

“STRIKING THE RIGHT BALANCE” WHITE PAPER – WELSH GOVERNMENT PROPOSALS AND DRAFT COUNCIL RESPONSE

- 1. A single body should be established to be the main body with responsibility for promoting the Welsh language and monitoring and enforcing compliance with Standards.**
- 2. That single body should be a Welsh Language Commission and therefore the Welsh Language Commissioner role should be abolished.**
- 3. The Welsh Government should be responsible for national Welsh language strategy, national policy, for managing and funding some bodies of national significance, and for some specified areas of work. The Welsh Government should transfer the budget and resources for other specified promotion work it currently undertakes to the Welsh Language Commission.**

Comment: We would support the establishment of a single body – current roles and responsibilities between Welsh Government and the Welsh Language Commissioner are blurred and can be confusing when we seek information, clarification or advice about Welsh language matters. We would have no objection in principle to seeing the abolition of the Commissioner’s role, and establishing a new Commission to be responsible for both promotion and regulation is supported. Nevertheless, there will continue to be a split between the responsibilities of Welsh Government and the new Commission, and the potential for overlap and confusion remains, particularly in respect of the split between the setting and monitoring of Standards. Would transferring even more powers to the Commission to simplify matters be feasible? This needs further exploration/consideration.

Regardless of detailed structures, what really matters from our perspective is that there is clarity about who is responsible for what. It is also essential that, rather than the current legalistic and literal approach being adopted by the Commissioner’s Office (inevitable given its policing role), its successor should aim to be collaborative, flexible, supportive and encouraging to those covered by the legislation.

- 4. The concept of Welsh Language Standards should be retained.**
- 5. Standards should only apply to services. Other corporate duties currently in the Standards system which do not create enforceable rights for individuals should be termed ‘language planning duties’ and should be statutory duties on bodies on the face of the legislation.**

Comment: Agreed. Consistently applied standards across Wales is the most effective and equitable approach.

Comment: Agreed. It would be useful to differentiate between what the public can expect by way of service delivery and what planning needs to be undertaken by organisations to achieve those service standards.

6. **The Standards bodies are required to comply with should be reviewed from time to time and, where appropriate, additional Standards placed on bodies or current exceptions granted to the bodies removed.**

Comment: Agreed.

7. **The Welsh Government should be responsible for making and imposing Standards on bodies, and for issuing guidance and codes of practice. The Commission should be responsible for monitoring and enforcing compliance with the Standards.**

Comment: This raises the same issue as in 1-3 above. The aim should be for as many responsibilities as possible to be within the remit of a single body rather than generating confusion by splitting functions.

8. **Bodies should be required to deal with complaints about the Standards in the first instance. The Commission should only investigate complaints in serious cases.**

Comment: Strongly support. It is a significant weakness of current arrangements that complaints go automatically to the Commissioner before Councils get the opportunity to reply/remedy, and that trivial complaints take up an inordinate amount of time. Councils already have robust complaints procedures which should be the first resort.

9. **The Welsh Language Tribunal should be retained. Bodies should be able to appeal against the imposition of a Standard on them by the Welsh Government to the Tribunal.**

Comment: Agreed.

10. **The Standards should be capable of being applied to any body, so long as the requirements are reasonable and proportionate and within the powers of the National Assembly for Wales.**

[Explanatory note to Scrutiny and Cabinet:

When the Welsh Language Measure was passed in 2011, the Assembly's powers were restricted by UK Government; those powers have now been extended, giving the Assembly powers to extend the Measure to more private businesses than are currently covered by the legislation. The question is whether the restrictions should be removed.]

Comment: There seems no reason why they should not be so applied; but the requirement for more private sector businesses to comply with Standards, and the effects of doing that, should be considered carefully.