council should therefore be abolished to avoid duplication. However, some respondents were of the opinion that the Welsh Government should have a duty to seek the advice of the proposed Commission rather than a 'power' to do so.

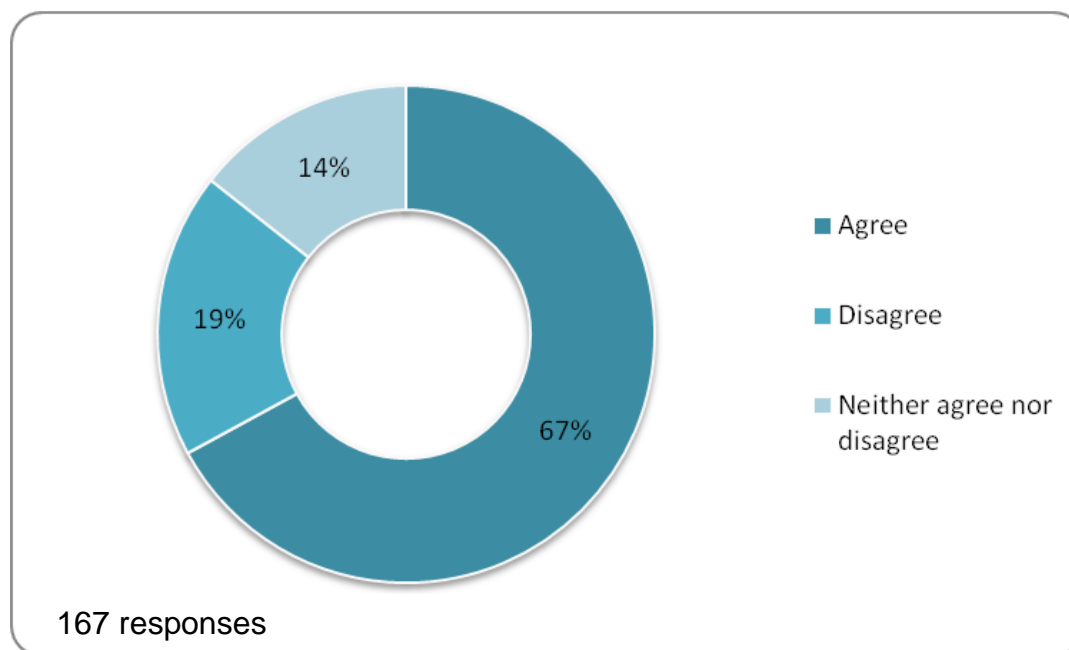
Question 16 – Do you have any further comments on Part 2 of the White Paper?

3.43 Some of the responses to this question echoed themes highlighted in other parts of this report. For example, one response noted that the Partnership Council should remain independent of the proposed Commission, and the importance of building on the work already achieved within the field of Welsh language policy. One campaign group doubted the evidence provided as the basis for the proposals in the White Paper. Two members of the public were of the opinion that funding invested in supporting the Welsh language should be diverted to other policy areas, such as education and health.

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?

Figure 12: Responses to Question 17



- 3.44 A majority of respondents who provided an answer to this question were in favour of a revised model of the Standards as proposed in the White Paper.
- 3.45 Of the 81 respondents who have come into contact with the Welsh Language Standards, 69 agreed with the proposal. Many bodies' responses to this proposal echoed opinions expressed regarding the complexity of the current system, in the call for evidence³ which was conducted by the Welsh Government before publishing the White Paper. Three bodies disagreed with the proposal (two local authorities and one of the fire and rescue services), with nine neither agreeing nor disagreeing. Respondents from various parts of Wales with differing linguistic profiles noted the importance of building on the progress made under the present system and ensuring that resources invested in establishing the present system are not wasted.
- 3.46 A number of respondents remarked that it is early days for the system and therefore it shouldn't be subjected to substantial changes. In addition, many respondents noted the progress made so far under the Standards system, citing the results of Rights Taking Root: the Welsh Language Commissioner's 2016-17 Assurance Report⁴. A number of respondents welcomed the revised Standards model's emphasis on improving Welsh language services and putting failures right rather than enforcement, as explained in the White Paper.

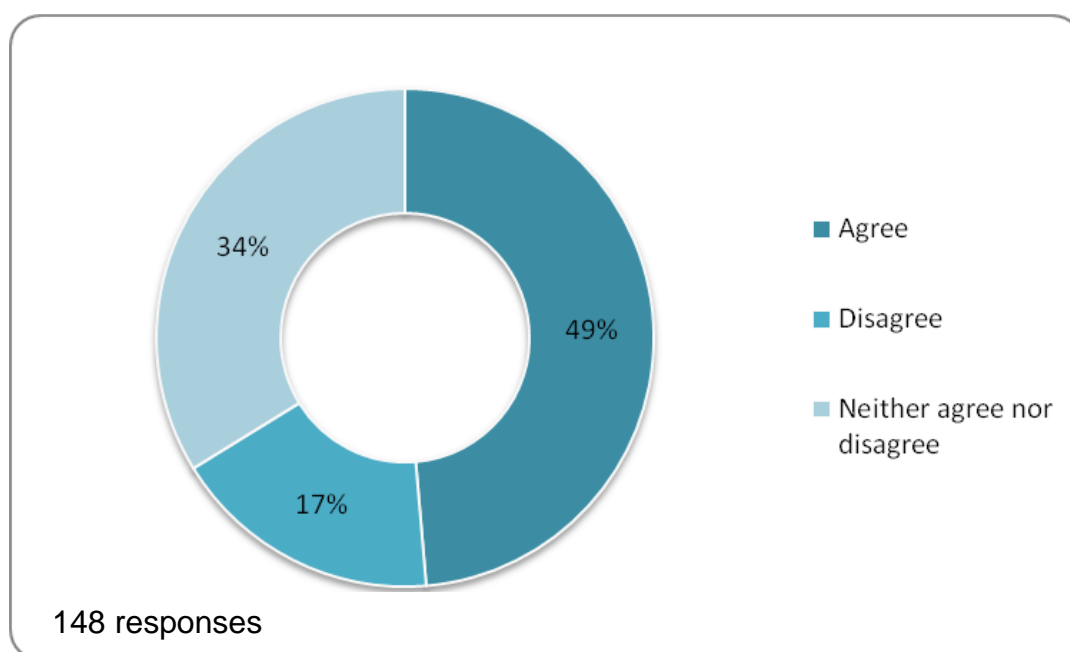
³ <http://gov.wales/docs/dcells/publications/170718-wl-bill-sor-en.pdf>

⁴ <http://www.comisiynyddygymraeg.cymru/English/Publications%20List/20170926%20DG%20Adroddiad%20Sicrwydd%20terfynol%20Saesneg.pdf>

- 3.47 A number of respondents highlighted the idea noted in the White Paper, that every body should, over time, work towards operating the same Standards so that people's rights to receive services in Welsh are the same, wherever they live in Wales. This concept is called the 'convergence principle' in the White Paper. While this principle was welcomed by several respondents in Wales, the principle was a cause of concern for some bodies who do not have offices in Wales.
- 3.48 In responding to this question, some respondents added that the Welsh Government should consider continuing to run the Standards system alongside including some rights regarding the Welsh language on the face of the Bill. The most common rights which respondents suggested should be considered for inclusion on the face of the legislation were the right to Welsh-medium education and the right to Welsh language childcare.

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?

Figure 13: Responses to Question 18



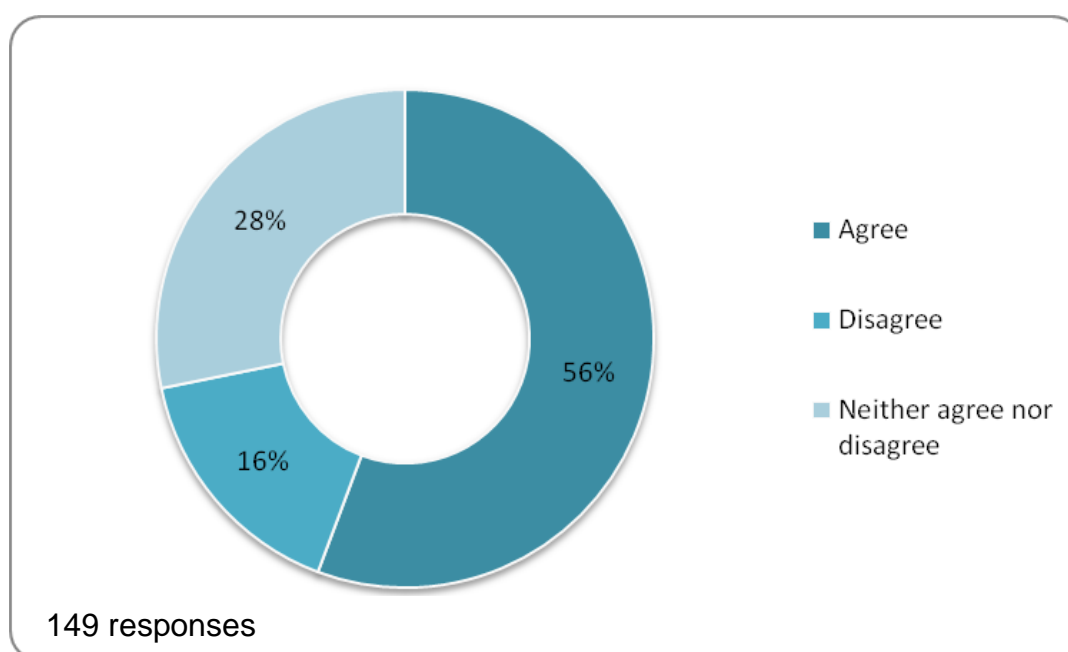
- 3.49 Of those who expressed an opinion, the majority of respondents agreed with the analysis provided in the White Paper in favour of adopting option 2 as a revised model of the Welsh Language Standards.
- 3.50 Of the 67 bodies which have come into contact with the Welsh Language Standards who replied to this question, 45 of them agreed, three disagreed and 19 neither agreed nor disagreed. There was less agreement amongst members of the public who answered this question. Of which, 18 agreed with the analysis, while 21 disagreed and 26 neither agreed nor disagreed.
- 3.51 Some respondents proposed other factors that could be considered before coming to a final decision. One local authority, for example, while agreeing with the criteria used, noted that users' rights should continue to be secured and organisations

should continue to be committed to providing services without weakening the Standards' core principles. A member of the public noted that service users should be the main consideration, and one campaign group noted that Welsh speakers' welfare, experience and interests should be at the heart of the proposals.

- 3.52 As well as the considerations above, one respondent was of the opinion that the difference between bodies operating in Wales only and bodies operating across Wales and England should be borne in mind. One respondent from the private sector noted that the criteria that informed the analysis was entirely based on the experience of imposing, monitoring and enforcing Welsh Language Standards within the public sector. The respondent felt that further consideration should be given to what the Welsh Language Standards would mean for private sector bodies, considering the proposal in the White Paper to give the Welsh Government the power to make Welsh Language Standards for any body within the legislative competence of the National Assembly for 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)?

Figure 14: Responses to Question 19



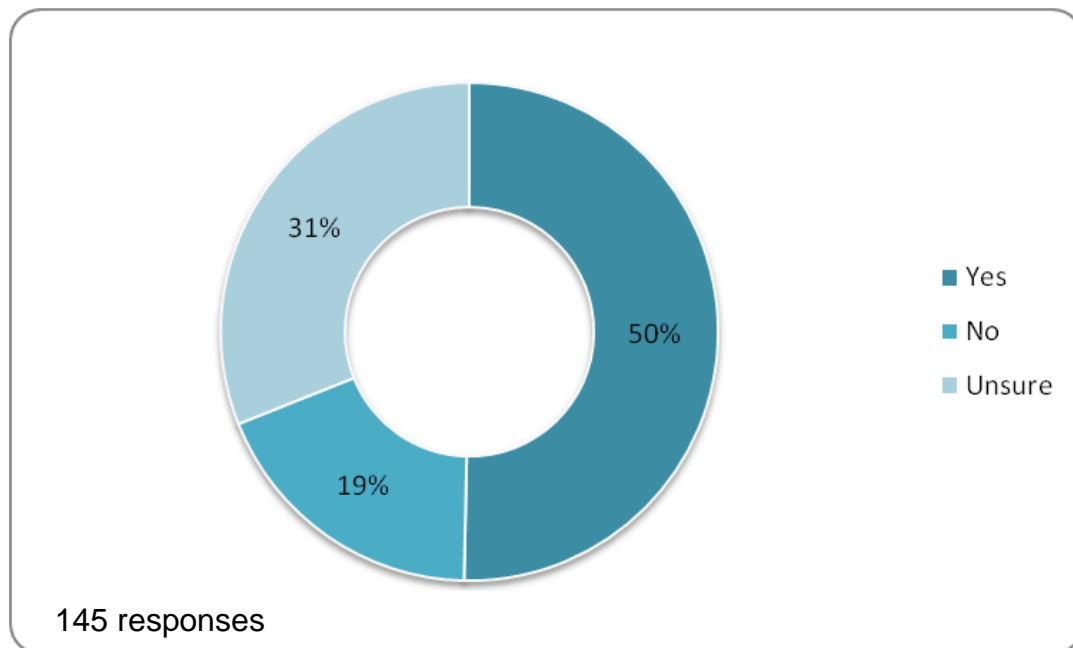
- 3.53 A clear majority of the respondents who provided an answer to this question agreed with this proposal.
- 3.54 Of the bodies which have come into contact with the Welsh Language Standards system, 69 replied to this question. Of these, 48 agreed with the proposal while seven disagreed. Several responses noted the importance of record keeping and suitable corporate duties as a key part of ensuring that bodies succeed in providing services in Welsh.
- 3.55 Some respondents thought that it would make sense to differentiate between corporate duties and duties which create a right for people to receive a service in Welsh, on the grounds of clarity for the public regarding what bodies must provide.

One campaign group was in favour of the proposal because they believed that the language planning duties would be key in achieving culture change within bodies. However, there were concerns amongst some respondents that creating new duties could lead to a lack of clarity and bureaucracy by creating a new layer of duties regarding the Welsh language.

- 3.56 Gwynedd Council proposed that these duties could establish a clearer connection between the Standards and other policy provisions and frameworks such as the Well-being of Future Generations Act (Wales) 2015 and the 'More than just words follow-on strategic framework'. Neath Port Talbot County Borough Council compared the proposed language planning duties (as well as the work the Commission would do to support bodies to meet the requirements of the duties) to the public sector's equality duty and the relevant support from the Commission for Equality and Human Rights.
- 3.57 A theme that arose in a number of responses was the force of the proposed duties. Some respondents were clear that the duties should have legal force and statutory enforcement to ensure they were effective. While some saw the importance of enforcing these duties, one local authority was of the opinion that the same level of enforcement was not necessarily needed in the context of the Standards, compared to language planning duties.
- 3.58 Another common theme was a lack of clarity regarding who would be subject to the proposed duties.

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?

Figure 15: Responses to Question 20

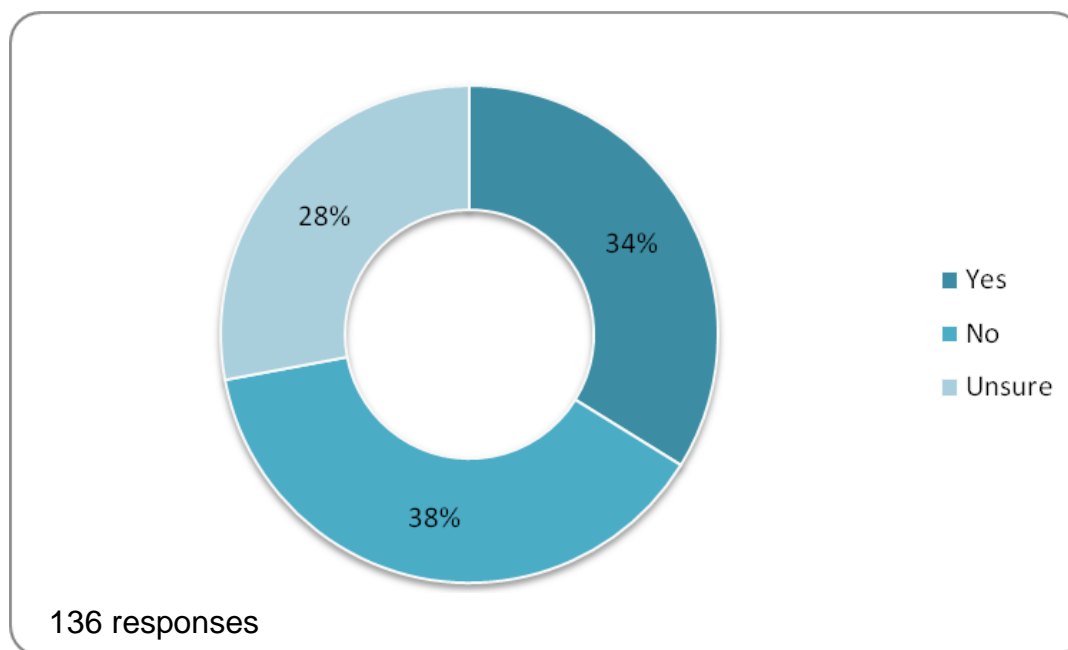


- 3.59 A majority of respondents to this question believed that provisions for Welsh in Education Strategic Plans should be included as language planning duties.

3.60 The importance of the education system in realising the vision of a million Welsh speakers by 2050 was acknowledged within a number of responses. Of the 13 local authorities who responded to this proposal, 11 thought that Welsh in Education Strategic Plans should be included as language planning duties. However, many respondents were unclear about this question because they are not directly involved with Welsh in Education Strategic Plans.

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

Figure 16: Responses to Question 21



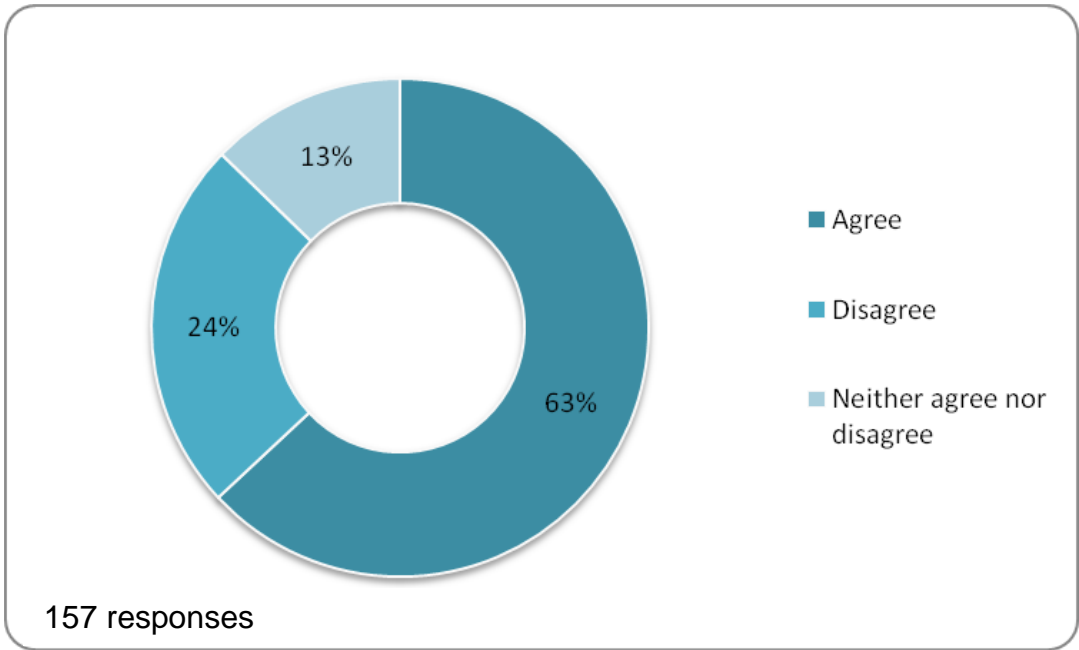
3.61 Opinion was divided amongst the respondents who answered this question.

3.62 Suggestions were made in answers to this question regarding new duties which could be considered as possible language planning duties. Several local authorities and other bodies noted that duties in relation to workforce planning should be created as language planning duties. One response suggested that a language planning duty could be placed on specific sectors which would require them to adopt a five-year strategy for the Welsh language. In proposing possible language planning duties, the Royal College of Nursing suggested a language planning duty for health sector organisations to ensure an increase in the number of professional practitioners who can work through the medium of Welsh.

3.63 While some respondents have suggested specific duties which should be considered for inclusion as language planning duties, some respondents suggested duties which would set an ambition. For example, one campaign group proposed that a duty should be created to produce a language landscape which favours Welsh and another respondent suggested a duty to work towards an aspiration of people being able to use the Welsh language easily.

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?

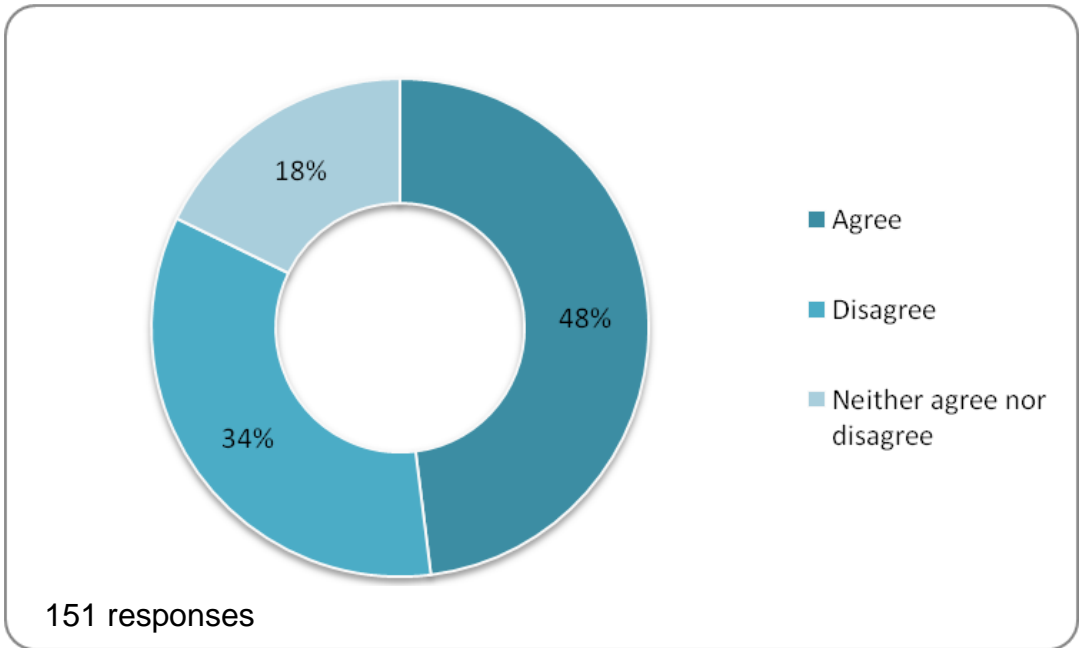
Figure 17: Responses to Question 22



- 3.64 A majority of respondents to this question agreed with the Welsh Government's proposal to give these general powers to the proposed Welsh Language Commission.
- 3.65 Of the 99 respondents who agreed with this proposal in the White Paper, 51 were bodies which have come into contact with the Welsh Language Standards. Considering all respondents, members of the public were most likely to disagree with the proposal, with 32 respondents noting that they disagreed, in comparison with 28 who agreed and seven who neither agreed nor disagreed.

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

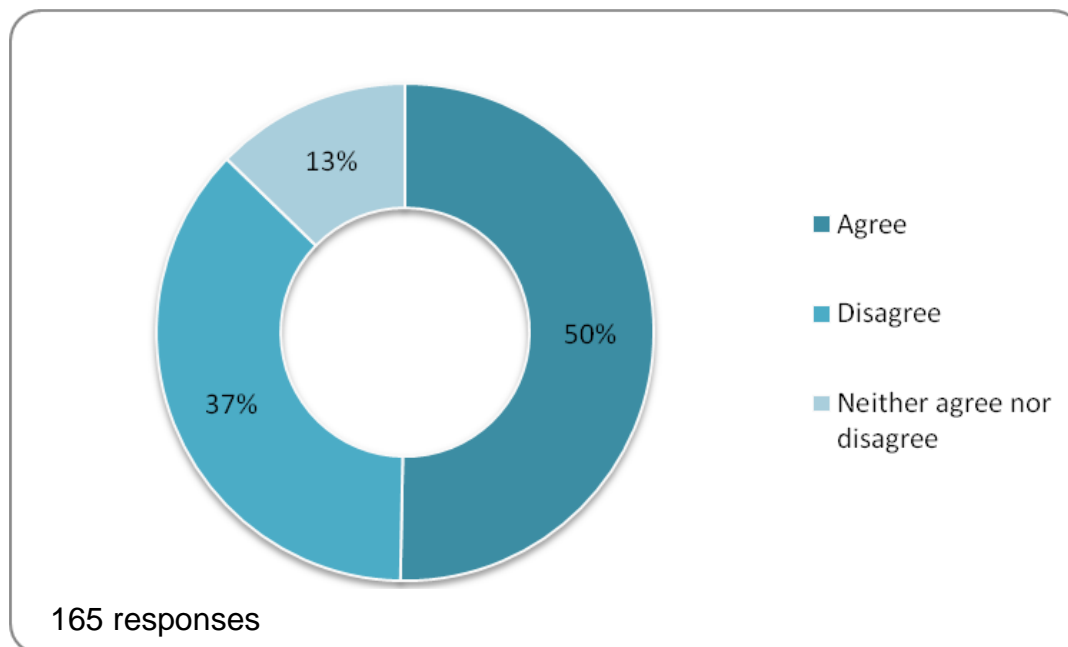
Figure 18: Responses to Question 23



- 3.66 More respondents agreed with this proposal than disagreed.
- 3.67 The principle outlined in the White Paper, regarding language planning duties as legal duties for bodies, was supported, as well as the principle that these duties should be carried out alongside the proposed Commission's function with regard to monitoring how bodies carry out these duties, and regarding providing practical support to help these bodies develop language planning skills. However, many respondents noted that they neither agreed nor disagreed with the proposal because they were uncertain of the implications if a body fails to make progress in meeting its language planning duties. Some organisations such as Ceredigion County Council believed that it is important that the duties are enforceable to ensure that progress is made.

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?

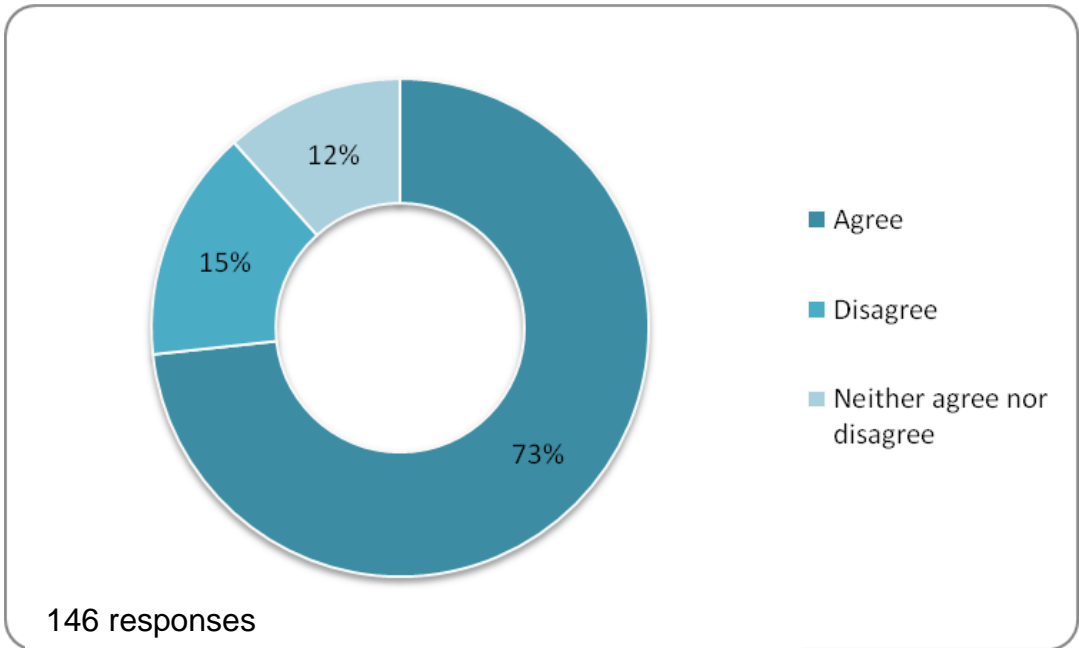
Figure 19: Responses to Question 24



- 3.68 Of those who expressed an opinion, most of the responses agreed with this proposal (83). Of the 83 respondents who agreed, 50 were bodies which have come into contact with the Welsh Language Standards. In general, a number of bodies considered that the government has a wider range of experience with different sectors across government policy areas than would be the case for an external body, and that the government would therefore be better placed to understand the nature of an organisation's work when imposing duties on it. However, this view was not shared by some campaign groups and organisations who thought this work should be carried out by a body at arm's length from the government. In the opinion of respondents who opposed the proposal, there were some concerns whether the proposal would lead to excessive political influence on the process of imposing Standards on bodies.
- 3.69 Respondents generally thought that the process of making and imposing Welsh Language Standards needs to be simplified and made faster and that the process in its current form is overly bureaucratic and burdensome.

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?

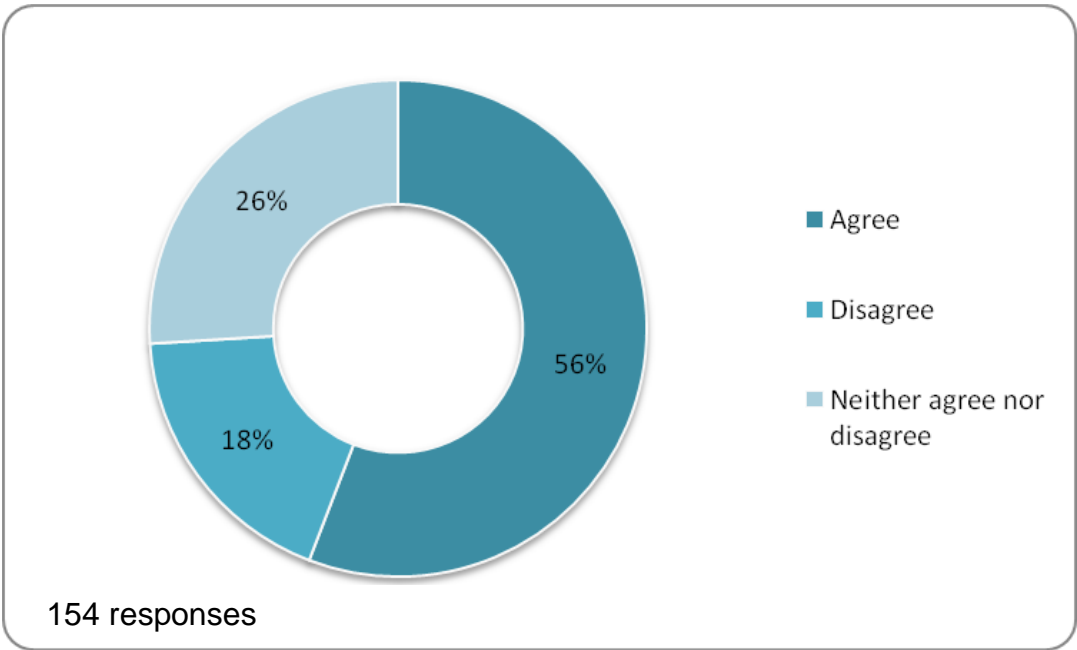
Figure 20: Responses to Question 25



- 3.70 A majority of respondents agreed with this proposal, including public bodies, private sector bodies and members of the public. A clear majority of respondents agreed with the proposal that all regulations to make Standards should be subject to a public consultation.
- 3.71 Of those who responded, 52 bodies which have come into contact with the Welsh Language Standards and 45 members of the public agreed with the proposal. Amongst those responses opposing the proposal, some noted that they believe that the consultation process can add bureaucracy and lengthen the time taken to make Welsh Language Standards.

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

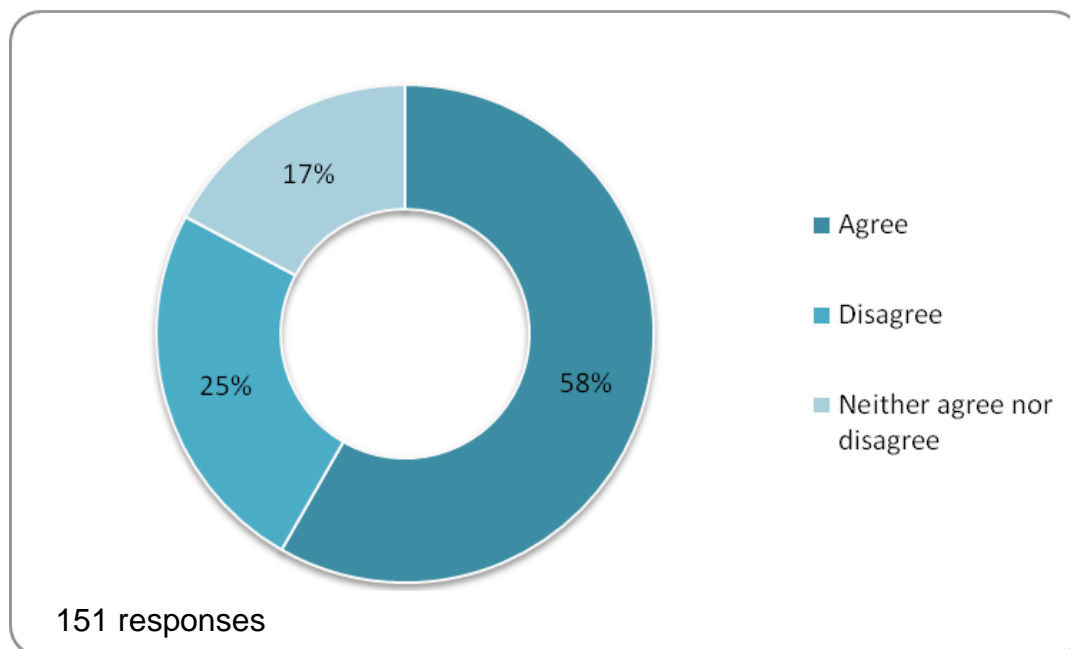
Figure 21: Responses to Question 26



- 3.72 The analysis of the responses to this question showed a majority in favour of abolishing Standards Investigations.
- 3.73 Of the bodies from sectors which have been subject to Standards Investigations, 41 respondents agreed with the proposal with 13 disagreeing. In general, the proposal was accepted on the grounds that it would reduce the bureaucracy involved in the Welsh Language Standards system in its current form. Some bodies and campaign groups disagreed with the proposal. Some respondents believed that the arm's length body (whether a Commission or Commissioner) should lead on this, while others questioned how suitable Standards could be made without conducting an investigation to make sure that the Standards were suitable for the services supplied by the relevant bodies. A small number of respondents had misunderstood what was meant, as they had interpreted 'Standards Investigations' to mean the investigation conducted by the Welsh Language Commissioner to determine whether a body has failed to comply with the Standards.

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?

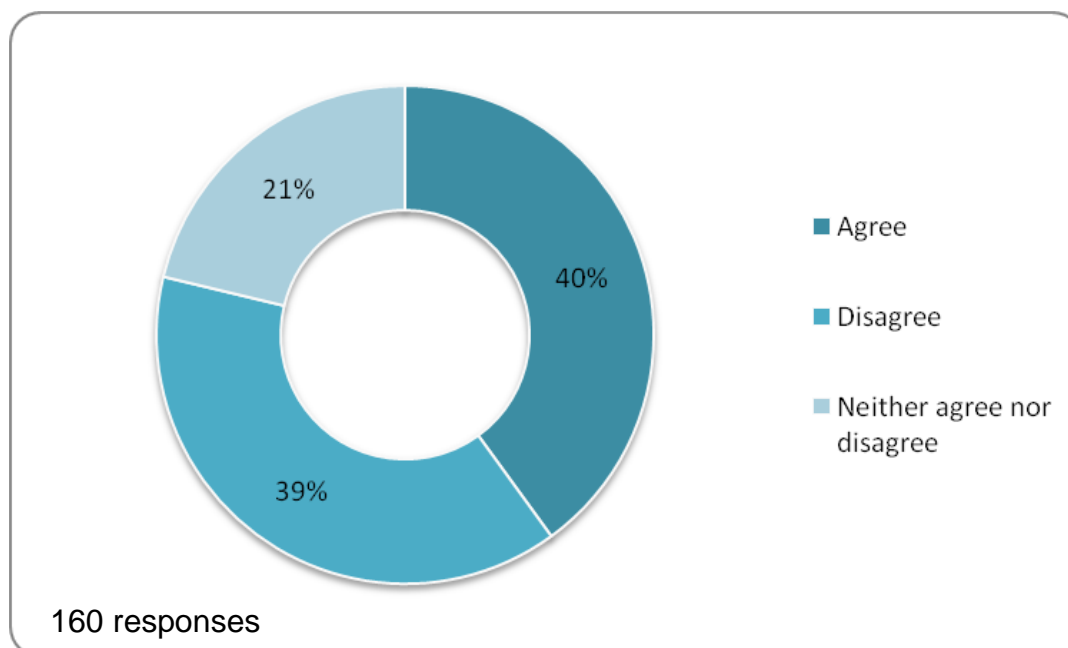
Figure 22: Responses to Question 27



- 3.74 A majority of respondents who replied to this question agreed with the proposal in the White Paper to give the Welsh Government powers to issue codes of practice or guidance relating to the Welsh Language Standards.
- 3.75 It was obvious in replies from bodies which have come into contact with the Welsh Language Standards that they strongly supported the proposal to create codes of practice to help them implement the Standards. In this context, replies from bodies already operating under the Welsh Language Standards system discussed difficulties in interpreting standards and in ensuring consistency in the way they are implemented. Most of the bodies which have come into contact with the Welsh Language Standards and most of the members of the public who responded agreed that the Welsh Government should be given powers to publish codes of practice or guidance. Some suggested that consideration should be given to consulting on the proposed codes or guidance.
- 3.76 In contrast to the majority, some respondents, including some bodies which have come into contact with the Welsh Language Standards and campaign groups, were of the opinion that the proposed Commission (or the Welsh Language Commissioner) should be responsible for this function.

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?

Figure 23: Responses to Question 28



3.77 Opinion was divided on this proposal and there was no majority of responses one way or the other. Of the bodies which have had contact with the Welsh Language Standards system, 31 agreed with the proposal with 20 opposing it and 16 neither agreeing nor disagreeing.

3.78 In general, this proposal was welcomed by some respondents on the grounds that this could speed up and simplify the process of imposing duties on a body. However, several respondents were clear that a means of changing requirements for individual bodies needs to be secured to ensure that the Standards are reasonable and proportionate with regard to specific bodies. Some responses suggested that this proposal could be possible if there were a more in-depth consultation process for this method of imposing the Welsh Language Standards. Some organisations and members of the public expressed concern regarding this proposal on the grounds that it could mean that the requirements for a whole sector might be lower than they could be, in order for them to be suitable for the body with the least capacity to deliver services in Welsh within that sector.

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?

3.79 We received several suggestions from respondents who replied to this question, noting ways transparency and fairness could be assured in the process of imposing Standards on the Welsh Government. Among the options were:

- A role for the National Assembly for Wales in relation to imposing Standards on the Welsh Government by approving a compliance notice;
- Consult on proposed Standards to be imposed on the Welsh Government through forums including chief officers of public bodies;

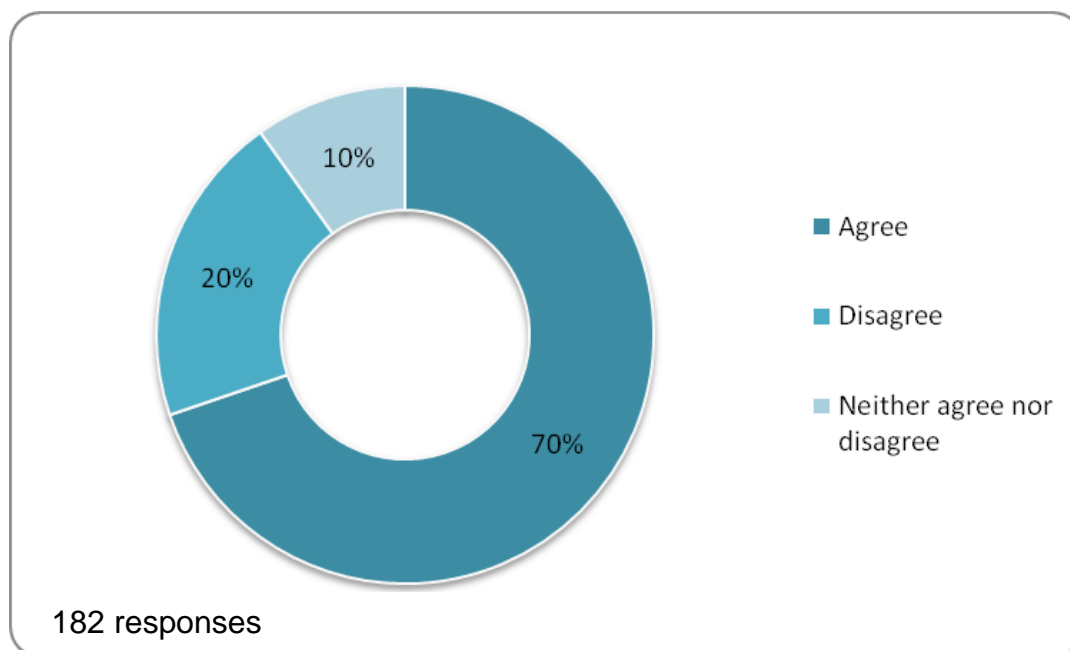
- Make regulations that specify the Standards subject to a superaffirmative procedure;
- An open and thorough public consultation;
- A role for the Welsh Language Commission to create the Standards to be imposed on the Welsh Government;
- A role for public bodies or another external body.

3.80 In the context of giving the National Assembly for Wales a role in imposing Standards on the Welsh Government, some noted that the Assembly could assume responsibility for monitoring the Welsh Government's compliance with the Standards. One respondent noted that this reflected the constitutional principle that the government is accountable to the Assembly.

3.81 As well as offering recommendations about the ways transparency and fairness could be assured in this process, some respondents echoed their replies to question 24, noting that an independent body (like the Welsh Language Commissioner or the proposed Welsh Language Commission) should be responsible for imposing Standards on the Welsh Government.

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?

Figure 24: Responses to Question 30



3.82 A majority of the responses received for this question agreed with the government's proposal that complaints about Welsh language services should have to be dealt with through the relevant body's complaints procedure before the proposed Welsh Language Commission can investigate alleged failures.

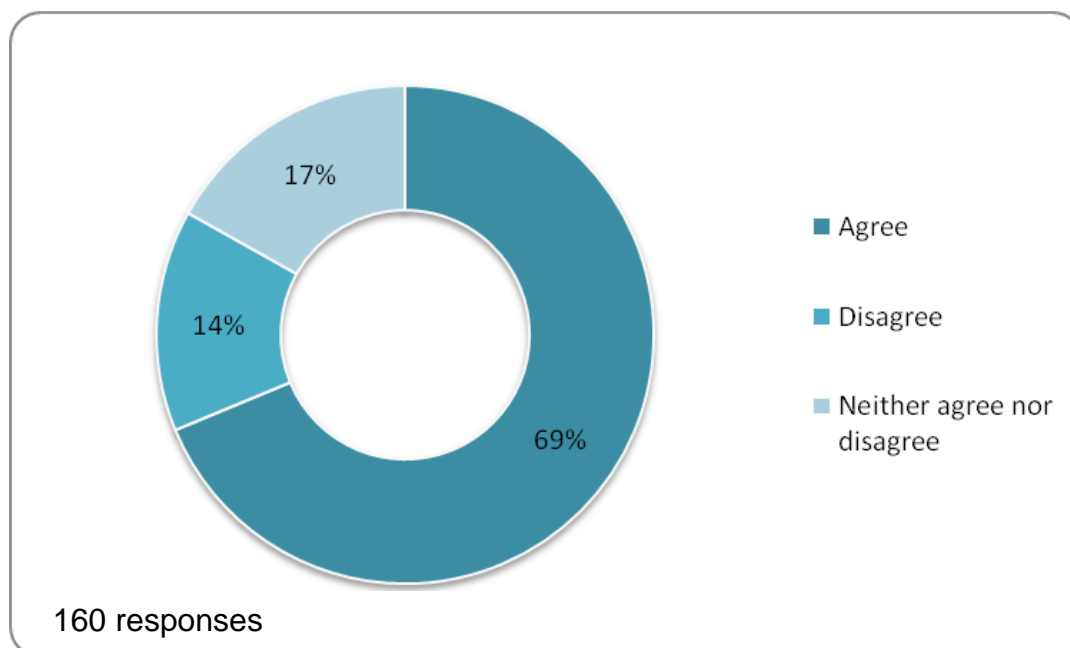
3.83 A number of respondents explained problems with the present complaints procedure such as the bureaucracy associated with it and the time taken to deal with complaints. Not one of the bodies which have come into contact with the Welsh Language Standards disagreed with this proposal. Rather, 81 of them agreed with it

while two neither agreed nor disagreed. A number of respondents believed that it was important that they could deal with complaints themselves in the first instance, because complaints about Welsh language services should not be treated differently from complaints about other aspects of services. In addition, a number of bodies noted that they wished to deal with complaints themselves in the first instance as an opportunity to learn lessons, to put right any faults and also so that they could take responsibility for their failures. This proposal was also supported by most of the members of the public who replied. In his reply, the Auditor General for Wales noted that this proposal would offer a more efficient and effective system than the present arrangement.

- 3.84 A minority of respondents believed we should continue to allow complaints to be referred directly to the arm's length body responsible for monitoring and enforcing compliance with the Welsh Language Standards. UCAC noted that there are socio-cultural factors that can make it difficult to complain to a body in relation to the Welsh language. In addition, some members of the public discussed their experiences of making complaints to organisations. The Welsh Language Commissioner thought we should continue to allow complaints to be made directly to the body responsible for monitoring and enforcing compliance with the Welsh Language Standards (ie the Welsh Language Commissioner under the current system and the Welsh Language Commission under the White Paper's proposals) and believes also that this body should have wide discretion in dealing with complaints about Welsh language services.
- 3.85 As well as discussing the merits of this proposal, some respondents suggested other options which could be considered for dealing with complaints about services under the Welsh Language Standards. The Public Services Ombudsman for Wales suggested that the Ombudsman could take responsibility for dealing with complaints against bodies regarding their Welsh language services, rather than the proposed Commission.

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?

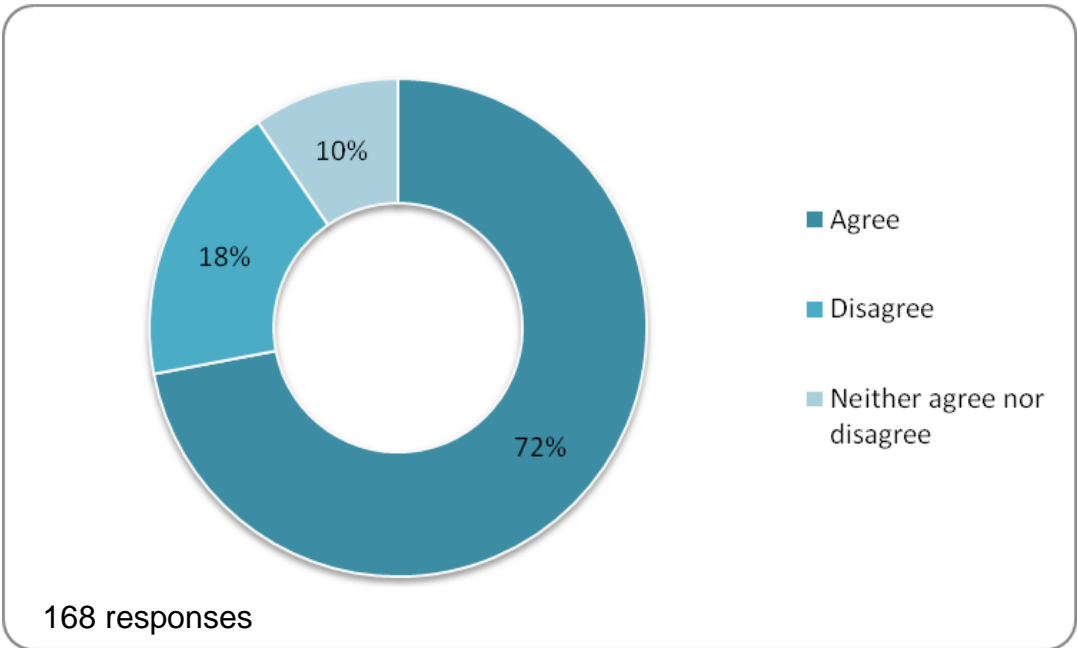
Figure 25: Responses to Question 31



- 3.86 Across all the responses received, the majority of respondents supported the proposal in the White Paper that bodies must adhere to an approved procedure. Of the bodies agreeing with this proposal, 57 were bodies which have come into contact with the Welsh Language Standards. The majority of the members of the public also agreed with the proposal. Comments on the proposal supported it on the grounds that it would create consistency in the way complaints about Welsh language services are dealt with.
- 3.87 We received comments from private sector companies and some public bodies which operate outside Wales expressing concern about this proposal. In their opinion, this proposal could lead to a separate complaints procedure for complaints dealing with Welsh language services and this might conflict with other legal requirements with which they must comply regarding specific complaints procedures for the sector. In addition, some were worried that the proposal might confuse service users if a complaint was dealt with differently to the usual way because it concerned the Welsh language.

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?

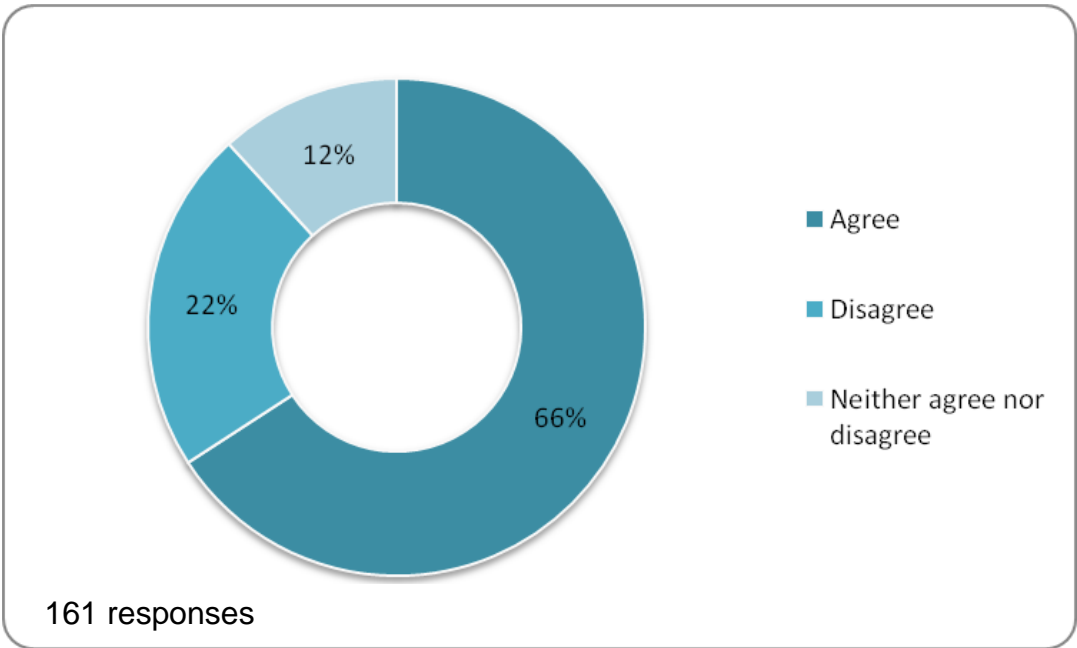
Figure 26: Responses to Question 32



3.88 There was general agreement with this question across a number of different respondents and a clear majority agreed with this proposal. The largest number of responses disagreeing with the proposal were from members of the public who responded. While 30 members of the public agreed with the proposal, 22 disagreed and 13 noted that they neither agreed nor disagreed. In the context of a 'clear' definition, recommendations were made regarding the factors that should be considered in defining 'serious'. For example, one respondent from the private sector noted that a fault could affect a large number of customers as they use customer service systems which operate on a large scale. In the respondent's opinion, this should not be considered 'serious' in the context of the White Paper's proposal.

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

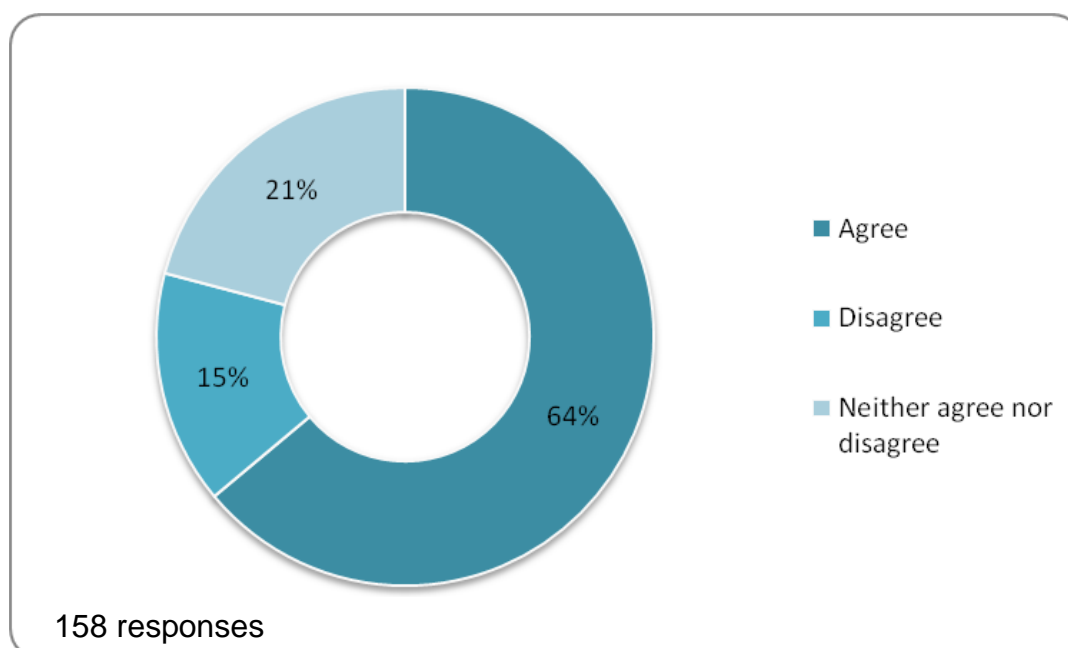
Figure 27: Responses to Question 33



- 3.89 There was support for this proposal with the majority of respondents agreeing with it. Of the bodies which have come into contact with the Welsh Language Standards, 53 agreed with the proposal in comparison to eight who disagreed and six who did not agree or disagree. Members of the public were the category of respondents least likely to agree with the proposal. Members of the public agreed with the proposal in 29 responses in comparison to 26 who disagreed with it and 11 who did not agree nor disagree.
- 3.90 Some respondents were keen to understand under what circumstances the proposed Commission would be able to start investigating on its own initiative. Additionally, some took the view that they should have an opportunity to have an informal discussion with the Commission on the subject of any proposed investigation.

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

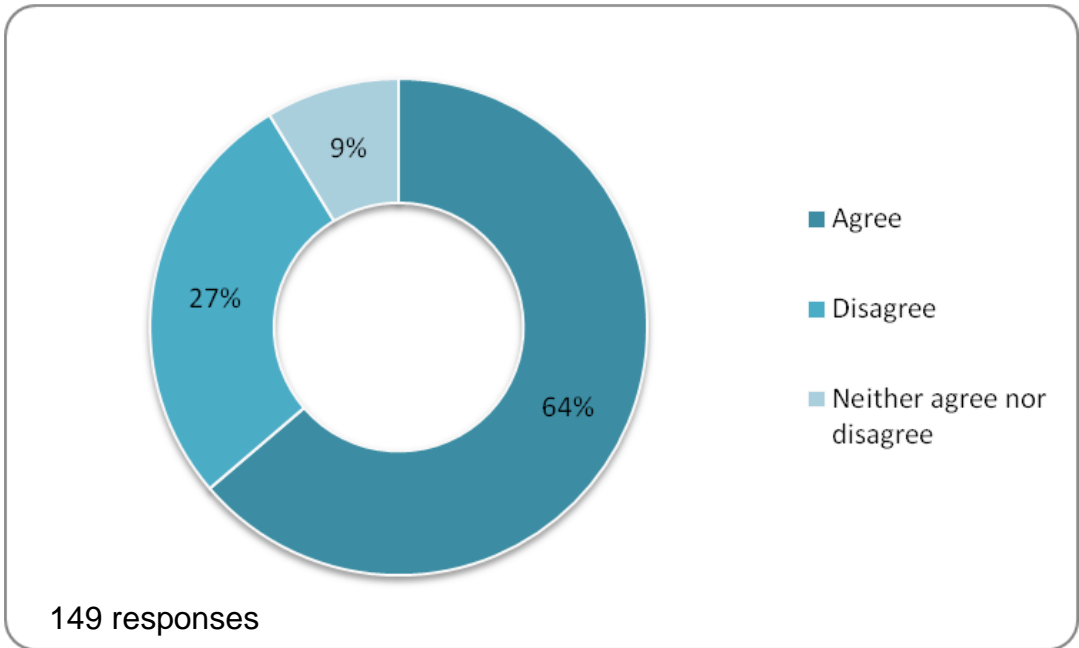
Figure 28: Responses to Question 34



- 3.91 A majority of the respondents agreed with this proposal.
- 3.92 Of the bodies who chose to express an opinion on this question, every body representing the health and care sector (18), every body funded by the Welsh Government to promote and facilitate the use of the Welsh language (11), every body from the education sector (14), every local authority (13), and every body from the private sector (6) agreed with this proposal. There was some opposition amongst members of the public who expressed an opinion, with 14 agreeing with the proposal and 23 rejecting it.
- 3.93 While many agreed with the actions set out, many of the responses reflected on the importance of considering having a scale of actions to take, and said that the most severe actions should be powers of last resort. In addition, some bodies suggested other actions which should be considered for inclusion in the spectrum of enforcement actions available to the Commission. Amongst these suggestions, UCAC suggested that the proposed Commission should provide advice and help regarding setting up procedures or increasing capacity to avoid a repeat of the situation.

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?

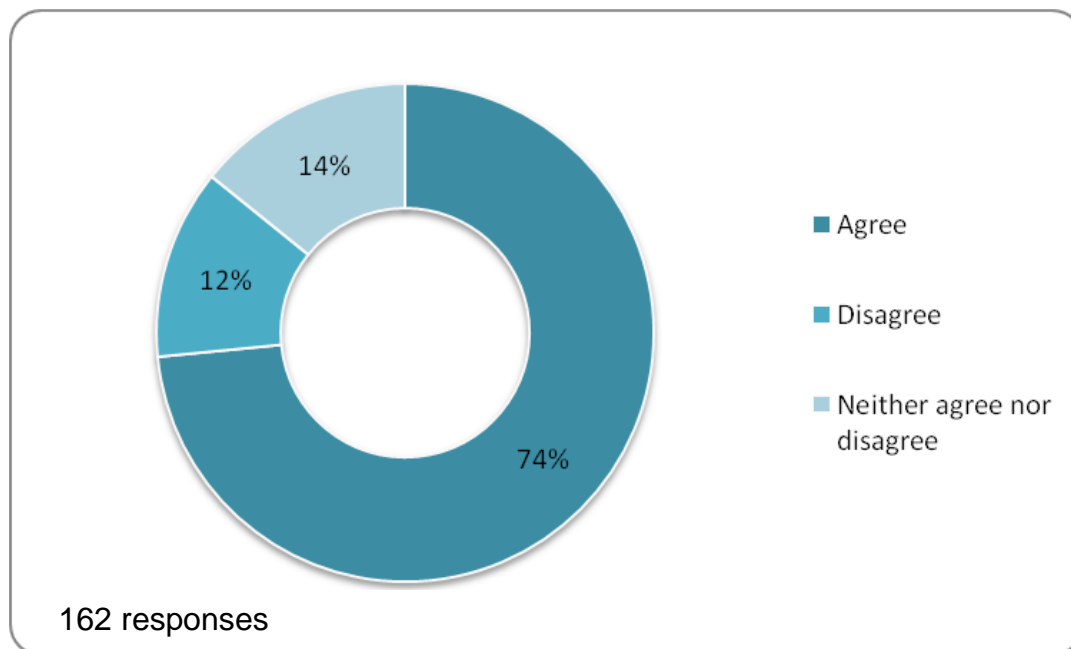
Figure 29: Responses to Question 35



3.94 Of the answers received to this question, the majority agreed with the proposal. Of the bodies which have come into contact with the Welsh Language Standards, 63 provided a response to this question. Of the 63, 58 agreed with the proposal. Those least likely to agree with the proposal were members of the public. Responses were received from members of the public that opposed enforcement in relation to the Welsh Language Standards. Some members of the public and campaign groups felt that the current level of penalty was not sufficient to be effective, and that it should be raised.

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?

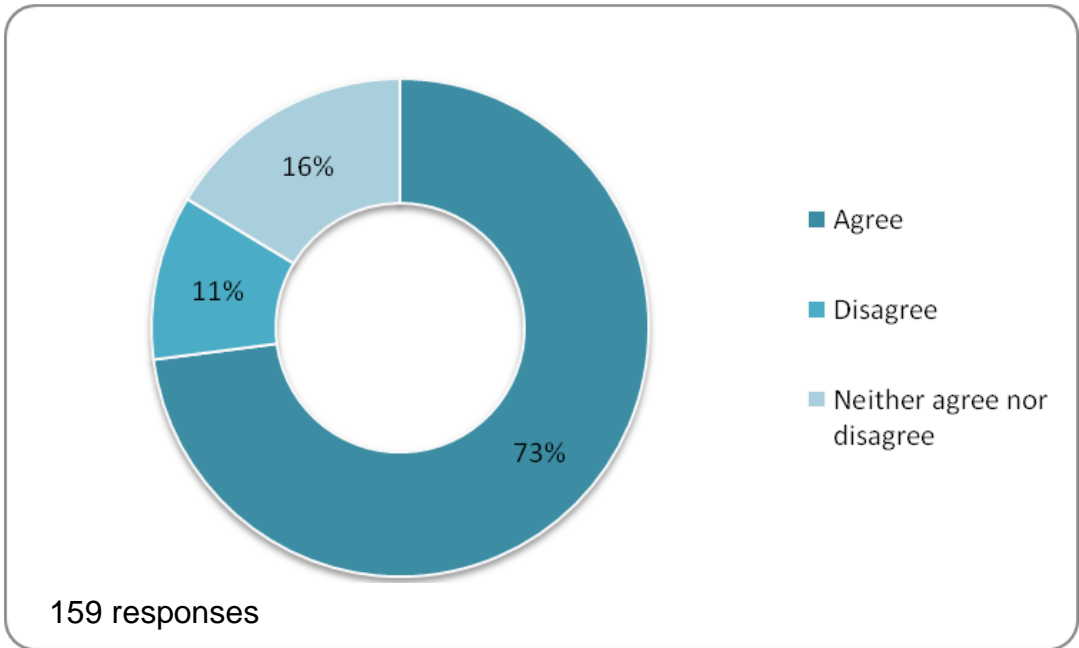
Figure 30: Responses to Question 36



- 3.95 In all categories of respondents, there was agreement with this proposal. All except one of the bodies which have come into contact with the Welsh Language Standards agreed with the proposal. The other neither agreed nor disagreed. Generally, respondents agreed that the ability to appeal to the Tribunal regarding decisions should be retained on the grounds that it would avoid the costs of judicial review in the High Court. The 20 that opposed the proposal were members of the public.
- 3.96 One campaign group was of the opinion that rights should be contained in primary legislation and that the Tribunal should have a role in interpreting those rights and ensuring compliance with those rights.

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?

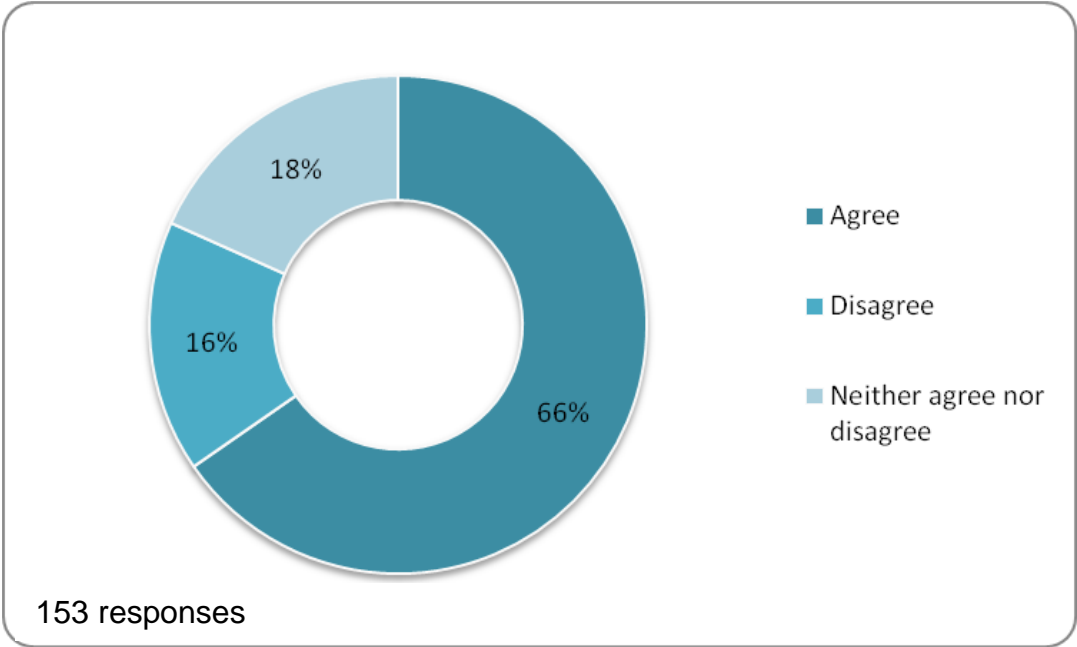
Figure 31: Responses to Question 37



3.97 The majority of respondents across all categories agreed with this proposal. Of the 17 that disagreed, 16 were members of the public and one was a body which has come into contact with the Welsh Language Standards. There was general support for the proposal as respondents considered appealing to the Tribunal to be less burdensome than appealing by judicial review. Some disagreed on the grounds that they believed the appeal should be against a decision by an external body to impose Standards on a body, rather than a decision by the Welsh Government. One campaign group was of the opinion that the right to appeal to the Tribunal should be extended to the public. A concern was expressed by one respondent that the President of the Welsh Language Tribunal is appointed by the Welsh Ministers.

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?

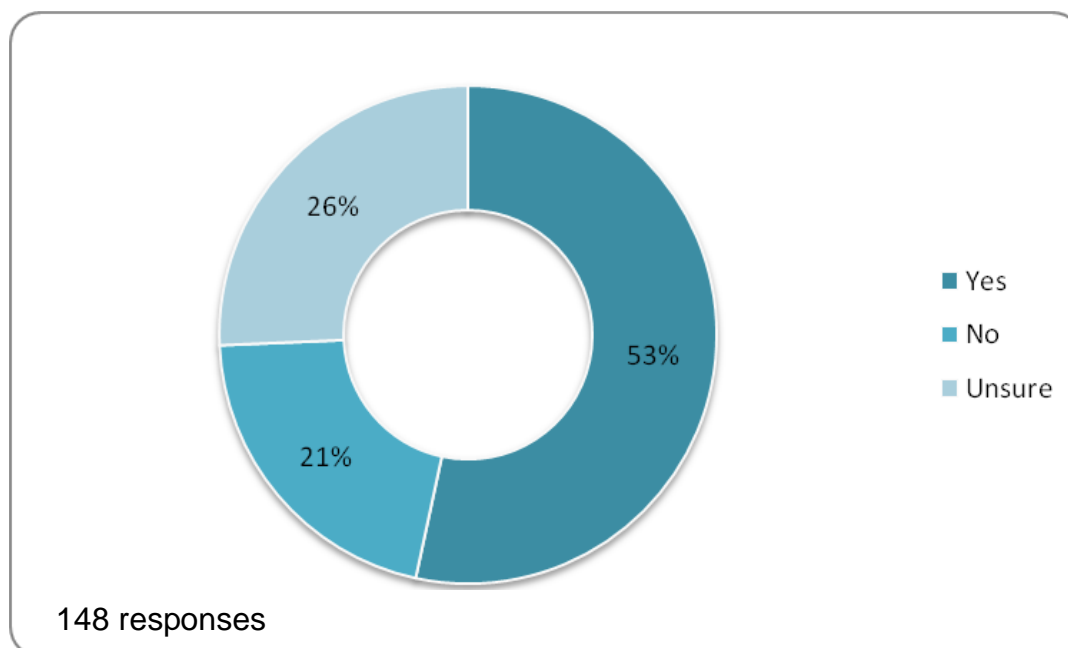
Figure 32: Responses to Question 38



3.98 The majority of the responses in all categories agreed with this proposal. The highest number that disagreed were members of the public. 25 agreed with the proposal and 19 disagreed. Of the bodies which have come into contact with the Welsh Language Standards, 53 agreed while five disagreed. A number of respondents agreed that this proposal would ensure the best use of the Tribunal's resources. One campaign group opposed the proposal on the grounds that a similar provision already exists within the Welsh Language Tribunal Rules.

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?

Figure 33: Responses to Question 39



3.99 The majority of those that provided a response to this question agreed with this proposal.

3.100 In comparison with the response to question 38, fewer bodies which had come into contact with the Welsh Language Standards believed that the first mandatory stage should apply to appeals against Welsh Government decisions than it should to decisions by the proposed Commission. 41 of these bodies agreed with the proposal, 12 disagreed and 10 were unsure. Public opinion was divided. 19 agreed, 19 disagreed and 25 were unsure.

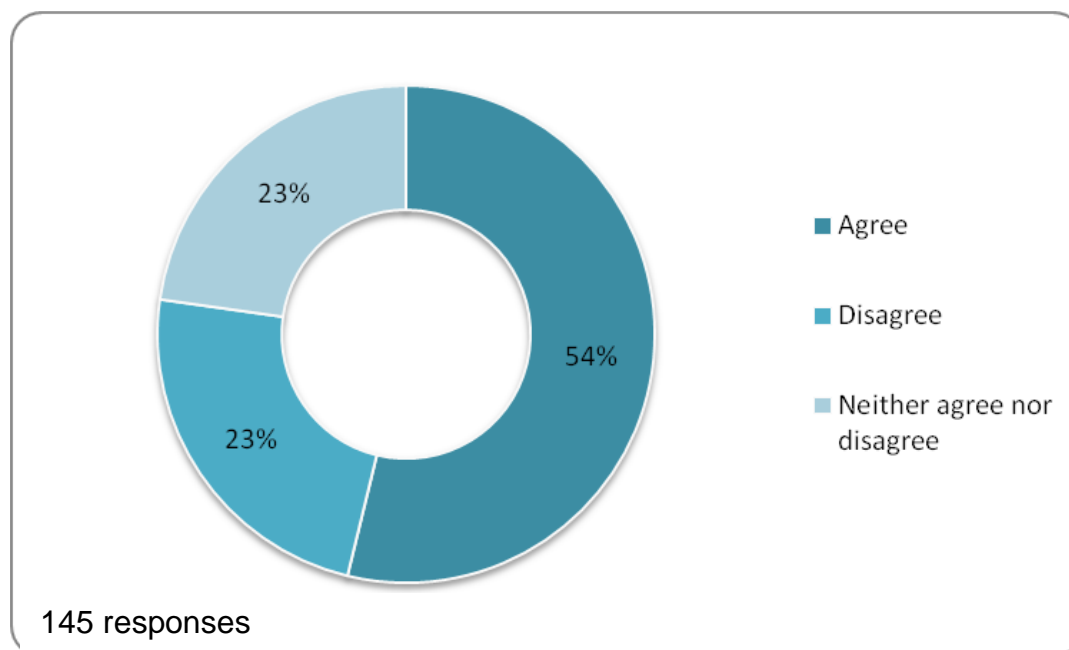
Question 40 – Do you have any further comments on Part 3 of the White Paper?

3.101 The comments of some respondents reflected themes highlighted in other parts of this report. Among these themes were the proposals in the White Paper about ensuring that complaints about the failure of bodies to comply with Welsh Language Standards are referred to the body itself in the first place, comments on the bureaucratic elements of the current system, and opposition by a minority to the proposals on the grounds that the funding should be spent on other priorities. Some noted the importance of the individual and people's rights as an important consideration in language legislation.

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?

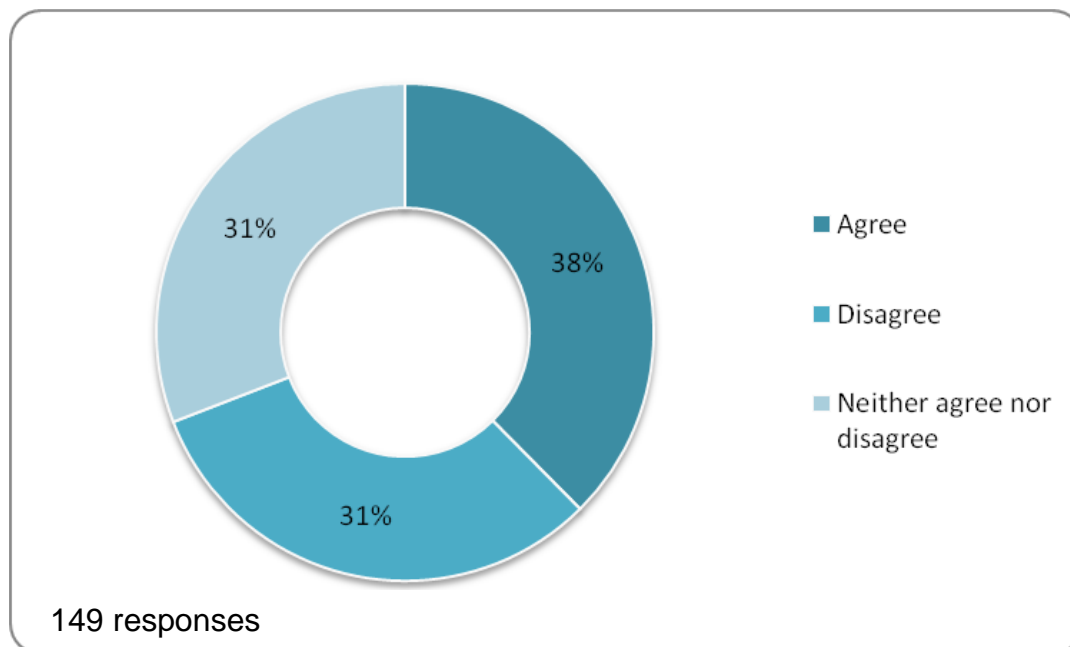
Figure 34: Responses to Question 41



- 3.102 Apart from members of the public, the majority of respondents in each category agreed with this proposal. In addition, a majority of respondents across all responses agreed with the proposal.
- 3.103 11 of the 13 local authorities that responded to this question agreed, as well as four of the five private sector bodies that provided a response to this question. Some expressed concern about the consideration of imposing the Welsh Language Standards on the private sector and the effect on small businesses, as well as possible effects on inward investment and on attracting employment to Wales. The majority of respondents who disagreed were members of the public (27).
- 3.104 In discussing the Standards in other parts of their responses, a number from the private sector noted the importance of considering the potential costs involved in implementing Standards. In this context, one respondent noted that the additional costs involved in implementing the Standards could hinder access to the Welsh market or hinder companies from expanding, and that the costs were likely to be passed on to their customers. One respondent was of the opinion that burdensome costs could cause some companies to withdraw from the Welsh market. A number from the private sector also addressed the competitive nature of the private sector. One of them felt that providing quality Welsh language services could be a way of stimulating competition between companies. A number of respondents considered the importance of allowing companies to challenge individual duties on the grounds of what is reasonable and proportionate. In this context, one respondent was of the opinion that the Standards should be the same for companies across the sector in order to avoid giving competitors an advantage.

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?

Figure 35: Responses to Question 42

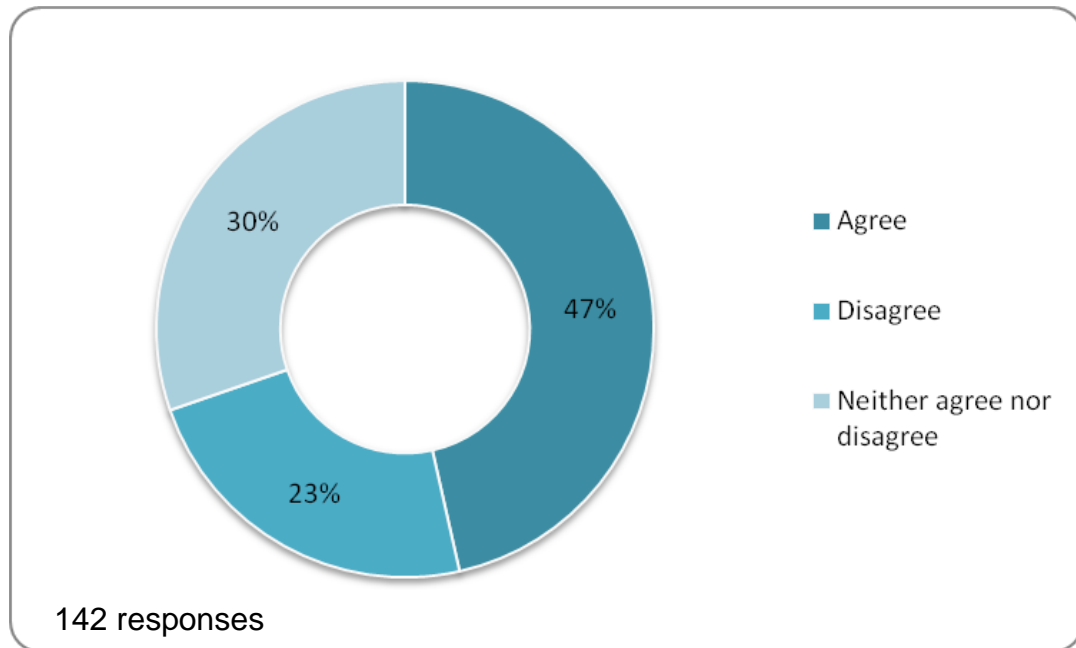


- 3.105 Opinion was divided on this question and there was no majority one way or the other. Although there was not much difference in the numbers that agreed, disagreed and neither agreed nor disagreed, most agreed with the proposal.
- 3.106 Of the six private sector companies that provided a response to this question, four agreed, one disagreed and one neither agreed nor disagreed. 21 members of the public agreed with the proposal, 29 disagreed and 15 neither agreed nor disagreed. Some respondents noted that they did not agree with the proposal on the grounds that it should be possible to impose duties on bodies in relation to workforce planning. Some, such as a number of Welsh language initiatives (Mentrau Iaith), disagreed on the basis that it should be possible to impose duties on bodies in relation to the rights of individuals as employees.
- 3.107 Some expressed concern about the burden the Welsh Language Standards could impose on private companies. Many noted that businesses should be encouraged to offer more Welsh language services and that goodwill should be fostered. Some felt that legal duties should be imposed as, in their opinion, encouraging businesses had not been effective enough.
- 3.108 Two respondents from the private sector wanted further information regarding the definition of 'customers' in the context of the Standards. One respondent from the private sector asked whether 'customers' included potential customers or individuals who wished to make a complaint to the company although not necessarily customers (for example, would an individual who made a complaint about a company's marketing campaign be a 'customer' within the definition of the Standards, even if that individual did not receive the company's services). Two respondents discussed the difference between domestic customers and commercial customers, asking

whether the Standards would be relevant to the services supplied to commercial customers.

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?

Figure 36: Responses to Question 43

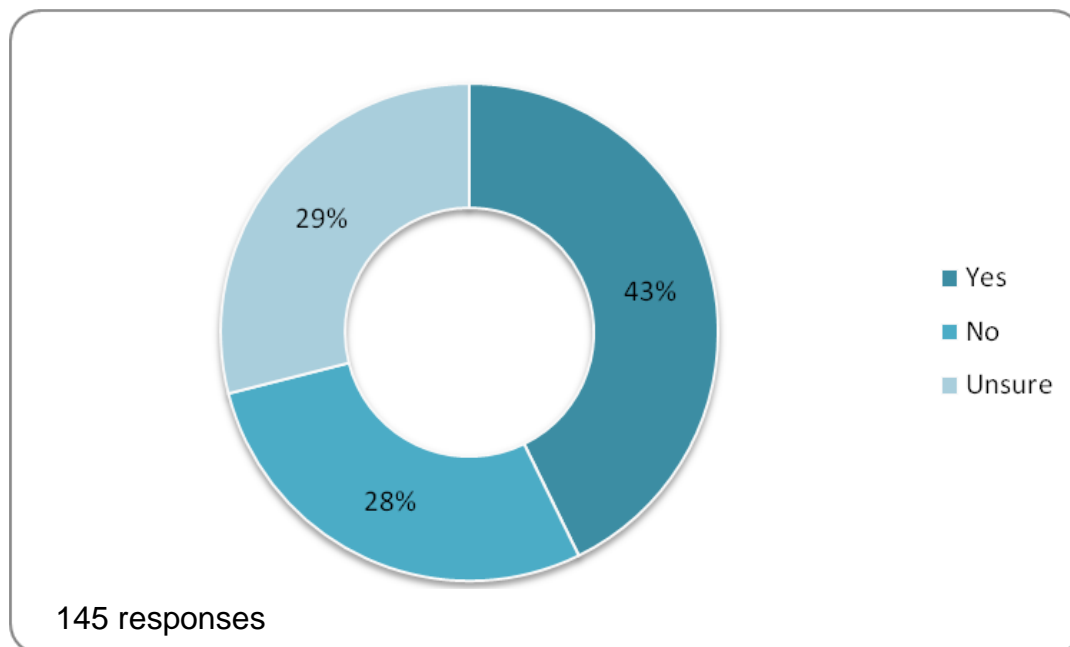


3.109 Opinion was divided amongst those who responded to this question across the different categories of respondents. Most of the respondents who expressed an opinion agreed with the proposal.

3.110 Five of the local authorities agreed with the proposal while three disagreed and four stated that they did not agree nor disagree. In the health and care sector, seven of the respondents agreed while eight stated that they did not agree nor disagree. None of the bodies funded by the Welsh Government to promote and facilitate the use of the Welsh language disagreed with the proposal. Similar to previous questions, some members of the public were of the opinion that Standards should not be imposed on the private sector, while others and some campaign groups thought that legislation should be used to require businesses to use Welsh rather than encourage them.

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?

Figure 37: Responses to Question 44



- 3.111 Opinion was divided on this question and there was no majority of responses one way or the other. Most of the respondents who expressed an opinion believed that the proposed powers should be used to extend the Standards to bodies who are not currently within the scope of Welsh language legislation.
- 3.112 Some responses discussed the importance of ensuring that there are Welsh language services in the private sector as a key part of meeting the objectives of the Cymraeg 2050 strategy. 10 of the 16 local authorities that responded to this question supported this proposal, while six were unsure. All of the bodies funded by the Welsh Government to promote and facilitate the use of the Welsh language who responded to this question (10), believed that Standards should be imposed on the bodies in question. With regards to the responses from the health and care sector, two agreed with the proposal while one disagreed and 11 were unsure. Three private sector organisations provided a response to this question. Two agreed while one was unsure. The responses from members of the public showed that 20 agreed with the proposal, 36 disagreed and 10 were unsure.
- 3.113 Generally, those respondents who believed that Welsh Language Standards should be imposed on the private sector believed they should be imposed on banks and supermarkets in Wales. Some of the responses discussed the importance of banking services, supermarkets and high street shops as they are used on a daily basis, and noted this as the main reason Standards should be imposed on them. Those respondents who were unsure or rejected the proposal noted concerns about the adverse economic effect the Welsh language Standards could have on private sector bodies, as well as the effect this could have on goodwill towards the Welsh language.

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

3.114 A number of bodies that receive funding from the Welsh Government to promote and facilitate the use of the Welsh language noted how important it is for the proposed Bill to ensure spending is framed as spending on bilingual services, and in that context that it is not seen as spending on English language services, with translation as an add-on. One respondent was of the opinion that the Standards should be introduced to the private sector on a voluntary basis at first to foster co-operation, while others felt the Standards should be introduced to the entire private sector. One said that it was illogical for bodies such as banks and supermarkets to be subject to different expectations concerning their provision of Welsh language services considering that they provide services to the public. Contrary to this, several members of the public that responded to this question disagreed with extending the Standards to the private sector.

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?

- 3.115 The majority of respondents decided not to answer this question. Not all responses noted to which assessment their comments related. Where possible, we have noted below to which assessments they relate.
- 3.116 From the responses received, four agreed with the assessments generally. Three were of the opinion that the assessments should perhaps combine the other requirements too such as the duties in the Well-being of Future Generations (Wales) Act 2015, the More than just words... strategy⁵, the Welsh in Education Strategic Plans, as well as other legislative provisions and policies.
- 3.117 Some noted that attempts should be made to try to increase the positive effects for children and young people which would result from the proposals by ensuring the proposals promote the value of the Welsh language as an employable skill, as well as promote opportunities to use the language outside of school. In the context of education, some members of the public that did not generally agree with the proposals noted negative effects on children as a result of Welsh-medium education.
- 3.118 Some respondents acknowledged and noted the possible effect on those who use screen readers, as highlighted in the Equality Impact Assessment, in terms of receiving information in Welsh.
- 3.119 Some said they would like to see more evidence to support the positive effects noted in the Equality Impact Assessment.
- 3.120 Some considered that some of the proposals would lead to effects not recorded in the assessments. Some discussed the need to consider the proposals' effect on those who don't speak Welsh. In relation to the Equality Impact Assessment, one respondent was of the opinion that the proposals would lead to more job opportunities where Welsh language skills were essential. The respondent felt the proposals' effect on communities and people with protected characteristics who are statistically less likely to have Welsh language skills should be considered. Another felt that the effect of the proposals generally on those whose first language is neither Welsh nor English should be considered.
- 3.121 One member of the public and one campaign group felt the proposal to reform the complaint process in relation to failure to conform to the Welsh Language Standards would lead to negative effects on vulnerable groups. The campaign group considered that other proposals in relation to complaints processes, as well as regulatory and promotional functions, would affect vulnerable groups negatively.
- 3.122 Some respondents proposed that we should assess the proposals' other effects, eg on
- Access to justice;
 - Small businesses;

⁵ Follow-on Strategic Framework for Welsh Language Services in Health, Social Services and Social Care (<http://gov.wales/docs/dhss/publications/160317morethanjustwordsen.pdf>)

- Spending on implementing the proposals and the savings/spending expected (Regulatory Impact Assessment).

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?

- 3.123 Of those who responded to this question, 25 agreed that the White Paper's proposals would have a positive effect in terms of opportunities for people to use the Welsh language. Some felt there would be positive effects as a result of greater clarity regarding the Standards and ensuring rights to use the language in receiving services. In contrast, six were of the opinion the proposals would have negative effects in terms of opportunities to use the Welsh language. Of these six (which included members of the public and one campaign group), some were of the opinion that these effects would arise as a consequence of the reforms proposed in the White Paper. Some felt that the proposals themselves were not directly relevant to the use of the Welsh language.
- 3.124 In terms of the effect of the proposals on whether the Welsh language is treated less favourably than the English language, three were of the opinion that the proposals would have a positive effect. One expressed concern that it could continue to be treated less favourably, and another noted that the difficulty in recruiting Welsh speakers causes problems in complying with this principle.
- 3.125 Among the responses to this question, general comments and proposals were made on how the positive effects of the proposals could be increased. For example, some discussed the importance of explaining what is proposed in the Standards to make sure both staff and the public know what can be expected of bodies subject to the Standards.
- 3.126 A minority of those who responded to this question opposed the proposals generally.

Question 48 – Please 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.**

- 3.127 Most of the proposals received in response to this question related to communication. Some proposals were about clear communication regarding what the public can expect of bodies subject to the Welsh Language Standards. Some also mentioned communication work that could be done about raising the profile of the Welsh language among those that don't speak Welsh, marketing the language, as well as ensuring clear communication on the next steps in making the Welsh

Language Bill. A number from the health sector said that they would support an attitude whereby the Welsh language and culture were welcomed, and that they would support the promotion of the advantages that come through the Welsh language, to encourage people to learn. Others made other points that they felt should be considered, such as the Welsh language within the media, the Welsh language within further education, support for bodies in meeting the requirements of the Welsh Language Standards, creating general rights in relation to the language on the face of legislation and extending the Standards to the private sector.

- 3.128 A minority made comments that generally disagreed with some of the White Paper's proposals.

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.

- 3.129 A number of points which have been noted in other parts of this report were echoed in responses to this question, such as: a proposal that general rights should be considered in the new Bill, work that the proposed Commission might possibly carry out, and concerns about the cost of complying with the Welsh Language Standards.
- 3.130 In addition, some respondents offered new proposals and suggestions. For example, the Auditor General for Wales suggested consideration should be given to making the proposed Commission subject to the well-being duty in section 3 of the Well-being of Future Generations (Wales) Act 2015, as well as considering imposing a duty on the Commission to ensure efficiency and economy in exercising its functions. Some respondents thought that the wording of the legislation should be considered.
- 3.131 Of the four tribunals which responded to this question, every single response noted that consideration should be given to whether Standards should apply to the dealings of bodies with the public only, rather than their dealings with other bodies.
- 3.132 Some people commented on the fact that the questions in the consultation were based on the Welsh Government's preferred proposals and that this might take it for granted that respondents agreed with these options.

4. Conclusion and the next steps

- 4.1 The Welsh Government is grateful to everyone who responded to the consultation and gave up their time to do so. We will use the responses to help to inform our policy. When we have finalised our proposals, we will gather evidence of the regulatory impacts to help prepare a Regulatory Impact Assessment. The assessment will be laid before the Assembly at the same time as the proposed Welsh Language Bill.

Annex 1: Summary of responses from the focus group held with children and young people

Two separate sessions were held to engage with children and young people at the Urdd's Centre at Glan-llyn. One session was arranged for Year 7 pupils from Ysgol y Creuddyn, and one session for pupils from Year 12. The themes raised in the sessions are expanded upon below:

Session 1: Year 7 pupils

This session included a short presentation of the Welsh Government's vision for a million Welsh speakers by 2050. The main proposals in the White Paper were explained to the participants, dealing mainly with the intention to establish a Welsh Language Commission to promote and facilitate the use of Welsh as well as monitoring and enforcing compliance by bodies with the Welsh Language Standards. The children were asked to note what they thought the proposed Commission should do to promote the use of Welsh among children and young people and to achieve a million Welsh speakers by 2050.

These are the main themes of the ideas proposed:

- provision in Welsh in technology and social media should be secured, including YouTube, Facebook, Twitter, Snapchat, Instagram, music-selling platforms (such as iTunes and PlayStore), on the internet and in apps and games;
- a number of participants thought that increasing the availability of Welsh language was important, such as television channels, Welsh language music, films and books;
- ensuring the Welsh language is visible in Wales and internationally (in this context, support was discussed for companies producing goods such as clothing displaying Welsh language text);
- some believed it is important that managers and players across sports such as football set an example by speaking Welsh or showing that they are making an effort to speak Welsh;
- some noted that there is a need to increase the use of the Welsh language in shops and in sport;
- some thought businesses should be helped to use the Welsh language;
- some thought it was important to expand Welsh-medium education.

Session 2: Year 12 pupils

This session began by outlining the Welsh Government's proposals for achieving a million Welsh speakers by 2050. The main proposals in the White Paper were explained to the pupils and they were asked specific questions. Twelve pupils took part and it was not compulsory for them to answer any of the questions. A summary of the participants' responses can be found below, under the individual question headings:

Question 1 – Is using Welsh important to you?

Everyone who contributed to the question agreed that Welsh is important to them. In addition, some noted that they use Welsh outside school in some circumstances and that fluency in Welsh is important to help with their homework. Some said that they use English in sports as they are coached in English.

Question 2 – Do you think you have a right to use Welsh in the following situations?

Table 2

	Yes	No	Not sure
A right to ask for Welsh-medium accommodation at university.*	12	0	0
A right to submit coursework in Welsh at college.*	0	12	0
A right to be spoken to a Welsh language service when phoning the local authority-run leisure centre.	5	0	7
A right to use Welsh at a self-service till in the supermarket.	12	0	0
A right to send a letter or e-mail in Welsh to the local authority.	12	0	0
A right to deal with the bank in Welsh.	5	2	5
A right to see Welsh at a public exhibition.	9	0	3
A right to get a Welsh language swimming certificate from the local authority.	1	6	5
A right to use Welsh when shopping online.	0	11	1

After asking the questions, the participants were told that they already have rights (or rights which are in the process of being established) regarding everything in the list apart from:

- a right to deal with the bank in Welsh;
- a right to use Welsh when shopping online; and
- a right to use Welsh at a self-service till in the supermarket.

Question 3 – Bearing the answers to question 2 in mind, do you think the Welsh Government should be able to give you the right to do these things in Welsh?

A number of participants supported the proposal allowing the Welsh Government to impose duties on businesses to provide services in Welsh. Some discussed the fact that imposing these duties might help Welsh learners to learn the language, increase the visibility of Welsh and help to prevent a decrease in the number of Welsh speakers. Some suggested that splash pages should be used on business websites and / or that it should be ensured that Welsh is the first language seen on shops' websites. Some were of the opinion that if they had to choose an option to use a website in Welsh, they would be unlikely to do so. In addition, some thought that the Welsh language option should be available because Welsh is a language used in Wales and companies in other countries offer the option for people to use their languages.

Question 4 – The Welsh Government wishes to establish a new body to help more young people to use Welsh. What do you think this body should do to accomplish this?

These are the main themes of the proposals received:

- The body should support non Welsh speakers to learn Welsh;
- English-medium schools should be converted to bilingual schools and the benefits of Welsh-medium education should be promoted to attract pupils from English-medium schools to Welsh-medium ones;

* In asking this question, pupils were informed that these rights would not come into force until the imposition date noted in the relevant bodies' Compliance Notices.

- Supporting businesses to use Welsh on product labels and restaurant menus;
- Supporting people to use Welsh at work;
- Ensuring more opportunities for young people to use Welsh at events (such as Maes B) and youth clubs.

Annex 2: Summary of responses from the focus group held with people with learning disabilities

This session was arranged jointly with the charity, Carmarthenshire People First , and was held as a Q & A session with two separate groups. One group was held in Welsh and the other in English. There were three individuals in the Welsh speaking group (including a facilitator) and two in the English group responding to the questions in table 3 below, and a third member who took part in answering questions 1-3 below.

Session participants were asked questions to discover whether they were aware of their current rights to receive services in Welsh. The members of the focus group were given scenarios and asked whether they thought they had a right to use Welsh in that situation (ie was the person from whom they were seeking a service in Welsh under a legal obligation to provide the said service in Welsh). The people who took part were not obliged to provide a response to each question.

Table 3

Do you think you have a right to.....	Yes	No	Not sure
talk to the council in Welsh on the phone.	1		3
receive a statement from the bank in Welsh.		2	2
fill in a police form in Welsh.	1	1	3
use Welsh at a supermarket till.		4	1
read the content of the Welsh Government's website in Welsh.		2	3

The data showed that most respondents were not sure whether they had a right to use Welsh or not, or whether they had rights to use Welsh in the scenarios they were given.

After discussing people's current rights to Welsh language services, the groups were asked a series of three questions giving the attendees the opportunity to share general views on the question at hand.

Question 1 – Is the Welsh language important?

The majority of the respondents believed Welsh was important. These are the comments recorded:

- being Welsh is something to be proud of;
- speaking Welsh helps people to feel close to another Welsh speaker;
- speaking Welsh is an indication of respect towards other Welsh speakers;
- the Welsh language is part of Wales;
- the Welsh language is a natural part of the community;
- the Welsh language gives a feeling of belonging to a community and an area;
- people feel good when speaking Welsh;
- that Welsh speakers are like a big family;
- that the Welsh language is part of the culture;
- that you need to speak Welsh to help other people to learn Welsh;

- that the attendees use Welsh with their friends and families;
- that Welsh is a language people can use locally;
- that it is important to use the Welsh language when Welsh speakers are together.

In one respondent's view, the Welsh language was not important because some people do not understand Welsh.

Question 2 – Should the Welsh Government have the power to impose duties relating to the Welsh language on any body within the National Assembly for Wales' legislative competence?

These are the comments recorded:

- Quotas should be considered for the number of staff with Welsh language skills needed by organisations (25-30% was suggested);
- Some thought giving people jobs if they have Welsh language skills should be considered, while others raised concerns about possible discrimination;
- Concern about the possible effects on people who speak neither English nor Welsh if they had to learn Welsh and provide services in Welsh as well;
- Concern regarding people who don't understand Welsh and who think that Welsh speakers are talking about them;
- Some discussed the possible costs involved in imposing duties regarding the Welsh language on businesses;
- Some were worried that the proposal might mean small businesses would close;
- Some thought that big businesses should be subject to duties regarding the Welsh language, whilst others thought that the imposition of duties should be based on the company's size. In addition, some believed that the duty should be imposed on every company everywhere in Wales. Amongst these respondents, some wished to impose duties on every supermarket and others wanted to impose them on pubs, depending on the size of their workforce.

Question 3 – Should a body be established to help more people use Welsh (ie: the Welsh Language Commission)? If you agree, what type of work do you think the new body could do to help more people use Welsh?

Everyone thought it was important to establish a body which would help more people use Welsh.

These are the suggestions received regarding possible projects for the new body:

- undertaking projects to help people to use simpler Welsh and to increase understanding of Welsh words;
- teaching simple language and helping people feel confident to use Welsh;
- helping people to learn Welsh. Working with communities, offering small grants to groups and considering informal learning were all proposed;
- promoting Welsh to businesses and providing badges and lanyards to help Welsh speakers recognise Welsh speaking members of staff;
- promoting the use of Welsh in sport;
- promoting Welsh through language centres;
- addressing young people's possible worries about using Welsh outside the classroom by running after-school / youth clubs in Welsh;
- ensuring that Welsh is visible;
- helping people to record their language choice on forms;

- converting bilingual schools into Welsh schools;
- increasing the amount of Welsh taught in English-medium schools;
- using more technology to help people to learn Welsh on devices such as mobile phones;
- helping people to use Welsh language technology (such as spell-checking tools and Welsh language mobile phones);
- increasing the number of Welsh language television programmes (eg soap operas);
- attracting Welsh speaking doctors back to Wales;
- helping bodies to translate signage;
- increasing the number of people who speak Welsh in Cardiff and Swansea;
- helping people from abroad to learn Welsh.