



Comisiwn y Cynulliad Assembly Commission

**NAFWC 2009 (Paper 4, part 1)
Wales Legislation Online – report on progress**

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1.0 Purpose and summary of issues

1.1 To report to the Commission on what progress has been made in attracting the level of funding for the Wales Legislation Online (WLOL) Website from sources other than the Commission (including from Ministers) which would enable the full list of objectives for WLOL, set by the Commission, to be achieved.

1.2 To report on the full range of options open to the Commission in the light of that situation.

2.0 Recommendations

2.1 That the Commission:

- notes the evidence of continued public support for the Commission's objectives for the WLOL web-site;**
- notes further progress which has been made in achieving those objectives despite continued failure to achieve secure funding from other sources;**
- recognises, nevertheless, the risk that a continued inability to attract sufficient secure funding from sources**

other than the Commission could call into question WLOL's ability to achieve those objectives;

- confirms the Commission's commitment to provide funding at the current level; and
- requests the Director of Legal Services, in consultation with the other Directors and the heads of relevant services, to take steps to develop (if appropriate by incorporation into the Fourth Assembly Programme) provision, *on a contingency basis*, for fulfilling the Commission's objectives for WLOL by alternative means should this be necessary.

3.0 Discussion

3.1 At its meeting on 1 June 2009, the Commission received an update from the Director of Legal Services on the progress made by the Wales Legislation Online website in achieving the objectives set by the Commission as a basis for its financial support. The Commission noted that that the Welsh Government had yet to increase its funding to match that provided by the Commission, so that the level of funding necessary to achieve those objectives had not been achieved. It was agreed that the Commission should give further consideration to the funding of WLOL and to the options relating to its support for the website, supported by robust data identifying the level of current usage.

3.2 The Director of Legal Services has now received a report on further progress during the current financial year towards achievement of the objectives. This is summarised in the Appendix. Further highlights are:

- support from the Welsh Government remains at a level of £20,000 per annum, agreed on a year-to-year basis;
- WLOL has attracted financial support from the Centre for Welsh Medium Higher Education enabling it to employ a bilingual Research Assistant for one year and this has been instrumental in enabling progress to be made on objective 4 (see the Appendix);

- the Senior Researcher is currently on maternity leave (until the end of April) but the site is being maintained by a part-time researcher who is familiar with the website, having worked on it in the past;
- further data has been gathered in relation to use of the website (see paragraph 3.3 below);
- there have been a number of significant endorsements of the importance of the service which the site (if it were able to achieve the full objectives set by the Commission) could provide (see paragraphs 3.4-3.6); and
- a start has been made (see the progress on objective 5 in the Appendix) on developing the “Welsh statute book” approach.

3.3 WLOL’s IT officer conducted a one month (23 October 2009 – 25 November 2009) review of ‘hits’ on the website which showed:

- 4,026 visits by 3,749 unique people yielding 10,336 page views;
- the vast majority of visits (91 per cent) were via search engines (mostly Google); 5.74 per cent was direct traffic (i.e. using the web address);
- the vast majority of visits was UK based (3,714), followed by the US, Ireland and France (all below 50) (58 countries in all);
- the data do not identify the visitors’ ‘home’; and
- there was a high bounce rate (76.73 per cent); WLOL do not know why¹.

¹ The “bounce rate” means the proportion of visits to the site which end immediately (e.g. because the person accessing the site realises (or believes) that it is not what he or she is looking for). The bounce rate is a high one and the managers accept that it needs to be investigated and addressed. It should be borne in mind when assessing the number of genuine visits (likely to be of the order of 925 during the period) but the number of page views is less affected (still likely to be about 7300).

3.4 The report of the All Wales Convention contained the following:

“Access for the citizen to the growing body of Welsh law is essential. The overlapping nature of England and Wales and Wales-only primary and subordinate legislation complicates the picture. And there are at least 10 means by which law applicable in Wales can be made. Despite its cardinal importance, there is no single accessible record where the people of Wales and beyond, lawyers or business can verify the legislation which applies in Wales, including importantly, legislation made by Welsh Ministers.”

3.5 The Welsh Affairs Select Committee, in its recent review of the LCO process, stated that:

“We are aware of some efforts to present the law relating to Wales in a more user-friendly manner. For example, two services provided by the National Assembly for Wales via its website, the Assembly powers tracking notes and the regularly updated version of Schedule 5 to the Government of Wales Act 2006 provide a useful tool for those wishing to monitor the growing competence of the Assembly. Nevertheless, more work is needed to provide a comprehensive picture of powers devolved both to the Assembly and to Welsh Ministers in an accessible and regularly updated form. One vehicle for further research may be *Wales legislation online*, a service supported by the National Assembly for Wales and the Welsh Assembly Government in conjunction with Cardiff University and the Wales Governance Centre, which aims to provide "an accurate, comprehensive and current statement of the devolved functions in Wales and of the laws made in Wales". This site is currently being revised to better reflect legislation since the Government of Wales Act 2006.”

3.6 The Committee went on to recommend that:

“We agree that there is more work to be done to establish a comprehensive and accessible 'Welsh statute book'.”

- 3.7 The case for ensuring that the public have a source of free, comprehensive, accurate and accessible information about Welsh legislation is overwhelming. The objectives set by the Commission for WLOL in 2008 are aimed at achieving this. Progress has been made towards achievement of these objectives. Unfortunately, further progress continues to be threatened by the limited and uncertain resources available to WLOL. Matched funding from the Welsh Government has not materialised (although WLOL are continuing to make the case for the necessary increase in WG support). Although there has been some success in obtaining funding from the Centre for Welsh Medium Higher Education, this has been short-term and for a specific purpose. No source of medium term general funding, other than that provided by the Commission, has been identified.
- 3.8 Whilst the efforts of WLOL to achieve the Commission’s objectives under these conditions are commendable, and justify the Commission’s continued support, prudence dictates that alternative options for delivering the objectives, should the continued development of WLOL become unsustainable, need to be considered. These are:
- withdraw funding, based on the inability of WLOL to achieve the full objectives set by the Commission. Although the Commission has made a commitment to provide the current level of funding for five years (and we are only approaching the end of the second year) funding has always been made conditional on achievement of the agreed objectives. If, therefore, it became clear that progress towards those objectives was no longer possible, the Commission would not merely be entitled to reconsider the position, it would be obliged to do so. The importance to both the public and the Assembly of the achievement of those objectives would dictate, however, that if such a situation arose the Commission would need to consider alternative means of achieving them;
 - seek an alternative partner. This is unlikely to provide a genuine option. WLOL has an excellent reputation and years of “know-how”. Any partner seeking to set up a

similar website would have to build up the necessary know-how and reputation from scratch, which would be an uncertain venture. However, the crucial factor would be likely to be the inability to do better in attracting funding than WLOL has done. If WLOL cannot obtain extra funds from the Welsh Government or from other sources there is no reason to believe that anyone else can;

- increase the funding to WLOL. Given the current financial climate and the many competing calls on Commission funds a very strong case for doing so would be needed;
- share resources with WLOL so as to minimise costs met by WLOL out of the limited finance available. To what extent this is practical would need to be explored in detail, but there might be savings if instead of being a free-standing website WLOL material were to be published on that of the Assembly's; or
- the current role of WLOL (perhaps modified so as to emphasise even further Assembly legislative output) could be taken over entirely by the Assembly. This would enable the content of the web-pages to draw on the range of expertise (research, legal, web-publishing, translation) available within NAW as and when required. The development of the Assembly's constantly updated version of Schedule 5 to the Government of Wales Act 2006 (which is easily the most up-to-date and user-friendly source of information available on Assembly legislative competence) demonstrates how effective this approach can be. Naturally there would be extra costs associated with such an approach – for example the recruitment of one or more members of staff to compose and update the material.

3.9 The current arrangement with WLOL runs out at the end of March 2013, halfway through the term of the Fourth Assembly. Work is already underway on a programme of change necessary to provide the Fourth Assembly with the enhanced services which it will need to do its work and this could, if the Commission agrees, provide a vehicle for developing, on a contingency basis, proposals for delivering

the objectives set for WLOL by alternative means should the need arise.

3.10 In the meantime it is recommended that the Commission’s commitment to provide funding at the current level be confirmed.

APPENDIX

Wales Legislation Online

Financial Assistance by the National Assembly for Wales Commission under para. 5(1) and (3)(b) of Schedule 2 to the Govt of Wales Act 2006

Record of progress towards achievement of the aims for enhancement of the web-site on which the agreement to provide assistance is based

Note by WLO Team: The comments made in the sections below identify the main features of progress under the funding arrangement. Reference should also be made to the more detailed reports submitted in 2008/09 and to the first report for 2009/10 (6 December 2009) attached to this Report.

	Objective	2008-09	2009-10	2010-11	2011-12	2012-13
1	Restructuring of the site to reflect the new dual nature of Welsh legislation (primary and secondary)	<p>The WLO team's technical support staff have created a 'shadow' website that differentiates the law devolved to Wales according to</p> <p>(1) The Schedule 5 fields</p> <p>(2) institution: WAG, NAW and central government</p> <p>(3) Measures, Welsh statutory instruments, and statutory instruments made by central</p>	<p>The necessary technical changes to the underlying structure of the website to support the dual nature of Welsh legislation are now complete. The visual changes are currently under development, some of which will be introduced progressively before the final roll-out of the new website, which we expect to be in the Spring of 2010.</p>			

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		<p>government</p> <p>The team has been in contact with both NAW and WAG with a view to their agreement to a joint statement on the WLO home page.</p> <p>Other amendments to the home page have been made to reflect the restructuring.</p> <p>The restructured website is ready to go live as soon as some consequential technical changes have been finalised.</p>			
2	Expansion to deal fully with the growth of Welsh primary legislation (Measures)	<p>This aim is being fulfilled in consequence of the restructuring under aim 1.</p> <p>The team has added its own 'field' to the website: 'Constitution'. This field will contain links to the 1998 and 2006 Acts, to the list of matters in Schedule 5. These will be updated as appropriate.</p>	<p>Measures are being added in the same format as Acts.</p> <p>Five Measures in both Welsh and English have been uploaded; priority will be given to future Measures.</p>		
3	Marketing in order to increase awareness and use	<p>We have not been able to undertake any direct marketing. However, during 2008/09 the principal researcher (Marie Navarro) gave presentations to several organisations about the WLO service.</p> <p>We also regard the efforts we made in March 2009 to conduct a user</p>	<p>In April 2009 we conducted a short online user survey. Of 61 responses 61% considered that WLO was their 'only' or 'main' source of information about the law devolved to Wales. 85% thought it 'wholly' or 'very' reliable and 74% thought the website to be 'very user-</p>		

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		<p>satisfaction survey to constitute indirect marketing. The detail is set out in Business Plan 2, section 2.1.</p>	<p>friendly’ or ‘easy to use’. 35% used the website at least once a month, 28% once a week and 7% daily.</p> <p>Looking to the future one of the most significant aspects of the survey is that in response to the question whether in five years they would expect to being using WLO more or less frequently than at present, 82% responded ‘more frequently’.</p> <p>The accompanying Report (6 December) reports on user ‘hits’ generated by the University’s IT division.</p>			
4	<p>Fully comprehensive bilingual approach</p>	<p>In the absence of the sought funding it has not been possible to advance this purpose beyond routine provision of Welsh language versions of the home page.</p>	<p>In 2009 the Law School made a successful bid to the Centre for Welsh Medium Higher Education for one year funding of a bilingual research post. That post has been filled with the result that the WLO team can now proceed with aim 4. Both the website’s static and dynamic pages are being or will be translated into Welsh over the next months.</p>			
5	<p>Full treatment of non-devolved legislation and functions in devolved fields, leading (possibly starting with fields such as</p>	<p>The pursuit of this aim requires a person with legal expertise to work with the principal researcher.</p>	<p>Work has begun on establishing a clear and comprehensive statement of the relevant legislation devolving functions to WAG and NAW relating to education.</p>			

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	education where devolution of functions is most comprehensive) to a “Welsh statute book”					
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