

Written Evidence to the Communities, Equality and Local Government Committee - Role of the Welsh Language Commissioner and related matters

Introduction

1. The purpose of this paper is to set out written evidence on the role of the Welsh Language Commissioner and related matters to the Communities, Equality and Local Government Committee. It covers the working relationship between the Welsh Government and the Welsh Language Commissioner and details matters related to her work.

Background

2. The post of Welsh Language Commissioner was created under the Welsh Language Measure (Wales) 2011. The Welsh Language Measure is a landmark piece of legislation. The Measure includes provisions about the official status of the Welsh language and established the office of Welsh Language Commissioner, which replaced the Welsh Language Board.
3. Meri Huws was appointed to the post of Welsh Language Commissioner and formally took up post on 1 April 2012. An enhanced Welsh Language Division within the Welsh Government was also established on that date. The Welsh Language Commissioner is independent from Welsh Government.
4. The role of the Welsh Language Commissioner has wide ranging functions and powers which include:
 - promoting the use of the Welsh language
 - facilitating the use of the Welsh language
 - working towards ensuring that the Welsh language is treated no less favourably than the English language
 - imposing duties on persons who come within the scope of the Measure to comply with standards relating to the Welsh language
 - conducting inquiries into matters relating to the Commissioner's functions
 - investigating alleged interference with an individual's freedom to communicate in Welsh with another individual.

The working relationship between the Welsh Government and the Welsh Language Commissioner

5. The nature of the relationship between the Welsh Government and the Welsh Language Commissioner is governed, in part, by the Measure. The Measure provides detail of the responsibilities placed upon the Welsh Government and the Commissioner with regard to but not limited to aspects of funding and reporting. The Measure also provides that the Welsh Ministers must have due regard to the

Commissioner's written recommendations, representations or advice when the Welsh Ministers exercise functions which relate to those written submissions.

6. For aspects of the relationship not detailed in the Measure, a Framework Agreement has been agreed by the Welsh Government and the Welsh Language Commissioner. This agreement focuses on meetings, sharing information, co-operation and aspects of the Commissioner's funding. The Commissioner will usually meet the Minister with responsibility for the Welsh language twice a year, or more frequently should the need arise. The Commissioner will also meet senior Government officials with responsibility for the Welsh language on a quarterly basis. The Commissioner's staff will meet Government officials as required to discuss issues.
7. The Framework Agreement is currently being reviewed by the Welsh Government and the Welsh Language Commissioner. A final version is expected to be agreed and signed in due course.

Implementing the Welsh Language (Wales) Measure 2011 and the timetable for the introduction of standards under that Measure

8. It was announced in May 2013 that the Regulations making the first set of Welsh language standards and making standards specifically applicable to persons, will be made by the end of 2014. A timetable was published setting out the steps that needed to be taken to make the Regulations. Welsh Government is still on track to honour this commitment.
9. Following positive discussions with the Welsh Language Commissioner it has been agreed that the Commissioner will carry out a standards investigation, as provided in the Measure, in relation to Local Authorities, National Parks and the Welsh Ministers early in 2014. As part of the investigation process, the Commissioner will contact these organisations directly to discuss the approach in more detail.
10. Once the investigation has been completed, the Welsh Ministers will receive a standards report from the Welsh Language Commissioner, to which they must give due regard.
11. The timetable below outlines the key steps:
 - Welsh Ministers to present draft standards to the Welsh Language Commissioner - December 2013
 - The Welsh Language Commissioner to carry out a standards investigation in relation to Local Authorities, National Parks and the Welsh Ministers - January 2014 onwards
 - The Welsh Language Commissioner to present a standards report to the Welsh Ministers summarising the findings of the investigation – May 2014
 - Draft Regulations and associated documentation produced – June to September 2014
 - Debate and vote on approval of Regulations in National Assembly Plenary Session – October/November 2014

- It is currently anticipated that the Regulations will come into force in November 2014

12. The Welsh Language Commissioner is required by the measure to prepare a code of practice to assist organisations to comply with Standards. Once Regulations are made it will be for the Welsh Language Commissioners to issue compliance notices to organisations
13. Officials have also been informed by the Welsh Language Commissioner of the content of the rolling programme to plan subsequent standards investigations. Details of that programme will be published by the Welsh Language Commissioner shortly. This will outline the order of priority of introducing Regulations to make standards specifically applicable to all organisations listed in Schedule 6 of the Welsh Language (Wales) Measure 2011.

Welsh Language Tribunal

14. The Measure provides for the establishment of a Welsh Language Tribunal that will hear appeals against the Welsh Language Commissioner's decisions in relation to Welsh language standards. It will be the first tribunal to be established under National Assembly for Wales legislation.
15. The Tribunal will be fully established before the Welsh Language Commissioner issues a compliance notice to comply with Welsh language standards. This will ensure that the right of appeal for those persons is available in respect of Welsh language standards that are imposed.
16. The Tribunal will comprise of a President, who satisfies the judicial-appointment eligibility condition on a 10 year basis; legally qualified members who satisfy the judicial-appointment eligibility condition on a 5 year basis who may chair tribunal hearings, and lay members.
17. The recruitment process for the President will be in early 2014. The President will be responsible for making the rules Governing the practice and the procedure to be followed by the Tribunal. The legal and lay members will be recruited later in 2014.

Welsh language Funding 2014-2015

18. Below is the funding for Welsh Language and Welsh Education under the Education and Skills MEG as outlined within the Welsh Government's Draft Budget for 2014-2015

	2013-14 Supplementary Budget June 2013 (£ ,000)	2014-15 New Plans Draft Budget	2015-16 New Plans Draft Budget
Welsh Language	8,864	8,914	9,049
Welsh Education	16,212	15,462	14,462

19. As set out in the Draft Budget 2014-15, funding for the 'Welsh Language' Action (within the Education and Skills MEG) is set to increase by £0.050m in 2014-15. This increase relates to a recurrent transfer-in of the same value from the 'Welsh Learning' Action (within the Education and Skills MEG) to integrate the annual grant to the National Eisteddfod for the learners' officer post with the core grant provided to the National Eisteddfod, as part of continued focus on grants rationalisation.
20. The budget for Welsh Language Commissioner's Office within the Draft Budget 2014-15 was included within the 'Welsh Language' Action. However, officials are in the process of separating out funding from the 'Welsh Language' Budget Expenditure Line (BEL) within this Action, so that the Welsh Language Commissioner has a separate BEL from 2014-15 and beyond in order to aid transparency.
21. While we remain committed to the Welsh language we cannot shield all services from the effect of the UK Government's cuts and the implications of prioritising spend. As a result, an assessment of the overall budget had to be undertaken to establish where reductions could be found, where the least impact from any cuts would be felt.
22. As part of the review, it was decided that a 10% cut to the Welsh Language Commissioner's budget, which equated to £0.410 million, could be made and the Commissioner was made aware of this intention.
23. We are also proposing to reduce the 'Welsh in Education' Action by £0.75m in 2014-15, with £50,000 being transferred to 'Welsh Language' Action for the National Eisteddfod as outlined in Paragraph 19. A further £1m reduction has been proposed for 2015-16. These reductions have been achieved by reducing the budgets for some of the programmes in support of the Welsh-medium Education Strategy, such as the resource commissioning programme, the Sabbatical Scheme and through savings made as a result of the Bilingual Champions project in FE reaching a conclusion in some FE colleges. At present the Welsh in Education budget is targeted at supporting the development of Welsh-medium education from the early years to 19-year-olds; improvement in standards in Welsh-language learning for 3-19 year olds and Welsh for Adults; and the development of the supporting infrastructure through the commissioning of teaching and learning resources, and the provision of practitioner training.

Y Gynhadledd Fawr

24. Y Gynhadledd Fawr was held on 4 July 2013 in Aberystwyth and concluded a two-month period of activity to engage with people across Wales about the future of the Welsh language, in response to the 2011 Census results. On 23 October 2013 a report outlining participants' feedback was published on the Welsh Government website. This encapsulated the views expressed via the online survey, at the series of local focus groups, at the national conference in Aberystwyth, and through other various methods such as tweets, e-mails.

25. The report noted a firm view among participants that more needed to be done to respond to the changing nature of communities; to develop a better understanding of the links between the language and the economy; and to build on the success of Welsh in the education system. Participants felt this should be underpinned by more opportunities for people to use Welsh; additional support for adults to learn Welsh and to transfer/introduce the language within families; and steps to promote the value of the Welsh language.

26. An Oral Statement was made on 12 November 2013 outlining the Welsh Government's initial response to Y Gynhadledd Fawr as well as a series of actions to support the infrastructure of Welsh speaking communities and encourage the increased use of the Welsh language. These include:

- Improvement Plan: The Welsh Government will develop a new internal Improvement Plan to increase awareness and improve skills in language planning amongst its staff. This will also help us as an organization to comply with the standards will be imposed on us by the Welsh Language Commissioner in due course. The Improvement Plan will also focus on putting systems in place to facilitate the mainstreaming the Welsh language, and enable the Government to more effectively assess expenditure on the Welsh language across portfolios.
- Community infrastructure: Further to Publishing TAN 20, authorities also need to know how to assess the impact of development on the language when preparing their Local Development Plans. Over the coming months Welsh Government, with input from external planning experts and the Welsh Language Commissioner, will develop guidance for planning authorities to help them assess the impact.
- Review Recommendations: Please see details of the recommendations in the Policy Reviews Section paragraph 34.
- Sporting opportunities: Many young people have stated that they want to do sports activities through the medium of Welsh. The Urdd, YFCs, and Mentrau Iaith are increasingly providing these opportunities, of course. However, the standards, in due course, could help ensure that provision is made available by public bodies and others across Wales. This will ensure that the language is a living language outside the school gates. Our sports Governing Bodies also have an important role and influence among young people. This includes the Welsh Rugby Union with who the Minister for Culture and Sport has been in recent discussion on this topic.
- Technology: The Welsh Government has invested £200,000 in six projects that will contribute in a very practical way to the availability of technology and digital content Welsh. This funding will provide :
 - new Speech to Text technology for the Welsh language.
 - An App to collect, publish and share local information through the medium of Welsh.
 - Two new apps focussed on developing Welsh language skills for children under 7 years old.

- An App template which will facilitate the creation of a number of new Welsh learning apps.
- an app (and partner website) for young people to find out what Welsh language activities are on in their area.
- A web service to collect Welsh language Twitter content and trends.

We are also considering commissioning a set of videos which will provide practical help for people to use Welsh online and on their devices. And next year the fund will re-open to invite further proposals for the 2014-15 financial year.

- Information App: over the coming months the Government will develop a digital information service - in the form of app and website - which will allow businesses to advertise their services in Welsh and Welsh organizations to advertise their events.
- 5 a Day: In addition to providing information, a behaviour change campaign will be developed to encourage Welsh speakers to use Welsh more often. Work has begun to develop a '5 a day' campaign from the Welsh perspective. This will urge people to do at least 5 things in Welsh, or 5 positive actions in relation to the language, every day, socially or professionally. For example, having 5 conversations in Welsh; for learners to learn 5 new words; or to write 5 emails in Welsh every day - or a combination of these. That is, creating new opportunities to use the language in new situations, in order to create new habits and increase confidence.

Implementing the Welsh language strategy

27. A report on the progress of the Welsh Language Strategy will be published before the end of December.

The impact of policy development on the Welsh language across all Welsh Government departments and portfolios

28. A Task and Finish Group was set up and met monthly between August 2011 and August 2012. The Group considered the Welsh Government's internal use of Welsh, as well as identifying ways to improve its external Welsh language services, in line with our Welsh language scheme and strategy. The Group made a set of recommendations which form the current Welsh Language Improvement Plan; the Group's recommendations were approved by the Board in October 2012. The Improvement Plan aims to increase awareness and improve skills in language planning.

29. A new Improvement Plan is currently being developed which focus on putting systems in place to facilitate the mainstreaming of the Welsh language. A specific project will be set up in order to consider potential assessment tools and look at ways to strengthen the links with other Welsh Government processes. Assessing the impact will help to ensure that Welsh Government abides by the principle set out in the Measure that, in Wales, the Welsh language should be treated no less favourably than the English language. In addition, it will also provide a basis for Welsh Government compliance with the new Welsh Language Standards when

they are introduced and enable Government to more effectively assess expenditure on the Welsh language across portfolios.

30. One of the recommendations of the Task and Finish Group is to have Welsh Language Champions across Government departments. Each department within Welsh Government has a Welsh Language Champion who is a senior member of staff nominated by the relevant Director General, and is supported by a Welsh Language Coordinator. One of the key tasks of a Champion is to seek opportunities to mainstream Welsh language issues into new policies and projects as they are developed, and when funding activities undertaken by third parties.

Welsh language issues within other policy areas

The Welsh-medium Education Strategy

31. The Welsh-medium Education Strategy sets out the ambition of the Welsh Government for a country where Welsh-medium education and training are integral parts of the education infrastructure and a place where all learners develop their Welsh-language skills to their full potential.
32. The third annual report on progress against the objectives and targets of the Welsh-medium Education Strategy was published in July 2013. Progress has been made against 63 of the 74 actions (85 per cent) in the implementation programme. Work on the remaining 11 actions is being taken forward during 2013–14.
33. The Strategy contains fixed five-year and indicative ten-year targets based on outcomes which are being used to monitor progress in implementing the Strategy. A three year evaluation of the Strategy has been commissioned. The work has already commenced and will contribute to the review of the Strategy in 2015.

34. Recent developments include:

Welsh in Education Strategic Plans

- Welsh in Education Strategic Plans are now a statutory requirement for all local authorities in Wales as a result of the School Standards and Organisation Act (Wales) 2013 being passed.

Practitioner training

- The Welsh in Education Grant will provide more than £5.6m to local authorities in 2013-14 and 2014-15 to undertake a range of activities, including training to increase the number of teachers and support staff with higher-level Welsh-language skills.
- The Sabbatical Scheme continues to provide intensive Welsh-language training for practitioners on a variety of levels in locations throughout Wales. The Scheme is currently being extended to provide courses until August 2017.

Welsh second language

- Progress is being made on the action plan to address poor standards in Welsh second language, which sets out six objectives to tackle issues faced by practitioners and Welsh second language learners. A budget of £400k has been allocated to implement the action plan over a four year period.
- A review of Welsh second language at key Stages 3 and 4 has been completed and the report “One language for all” was published on 27 September 2013.
- The recommendations of this group will influence how the Welsh language is taught in schools in the future and its recommendations will be considered as part of the wider review of assessment and the National Curriculum in Wales.

Work based learning and Further Education

- The Bilingual Champions project is going from strength to strength. The project has been extended to include all 17 further education colleges in Wales in addition to the Work Based Learning sector.
- Sgiliaith continues to be funded by the Welsh Government to provide language and methodology training and mentoring programmes to lecturers and trainers in FE colleges

Welsh for Adults

- The Welsh for Adults programme continues to attract over 18,000 learners to learn Welsh every year.
- A review looking at how the Welsh for Adults provision could be improved was recently completed. The group provided a report and recommendations during the summer and a formal response to this report will be made in due course.

Resource commissioning

- The Welsh Government continues to commission Welsh-medium teaching and learning resources in various media, including books and digital resources

TAN 20 - Planning and the Welsh Language.

35. The role of the Welsh Language in the planning system is set out in Planning Policy Wales and TAN 20: The Welsh Language. A revised TAN 20 was issued by the Minister for Housing and Regeneration on 9 October 2013. The Welsh Government is committed to promoting and facilitating the use of the Welsh language. By issuing a revised TAN 20, the Welsh Government delivered the commitment it made in the Welsh Language Strategy for 2012-17, *iaith fyw: iaith byw*. As mentioned previously, the Welsh Government, with input from external planning experts and the Welsh Language Commissioner, will, over the coming months, develop guidance for planning authorities to help them assess the impact.

Policy Reviews

36. Task and Finish Group to look at the future of Welsh-speaking communities

- The National Assembly for Wales, during a plenary in 2012, asked the Welsh Government to establish a Task and Finish Group to look at the future of Welsh-speaking communities. The group is chaired by Dr Rhodri Llwyd Morgan. The Group is due to report its findings and recommendations and a Government response will be made in due course.

37. Task & Finish Group on Welsh Language and Economic Development

- The Minister for Economy, Science and Transport established a task and finish group in December 2012 to explore the links between the Welsh Language and Economic Development. The group is focussing on factors which have specific and direct relevance to economic growth, the provision of jobs, the creation of wealth and the well-being of the Welsh language. The Group are due to report their findings and recommendations and a Government response will be made in due course.

38. Welsh for Adults review

- In July 2013 the report “Raising our sights” was published. This was the final report with recommendations of the independent review group which considered the current and future delivery of the Welsh for Adults provision.
- The Review Group made 24 recommendations to further develop the field. The main recommendations were to:
 - establish an entity to become responsible for the strategic direction and planning of the field;
 - reduce the number of providers to between 10-14;
 - improve the planning of provision making use of 2011 Census data and other market research;
 - revisit Welsh for Adults qualifications moving the emphasis from accreditation towards assessment for learning;
 - work with Welsh Government, Welsh Language Commissioner and employers to develop a Welsh in the Workplace strategy;
 - develop an innovative e-learning strategy that will ensure that e-learning is dovetailed with the learners’ experience at all levels; and
 - work with stakeholders to ensure that learners have opportunities to practice and use their Welsh-language skills.
- A formal response to the report will be made in due course.

39. Review of Welsh second language

- In July 2012, an independent Review Group, chaired by Professor Sioned Davies, was established to advise on improving Welsh second language provision at Key Stages 3 and 4. The main objective of the Group was to consider what changes should be made to enable more learners to use the language outside the classroom, in their communities and in future employment.

- “One language for all”, published on 27 September 2013, reflects the findings of the Group’s work. We very much welcome this report, which makes a number of important recommendations. We will now take time to reflect on the recommendations in the context of the wider review of assessment and the National Curriculum, and work being taken forward in response to the review of qualifications and the discussion on the future of the Welsh language. We will respond in full to all these recommendations in due course.

40. The National Eisteddfod Task and Finish Group

- The group met regularly during 2013 to discuss questions such as a permanent site, structure of the event, attracting new audiences, especially young people and families. The Group also considered, as a part of its remit, how the National Eisteddfod and Urdd Eisteddfod can cooperate to share services and resources.
- The Group has completed its report and presented its recommendations; these will be considered before a response is provided. There will be a meeting with the National Eisteddfod on 5 December 2013 to discuss the Welsh Government recommendations.

41. Review of the Mentrau

- A review of the work of the Mentrau Iaith, local language action plans and the Aman Tawe scheme by Cardiff University on behalf of the Welsh Government is due to report. A formal Welsh Government response will be made in due course.