

Agenda – Culture, Communications, Welsh Language, Sport, and International Relations Committee

Meeting Venue:

Committee Room 3, Senedd

Meeting date: 8 November 2023

Meeting time: 09.30 – 12.30

For further information contact:

Lleu Williams, Committee Clerk

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Pre-meeting registration

(09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Scrutiny of the Welsh Language Commissioner – Autumn 2023

(09.30 – 10.45)

(Pages 1 – 152)

- Efa Gruffudd Jones, Welsh Language Commissioner
- Lowri Williams, Strategic Director, Welsh Language Commissioner

Attached Documents:

- Research Brief: Scrutiny of the Welsh Language Commissioner – Autumn 2023
- Letter from the Welsh Language Commissioner: Annual Report and Assurance Report 2022–23 – 25 October 2023
- Welsh Language Commissioner: Annual Report 2022–23
- Welsh Language Commissioner: Raising the Bar: Assurance Report 2022–23



Break

(10.45 – 10.55)

3 Scrutiny of Sport Wales – Autumn 2023

(10.55 – 11.55)

(Pages 153 – 173)

- Brian Davies, Chief Executive Officer, Sport Wales
- Baroness Tanni Grey-Thompson, Chair, Sport Wales

Attached Documents:

- Research Brief: Scrutiny of Sport Wales – Autumn 2023
- Evidence paper: Sport Wales

4 Papers to note

(11.55)

4.1 Welsh Government Draft Budget 2024–25

(Pages 174 – 205)

Attached Documents:

- Letter from Disability Wales: Welsh Government Draft Budget 2024–25 – 19 October 2023
 - Annex 1: Disability Wales report: Barely Surviving: The Impact of the Cost-of-Living Crisis on Disabled People in Wales – July 2023
- Letter to the Minister for Economy & Deputy Minister for Arts, Sport and Tourism: Welsh Government Draft Budget 2024–25 – 25 October 2023
- Letter to the First Minister: Welsh Government Draft Budget 2024–25 – 25 October 2023
- Letter to the Minister for Education and Welsh Language: Welsh Government Draft Budget 2024–25 – 25 October 2023

4.2 Office for National Statistics: The future of population and migration statistics in England and Wales

(Pages 206 – 207)

Attached Documents:

- Response from the Office for National Statistics: The future of population and migration statistics in England and Wales – 27 October 2023

4.3 Public service broadcasting in Wales

(Pages 208 – 277)

Attached Documents:

- Letter from Rhun ap Iorwerth MS: Public service broadcasting in Wales – 25 October 2023
- Response from Ofcom: Public service broadcasting in Wales – 23 October 2023
- Response from S4C: Public service broadcasting in Wales – 30 October 2023
- House of Commons – Welsh Affairs Committee: Broadcasting in Wales – 27 October 2023
 - Annex 1: House of Commons – Welsh Affairs Committee: Broadcasting in Wales: Summary – 27 October 2023

4.4 UK–EU Parliamentary Partnership Assembly (PPA)

(Pages 278 – 288)

Attached Documents:

- Letter from the Economy, Trade, and Rural Affairs Committee and Legislative, Justice and Constitution Committee: UK–EU Parliamentary Partnership Assembly (PPA) – 18 October 2023

- UK-EU Parliamentary Partnership Assembly: Third meeting summary report – October 2023

4.5 UK-EU Governance

(Page 289)

Attached Documents:

- Letter from the Legislation, Justice and Constitution Committee: The Welsh Government's strategic forward approach to its relationship with the European Union – 17 October 2023

5 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of this meeting

(11.55)

6 Scrutiny of the Welsh Language Commissioner: consideration of evidence

(11.55 – 12.05)

7 Scrutiny of Sport Wales: consideration of evidence

(12.05 – 12.15)

8 Public Service Broadcasting in Wales

(12.15 – 12.25)

(Pages 290 – 292)

Attached Documents:

- Legal advice note: Public Service Broadcasting in Wales

9 Culture and the new relationship with the EU: consideration of consultation responses

(12.25 – 12.30)

(Pages 293 – 294)

- [Consultation responses: Culture and the new relationship with the EU](#)

Attached Documents:

- Briefing note: Culture and the new relationship with the EU

Document is Restricted



Culture, Communications, Welsh Language, Sport, and International Relations Committee
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25/10/2023

Dear Committee,

I am glad to share with you the first Assurance Report that I have published as Welsh Language Commissioner. The Assurance Report in which I share my view on how organisations are implementing their language duties is published annually. Despite the levels of compliance having generally improved, particularly by organisations that have been subject to the Welsh Language Standards for some time, the report notes that it is necessary to tackle the challenge of creating an environment where it is possible to use Welsh naturally every day. This means working to improve the services that are offered to people verbally, whether over the phone or face to face. To enable this, and for people to be able to use the Welsh language naturally every day, public bodies, and other organisations in Wales must provide and promote services, operate internally and plan policies that support opportunities to use the Welsh language.

An element which is of particular concern to me, and to which I referred to previously in my Annual Report 2022-23, is that 18% of the Welsh speakers that took part in a survey that I conducted reported being prevented from speaking Welsh in the past 12 months. The Assurance Report details that the percentage is higher amongst people between 16 and 34 year old, of whom 29% of the sample stating that they had been prevented from speaking Welsh. The constant erosion of Welsh speakers' daily language experiences and a negative attitude to language use is bound to affect the confidence of Welsh speakers and impact on levels of Welsh language use.

I look forward to further discussing the 2022-23 Assurance Report with you, as well as the 2022-23 Annual Report, in the Committee's meeting on 8 November. I am also enclosing a copy of the 2022-23 Annual Report, although I realise that you have already received a

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

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Commissioner

copy from the Auditor General for Wales. You are welcome to contract me if you would like to have more information about these documents ahead of 8 November.

Yours sincerely,

Efa Gruffudd Jones
Welsh Language Commissioner

Enc.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Annual Report: 2022-23

The Welsh Language Commissioner

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Maintain and increase organisations' compliance with their statutory duties


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Welsh Language Situation 2022-2023 



Increase the use of Welsh by organisations across all sectors

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About us

The Welsh Language Commissioner wants the people of Wales to be able to live in Welsh. Our role is to promote and facilitate the use of the Welsh language. Our work leads to creating more opportunities to speak and to use the language. The role was initially created by the Welsh Language (Wales) Measure 2011 which also gave the language official status in Wales.

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to achieve our aim we:



Listen to what people have to say to us, dealing with complaints, educating, and sharing information about rights to use the Welsh language; and ensuring that public organisations comply with the Welsh language standards.



Influence the Welsh Government and other organisations to ensure that the Welsh language features prominently in policy and legislation.



Share our work with others around the world learning about good practice from other countries in relation to language rights.



Encourage organisations of all kinds to offer more Welsh language services so that the people of Wales can live their lives through the medium of Welsh.



Advise on the standard forms of Welsh place-names so that they are protected for the future.



Annual overview:

72% of Welsh speakers stated in a survey that Welsh-medium public services are improving.

Imposed 45 statutory enforcement actions following an investigation, and intervened 837 times after finding deficiencies through her own monitoring and regulation.

A survey undertaken to understand the experiences of people in Wales where 18% of Welsh speakers reported experiencing someone trying to prevent them from using Welsh with another person.

The imposition of 250 enforcement actions or statutory recommendations following valid complaints from individuals.

Responded to 381 enquiries from organisations and 114 from the public.

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Annual overview:

Hosted a conference on the policy-making standards with 280 attendees from Welsh and UK public organisations.

Chair of the International Association of Language Commissioners transferred to Wales at an international conference in Bilbao.

Expert advice offered on landscape names, Cadw site names, and Welsh place-names in England and beyond.

Responded to 24 consultations on policy and legislative proposals during the year in fields such as, education, health and care, agriculture, broadcasting, economic development and Welsh communities.





Annual overview:

Influencing work by the Commissioner and others means that supporting the Welsh language and promoting and facilitating its use is one of the aims of the Agriculture Bill brought before the Senedd.

Reaching 1.6 million Twitter accounts during the Welsh Language Rights Day and creating a video by young people to highlight the rights they have in using the language.

Approval of 28 Cynnig Cymraeg plans including that of Lidl, which was the first supermarket to receive the approval.

Training sessions provided to nearly 200 representatives from the private and third sectors on how to improve the use of Welsh.

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Foreword

'The main aim of the Welsh Language Commissioner is to promote and facilitate the use of the Welsh language and we want to see Wales as a country where people can live in Welsh, using the language in their daily life.'

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It is a privilege to submit this, my first annual report, since taking up the post as Welsh Language Commissioner. It has been an exciting and interesting time and I am grateful to my colleagues, bodies, organisations and all the individuals across Wales and beyond whom I have had the pleasure of meeting face-to-face and virtually at this early stage.

Whilst taking pride in being given the opportunity to contribute to the work of strengthening the position of the language I am also aware that I am embarking on this at an incredibly sad time, following the death of Aled Roberts who contributed significantly to strengthening the status of the Welsh language during his short tenure. I would also like to thank all the staff, under the careful leadership of Gwenith Price, for continuing the vital work in the difficult times that followed.

The main aim of the Welsh Language Commissioner is to promote and facilitate the use of the Welsh language and we want to see Wales as a country where people can live in Welsh, using the language in their daily life.

The results of the 2021 Census set a context for the work ahead and although I would not for a moment want to downplay the findings of the Census I believe that the position of the language across Wales is much more complex than is suggested by raw data. In my previous post I saw at first-hand the growing interest in learning Welsh, certainly over the COVID-19 period, and that interest continues.

Wales has a vibrant Welsh language cultural life, and while that prevails the position of the Welsh language remains hopeful.

The future of the Welsh language is of course in the hands of our children and young people, so they must be a priority in all of our work. As a result, there is a need for constant focus on the Welsh language within education across Wales. We welcome the publication of the white paper outlining the Welsh Government's vision for the Welsh Language Education Bill and our response will underline the need to expand Welsh medium education and opportunities for people to become confident Welsh speakers.

Over the past year our compliance officers have continued to work with those organisations subject to the Welsh language standards to improve and increase compliance. Over 837 various interventions were seen, and 250 enforcement actions were issued under the Commissioner's Enforcement Policy.

In my first few weeks, I had the pleasure of attending a meeting with over two hundred public organisations at a workshop on the policy making standards, and was pleased to see and hear the desire to work together to strengthen the position of the Welsh language in our daily lives. It is crucial that we encourage our public organisations to be ambitious in implementing the standards, offering the best possible services to the public through the medium of Welsh.



Foreword

We need to constantly challenge how this work leads to increased use of Welsh in our daily lives. The element of promoting and facilitating the Welsh language, which goes hand in hand with the compliance work, is vital. The Cynnig Cymraeg scheme, which is recognition by the Commissioner for organisations that have drawn up a Welsh language development plan, is a great opportunity to engage with organisations not subject to the standards, and it was wonderful to see so many receiving recognition for their offer over the past twelve months. I want the language to be enjoyed and used freely, in all sorts of contexts.

It is absolutely clear to me that the Welsh Language Commissioner has a vital role to play as we develop the future of the Welsh language and its speakers. But that is not the responsibility of one individual nor of one organisation. For me, working with others to move closer towards creating a Wales where people can live in Welsh, is an honour.



Efa Gruffudd Jones
Welsh Language Commissioner



The position of the Welsh language today

The 2021 Census

The publication of the first results of the 2021 Census in December 2022 was undoubtedly the most significant event in relation to the Welsh language during 2022-23. In 2021, 17.8% of the population stated that they spoke Welsh, which is the lowest percentage of Welsh speakers ever recorded in a census. The results showed a decrease of approximately 23,700 in the number of Welsh speakers in 2021 and a 1.2% decrease in the percentage of Welsh speakers compared to 2011.

There has been a reduction in the percentage of Welsh speakers aged 3-15 who were able to speak Welsh which raises concerns that the reforms in statutory education have not, as yet, been adequate. Increasing opportunities for young people to develop into confident Welsh speakers will be a central principle for the Commissioner's work as the Welsh Government develops its Welsh Language Education Bill over the coming years. We will respond to the Government's consultation on its white paper which includes proposals for a Welsh Language Education Bill published at the end of the reporting period.

Positively, the Census showed a slight increase in the percentage of people who are able to speak Welsh in the young adult groups (aged 16-19 and 20-44). This is possibly due to an increase in opportunities to use the Welsh language in the workplace and in the community, and an increase in those who are learning and using Welsh as adults. We need to ensure this trend continues and increases.

It is positive to note that there is an increase in the percentage of Welsh speakers in four local authorities in the south-east. However, there has been a decline in all other local authorities, which is a concern, particularly in the context of those communities where the Welsh language is traditionally strong. With this in mind, the Welsh Government established a Welsh Language Communities Commission in 2022. The Government also announced an £11m investment in Arfor 2 which will help strengthen the economic resilience of the Welsh language heartland. Without doubt, it is vital that these interventions bear fruit to ensure that there is no further erosion in the viability of Welsh as a community language in its traditional heartlands. The Commissioner will continue to seek to contribute constructively to the work of the Commission and to scrutinise the Government's activities in promoting the Welsh language within the community over the coming years.

The census is the main authoritative source for statistics on the number and percentage of Welsh speakers. There are other data sources, however. This includes the Office for National Statistics' Annual Population Survey which showed that around 884,000 people aged three years or over were able to speak Welsh in the period between April 2020 and March 2021, representing 29.2% of the population. As a result of the difference in the results of the data sources the Office for National Statistics and the Welsh Government will work together to improve their understanding of the main sources of data and surveys used to compile statistics on the Welsh language.



The position of the Welsh language today

More than just words 2022-25

In 2022 the Welsh Government's 5-year plan for the Welsh language in health and social care was published. The plan is a follow-up to three previous frameworks. Welsh language standards have led to the expansion of Welsh speakers' rights in health and care. It is vital that this plan is fully implemented in tandem with the Welsh language standards over the coming years to ensure that Welsh speakers receive the active offer of care through the medium of Welsh. This is particularly true in the context of priority groups that include young and older people, people with learning disabilities; users of mental health services; people living with dementia; users of stroke services and users of speech and language therapy services.

Welsh language standards

The year saw a renewed increase in the expansion of people's rights to engage with organisations through the medium of Welsh. The Welsh language standards (No. 8) Regulations 2022 which apply to regulators in the health sector came into force during October 2022. By the end of the reporting period the Welsh Government began their consultation on the Welsh language standards (Water and Sewerage Undertakers) Regulations 2023.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Engage with the public, listen and consider what is expressed in a fair and balanced way. Act on behalf of people, whether employees or members of the public, if they face barriers in using the Welsh language. Take every opportunity to reach out to a wider audience.

Raise awareness of the legal rights that Welsh speakers have and take every opportunity to reach out to a wider audience.

Educate and share information about the significant outcomes of casework with target audiences of all kinds.

Impose standards on bodies in a timely manner once standards have been introduced by the Senedd. Within the lifetime of this plan and in accordance with the Welsh Government and Plaid Cymru Co-operation Agreement, we expect this to happen in relation to the following organisations: public transport, health regulators, public organisations that are currently outside the standards regime and water companies.

Implement an effective complaints procedure that prevents the continuation or repetition of failures.

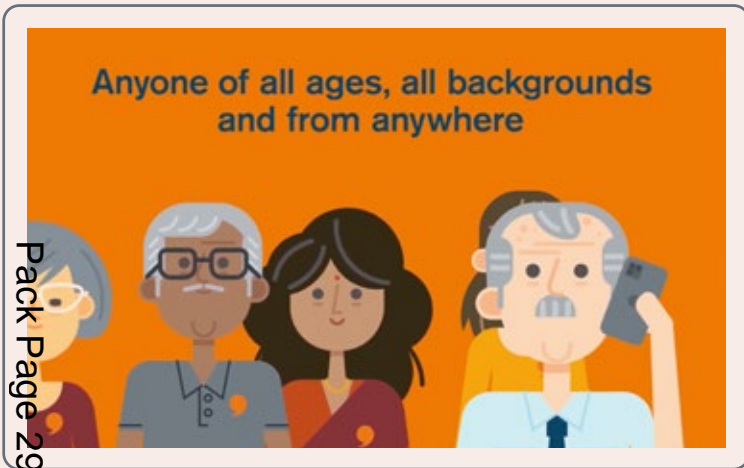
Conduct responsive pieces of work that seek to determine whether some groups of Welsh language users have more difficulties in exercising their rights due to their circumstances and make recommendations to support them.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Click to see video



Listening to the people of Wales

Conducting a survey with the assistance of Beaufort Research is an annual opportunity for the Commissioner to hear the views of Welsh speakers. We listen to how people say they use the language every day.

80% of Welsh speakers surveyed believed that opportunities to use the Welsh language with public organisations are increasing or remaining the same, with 82% believing that they are able to deal with organisations through the medium of Welsh if they wish to do so.

65% rated the quality of English and Welsh language services as the same.

58% of Welsh speakers surveyed indicated they preferred to use English.

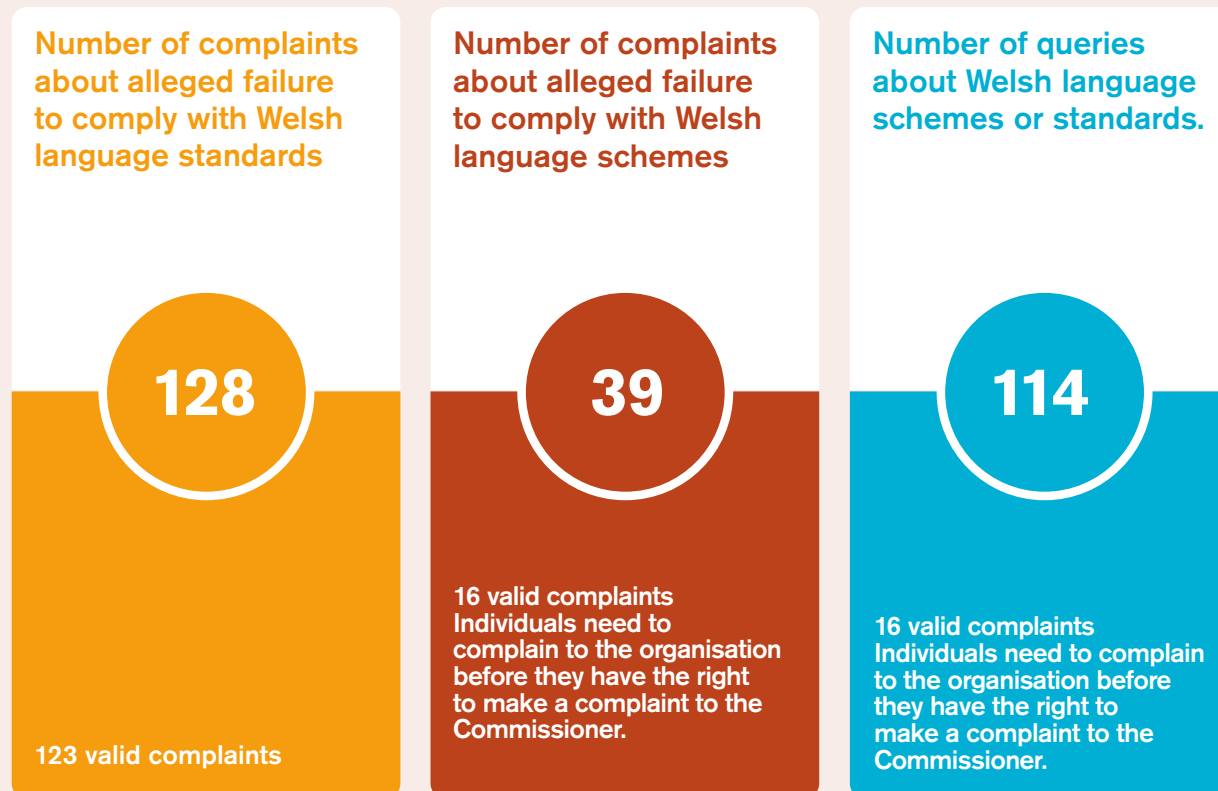
72% thought Welsh language public services were improving.



OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Raising Welsh speakers' awareness of their rights

Anyone can contact the Commissioner regarding an issue that concerns them about the Welsh language. We are here to listen and to take action that will lead to change.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Ensuring Welsh language services for the people of Wales

The Welsh Language Commissioner listens to the people of Wales and to Welsh speakers. We are able to receive complaints and respond to them as set out in the Welsh Language (Wales) Measure 2011.

As a result of the complaints shared with the Commissioner, we implement a formal complaints regime which then leads to investigations. The investigations carried out by a team of experienced staff lead to improvements and change.

The Commissioner imposes enforcement actions and provides advice to public organisations to ensure compliance with the Welsh language standards. The result is that more organisations are using the Welsh language.

The enforcement actions imposed on the Wales Millennium Centre and the Arts Council relating to their recruitment processes have led to a review of the way both organisations assess the language requirements of posts they advertise.

An investigation was also carried out into signage, announcements and the use of English only on Transport for Wales trains. As a result of the investigation the organisation is preparing an action plan to be completed within the next 18 months to ensure they provide electronic signage and train announcements in Welsh, and therefore comply with the Welsh language standards.

‘We are always keen to hear from our stakeholders and customers – to understand their experiences on our network, and to listen and act based on the feedback we receive. In order to provide a better experience for our users, a huge amount of important work is currently taking place to transform our rail infrastructure. Our priority is to ensure everything is bilingual, and our campaigns, products and communication have been a huge success, with the Welsh language leading the way.’





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Freedom to use the Welsh language

People in Wales are able to speak Welsh with any other individual who wants to use Welsh without anyone preventing them. These are some of the cases brought to the attention of the Welsh Language Commissioner this year.

Three county council staff in the North East contacted the Commissioner regarding their experiences of being prevented from using Welsh on Teams in meetings at work. Following the advice of the Commissioner, the Council will:

- remind all staff of the Council's policy on the Welsh language in the workplace.
- review recruitment processes to confirm that job applicants understand the importance of Welsh in the workplace.

An individual contacted the Commissioner to report that a member of staff at a West Wales county council had asked her not to speak Welsh with her child. The child is under the care of the Council's social services, and the request was made for her not to speak Welsh with the child during her visits. After discussion with the Commissioner's staff, it became clear that the individual did not wish the Commissioner to conduct an investigation into the matter. The person was given advice and guidance over the phone, and given an information leaflet explaining her legal rights.

Another person contacted the Commissioner to ask that we investigate an allegation that an individual from a county council in North Wales had asked him to speak English and not Welsh at a meeting. Following initial enquiries with the parties, it was decided not to investigate the complaint because the allegation did not meet the definition contained in the Welsh Language Measure of interference with the freedom to use the Welsh language. Elements of the matter are now under investigation under the Welsh language standards regime.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Bupa Ltd prevents dentist from using Welsh at work

It is important that employees are able to use the Welsh language in their day-to-day work. We want to see businesses and employers in Wales encouraging employees to use Welsh with each other.

Following an application, the Commissioner decided to investigate an allegation which stated that Bupa Ltd. had prevented a dentist from using Welsh at work.

The Commissioner determined that Bupa Ltd. had interfered with the worker's right. In her report the Commissioner noted that organisations can support their employees' rights to use Welsh in a bilingual workplace. She challenged Bupa Ltd.'s perceptions that the use of Welsh can lead to a risk of errors or problems at work that would not arise if English was used. Bupa Ltd. has accepted the Commissioner's judgment and recommendations.

This case received coverage in the media and we took the opportunity to highlight the right to use the Welsh language at work. It was also noted that employers should not prevent staff from speaking Welsh at work in Wales.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

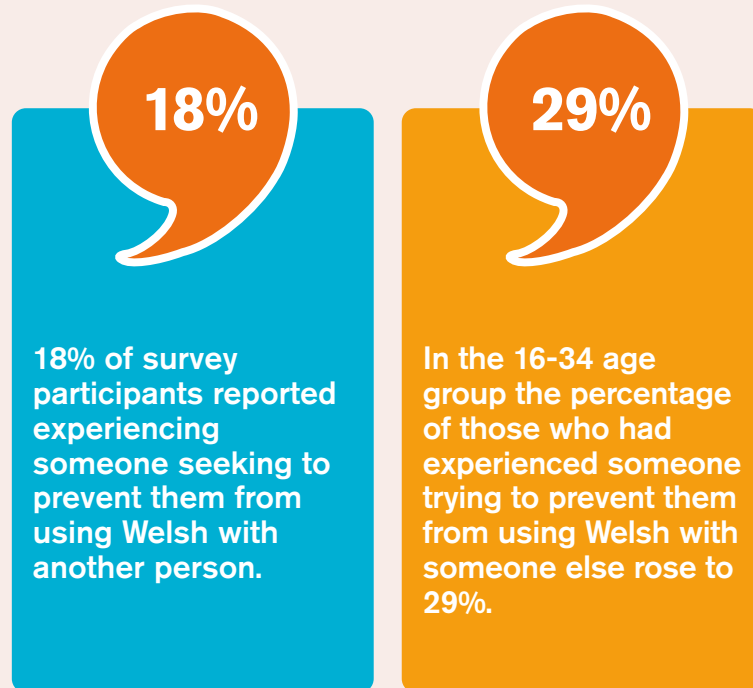
Gathering public opinion

As part of a poll conducted by Beaufort Research during the year, a question was asked on behalf of the Commissioner. Welsh speakers were asked if someone had prevented them from speaking Welsh with someone else who also wanted to use the Welsh language.

We asked for specific examples of what had happened in the past 12 months.

In addition to these figures, respondents were able to provide examples of situations where they were asked not to speak Welsh in the past year. These included being asked not to use Welsh in public places such as on a bus or in a café, in the workplace and in colleges. One of those surveyed was prevented from using Welsh at college when he was told, 'We only speak English here.' As a result he did not use Welsh at college after that.

The Welsh Language Commissioner stated,



'The comments show that many of those who experienced interference had turned to English. These results are unsettling for me at the outset of my tenure as Commissioner. I am already planning to raise employers' awareness of the freedom to use the Welsh language. It's also important that those facing experiences like this know that they are able to contact me so that I can take steps to change the situation. I will go out and talk to people to understand more about their experiences.'



OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Welsh Language Commissioner's work leads to change in public organisations

To ensure that the people of Wales have more opportunities to use the Welsh language the Commissioner advises and supports organisations to make changes. We provide advice and support in a number of ways including giving advice and making recommendations; referring organisations to code of practice requirements; sharing effective practice; hosting educational events; conducting surveys and publishing reports.

On an annual basis the assurance report sheds light on the performance of organisations, and it is ensured that failures do not continue through enforcement where appropriate. The most suitable methods are applied to each situation to ensure the best result for Welsh speakers.

The Commissioner's staff work to measure the impact that enforcement actions have had on the work of organisations and their use of the Welsh language. The aim is to see those actions lead to lasting change for the benefit of the Welsh language, and we look at a range of cases in different organisations.

Number of advice actions; recommendations; and entering into a settlement agreement

12

Number of actions where compliance was enforced

232

Number of recommendations given as a result of investigations under the Welsh Language Act 1993

6



OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Improving Welsh language provision in the courts

Employees from a county council gave evidence at an employment tribunal. As a result of temporary arrangements due to COVID-19 restrictions, they were required to attend court to facilitate simultaneous translation arrangements. This was in contrast to the arrangements for others who wished to speak English. Those individuals were able to contribute remotely. The Commissioner investigated the complaint and made statutory recommendations.

The complaint raises important issues regarding the use of the Welsh language in the courts. At the heart of the case is the right to use Welsh in any legal proceedings in Wales. This is a relevant and timely issue as His Majesty's Courts and Tribunals Service is working on a project to modernise courts and tribunals services, and as online cases become increasingly common. There needs to be more fundamental and far-reaching consideration as to how technical provision is planned for in the future, as organisations move to a more digital way of working.

Ensuring a Welsh-medium telephone service

Flintshire County Council has ensured, by agreement with a third party, that Welsh speakers will be able to have an initial conversation on the phone in Welsh as required by the Welsh language standards. This was the result of investigations and enforcement actions imposed by the Commissioner. The council will continue to monitor the telephone service and develop their efforts to increase the Welsh language skills capacity of the workforce. The work of officers monitoring the progress of the authority against the enforcement actions imposed was crucial to the development of this service. Without the complainant's complaint, and the Commissioner's ability to investigate and enforce, this service would not have been developed.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

The health sector

Investigation and enforcement is also making a difference to the performance of the health sector. Two investigations during the year have led health boards to improve their provision of language awareness courses for all staff.

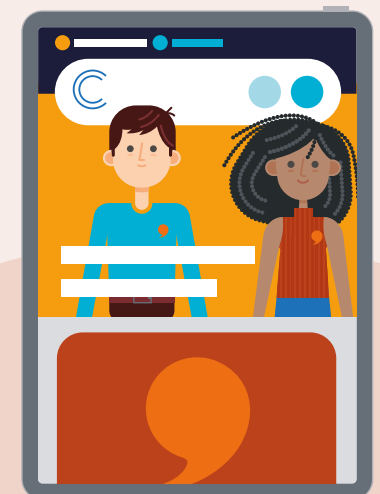
By investigating the Public Health Wales websites as a result of a combination of complaints and compliance officers' findings we have made a greater difference than by investigating just one website. We have worked in this way many times over the course of the year, and the ability to make an impact and make a difference is therefore wider-reaching.

Investigations into methods of assessing staff skills are underway. We have ensured a more strategic shift to our work. An investigation into Betsi Cadwaladr Health Board has set an important precedent for reception services in emergency department areas, and an investigation into the digital use of Dr Doctor appointments services has also been shared with all health boards.

Ensuring that the Welsh language is central in the use of technology

The Commissioner carried out an investigation into the use of English language email addresses by Cardiff Council. Although the Council argued that the cost of changing the situation would be significant, there was collaboration and discussion between the Commissioner, the Council and the Welsh Government. As a result, Microsoft developed a tool that enables organisations to use Welsh-language addresses, at no additional cost. This resource will be available for use by organisations soon.

It is important that the Welsh language is visible in the use of technology. Technology and the way it enriches people's lives is constantly changing. The Welsh language needs to be part of this change.





OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

Lasting Power of Attorney in Welsh

Complaints were received from members of the public relating to significant delays and problems in trying to register for lasting power of attorney online in Welsh. The Commissioner decided to open an investigation.

Welsh speakers need to be able to register for a lasting power of attorney online in Welsh. Welsh Language Commissioner Efa Gruffudd Jones stated,

'These cases are often emotionally difficult and sensitive and it is extremely important that the service is available to the public through the medium of Welsh.'

Responding to the investigation, the Office of the Public Guardian has acknowledged the seriousness of the situation and the frustration that has been caused to the complainants in attempting to register for a lasting power of attorney in Welsh. The Commissioner is clear that service users should not have to go out of their way because they wish to use the Welsh language. Organisations must offer good quality Welsh language services proactively or as a default.

One Welsh speaker explains their situation:

'I recently needed to arrange an LPA (Lasting Power of Attorney) and had to open and print out the paper forms in advance to complete the application in Welsh. There is an option to fill in these details online (which will then print out everything easily and clearly) but this can only be done through the medium of English, which means the final application forms are in English.'

I know of a number of people who would have preferred to complete the process entirely online (and then print the form to be signed) but had to download all the forms on paper first in order to complete them in Welsh. I think this treats Welsh speakers differently, and forces people to fill in an English language form as it is ultimately more convenient.'



OBJECTIVE 1: Ensuring fairness, justice and rights for Welsh speakers

More rights to use the Welsh language with public organisations

The Commissioner has imposed Welsh language standards on 125 public bodies, and is implementing a programme of imposing standards on more bodies in the future. The Commissioner has consulted on draft compliance notices for health professions regulators. The eight organisations will receive final compliance notices during 2023, and will implement Welsh language standards by the end of the year.

Between 15 February 2023 and 5 April 2023, the Welsh Government consulted on the Welsh Language Standards (Water and Sewerage Undertakers) Regulations 2023. The Commissioner has formally responded to that consultation. These regulations will enable the Welsh Language Commissioner to impose language duties in relation to the Welsh language on companies providing water services to the public.

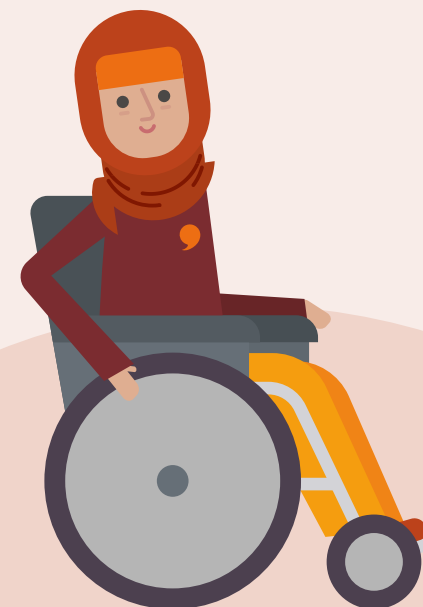
Discussions with the four corporate joint committees commenced during the year, which will result in the joint committees receiving Welsh language standards compliance notices during 2023-24.

In 2021 the Welsh Ministers established four corporate joint committees (CJCs). These are regional corporate organisations that together cover the whole of Wales. They include local authorities and the national parks (where

applicable) and their members include the elected leaders of those organisations. CJCs have similar powers and duties to local authorities in terms of strategic development planning, regional transport planning, and promoting economic well-being.

Two challenges were received by organisations to exclude a duty on them during the year. No decision has been made yet on these challenges.

No decision has been made to reverse any duty in relation to standards imposed on bodies during the year.





OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation

Plan a 5-year report on the position of the Welsh language (2021–25) which will include an analysis of the results of the 2021 Census and an assessment of the implications, to be published in 2026.

Gain an understanding of the work of language commissioners and other agencies around the world providing a platform for successful practice in Wales.

Influence policy affecting the Welsh language.

Investigate and report on the position of the Welsh language and Welsh speakers in policy areas to provide an evidence base for the Commissioner's views.

Scrutiny of legislation affecting the Welsh language.

Collaborate and share information with relevant partners to influence policy and legislation and contribute constructively to discussions relating to areas affecting the Welsh language.





OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation

Geiriadur yr Academi

For the Welsh language to flourish, it must have standardised and authoritative sources of vocabulary to support its use in all contexts. Making sure that up-to-date and suitable terminology is available is absolutely essential for people to be able to use Welsh with confidence.

The Commissioner holds a licence to publish an electronic version of the Geiriadur yr Academi online dictionary until March 2027. It was searched 2,067,697 times this year. We look forward to the Welsh Government publishing its national policy on the linguistic infrastructure and sincerely hope that it will address the need to support innovation in lexicography and terminology to support the use of Welsh in all areas.

Meanwhile, the Commissioner has been pleased to support the Welsh Government's work in related areas, including the standardisation of equality terminology in race and ethnicity. The Commissioner is also pleased to have the opportunity to contribute to the discussions of the Welsh Language Standardisation Panel and looks forward to seeing that work developed and promoted further.

Arwel Roberts, poet and translator, explains his experience of using the online Dictionary:

'When all is dark, it enlightens you; If you're lost, it shows you the way. The definition of 'enlighten' says it all.'



OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation

Sharing our work on a global level

The Commissioner is a member of the International Association of Language Commissioners (IALC). The Conference and General Meeting of the International Association of Language Commissioners was held in Bilbao in September 2022. It was a valuable opportunity to share challenges and successful practices and to learn specifically about the strategic work that has taken place to revitalise the Basque language. There was also an opportunity to consider the impact of COVID-19, and the social changes it has brought about, on the work of Commissioners and Ombudsmen and the position of minority and official languages in general.

As part of the conference the chair and secretariat of the Association was transferred to Wales, and a two-year programme of work is now in place which will allow members to learn about the best practices of promoting language rights internationally. The culmination of this programme of work will be to welcome members of the Association to Wales for an international conference in the summer of 2024.



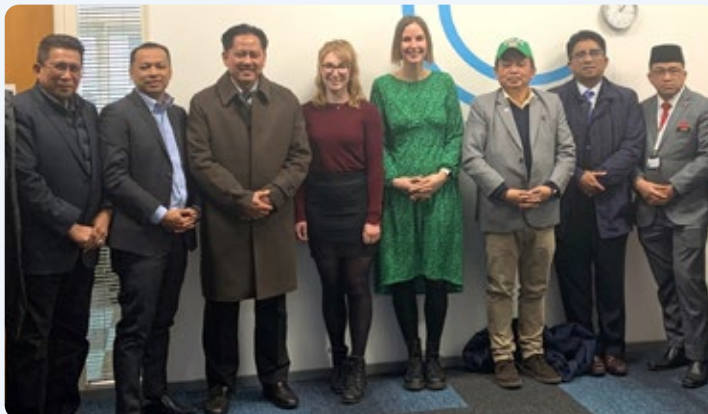
CYMRITHAS RYNGWLADOL Y COMISIYNNWYR IAITH
INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS



OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation

Welcoming visitors to Wales

Meanwhile there have been many opportunities to share how Wales is pioneering language rights with groups from overseas – as they travel to Wales and as we capitalise on the convenience of video conferencing. We have been host to several visits this year – groups of students, parliamentarians, academics, and civil servants from Norway, the US, Canada, and Malaysia. These are all testament to the international interest in language policy in Wales and recognition of the Commissioner's expertise and the office's unique contribution to efforts to promote and facilitate the use of Welsh.



Rónán Ó Domhnaill, Irish Language Commissioner said:

'There has always been a close relationship between Ireland and Wales in relation to language rights. The Office of the Language Commissioner in Ireland is not only geographically close to Wales, but also functionally and operationally. The two offices consistently share ideas and good practice, and are united in their determination to protect language rights. The decision to elect the Welsh Language Commissioner to the role of chair of the International Association of Language Commissioners was welcomed with great joy in Ireland. This demonstrates, once again, the commitment in Wales to promoting the language rights of citizens at home and abroad.'



OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation



Responded to 24 consultations on policy and legislative proposals during the year in fields such as, education, health and care, agriculture, broadcasting, economic development and Welsh communities.



Our evidence was cited in two Senedd committee reports in their scrutiny of two pieces of legislation.



Gave oral evidence to two Senedd committees as they examined policy areas relevant to the Welsh language.



Received 1,063 responses to an online questionnaire gathering learners' views on Welsh-medium post-compulsory provision.



Held 60 meetings with 22 different entities relevant to our policy influencing work.



OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation

Education policy and the development and support for Welsh language skills

- The Commissioner gave evidence to the Senedd Children, Young People and Education Committee on the **Tertiary Education and Research (Wales) Act (2022)**. Following our and others' comments, changes were made to the Bill which will enable improved progression and development in Welsh speakers' language skills from statutory Welsh language education to the world of work.
- Using Welsh in the workplace is essential as a way of maintaining the skills of Welsh speakers. We were keen for this to be reflected in the **Social Partnership and Public Procurement Bill**. The Equality and Social Justice Committee referred extensively to our evidence on the Bill in its report to the Welsh Government on Stage 1 of the Bill and sought clarity from the Government on issues we raised. As a result of our work an amendment to the Bill means that public authorities will be required to report annually on how they will contribute to promoting and facilitating the use of the Welsh language in procurement. The Government also declared that specific provisions will be made to ensure that there is Welsh language expertise among members of the Social Partnership Council and that it will engage closely with the Welsh Language Commissioner in developing the relevant statutory guidance. The opportunity to work through the medium of Welsh will therefore be increasingly normalised through the guidance.
- We used our conclusions from our response to Welsh local authorities' draft Welsh in Education Strategic Plans in 2021-22 to develop our vision for what a **Welsh Language Education Bill** could achieve. We shared our views extensively with the Welsh Government and the relevant Senedd Committees. We were pleased to see that the White Paper and its proposals for a Welsh Language Education Bill published at the end of March 2023 contained provisions for most of the issues that were included in our recommendations to the Welsh Government. Keeping an eye on the development of the Welsh Language Education Bill will be a vital part of our work in the next financial year to ensure that as many people as possible will be able to use the Welsh language with confidence.



OBJECTIVE 2: Ensure that the Welsh language is a consideration in policy and legislation

Using the Welsh language

- During the year, the Commissioner continued to stress the importance of the viability of communities where the Welsh language is strong. Meetings were held with relevant groups and Welsh Government ministers and we responded to two consultations with regards to housing and Welsh-speaking communities. This included responding to the Commission for Welsh-speaking Communities' request for evidence. Scrutiny of the Commission's work and other developments affecting Welsh as a community language such as planning and housing will remain our priority in the years ahead.
- The Commissioner has been highlighting the importance of agricultural communities to the viability of the Welsh language consistently since 2018 when the Welsh Government set up the new funding framework for the agriculture sector following Britain's exit from the European Union. 'Sustaining the Welsh language and promoting and facilitating its use' was seen as one of the aims of the Agriculture Bill brought before the Senedd. In its report at the end of Stage 1 of the legislative process the Economy, Trade and Rural Affairs Committee referred extensively to our evidence and how we thought the Bill should be strengthened. We felt that the Bill needed to enable specific indicators and targets

to be set for the Welsh language that aligned with the objectives of the Cymraeg 2050 strategy; gathering data on it in the agricultural sector and including the Welsh language in the list of purposes which Welsh Ministers are given the power to provide support.

By the end of the reporting period for this Report there were commitments by the Government to set indicators and targets in relation to the Welsh language and agricultural communities and an amendment to the Bill which gives Ministers the power to provide support to achieve the objectives of the Bill. We are pleased to have succeeded in ensuring that the Welsh language is at the heart of this Bill, but we have further work to do to ensure full consideration of the importance of agricultural communities to the Welsh language in the Sustainable Farming Plan that will emerge from the legislation.

- Our work continued to highlight the Welsh language in health and care. We were pleased that the Task and Finish Group responsible for producing the More than just words 2022-27 plan took our comments into account when formulating the new plan and that our emphasis on the need for better data on the Welsh language in the health and care sector was a central part of the new plan.



OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

Implement a truly proactive regulatory strategy.

Organisations to do more to promote the opportunities they provide to use the Welsh language in two specific areas, namely policies on internal use of Welsh and use of services.

Ensure that organisations work together and innovate to respond positively to the requirements placed on them through the Commissioner's advice, and effective practices that have been gathered and promoted.

Transform the performance and capacity of Health Boards and NHS Trusts to offer clinical consultations in Welsh, by improving the quality of organisations' compliance with requirements imposed on them through standard 110 and standard 110A.

Take appropriate regulatory action to transform the performance of organisations in key areas that continue to prove problematic:
Skills and recruitment;
Policy making standards.





OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

Truly proactive regulation

94

Monitoring of 94
organisations

74

74 meetings to
gather evidence

381

Responded to 381
enquiries from
organisations seeking
advice

951

Conducted 951
monitoring surveys

45

45 enforcement actions
following investigations
on the Commissioner's
initiative

837

Conducted 837
interventions



OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

As a regulator we take our responsibility of monitoring and evaluating compliance very seriously and over the past year there have been 837 examples of interventions by the Commissioner to maintain or improve how organisations comply with the Welsh language standards. Our constant monitoring highlights where action is needed and we engage in constant dialogue with organisations to ensure that they improve, and that improvement bears fruit in areas such as policies on awarding grants, and policies on the internal use of Welsh.

The type of intervention varies from case to case highlighting the proactive and flexible approach the Commissioner has adopted.





OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

Examples of this in action:

Monitoring work showed that there was a jobs section on one authority's website in English only. After contacting the authority, the section appeared on the website bilingually within three months and most posts appear on the Welsh language jobs site. There is now an ongoing plan and work to ensure that the Welsh pages correspond to the English ones. As a result of the investigation there is an increase in opportunities for the public to use Welsh when engaging with the Council. The process itself also demonstrates that appropriate intervention can have a strategic impact on organisations' compliance with the Welsh language standards. This work can lead to long-term behaviour change in organisations.

The process of applying online for a fishing permit has been a long-term issue since Natural Resources Wales was established. The Commissioner offered advice in late 2021 to demonstrate how other agencies and departments have built similar systems bilingually at GOV.UK. An enquiry was received from a member of the public in August 2022 and we asked for an update on the system. NRW confirmed that the system would be available bilingually from early November 2022.

Following a meeting, the Dyfed-Powys Police and Crime Commissioner cited a lack of resources as a reason for not complying with standard 47 (which relates to including a statement on a document stating that a Welsh version is available). A letter was sent to the organisation and it was agreed that they would provide the resources to ensure compliance.



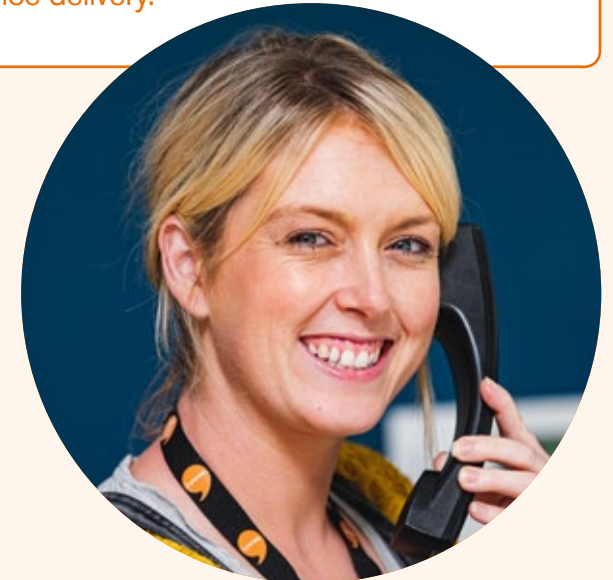


OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

Examples of this in action:

The surveys highlighted that the North Wales Fire and Rescue Service recruitment service, which had been outsourced to an external provider, failed to comply with the standards relating to recruitment. At the meeting it was confirmed that the service was a temporary system due to a lack of internal capacity. It was agreed that the service would need to remain in-house with the organisation for the time being pending a review of the processes. The organisation has responded quickly to the deficiency highlighted and considered its framework for future service outsourcing.

The Commissioner decided to conduct an investigation into Blaenau Gwent County Borough Council's Welsh language services. The investigation started as one that focussed solely on the telephone service, but evolved to consider the Council's recruitment, selection and staffing arrangements. The Council has responded positively and prepared a detailed action plan to address the work. A working group of high-level officers has been set up to oversee the work which will fundamentally change the culture of the Council and its approach to Welsh language service delivery.





OBJECTIVE 3: Maintain and increase organisations’ compliance with their statutory duties

Workforce skills

One of the biggest challenges of Welsh language service delivery in Wales is recruiting a workforce that can provide those services. To try to address the situation and identify good practice that can be shared more widely, we commissioned IAITH to undertake an independent evaluation by reviewing the assessment and recruitment practices of public organisations.

The aim of the work is to assess where we are now and consider the best ways to increase Welsh language skills capacity within organisations over time. The work is still ongoing. It will ultimately be a source of robust data and evidence on how the recruitment process itself influences the effectiveness of organisations in increasing workforce capacity.

The next steps will be to share the findings and pilot approaches with specific organisations.

Policy making standards

A conference on the policy making standards was held on 19 January 2023. There were 280 people in attendance from Welsh and UK public bodies.

Emyr Lewis, head of law at Aberystwyth University, gave a presentation on the international, UK and Welsh law context of the policy making standards, and Gwion Lewis KC then

gave practical advice on how to comply with the policy making standards. Solicitors Darwin Gray gave a presentation on the recent Welsh Language Tribunal case in which Swansea Council appealed against the Commissioner’s determination of failure to comply with the policy making standards.

A number of organisations have failed to understand the requirements of these standards, but now several organisations have informed us that they have amended their procedures following the seminar including the BBC, the General Medical Council and Rhondda Cynon Taf Council.

The impact of this therefore, has led to a more detailed and thorough consideration of the impact of policy decisions on the Welsh language. This work will contribute to improving compliance with the standards while increasing opportunities to use the Welsh language.

Workshops

Surveys were carried out on the processes and arrangements of 11 organisations in considering the impact of their policy decisions on the Welsh language. Where arrangements were found to be inadequate, appropriate intervention was chosen to change the behaviour of the organisations which included providing advice or recommendations or sharing good practice.



OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

Use of Welsh internally and in service delivery

The Welsh Language Commissioner decided that it was necessary to confirm whether public organisations had a policy to ensure internal use of Welsh in the workplace. This is required by the Welsh language standards to ensure that there are more opportunities for people to use the language in areas such as technology; training and development; recruitment and selection; promotion; workforce planning; communication; HR; celebrating successes, and policies.

When completing a self-assessment questionnaire about their internal use of Welsh, 15 of 25 authorities (local authorities and national parks) originally stated that they had a policy in place. Following the Commissioner's response and recommendations, they have all now adopted a policy.

To gather more detailed information, a questionnaire was circulated asking public organisations how they go about promoting the use of their Welsh language services to the public. Overall, the results were encouraging, but new channels of communication need to be considered and it must be ensured that Welsh is treated no less favourably than English on social media. We will continue this work in the coming period. 99 responses were received out of the 141 organisations that were contacted.

94% of organisations implementing Welsh language standards (who responded to the questionnaire) include a statement in correspondence inviting people to contact them through the medium of Welsh.

94%

98% of organisations implementing Welsh language standards (who responded to the questionnaire) clearly state that web pages are available in Welsh.

98%

87% of organisations implementing Welsh language standards (who responded to the questionnaire) state that a Welsh version of documents and forms is available.

87%



OBJECTIVE 3: Maintain and increase organisations' compliance with their statutory duties

Sharing effective practice

To share effective practice among public organisations and avoid duplication of work, we created a variety of case studies, including relevant videos that would be easy to share. So far, case studies have been created with the Food Standards Agency, the Welsh Government, and Isle of Anglesey County Council. They address topics such as developing effective bilingual marketing campaigns; creating a far-reaching strategy on the internal use of Welsh and how to implement a language strategy in partnership with others.

'Something else we keep in mind is: One campaign, two languages. Yes, we're part of the same campaign but it's okay to give it a Welsh feel, it's okay for the two campaigns to be a little bit different in the two languages.'

Food Standards Agency

'We also considered what an appropriate ambition was, given the political context, and given that if we really wanted to make a change within our working practices, bilingualism was vital.'

Welsh Government

We also highlighted a bilingual tool developed by Care Inspectorate Wales. Enabling people to search for bilingual and Welsh-medium social care and childcare provision across Wales is vital for parents.





OBJECTIVE 3: Maintain and increase organisations’ compliance with their statutory duties

Offering clinical consultations through the medium of Welsh

The move towards offering clinical consultations in Welsh is a major step forward in ensuring comprehensive healthcare in Welsh. Publishing plans to make this a reality has been challenging for the sector due to pressures from the COVID-19 pandemic. However, during the year the organisations have been working with the Commissioner’s new advice document to publish their plans. Five bodies have now published a plan and a further three have final drafts in place. It is nevertheless fair to note that progress is fairly slow in terms of the impact of the plans on service users, and we will be pushing to improve this in the coming years.

Welsh Language Rights Day

Welsh Language Rights Day was held on 7 December to highlight Welsh language services offered by public organisations in Wales.

BSL was used in the video and shared with bodies and organisations of all types and on our website and digital platforms including our new Instagram account. The hashtag #Maegenihawl was seen by 1.6 million people during the campaign and the content was shared by 130 different bodies and organisations across Wales. We reached nearly 85,000 accounts on our digital platforms. As a result, the young people involved in the campaign indicated that they were more aware of how to use Welsh with organisations across Wales.

Deio Owen, Welsh Language Officer at Cardiff Students’ Union, UMCC President, and one who took part in the campaign said,

‘The ‘Mae gen i hawl’ campaign was a great opportunity to promote and raise our voice for the rights we have as young people to use Welsh. It is essential that students are aware of the opportunities available to them to use the language, and understand that they have a right to use it with others. Being able to take part in this successful campaign was a great opportunity to spread the message that the Welsh language belongs to us all and that we need to use it.’



OBJECTIVE 4: Increase the use of Welsh by organisations across all sectors

Priorities 2022-2025

Facilitate the use of Welsh with businesses and charities through training, guidance and sharing good practice.

Specifically targeting the following sectors:

- supermarkets
- health and care providers
- national charities
- banks.

Provide advice on the standardised forms of Welsh place-names giving them prominence by re-launching the updated List of Standardised Welsh Place-names in 2024. Develop our ability to provide advice on landscape names and produce standardisation guidance to support the work.

More commitments to use Welsh by businesses and charities.

Work with funding bodies and networks to influence more businesses and charities to use the Welsh language.



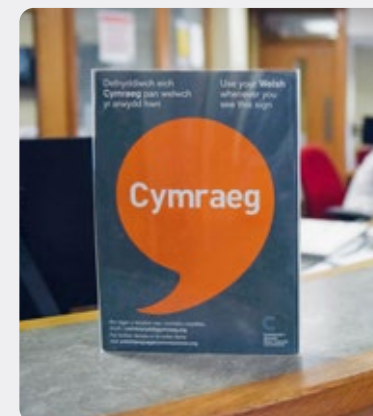


OBJECTIVE 4: Increase the use of Welsh by organisations across all sectors

Effective networking

During the year we have held various workshops and training sessions with representatives from the third sector, charities and the private sector. These aim to increase organisations' awareness of the Welsh language services and support available and encourage them to use more Welsh naturally in their day to day business activities. There is significant interest in these sessions and praise for their content. They are also an opportunity to share the successful practices of other organisations.

Number of sessions held:





OBJECTIVE 4: Increase the use of Welsh by organisations across all sectors



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Y Cynnig Cymraeg (Welsh Language Offer)

The Cynnig Cymraeg is the Commissioner’s recognition of organisations that have formulated their Welsh Language Development Plan. It is an opportunity for organisations not included under the Welsh language standards to show their service users that they take pride in the Welsh language and are willing to use it. Over the past year the promotion of this scheme has increased and there is considerable interest in it with 86 organisations having completed the assessment leading to a Welsh Language Development Plan.

A specific event was held at the Urdd Eisteddfod to celebrate those who had received the recognition, and at the Royal Welsh Agricultural Show a discussion was held with organisations who had received it to encourage others to take it up.

It was wonderful to see the first supermarket, Lidl, receive the recognition during the year. We hope that more will continue to follow the example of these organisations over the coming years. The Arts Council of Wales adopted the Cynnig Cymraeg and it is now included as a condition for bodies funded by them.

Number of organisations that have received the Cynnig Cymraeg: 70

Number of organisations under consideration: 86

‘At Lidl, we are passionate about the communities we serve and about supporting what really matters to our customers. We will continue to look for ways where we can support the Welsh language, which is such an important element of the identity and heritage of our communities.’

Ute Thomas
Regional Director of Lidl
in Wales

‘Working with the Welsh Language Commissioner’s team to create our Cynnig Cymraeg was a very positive process. We see the Welsh language as a very useful skill for the people who work at Boots and are delighted that many of our pharmacists can speak Welsh and can give advice to customers in their chosen language.’

Andy Francis
Boots Manager in Wales



OBJECTIVE 4: Increase the use of Welsh by organisations across all sectors

Importance of place-names

The interest in Welsh place-names is as lively as ever and the Commissioner has extended our responsibilities over the past year to offer expert advice on landscape names, Cadw site names, and Welsh names of places in England and beyond.

One example of this new work is the pilot project in collaboration with Snowdonia National Park to standardise the names of 200 lakes. The Commissioner's Place-Name Standardisation Panel has made recommendations to the Park regarding these names following consideration of evidence on historical as well as local forms through Park wardens. This work has the potential to preserve these names for the next generation by standardising and correcting them on official maps, advertising material and signage.

The work has also allowed the Panel to draw up principles to deal with similar names for the future. These are included in the Welsh Place-names Standardisation Guidelines for others to use, and the wish is now to secure a resource in order to run a similar project on names of mountains and peaks.

'As an Authority, we are very pleased with the collaboration taking place with Welsh Language Commissioner officers on place-names. This collaboration gives the Authority the ability to consult with a Panel of independent experts, which reinforces the rich local and cultural knowledge of local place-names that exists amongst staff and members of the Authority. Our place-names are an integral part of our cultural heritage here in Snowdonia, and protecting them and raising awareness of them is central to how the Authority delivers on the purposes of the National Park. The partnership is vibrant and fruitful, and we look forward to continuing to work together and achieve the aim of correcting and standardising forms on maps and in other publications.'

Naomi Jones
Head of Cultural Heritage
Snowdonia National Park Authority



The 'laith gwaith' orange bubble that encourages people to use Welsh

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Cymraeg



The distribution of the laith Gwaith (Working Welsh) materials by the Commissioner has been a popular scheme for a number of years. We respond to requests from all types of organisations across all sectors, and distribute almost 50,000 lanyards and badges showing that workers of all types are able and keen to use the Welsh language. Over the past few months the scheme has gone from strength to strength with numbers visiting the website and requesting materials increasing significantly.

Dr Awel Vaughan-Evans, a lecturer at Bangor University, carried out research to find out which cues, including the laith Gwaith logo, are most effective in motivating people to start conversations in Welsh in shops, offices, and other public places.

Dr Vaughan-Evans said,

'We wanted to test which resource was most effective as a cue to encourage people to start a conversation in Welsh. The main result was that people were more likely to choose to speak Welsh when the logo was present. The logo was effective on a poster and lanyard, but the lanyard was more effective than the poster alone.'

Wearing a badge also helps Welsh learners' confidence in using the language. One learner who works for the Health Service said,

'Thanks to the orange badge, I learned Welsh as an adult. I'm fluent now. Without the badge, I wouldn't have been so confident in using the language. Now I can speak Welsh every day - thank you very much.'



David Thomas, who runs his own business, and won the learner of the year prize at the Eisteddfod AmGen in 2021 said,

'I'm very happy when I'm shopping and I see someone wearing the orange Cymraeg badge because I know I can speak Welsh with someone else.'



Remembering Aled Roberts at the National Eisteddfod and raising awareness of Welsh-medium secondary education

During the 2022 Tregaron National Eisteddfod an event was held in memory of the life and work of Aled Roberts, Welsh Language Commissioner 2019-2022. Ensuring that young people in Wales receive a Welsh language education and are able to live and work through the medium of Welsh after leaving school was very important to Aled. The discussion panel included representatives from a sixth form college, secondary school, and UCAC (Undeb Cenedlaethol Athrawon Cymru). As well as the panel talk, videos were created especially for the event which captured young people's views on the importance of the Welsh language both in school and beyond.

One of the pupils from Ysgol Bro Pedr said,

'Receiving a sixth form education through the medium of Welsh has given me many opportunities. It can open doors inside and outside of school.'

Another sixth form pupil from Ysgol Gyfun Gymunedol Penweddig said,

'We in the sixth form have a vital role to play in promoting the Welsh language to the rest of the school, especially with the youngest pupils, providing an example to them with the hope that they will also want to continue their education and career through the medium of Welsh.'



Part 2: Accountability

Challenges facing the Welsh
Language Commissioner

Annual Governance Statement and
Report 2022 - 2023

Equality

Remuneration and staff report



Challenges facing the Welsh Language Commissioner

The Welsh Language Commissioner is funded by the Welsh Government. The sum received for the 2022-23 revenue budget was the same as the previous year. The economic climate has changed significantly during the year, with inflation rising to over 10% at times – a level not seen for thirty years. The level of inflation has had an impact on all sectors of the economy and poses the following challenges to the Commissioner.

Staffing costs account for around three-quarters of the organisation's spending. There has been pressure during the year on pay settlements in the private and public sector. The trade unions have been campaigning for wage increases in response to the level of inflation and also in relation to wider terms and conditions. The officers were awarded a pay rise in November 2022, in line with the Welsh Government's final proposal. Despite this, the trade unions have rejected the proposal and it remains a matter of dispute. In addition to staffing costs, as energy, transport, and resource costs impact on the costs of goods and services, the Commissioner has been unable to avoid the resulting effects.

With inflation remaining high, there will be further pressure on wages and other costs in 2023-24. The Welsh Government has allocated additional funding of £150,000 for 2023-24 to mitigate the effects of this. To meet this budgetary challenge, seeking financial savings is vital.

With a change to staff working patterns due to COVID-19, plans are in place to reduce the Commissioner's offices estate. This will save money, but the savings will not be fully realised until the 2024-25 financial year.

At an operational level, the organisation's main challenge over the year was the risk of uncertainty and instability in a period without a permanent Commissioner. However, the powers of the Commissioner were transferred to the Deputy Commissioner and changes were made to the management team. The Deputy Commissioner received the support of the Audit and Risk Committee and the Advisory Panel in the execution of her duties. The operational plan enabled staff to continue their work in line with the 2022-25 Strategic Plan.



Annual Governance Statement and Report 2022-23

As the Accounting Officer I am personally responsible for the overall organisation, management and staffing of the Welsh Language Commissioner. I must ensure that the organisation has a high standard of financial control and that its financial systems and procedures promote the efficient and economical conduct of business, safeguarding financial propriety and regularity.

The purpose of the governance framework

The aim of the governance framework is to maintain my independence as Welsh Language Commissioner and balance that independence with my accountability for the public money being spent. As Accounting Officer, I am accountable to Senedd Cymru, the Welsh Ministers, the Senedd's Public Accounts Committee, the House of Commons and the House of Commons' Public Accounts Committee. The Welsh Language Commissioner is defined in statute as a corporate sole whose powers and responsibilities are set out in Part 2 of the Welsh Language Measure. The governance framework includes the systems, processes, culture and values which determine the way in which the Welsh Language Commissioner is directed and is used to hold the Commissioner's activities to account. The system of internal control is a significant part of the governance framework with the aim of managing risk to a reasonable level.

The Welsh Language Commissioner's permanent Governance Statement can be found on the corporate website.

Strategic planning and performance review

The Commissioner has a Strategic Plan for 2022–25. The plan includes an explanation of the Commissioner's vision statement; long-term strategic objectives and measurable priorities to be delivered during the lifetime of the strategy. The plan is implemented through an annual operational plan and the delivery of that plan is reported on a quarterly basis. The annual report is structured in accordance with the strategic plan and reports on its achievement.

Deputy Commissioner

In accordance with Sections 12 and 13 of Measure, the Welsh Language Commissioner is required to appoint a Deputy Commissioner. The Deputy Commissioner deputises for the Commissioner during holidays and sickness absence and at any other time at the request of the Welsh Language Commissioner or during unforeseen circumstances. Gwenith Price, continued to exercise the powers of the Welsh Language Commissioner and act as accounting officer until Efa Gruffudd Jones took up her duties as Welsh Language Commissioner on 9 January 2023. Dyfan Sion assumed temporary deputy responsibilities and Sian Elen McRobie was appointed interim Strategic Director responsible for regulatory, governance and human resources work for the same period. These arrangements enabled the organisation to continue to operate, deliver on its operational plan and ensure staff were able to continue with their work in line with the 2022-25 Strategic Plan.



Annual Governance Statement and Report 2022-23

Management Team

The Management Team, chaired by the Commissioner and comprising both Directors, manages all the Commissioner's functions and activities. The Management Team is responsible for leading, agreeing and delivering the Commissioner's strategic vision, policies and services to the public and other stakeholders. There have been changes in the membership of the Management Team as follows:

Gwenith Price, Strategic Director and Deputy Commissioner (assuming the powers of the Commissioner from 14/02/2022 to 08/01/2023)

Efa Gruffudd Jones, Welsh Language Commissioner (from 09/01/2023)

Dyfan Sion, Strategic Director and acting Deputy Commissioner (until 30/12/2022)

Sian Elen McRobie, Acting Strategic Director (from 08/04/2022 to 08/01/2023)

Lowri Williams, Strategic Director (from 09/01/2023)

Audit and Risk Committee

The Audit and Risk Committee is responsible for providing independent advice and assurance to the Accounting Officer and Management Team on the adequacy and effectiveness of internal control and risk management. The terms of reference for the Audit and Risk Committee were reviewed in September 2022 with regard to good practice and the requirements of the organisation. The changes made have been beneficial to members in offering advice and assurances to the Commissioner. The Audit and Risk Committee provides an opinion on internal control and risk management annually.

As part of its remit, the Committee receives the quarterly finance report and progress report on the Operational Plan, which have been approved by the Management Team. The Management Team and Risk Manager attend all committee meetings; and in addition, representatives of the internal and external auditors are invited to attend the meetings.

Twice yearly, briefing sessions and training on relevant issues for members are held before the Committee's plenary meetings. The Committee also continues to hold discussions with the Commissioner, as well as private meetings with the internal and external auditors.



Annual Governance Statement and Report 2022-23

There are four independent members on the Committee; and there is a system in place which allows members to retire at different times in order to ensure continuity of experience and knowledge. The Audit and Risk Committee met on five occasions during the 2022-23 financial year. Here are the details of the attendance of Audit and Risk Committee members during the year:

	June 22	August 22	September 22	December 22	March 23
Mair Gwynant (Chair)	✓	✓	✓	✓	✓
Iorwen Brooks-Jones	✓	✓	✓	✓	✓
Liz Aitken	✓	✓	✓	✓	✓
Alan Davies	✓	✓	✓	✓	✓

Remarks of the Chair of the Audit and Risk Committee, Mair Gwynant

“Based on the Committee’s work over the year, confirmation was given that the reports and discussions with the Commissioner and the officers provide assurance to the Committee that there are arrangements, policies and procedures in place to ensure effective governance; that there are effective financial arrangements; that there is a system in place to manage risk; and that there is robust internal control!”

“The Committee will continue to scrutinise the organisation’s work in order to ensure continuous improvement, good quality governance and an appropriate response to any risks that may arise.”



Annual Governance Statement and Report 2022-23

Welsh Language Commissioner Advisory Panel

In accordance with the requirements of the Welsh Language (Wales) Measure 2011, the Welsh Language Commissioner has an Advisory Panel. Members of the Advisory Panel are appointed by Welsh Ministers for a period of three years. The Commissioner may consult with the Advisory Panel on any matter. The Advisory Panel's remit can be found on our website. Four Advisory Panel meetings were held during the year. Here are the details of members' attendance during the year:

	June 2022	October 2022	December 2022	March 2023
Gwyn Williams (Chair)	✓	✓	✓	✓
Nia Elias	✓	✓	✓	✓
Anne Davies	✓	✓	✓	✓
Elin Maher	✓	✓	✓	✓
Rona Aldrich	✓	✓	✓	✓

Close collaboration between the Chair of the Audit Committee and the Chair of the Advisory Panel at the start of the financial year provided advice to the Deputy Commissioner and liaison with Welsh Government. Support was provided to the Commissioner's management team as officers took up interim posts.



Annual Governance Statement and Report 2022-23

Auditors

The internal audit plan 2022-23 was prepared by the internal auditors, TIAA in April 2022 and approved by the Commissioner and Management Team on 31 May 2022. The audit programme was confirmed by the Audit and Risk Committee at the Committee's June 2022 meeting.

In accordance with Schedule 1 Part 5 of the Welsh Language (Wales) Measure 2011, the Auditor General for Wales is responsible for auditing the accounts of the Commissioner.

Data Protection

No subject access requests were received under Data Protection legislation during the year (2021-22: 0 requests). We continued to ensure compliance with data protection legislation including the General Data Protection Regulations 2018 and the Data Protection Act 2018. The Commissioner ensures, on an annual basis, that accurate records are kept and that individuals' personal information is processed for the purpose of the processing, on the legal basis for the processing, and that the organisation's retention periods and technical details are supported by suitable security measures.

As part of the Commissioner's IT strategy, the Commissioner is working towards Cyber Essentials+ and IASME Governance accreditation. The Commissioner has in place a cyber resilience action plan. It includes actions arising from the recommendations of the internal auditors, Audit Wales, the Information Commissioner and internal assessments of the UK Government's recommended Security Risks Framework.

One of the aims of the action plan is to aim to be forward thinking on cybersecurity and information technology issues in general. Securing Cyber Essentials+ and IASME Governance accreditation during the financial year 2023-24 is a priority for the Commissioner.

Freedom of information

Eight requests for information were received under the Freedom of Information Act 2000 during the year (2021-22: 10 requests). These requests were responded to within the time limits set out by the Act.



Annual Governance Statement and Report 2022-23

The work of other regulators

No investigations into the operations of the Welsh Language Commissioner during 2022-23 were carried out by external regulators following any complaints or data protection cases.

Complaints against the organisation

We have a specific complaints procedure should individuals wish to complain about any acts or omissions relating to the Commissioner's functions. A copy of this procedure can be found on our website. No complaints against the organisation were received during 2022-23 (2021-22: 0 complaints).

Register of interests

The register of interests is updated twice yearly. In addition to the formal process, members of the Management Team; the Commissioner's Determination Meeting; the Audit and Risk Committee and Advisory Panel are asked to record any interests at the start of the meetings. There were no materially relevant transactions during the year with organisations where the Commissioner, directors or senior officers, or any members of their families, were in positions of influence. Information on the interests of the Management Team is available on the Commissioner's website.

Sustainability Reporting and the Environment (Wales) Act 2016

Under the Environment Act, the Commissioner must publish a plan explaining the action to be taken to comply with this duty. It will be reviewed every three years alongside a report explaining how the Commissioner has complied with the duty.

The Commissioner's offices remained closed until September 2022. Staff were subsequently given the option of 'hybrid' working, with booking arrangements for the Commissioner's offices on certain days. As a result, the Commissioner's ability to report on environmental issues has been limited. Remote working practices have produced positive environmental benefits and offer the Commissioner's staff the opportunity to work more flexibly and achieve a better work-life balance.



Annual Governance Statement and Report 2022-23

A 'hybrid' working policy to formalise this approach was introduced for all the Commissioner's officers in September 2022. This policy enables officers to continue to make decisions about their work environment and attendance at the office. This approach will be monitored over the next twelve months to assess staff needs and to consider the size and feasibility of offices in implementing this approach. Officers have not been travelling, which in turn has contributed to reducing the Commissioner's carbon footprint. The investment in information technology software and hardware over the past twelve months has also increased the efficiency of the organisation's equipment which, in turn, reduces the need to hold face-to-face meetings.

Since March 2020 and the mandatory lockdown, there has been a significant reduction in waste being disposed of from the Commissioner's offices due to the fact that only a small number of officers use the office for short periods of time. This has also been the case with the paper sent for recycling, as all officers have been working in a more paperless way using the latest technology when holding meetings. In addition, energy consumption has also been minimal as computers and lighting in the offices have not been used to such an extent as in the years before the Covid-19 lockdown restrictions. Nevertheless, my officers will continue to operate in a way that is sustainable

and efficient, taking steps that will further develop and increase the sustainable practices that are in place as the Commissioner acts in line with Government targets to reduce the organisation's carbon footprint by 2030.

Welsh Language Tribunal

During 2022-23, one appeal was submitted by an organisation to the Welsh Language Tribunal under section 95(2) and (4) of the Welsh Language Measure (2021-22: 1 appeal) and one appeal by an individual under section 99(2) of the Welsh Language Measure (2021-22: 2 appeals) against the Commissioner's decision following an investigation under section 71 of the Welsh Language Measure.

One application was made by an individual to the Welsh Language Tribunal under section 103 of the Welsh Language Measure for a review of the Commissioner's decision not to conduct an investigation in relation to a complaint (2021-22: 2 applications). The Tribunal denied permission for this application. No application was made to the Tribunal to cancel the Commissioner's evidence notice on the grounds that it was unnecessary, unreasonable or disproportionate. No appeal has been made for the Tribunal to determine whether the requirement to comply with a standard is unreasonable or disproportionate.



Welsh Language Tribunal

Welsh Language Tribunal - an appeal under sections 95 (2) and (4) of the Welsh Language (Wales) Measure 2011 (the Measure) by Swansea City and County Council against the determination of the Welsh Language Commissioner

Case No: TYG/21/01
Appeal submitted by the City and County of Swansea Council

An investigation was undertaken by the Welsh Language Commissioner into a complaint regarding City and County of Swansea Council (the Council) policy decision that there was no need to retain the Ysgol Gynradd Gymraeg Felindre building as a public resource, following its closure as an operational school. The complaint alleged that the Council failed to assess the impact of that policy decision on the Welsh language.

Following the investigation, it was the Commissioner's final determination that the Council failed to comply with standards 88, 89 and 90 of the Welsh Language Standards Regulations 2015 (The Standards) as they failed to consider the impact of the policy decision to transfer a community building to the private sector on the Welsh language.

The Council appealed the determination of the Commissioner in the Welsh Language Tribunal under sections 95 (2) and (4) of the Measure, arguing that the decision was not a policy decision and therefore they had not failed to comply with the Standards. They also challenged the enforcement action imposed by the Commissioner.

Following a hearing in Swansea in June 2022, the Tribunal determined that the term "*policy decision*" under the Measure and Standards means more than a written policy document and that a policy decision also includes decisions taken about the exercise of an organisation's functions.

The decision is a very significant one for public bodies. The Tribunal declared that the definition of 'policy' in the Measure and Standards was to be interpreted more broadly than the common use of the word policy, which is often used ordinarily to refer to a written document, and that the Standards also therefore apply to decisions relating to the conduct of an organisation's business (such as the siting of community buildings, the restructuring of services, and school closures).

The Tribunal's decision is important to local authorities in particular and underlines how vital it is for them to first undertake a detailed and full assessment of the potential effect that policy decisions such as the disposal of community property can have on the Welsh language before making that policy decision.

The Tribunal also decided to vary the wording of the enforcement action imposed, although it agreed in principle that the enforcement actions introduced by the Commissioner were reasonable.



Welsh Language Tribunal

Welsh Language Tribunal - an appeal under section 99 (2) of the Welsh Language (Wales) Measure 2011 (the Measure) by a complainant against the decision of the Welsh Language Commissioner

Case No. TYG/21/03 – Welsh Ministers/Press Conferences

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An investigation was carried out by the Commissioner into a complaint regarding the broadcasting of press conferences organised by the Welsh Ministers during the COVID-19 pandemic. In light of the investigation, the Commissioner determined that the Welsh Ministers had not failed to comply with Welsh language standards in broadcasting press conferences.

The appeal by the complainant disagreed with the Commissioner's decision and an application to cancel the decision was submitted on the basis that the Commissioner had not considered the High Court's ruling in a similar event, as well as failing to consider the Welsh Ministers' use of BSL at these conferences. Following a hearing on the case, which was held virtually, the Tribunal agreed with the decision of the Commissioner, appearing as respondent in the case, that certain standards of the Welsh Language Standards (No 1) did not apply to press conferences held by the Welsh Ministers during the COVID-19 pandemic.

It was the Tribunal's decision that Standard 36 applies where an event enables the public, or members of the public, to be physically present at the premises where the

event is being held, or, at least, be present virtually and able to contribute to the event, whether by addressing those physically present with the assistance of a microphone, or otherwise. The Tribunal therefore did not accept the Appellant's case that Standard 36 applied at a meeting where the public could only observe the event virtually. The Tribunal accepted that there was a difference where an individual had a right to join an event if it was physical or virtual (as with the Tribunal hearing) compared to a case where the right to do so was only to observe virtually (as in the press conferences). In addition, the Tribunal accepted that cases relating to the Equality Act 2010 were not directly relevant to language rights in accordance with the Welsh Language (Wales) Measure 2011.

The Tribunal set out its views on section 67 of the Welsh Language (Wales) Measure 2011, although that view was not part of the Tribunal's decision in determining the case. Nevertheless, the Tribunal noted that in its view the fact that the press conference was transmitted online for television and the internet did not meet the definition of "broadcast" in section 67.



Annual Governance Statement and Report 2022-23

Working with ombudsmen and commissioners

The Commissioner meets regularly with the Commissioner for Older People in Wales, the Children's Commissioner for Wales, the Future Generations Commissioner and the Public Services Ombudsman for Wales and Audit Wales to discuss strategic and operational issues. Officers also attend the networks and meetings of organisations funded by the Welsh Government in finance, human resources, governance, data protection and information technology. The Welsh Language Commissioner is a statutory member of the Future Generations Commissioner's Advisory Panel.

Review of effectiveness

As Accounting Officer, I have responsibility for maintaining a sound system of internal control. To develop and maintain the system I consider the input of the Management Team and internal auditors, and comments made by the Auditor General for Wales in his management letter and other reports.

The internal audit programme aims to provide independent and objective assurance in terms of risk management, controls and governance. The assurance that the internal audit provides is a key element of the governance framework and one of the key sources of assurance required by the Commissioner and the Audit and Risk Committee.





Annual Governance Statement and Report 2022-23

During the year, the following areas of work were examined, which were included in the annual internal audit plan for 2022-23. Reports were received, including recommendations on how further improvements could be made to the system of internal control.

Area	Report Type	Level of Assurance	Number of Recommendations
Business Continuity – Appointment of new Commissioner – Transition Arrangements	Assurance	Substantial	1
Data Protection	Compliance	Reasonable	4
Office Use and Agile Working	Assurance	Reasonable	3
Strategic Planning	Assurance	Substantial	3
ICT – Cyber Security	Assurance	Reasonable	5
Key Financial Controls	Assurance	Substantial	0
Follow-up of Business Continuity Recommendations	Assurance	Reasonable	7

All internal audit reports are presented and considered by the Audit and Risk Committee. The committee keeps an overview of progress made against the recommendations of the internal auditor. I have responded to their recommendations and agreed a programme of continuous improvement. In the follow-up report, the internal auditor reports on progress against previous years' recommendations. It was noted that 11 of the recommendations had been implemented and that 3 recommendations had not been fully met. These were in relation to a data migration, transfer and retention framework as well as a performance monitoring process within the case management system and workflows. Managers decided that these recommendations will be implemented during the implementation of the new Strategic Plan and the introduction of a new case management system which will be operational during 2023-24.



Annual Governance Statement and Report 2022-23

In their annual report the internal auditors gave the following views on the governance of the organisation:

“TIAA is satisfied, based on the areas reviewed during the year, that the Welsh Language Commissioner has in place reasonable and effective risk management, control and governance processes.”

Fraud

The organisation’s culture does not tolerate fraud. Policies have been implemented to ensure that the organisation’s officers are aware of their responsibilities in relation to fraud, and the implications where a case of fraud arises. Procedures are in place to control fraud, including a questionnaire and fraud risk register; but it is recognised that it is not possible to provide a guarantee that a case of fraud could not arise. There were no cases of fraud in the year ending 31 March 2023.

Capacity to handle risk

The risk management system is led by the Management Team and is endorsed by the Audit and Risk Committee. The Strategic Director is the organisation’s Risk Manager. The Audit and Risk Committee received training on risk and risk management from the internal auditors at the March 2023 meeting.

The risk and control framework

As Commissioner I manage risk on a strategic and operational level. The Management Team reviews structural risks as part of the quarterly progress reviews of the operational plan. Relevant risks are identified in all papers submitted to the Management Team. The key operational risks from these reviews are incorporated into the Strategic Risk Register. During 2022-23 a review of the organisation’s risk management arrangements was undertaken. To assist with that the internal auditors undertook an advisory review to audit the assurance of the risk management framework. As a result of the reviews some changes were made to the risk register. This means that the strategic risk register will be formally reviewed each quarter by the management team.



Annual Governance Statement and Report 2022-23

This will be followed by a reporting process to the Audit and Risk Committee at all regular quarterly meetings. Also, relevant risks are identified in all papers submitted to the Management Team. That in turn reminds officers to identify and manage the risks involved in any specific work or project.

A positive attitude towards risk management means that as a Commissioner I am not averse to taking managed risks in order to achieve the priorities contained within the Strategic Plan. It should be noted that the Management Team considers the risk of something going wrong and also the impact of not taking advantage of opportunities or failing to maximise such opportunities when they present themselves. Similarly, the management team and risk manager do not tolerate a high level of risk that would result in failure to comply with governance requirements, statutory duties and legal requirements imposed on the Commissioner.

Effectiveness of whistleblowing arrangements

The Commissioner is responsible for establishing appropriate arrangements for the governance and protection of resources. The establishment of internal whistleblowing procedures is a matter of good practice by employers. The Welsh Language Commissioner's whistleblowing policy was approved by the Management Team in September 2018. The contact details of the Chair of the Audit and Risk Committee and members of the Commissioner's Internal Auditors team, TIAA, are included in the policy as individuals with whom officers can raise

concerns. No incidents were reported during the year relating to concerns under the whistleblowing policy.

In conclusion

Staff have been able to focus on delivering the work of the organisation in a difficult context. And following the transfer of powers to a new Commissioner the work has continued smoothly with unwavering focus on the four strategic objectives that guide the work of the organisation.

As noted in the audits, the Commissioner has in place suitable and appropriate governance procedures. The Commissioner remains committed to maintaining standards and where possible to improving these arrangements by:

- addressing issues arising from the internal auditors' annual report;
- continuing to manage and improve reporting performance and focus on risks identified in audits; and
- monitor the planning of activities to ensure that the Management Team is able to make decisions to improve provision for individuals.

Accounting Officer
Welsh Language Commissioner



Equality

The Commissioner is pleased to publish the Annual Equality Report 2022 (for the period 1 April 2022 to 31 March 2023).

It analyses and evaluates the achievement of the Plan and considers new actions moving forward.

The Commissioner continues to work with other public organisations on work streams e.g. in human resources.

The Commissioner is committed to developing equality and diversity policies to ensure that all staff in the organisation are treated fairly regardless of what protected characteristic they have as defined by the Equality Act 2010. For example, the Commissioner's recruitment policies are based on Civil Service recruitment principles and appointments are made on merit and fair and open competition. As part of the recruitment process, after each appointment Commissioner's officers will consider facts and information submitted by candidates to better understand any potential barriers ensuring that the organisation's recruitment practices are inclusive and accessible to a wide range of job applicants.

Equality data

We continue to ask prospective applicants to complete an equality questionnaire as part of the recruitment process; we gather data on 7 of the 9 protected characteristics under the Equality Act 2010:

Our officers

We consistently collect and maintain equalities data on all our officers based on the 9 protected characteristics. As this is a self-declaration option for officers, it is not mandatory to complete it, so this needs to be taken into account when analysing data. However, staff are generally willing to share this information and we will continue to encourage them to complete it, explaining that a strong data set helps us to create better people policies and understand how diverse we are as an organisation.

We do not report on gender reassignment cases. We believe that reporting on this information in such a small organisation could have a negative impact on individuals' privacy and the dataset would be too small to analyse.



Equality

Non-publishable data and our approach to privacy when gathering and publishing data

As of 31 March 2023, we employed 41.6 people (equivalent per person). Meaningful interpretation of diversity data is difficult in a small organisation, where a small number of individuals can significantly change percentages across the organisation. It also means that we cannot publish most of our diversity data relating to the 9 protected characteristics.

There are some datasets that are too small to publish and provide a narrative on at the moment. This data is monitored internally by our HR team and reviewed regularly. To date there has been no issue of concern; but we will provide a narrative when it is possible to do so.

Gender pay gap

We are not required to publish our gender pay gap as we are a small employer, but we calculate it and choose to publish it annually in the annual report.

Equality Impact Assessments

We continue to use our bespoke template for Equality Impact Assessments (EIA). Consideration of environmental factors and socio-economic impact continues to be undertaken to strengthen the decision-making of individual projects.

Progress against 2022-23 objectives

Clear objectives were set out within the action plan in light of the challenges of previous years, during which many of the objectives were carried forward into following years due to the effects of COVID-19. Objectives were included within the annual operational plan, and the need to consider equality issues was identified in decisions within the Commissioner's strategic plan introduced in 2022. Progress has been made on those objectives by the Commissioner's teams as set out below.





Equality

Objective 1: The Commissioner will increase the diversity and inclusivity of the workforce

The process of gathering equality data from job applicants and from our current officers has been updated. In doing so over time, we will create a data source to better understand the composition of our workforce and from which sectors of society applicants are attracted. That will enable us to identify gaps, and to target our recruitment campaigns in a strategic way to reach a wider range of society.

As an organisation, we have an interview guarantee scheme for individuals with disabilities so that they can progress to the next stage of the selection process where basic criteria are met when shortlisting. In addition, all advertised posts can be found on a variety of networks and publications, such as Golwg360, lleol.cymru, the Safle Swyddi website as well as the Commissioner's website and social media. We also share information about posts and opportunities with other sponsored bodies. This is to ensure that the posts reach as many people as possible.

Information on vacancies can also be provided in a variety of formats upon request. We will ensure that any reasonable adjustments are made in relation to interview arrangements, and by working digitally and using the latest technology, it is possible to be flexible when conducting virtual interviews with candidates across Wales. Reasonable adjustments would be made, where possible, to prevent disabled people from facing disadvantage in an interview. This also applies for any new member of staff or for existing members of staff who return to work following a period of illness, after injury or a period of external secondment.

Objective 2: Pay gap

The process of appointing staff and setting the salary for the Commissioner's staff follows a consistent and fair regime that does not favour one gender over another. However, due to the small size of the organisation and the fact that the office of the Commissioner attracts a salary significantly higher than other positions within the organisation, the Commissioner's gender has had a substantial influence on the gender pay gap in the past.



Equality

The gender pay gap in the workforce is also subject to constant monitoring, which, within the last year, favours women within the workforce. We will keep track of the types of contracts, and working patterns of the workforce to understand and deal with potential barriers that may arise.

Objective 3: The Commissioner will engage with the community

With the loss of the corporate website following the cyber attack in 2020-21, an entirely new website for the Commissioner has been commissioned and redesigned. The website has been a successful means of promoting and sharing the Commissioner's work and vision. Its design is fully accessible, using images and photography that is inclusive, representing a number of areas, groups, bodies and organisations across Wales. People are able to contact the Commissioner's social media pages, and the Commissioner's visits and publications are promoted on the website and on sites such as Twitter, Facebook and Instagram. The development of the website will continue during 2023-24, including updates on the complaints process, and further accessible, bilingual video clips on the Commissioner's programmes of work.

During the year a successful rights campaign was undertaken, which included video clips targeted at young people on their rights to use the Welsh language. BSL was used as part of the campaign to ensure that as many members of society were aware of their rights as possible. The Commissioner has also launched a dedicated Instagram page that includes 'GIF's' relevant to the Welsh language, which attracts new audiences and is a way of promoting the use of Welsh on social media.

The use of the website and social media is a means of raising awareness of the Commissioner's work and publications. They can help us reach users across Wales and the world and ensure that the Commissioner's work is visible amongst people of all ages and a diverse range of organisations and bodies. We will also support, and tag messages and events hosted by other organisations to promote the Welsh language.

When the Commissioner took up her post in early 2023 she appeared on a number of S4C and BBC radio and television programmes in both English and Welsh. We ensured there were press articles about her work including in Wales Online, Golwg and the Golwg 360 website. A programme of engagement was undertaken with organisations across Wales introducing the Commissioner and discussing her vision and the role of the Commissioner more widely.



Equality

Objective 4: Ensure that equality is part of the procurement / commissioning process and is managed throughout the delivery process.

Equality requirements are a central part of our procurement and commissioning process. As an organisation, we use the principles established by the Welsh Government and the Civil Service when considering our procurement process, ensuring that equality principles are at the core of how services are procured by the Commissioner. For example, in procuring a provider to assist the Commissioner with the process of distributing the newsletter, the need to ensure accessibility in the way that individuals are able to subscribe to the new service was identified.

Our internal Contract Performance Assessment Report document has also been amended to ensure that the contract manager assesses equality requirements where relevant. As an organisation, we know that we have to make sure that our work and the way in which we commission research ensures equality and fairness for users. Contract information must also be made available to users in a way that is inclusive and accessible to as many people as possible. In collaboration with members of the Public Bodies Equality Partnership in Wales, we share effective and useful practice with each other and ensure there is consistency in how we promote our work on equality, procurement and commissioning work that meets our statutory requirements.

Objective 5: Ensure that individual needs are reflected in the exercise of functions

Since the mandatory lockdown of COVID-19, we have demonstrated forward thinking in using technology to host events and ensure access to various workshops, training and webinars on specific issues.

We have conducted training sessions and job interviews virtually using the latest technology extensively ensuring improved accessibility.

Work has been carried out as part of the development of a new CRM system to collect and review diversity data about those engaging with the Commissioner. This will be a new system that will ensure we are able to learn about the diversity of users who contact us and target specific attention where necessary to ensure we reach out as we should.



Remuneration and Staff Report

Service Contracts

The Constitutional Reform and Governance Act 2010 requires Public Service appointments to be made on merit on the basis of fair and open competition. The Recruitment Principles published by the Civil Service Commission specify the circumstances when appointments may otherwise be made.

Unless otherwise stated below, the officers covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Remuneration Policy

The officers of the Welsh Language Commissioner remain on terms and conditions analogous to those of the Welsh Government. The Commissioner has a policy to remunerate staff who undertake additional duties beyond their normal role on a temporary basis. This policy adheres closely to a similar arrangement operated by the Welsh Government.

A Performance Management Scheme is in operation for all officers. Remuneration is not linked to performance for officers who meet the minimum requirements for the role, although incremental increases may be foregone where minimum performance requirements are not met.

On the whole officers (including senior officers) are employed in permanent posts. Notice periods vary between four weeks and three months depending on level and length of service.

Members of the Advisory Panel, appointed by Welsh Ministers, are paid in accordance with rates set by the Welsh Government. Members of the Audit and Risk Committee, appointed by the Welsh Language Commissioner, are paid on rates similar to members of the Advisory Panel.

Equality in the workplace

The Welsh Language Commissioner totally opposes any discrimination on any basis. Fair and consistent processes are operated when selecting new officers.



Remuneration and Staff Report

Applicants are requested to complete an equal opportunity monitoring form as part of the application process. The Welsh Language Commissioner operates a guaranteed interview scheme to anyone with a disability, as defined by the Equality Act 2010, and who meets the essential requirements of the role.

Using fair and objective employment practices, the Commissioner will ensure that officers are treated fairly and with respect in the workplace, and have an equal opportunity to contribute and achieve their full potential. Reasonable adjustments and/or training would be provided for officers who became disabled persons during their employment with the Commissioner.

Union recognition

The organisation has a recognised union branch of the PCS, and regular meetings are held between branch representatives, the Commissioner, the Deputy Commissioner and the Senior Human Resources Officer.

Wellbeing

The wellbeing of officers is paramount to the Commissioner, and during the year services were expanded to promote health and wellbeing amongst staff. The flu vaccine was offered to all officers free of charge, we subscribed to a comprehensive Employee Support Service through a leading provider in the field: BHSF. We have also provided resources to support the financial well-being of our staff and held various sessions to promote good health and well-being among officers. In addition, benefits are offered to staff such as Childcare Voucher Schemes, and a cycle to work program was introduced which encourages exercise and reduces carbon emissions when travelling to the offices.

Learning and development

The Commissioner implements a Performance Development system which ensures that officers understand what is expected of them and ensures that they have the skills and capability to meet those expectations. Discussing training and development needs forms a crucial part of the process and a development plan is produced for each officer based on those discussions, in accordance with the annually agreed training priorities.



Remuneration and Staff Report

Learning and development opportunities are promoted for all staff and a programme of personal development was introduced across the organisation in the past year to identify any specific needs and to develop the skills of the workforce. Various courses were organised with the London School of Economics, Queen Margaret University and various courses with the Civil Service College.

The most cost-effective options are considered in meeting training and development needs, and a range of training methods is offered where practicably possible.

Salary

'Salary' includes gross salary, overtime, and responsibility allowances where applicable. This report is based on accrued payments made by the Welsh Language Commissioner and thus recorded in these accounts.

The Welsh Language Commissioner is appointed by the First Minister in accordance with Schedule 1, Paragraphs 3(1) and 6(1) of the Welsh Language Measure.

The Welsh Language Commissioner is a member of the Principal Civil Service Pension Scheme (PCSPS). Any annual increase in the Commissioner's remuneration will take into account the recommendations made to the First Minister by the Senior Salary Review Board (SSRB), a body which advises the Prime Minister and the devolved administrations on public sector pay levels.

Performance related pay

There were no performance related or bonus payments made during 2022-23 to senior officers (2021-22: £0).

Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by HM Revenue & Customs as a taxable emolument. There were no benefits in kind made during 2022-23 to senior officers (2021-22: £0).



Remuneration and Staff Report

Remuneration: range and median

Reporting bodies are required to disclose the range of staff remuneration and relationship between the remuneration of the highest-paid officer in their organisation and the remuneration of the organisation's workforce.

	Change %	31 March 2023	31 March 2022
Remuneration band (£000) of the highest paid officer ¹	5.7	90-95	85-90
Highest pay band (excluding the highest paid officer)		70,290	61,440
Lowest pay band		27,890	24,630
Mean remuneration ²	6.9	41,737	39,043
Mean remuneration (excluding the highest paid officer) ²		40,469	38,033
25 percentile pay point		36,590	33,190
50 percentile pay point		39,690	38,160
75 percentile pay point		43,660	40,100
Ratio of 25 percentile to highest paid officer ³		2.53	2.64
Ratio of 50 percentile to highest paid officer ⁴		2.33	2.29
Ratio of 75 percentile to highest paid officer ³		2.12	2.18

The median total remuneration is calculated using the full time equivalent remuneration (gross salary) as at the reporting date of all officers excluding the Commissioner.

¹ The pay band of the highest paid officer has increased due to the appointment of the Commissioner to the permanent post on 09/01/2023.

² The 6.9% increase in mean pay is due to the increase to salary rates following the pay settlement, and staff moving to a higher increment in the pay band..

³ A reduction to the ratios for 25 and 75 percentile pay point ratios due to the increase to salary rates following the pay settlement, and staff moving to a higher increment in the pay band.

⁴ An increase in the ratio for the 50 percentile due to a greater increase to the salary of the highest paid officer, following the appointment of a new Commissioner, than the increase to the salary rates following the pay settlement.



Remuneration and Staff Report

Age/sex demography of workforce

The average age of the Welsh Language Commissioner's workforce on 31 March 2023 was 42 years (2021-22: 39 years).

The gender demography of the directors and officers on 31 March 2023 is summarised in the table below.

		31 March 2023		31 March 2022	
		Male %	Female %	Male %	Female %
Commissioner and Directors	FTE	0.0	3.0	1.0	1.0
	%	0.0	100.0	50.0	50.0
Other officers	FTE	14.0	24.6	13.8	28.7
	%	36.2	63.8	32.5	67.5
Total	FTE	14.0	27.6	14.8	29.7
	%	33.6	66.4	33.3	66.7

Gender pay gap

The gender pay gap of the Welsh Language Commissioner's workforce on 31 March 2023 is summarised in the table below:

	31 March 2023	31 March 2022
Mean gender pay gap	-2.7%	0.9%
Median gender pay gap	0.0%	0.0%

The principal factor influencing the change to the pay gap in favour of female officers, is the change to the gender demography of the Commissioner and Directors during the year.



Remuneration and Staff Report

Managing absence and attendance

The total number of work days lost through sickness absence for the period 1 April 2022 to 31 March 2023 was 111.5 (2021-22: 273.5). Of the work days lost through sickness 100% (2021-22: 64.9%) of them were due to short-term sickness and 0% (2021-22: 35.1%) were lost due to long-term sickness. (Long-term absence means an absence of more than 20 days for the same reason). It should be noted that absences due to COVID-19 represent 32% of all days lost due to sickness, and that this is an increase compared to 2021-22 (20%).

The average working days lost per head (full-time equivalent) was 2.6 (2021-22: 6.2) based on 42.2 full-time equivalent members of staff (2021-22: 43.2).

The Commissioner records the reasons for sickness absence and 3% of the days lost were due to mental health reasons (2021-22: 6%). Of the absences, 100% were short term absences.

On average 7.7 working days per head (full-time equivalent) were lost in the public sector in 2022 due to sickness, with mental health reason being recorded for 13% of absences*.

* Labour Force Survey – Office of National Statistics

Staff turnover

The staff turnover rate in 2022-23 was 13.8% (2021-22: 8.8%), (2020-21: 4.6%), (2019-20: 9.6%); (2018-19: 8.6%).

Off-payroll arrangements

No payments were made to individuals under off-payroll arrangements in the year to 31 March 2023 (2021-22: £0).

Consultancy

Payments of £246,000 were made to consultants during the year (2021-22: £143,000).

Payments of £241,600 to develop the Case Management system and further developments to the Commissioner's Place Names repository.

A total of £4,600 was paid to specialists to undertake work in relation to fire safety, value added tax, recruitment, and communications.

Gifts register

The Commissioner operates a gifts register. No item noted during the year is considered of material interest for inclusion in this report.



Remuneration and Staff Report

¹ Full Time Equivalents employed during the year.

² Comprised of on average during the year 5.0 members of the Advisory Panel (2021-22: 5.0) and 4.0 members of the Audit and Risk Committee (2021-22: 4.0)

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Officer numbers and related costs

	Permanent staff	Staff on fixed term contracts	Inward Secondees	Total 2022-23	Total 2021-22
	£000	£000	£000	£000	£000
Officer numbers					
Salaries	1,639	64	21	1,724	1,713
Social security costs	180	7	2	189	174
Pension	450	17	4	471	464
	2,269	88	27	2,384	2,351
Committee member fees				13	13
Agency staff				13	46
Total				2,410	2,410

	2023-23	2021-22
Officer numbers		
Welsh Language Commissioner	0.2	0.9
Permanent staff	39.5	39.2
Staff on fixed term contracts	2.0	2.8
Inward secondees	0.5	0.3
Agency staff	0.2	0.6
Average numbers (1)	42.4	43.8
Committee members (2)	9.0	9.0



Remuneration and Staff Report

Pensions

The Principal Civil Service Pension Scheme (PCSPS) and **alpha** are unfunded multi-employer defined benefit schemes but the Welsh Language Commissioner is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2016. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation (www.civilservice.gov.uk/pensions).

For 2022-23, employers' contributions of £500,000 (2021-22: £482,000) were payable to the PCSPS at one of four rates in the range 26.6% to 30.3% (2021-22: 26.6% to 30.3%) of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The pay bands and contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect the past experience of the scheme.

Employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. Employer contributions are age related and range from 8.0% to 14.75% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. No officer employed by the Welsh Language Commissioner is a member of the **partnership** pension scheme

No persons retired on ill health grounds during the year.



Part 3: Financial Statements

Statement of Comprehensive
Net Expenditure

Statement of Financial Position

Statement of Cash Flows

Statement of Changes in
Taxpayers' Equity

The financial statements on pages 74 to 77 are draft unaudited financial statements. The financial statements have not been audited by the Auditor General for Wales, neither have they been approved or signed by the Accounting Officer.

The audited 2022-23 Annual Report and Financial Statements will be laid before Senedd Cymru and published on the Commissioner's website following receipt of the Auditor General for Wales' Certificate and Report.



Statement of Comprehensive Net Expenditure for the year ended 31 March 2023

	2022-23	2021-22
	£000	£000
Expenditure		
Officer costs	2,410	2,410
Administration	531	691
IT Project	11	61
Other programme expenditure	145	81
Amortisation of intangible assets	13	11
Depreciation of right of use assets	96	—
Depreciation of property, plant and equipment	56	51
	3,262	3,305
Income	—	
Net expenditure	3,262	3,305
Interest expense on lease liabilities	5	—
Other net interest (receivable)/payable	(1)	1
Net expenditure after interest	3,262	3,306

All activities undertaken during the year are continuing.



Statement of Financial Position as at 31 March 2023

	31 March 2023		31 March 2022	
	£000	£000	£000	£000
Non-Current assets				
Intangible assets	328		99	
Right of use assets	177		—	
Property, plant & equipment	108		164	
Total non-current assets		613		263
Current assets				
Trade and other receivables	81		78	
Cash and cash equivalents	173		151	
Total current assets		254		229
Total assets		867		492
Current liabilities				
Trade and other payables	(257)		(381)	
Right of use liabilities	(75)		—	
Total current liabilities		(332)		(381)
Non-current assets plus net current assets		535		111
Non-current liabilities				
Right of use liabilities	(104)		—	
Provisions	(265)		(236)	
Total non-current liabilities		(369)		(236)
Assets less liabilities		166		(125)
Taxpayers' equity		166		(125)
General reserve		166		(125)



Statement of Cash Flows for the year ended 31 March 2023

	2022-23 £000	2021-22 £000
Cash flows from operating activities		
Net expenditure	(3,262)	(3,305)
Amortisation of intangible assets	13	11
Depreciation of right of use assets	96	—
Depreciation of property, plant & equipment	56	51
Loss on sale of non-current assets	—	—
(Increase)/Decrease in trade and other receivables	(3)	(26)
(Decrease)/Increase in trade and other payables	(124)	(20)
Increase/(Decrease) in provisions	29	56
Net cash (outflow) from operating activities	(3,195)	(3,233)
Cash flows from investing activities		
Purchase of intangible assets	(242)	(78)
Purchase of property, plant and equipment	—	(15)
Proceeds of disposal of property, plant and equipment	—	—
Net cash (outflow) from investing activities	(242)	(93)
Cash flows from financing activities		
Right of Use Assets, Lease payments: capital	(94)	—
Right of Use Assets, Lease payments: interest	(5)	—
Interest received/(paid)	1	(1)
Financing from Welsh Ministers	3,557	2,484
Net financing	3,459	2,483
Net increase/(decrease) in cash and cash equivalents in the period	22	(843)
Cash and cash equivalents at the beginning of the period	151	994
Cash and cash equivalents at the end of the period	173	151



Statement of Changes in Taxpayers' Equity for the year ended 31 March 2023

	£000
Balance at 1 April 2021	<u>697</u>
Changes in Reserves for 2021-22	
Retained (Deficit)	(3,306)
Total recognised income and expense for 2021-22	<u>(3,306)</u>
Financing from Welsh Ministers	<u>2,484</u>
Balance at 31 March 2022	<u>(125)</u>
Changes in Reserves for 2022-23	
Retained (Deficit)	(3,266)
Total recognised income and expense for 2022-23	<u>(3,266)</u>
Financing from Welsh Ministers	<u>3,557</u>
Balance at 31 March 2023	<u>166</u>







Comisiynydd y
Gymraeg
Welsh Language
Commissioner

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Comisiynydd y
Gymraeg
Welsh Language
Commissioner

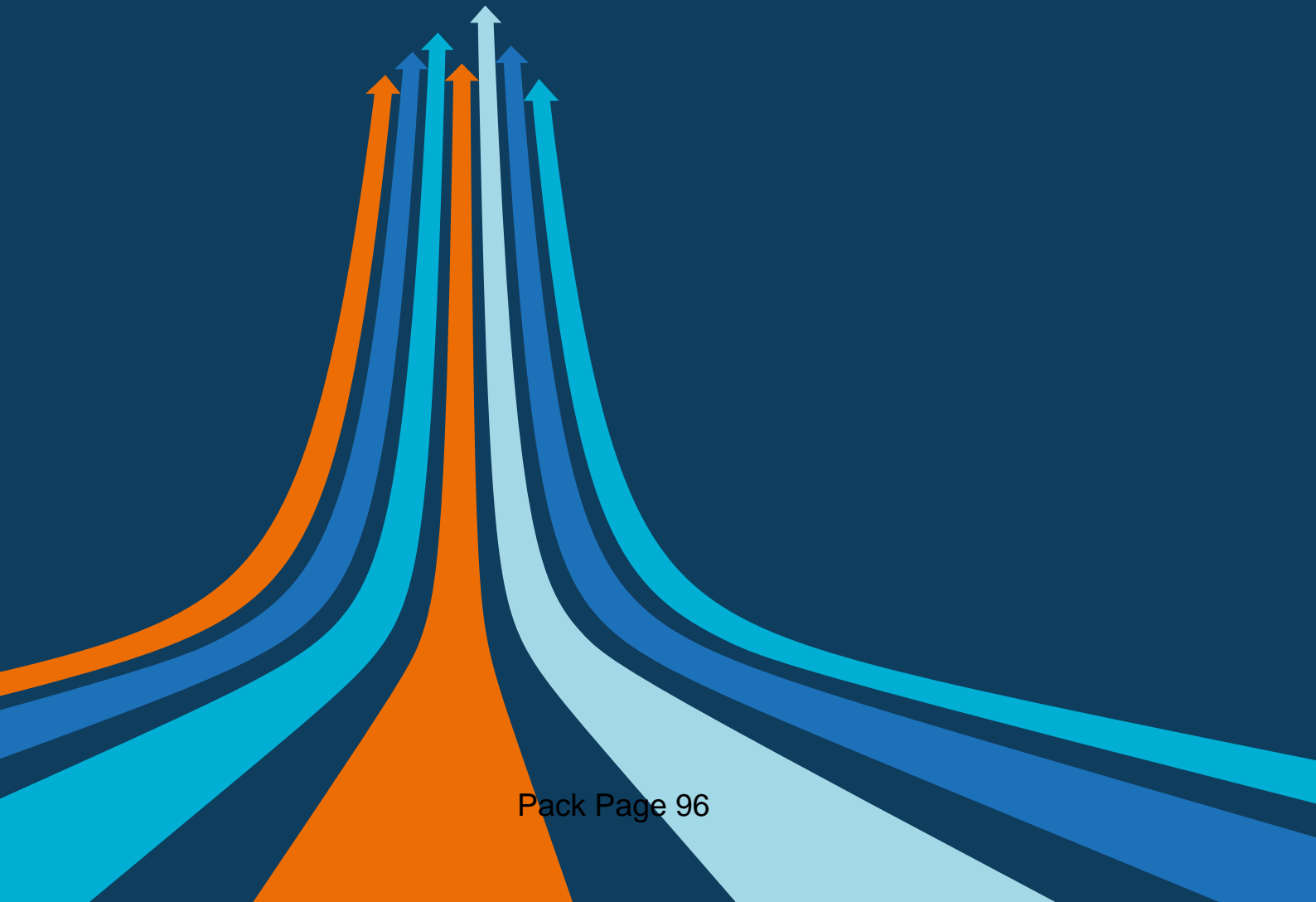
Raising the Bar



Assurance Report 2022-23

Published in accordance with section 4 of the Welsh Language
(Wales) Measure 2011

October 2023



Foreword

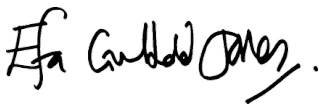
This is the first report for me to publish as Welsh Language Commissioner providing an opinion on the compliance of organisations with their language duties. I took up post in January 2023, and in my first months as Commissioner I have had the privilege of meeting people across Wales who have discussed with me how important it is for them to live their lives through the medium of Welsh.

For people to be able to use the Welsh language naturally every day, public bodies, and other organisations in Wales must provide and promote services, operate internally and plan policies that support opportunities to use the Welsh language.

It is a concern that the Welsh language continues to be treated less favourably than English in far too many situations. It is also unacceptable that 18% of Welsh speakers surveyed this year have experienced someone else preventing them from speaking Welsh. The constant erosion of Welsh speakers' daily language experiences and a negative attitude to language use is bound to affect the confidence of Welsh speakers and impact on levels of Welsh language use. I would like to see all organisations take responsibility for ensuring that the principles of the Welsh Language Measure are fully delivered in their organisations and that organisations show leadership in welcoming the use of Welsh.

I am keen, during my time as Welsh Language Commissioner, to work closely with organisations to increase opportunities to use the Welsh language. We are aware that many people receive a Welsh language education, but do not use the language after leaving school. The workplace is a key place for them to use their Welsh language skills and to give them opportunities to use the language professionally and informally. It is therefore crucial to discuss the potential to drive change in Wales through policies on the use of Welsh within the internal administration of public bodies.

The overall message from me to organisations is that they need to raise the bar. Duties imposed under the standards are clear and a 'reasonably good' compliance rate is not enough to provide the basis for change in language use practices. I want to use all the powers available to me as Commissioner to create the right conditions to change language use practices.



Efa Gruffudd Jones

Welsh Language Commissioner

Key findings of the report

Maintaining and increasing organisations' compliance with their statutory duties

Written services are widely available and are improving. There is no increase in oral services and provision is below what it should be. However, people tell the Commissioner that oral services are what they want the most.

Service delivery

Compliance has improved, particularly if organisations have been under standards duties for some time. Where a number of the results of the Commissioner's surveys showed that service users had a one in three chance of being able to use Welsh, the odds have risen in many situations to be two in three chances. This shows that sectors have responded positively to the standards regime. Obviously, the bar needs to be raised higher again because there should always be a guarantee of a Welsh language service.

For the health sector, which has more recently come under the Welsh language standards duties, the data from the monitoring period does not show the same progress. The sector must not make half-hearted efforts, but take a robust approach, as has already happened in other sectors, to do away with the uncertainty that exists for Welsh language users.

User voice

Organisations are not providing oral services as they should. Staff must be deployed in the right places to be able to meet the requirements of the standards. In response to what the public are saying and the monitoring evidence, ensuring that organisations meet their duties regarding their oral services will be a priority for the Commissioner.

It is of real concern that cases where someone asks users not to use Welsh seem to be fairly common, rather than exceptional cases which happen rarely if at all in our society. 18% of the sample surveyed responded that they had experienced someone preventing them from speaking Welsh. The percentage was higher for people aged between 16 and 34, with 29% of the sample reporting an experience of being prevented from speaking Welsh. The percentage was also higher if they were male (25%), came from high-density geographical areas of Welsh speakers (20%) or were fluent Welsh speakers (22%). The situation is unacceptable. The Commissioner will do more to understand what is going on behind the statistics and work across society to promote the freedom to use the Welsh language in Wales.

Organisations to promote use

Promoting Welsh language services requires more than just providing them; organisations need to highlight Welsh language services.

Service use

The Cymraeg 2050 strategy states that Welsh Ministers '*want the use of Welsh to be a normal part of everyday life, so that speakers at all levels feel confident to use it in both formal and informal situations, and that people take proactive steps to offer products and services in Welsh*'. The Welsh Ministers have produced a body of standards focused on promoting the use of the Welsh language in the context of services so that organisations subject to standards duties can contribute to this policy aim. Organisations need to seriously address this responsibility and promote their services. There is no indication that this is happening holistically at the moment.

Use of the Welsh language at work

Organisations should set a clear aim to increase the use of Welsh within their internal administration and explore policy models that suit their circumstances.

Skills and recruitment

In order to meet the duties of providing Welsh language services, the Welsh language must be valued more as a skill and more Welsh speakers appointed.

Recruitment

While acknowledging that there are currently recruitment difficulties in general, general problems are not a basis for marginalising language duties but, rather, it is all the more reason to strive to respond to the recruitment challenges that exist.

Better arrangements are needed for the recruitment and selection of a skilled bilingual workforce. HR leaders can assist by establishing bilingual workforce planning strategies.

1. Maintaining and increasing organisations' compliance with their statutory duties

Written services are widely available and are improving. There is no increase in oral services and provision is below what it should be. However, people tell the Commissioner that oral services are what they want the most.

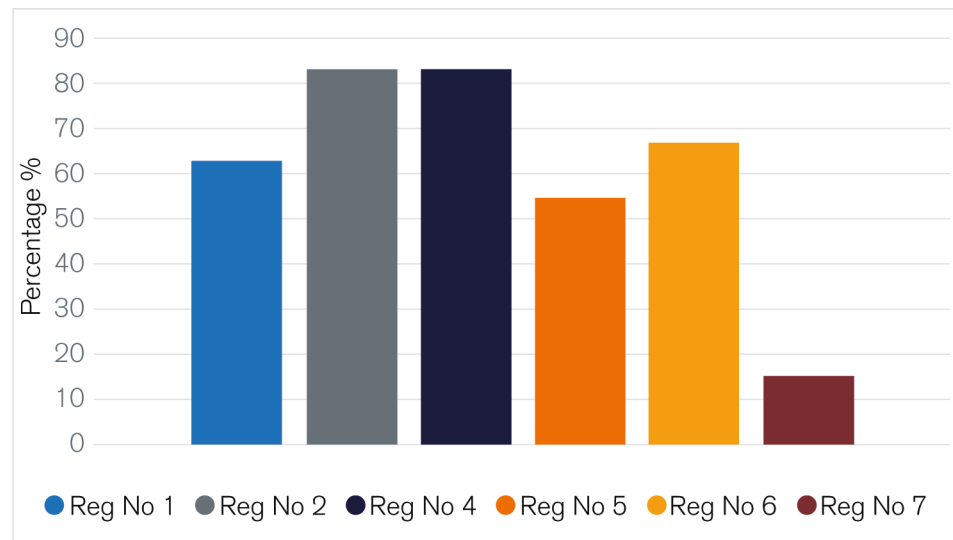
- 1.1** The objective of the Welsh Language Commissioner's regulatory work is to ensure that organisations subject to Welsh language standards maintain good levels of compliance with those duties. And when organisations do not comply effectively – to use powers to force them to carry them out.
- 1.2** The Welsh Language Commissioner's intention in regulating effectively is to provide assurance and confidence to Welsh language speakers that public bodies provide good quality services that are consistent across Wales and across public sectors.
- 1.3** The findings of our mystery shopper surveys this year paint a mixed picture of organisations' compliance and there is a clear lack of consistency between sectors and between service types.
- 1.4** Services that are easy to plan in advance or ones that rely on translation or technology comply better than oral ones in general. If there is a reliance on staff with specific language skills to respond to the public there and then, such as telephone services, compliance levels are lower.
- 1.5** The link between employing staff with Welsh language skills in the right places to meet service requirements is clear. Taking proactive steps to address gaps in provision should be a priority for public bodies. Recruitment and skills must be developed as a means of addressing hitherto unresolved deficiencies.
- 1.6** Organisations that fail to deliver simple Welsh language services need to prioritise the need for Welsh language skills within their workplace as a strategically important issue that supports them to comply with the law in terms of Welsh language service delivery. Considering the Welsh language as a marginal skill for the organisation's business is not sustainable. Organisations need to have a recruitment strategy that sees the Welsh language as a core skill in the running and operation of the body.

Verification survey findings regarding services

Telephone services

- 1.7** We sampled phone calls to the main telephone lines of organisations subject to Welsh language standards over the financial year and recorded compliance with the specific duties relating to the service. (A list of the bodies involved in the Commissioner’s monitoring work during this year is shown in Appendix 1).
- 1.8** There was an increase in the compliance average for all sample organisations compared with 2021-2022 when measuring whether organisations dealt with calls entirely in Welsh. (from 56.06% to 61.33%).
- 1.9** However, the performance is inconsistent. The performance of organisations subject to regulations number 7 (namely health boards and NHS trusts) was consistently low, with only 15% of phone calls receiving a full response in Welsh. A result that is significantly below average - (and affects the average).

Dealing with the call fully in Welsh. Bodies according to regulations sets:¹



- 1.10** The performance of 15% in the health sector also indicates a downward trend considering that the corresponding figure for the year 2021-2022 was 30%.

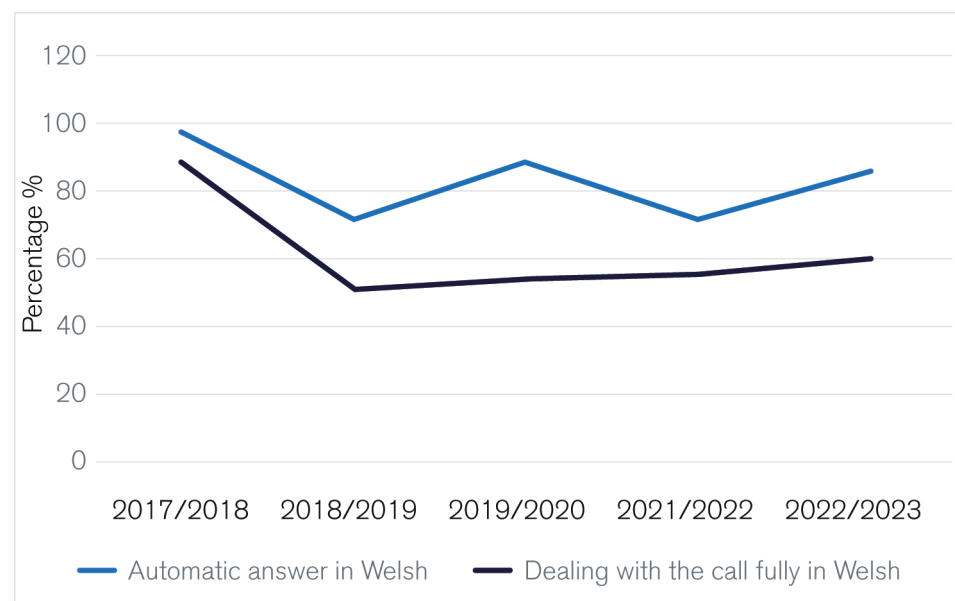
1. Reg no. 1 – Bodies subject to the Welsh Language Standards (No. 1) Regulations 2015
Reg no. 2 – Bodies subject to the Welsh Language Standards (No. 2) Regulations 2016
Reg no. 4 – Bodies subject to the Welsh Language Standards (No. 4) Regulations 2016
Reg no. 5 – Bodies subject to the Welsh Language Standards (No. 5) Regulations 2016
Reg no. 6 – Bodies subject to the Welsh Language Standards (No. 6) Regulations 2017
Reg no. 7 – Bodies subject to the Welsh Language Standards (No. 7) Regulations 2018
A full list of the bodies that were subject to the monitoring work can be found in Appendix 1.

1.11 However, there is better news when changes in the performance of bodies subject to regulations number 6 (namely Universities and Further Education Colleges) are considered. Their ability to deal with calls entirely in Welsh has increased from 28% to 68% over the year, and 97% of survey calls received a greeting in Welsh (last year's compliance rate was 50%). However, 68% compliance does not guarantee a Welsh language experience for users.

1.12 In general, there is a high level of compliance with the standard that sets a duty to greet a person in Welsh when receiving calls, with an average level of compliance of over 95%. A number of organisations are now using technology such as answer machines to provide assurance that callers are receiving a Welsh greeting and are actively offered Welsh language services. This is an example of investment in suitable technology that can support organisations to comply and ensure that users are aware that they are able to use the Welsh language.

Trend over time – telephone services:

Telephone services²



1.13 As the graph above shows, there has been an increase in organisations' levels of compliance with the standards requiring them to deal with telephone calls in Welsh and their automated service delivery standards.

1.14 However, it must be noted that any progress is minimal and fairly slow. The performance level of dealing with calls entirely in Welsh has settled at between 50-60% for some years. This is not a level of compliance that fulfils the intention of the Welsh Language Measure and in practice is unlikely to lead to increased use of the language.

2. Note – data were not available for 2020-2021 and to show the increase over time, we have not included a box for that year's data.

-
- 1.15** This is problematic when considering the need to provide assurance to service users that organisations will always be able to handle their calls in Welsh. Only just over half of users' calls are answered in Welsh. The lack of assurance in this area is something to be addressed and the Commissioner has already been enforcing change from bodies by carrying out investigations and imposing enforcement actions.

The Commissioner's investigation and enforcement work preventing failures in telephone services

Based on complaints and suspicions arising from monitoring work, the Commissioner decided to carry out a general investigation into a Health Board's telephone services to establish whether or not it complied with the telephone standards. The investigation found several instances of the health board failing to greet callers in Welsh in accordance with standard 8, failing to inform callers that a Welsh service was available on the telephone number in accordance with standard 9 and failing to deal with calls in Welsh in accordance with the requirements of standard 10.

The main factors contributing to the failures included the health board's fundamental misunderstanding of the extent of the telephone standards and exactly how to comply with them. The health board's guidance and training was flawed in its requirements, which in turn meant staff provided telephone services contrary to the standards.

It was also found that there were underlying issues with the way in which the services on the telephone numbers were set up which made the health board liable to failing to comply with the requirements. For example, non-Welsh speakers were deployed to answer 'Welsh language' telephone calls and there was an absence of automated telephone systems that would have enabled or facilitated compliance with certain elements of the standards.

In light of the investigation, the Board was asked to prepare a comprehensive action plan to take steps to ensure compliance with the telephone standards and to address the specific failings found through the investigation that will result in future change as the actions are completed.

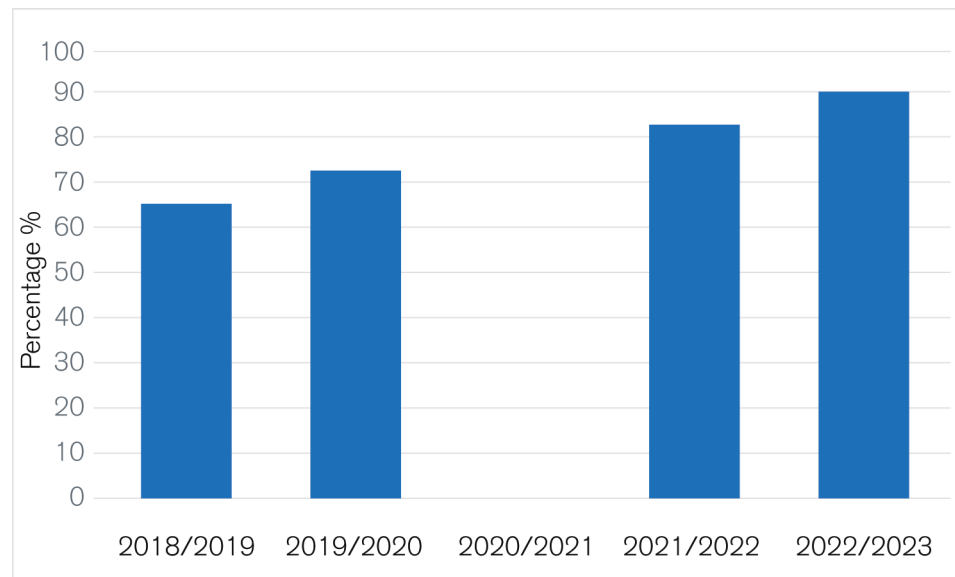
Websites

- 1.16** Sampling surveys show that levels of compliance with website requirements are good, with a significant number of organisations subject to Welsh language standards that have over 95% of their web pages available in Welsh.
- 1.17** However, once again there is an issue in terms of health bodies. Only 65% of web pages are available in Welsh. It must also be noted that the pages available in Welsh from the health sector treat the Welsh language less favourably than English in 75% of the sample surveyed.
- 1.18** While most organisations maintain website services with the pages available in Welsh, some challenges arise in fairly new areas of technology such as a chat facility service on websites. In some cases, the web chat facility is in English only, or the chat is only offered on English language pages.
- 1.19** As more services move online and organisations promote digital person-to-person contact, it must be ensured that the Welsh language is not treated less favourably than English. As organisations plan and deliver digital services, a Welsh language service must be made available and equally user-friendly.
- 1.20** We also found examples where website search facilities do not work as easily in Welsh and where use of machine translation made the Welsh language harder to understand or where an organisation cut and pasted translated text onto the Welsh page which meant it was less accessible and looked untidy.
- 1.21** **We highlight the fact that the Welsh language was treated less favourably than English on average in 33% of website pages surveyed over the year.**
- 1.22** These errors are often minor things, but again, taken together, these errors are constantly eroding Welsh speakers' confidence and affecting assurance levels. Ensuring that web pages are edited bilingually is a simple operational step an organisation can implement in order to maintain a good website.

Social media

- 1.23** Compliance levels in social media duties are improving, and overall performance is good. The Commissioner's surveys indicated that 90% of organisations' Twitter and Facebook posts were available in Welsh.
- 1.24** There is a year on year increase in the availability of Welsh language messages on social media:

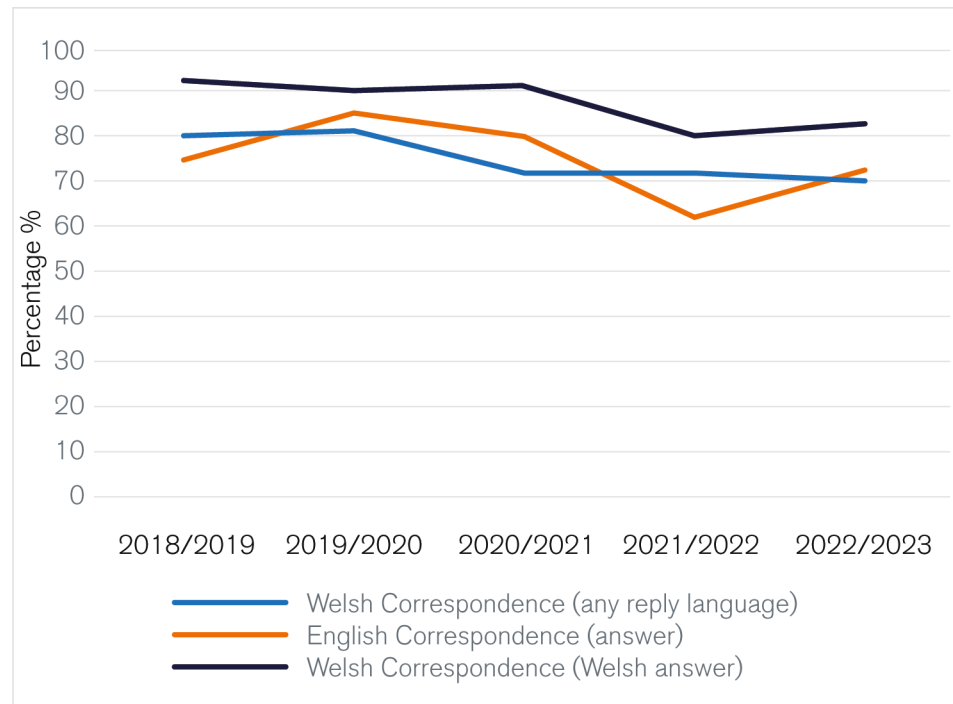
Percentage of Welsh language posts on social media³



3. No data for 2020-2021

Correspondence

Correspondence



- 1.25** The graph above shows that organisations' levels of compliance in replying to correspondence have remained constant in recent years. There was an increase in the percentage of enquiries in Welsh that received a reply in Welsh.
- 1.26** As can be seen above, the response performance to Welsh language correspondence is no different from the response levels to correspondence in English. In other words, you are likely to get a reply to your correspondence in both languages in about 2/3 cases. It is not the use of Welsh that necessarily leads to a lack of response.
- 1.27** Where necessary, organisations respond to Welsh language correspondence in over 80% of cases. However, performance levels in terms of replying in Welsh to Welsh language correspondence vary across sectors and are better in the case of bodies subject to regulations number 1 (Local authorities, national parks and Welsh Ministers) (93%) than for bodies under regulations number 7 (Health boards and NHS trusts) (62%).

The Commissioner's investigation and enforcement work: Sending correspondence to several persons

A member of the public submitted a complaint after receiving an English-only email from his local authority regarding garden waste collection arrangements. When an organisation sends the same correspondence to several persons, the Welsh language standards create a duty on organisations to send a Welsh version of the correspondence at the same time as the English version.

The investigation found that the email sent by the local authority to the complainant was correspondence sent to everyone who had subscribed to the garden waste collection service. The email was sent at the end of the subscription period, which varied from person to person.

Although the email was sent to the complainant's personal account, and not everyone received the correspondence at the same time, the contents of the email were in no way tailored to the complainant, with exactly the same message provided.

The investigation found that as it was correspondence sent to several persons, the local authority had failed to meet the requirement to send it bilingually. The standards include such a requirement to ensure that the Welsh language is visible and to promote its use and it is therefore important that organisations have robust arrangements in place to send such correspondence to everyone bilingually.

Treating the Welsh language less favourably than English

- 1.28** One of the two main principles of the Welsh Language (Wales) Measure 2011 is to ensure that the Welsh language is treated no less favourably than the English language. This concept is a thread that runs throughout the Welsh language standards and the requirement not to treat the Welsh language less favourably than English is included in the wording of a number of standards.
- 1.29** It is therefore disappointing to note that the Commissioner's work has found so many cases where the Welsh language is treated less favourably across public services. This is highlighted in the table below:

The rate of cases in which it was recorded that the Welsh language was treated less favourably in the provision of services

Service:	Percentage where Welsh has been treated less favourably than English:
Telephone	36%
Correspondence	32%
Websites	33%
Social media	24%
Publicity material	39%
Documents	26%
Forms	50%
Recruitment material	50%
Corporate identity	21%

- 1.30** The results reflect a situation where no service was provided at all, or cases where incorrect Welsh was used, or it was a less convenient service or service pathways resulting in English language material. During testing by the Commissioner's officers, they encountered a negative reaction in relation to Welsh language service delivery.
- 1.31** If the Commissioner suspects that organisations do not have robust arrangements to ensure that the Welsh language is treated no less favourably to the English language in the planning and delivery of services, the Commissioner will consider using enforcement powers.
- 1.32** Organisations have a duty to take responsibility for ensuring that their services are of quality in both languages. It would be true to say that a web page, for example, full of spelling and grammatical errors would not be acceptable for publication in English, so why let this happen in Welsh?
- 1.33** During the year, the Commissioner's officers intervened more than 800 times where it was clear that bodies did not meet the expected level of requirements under the Welsh language standards.
- 1.34** The Welsh language services of public bodies are a reflection of their identity and the expectation of Welsh language standards is that they have the same public face in Welsh and in English: that is of the same standard and equally convenient and corresponding to each other.
- 1.35** Therefore, there is an opportunity here for bodies subject to Welsh language standards to review and consider their services through the eyes of consumers who want to access their services through the medium of Welsh.

The Commissioner's investigation and enforcement work to prevent the Welsh language being treated less favourably than English:

During March 2022 the Commissioner received complaints regarding changes to the University of South Wales logo. They complained that the Welsh language was now being treated less favourably than English as the logo showed the acronym of the University's name as simply 'USW', with the name of the institution in Welsh appearing under the English name, below the acronym. One of the complaints also highlighted the university's English language Twitter account, noting that the account bio did not include a link to the University's Welsh language Twitter account.

The Commissioner decided to carry out an investigation under section 71 of the Welsh Language Measure to determine whether there was a failure by the University to comply with the Welsh language standards. The Commissioner's investigation showed that the university had failed to comply with the standards on the grounds that:

- the University had produced, revised and presented its corporate identity using an English-only acronym for a period of time. By using the English-only acronym the university treated the Welsh language less favourably than English.
- the evidence did not show that the University had made a conscientious effort to consider the effects that its policy decision to change its corporate identity would have on persons' opportunities to use the Welsh language, and on treating the Welsh language no less favourably than English.
- the evidence did not show that the University had made a conscientious effort to consider how the policy decision to change its corporate identity could be made so that it would have positive effects, or more positive effects, on opportunities for persons to use Welsh, and on not treating the Welsh language less favourably than English.

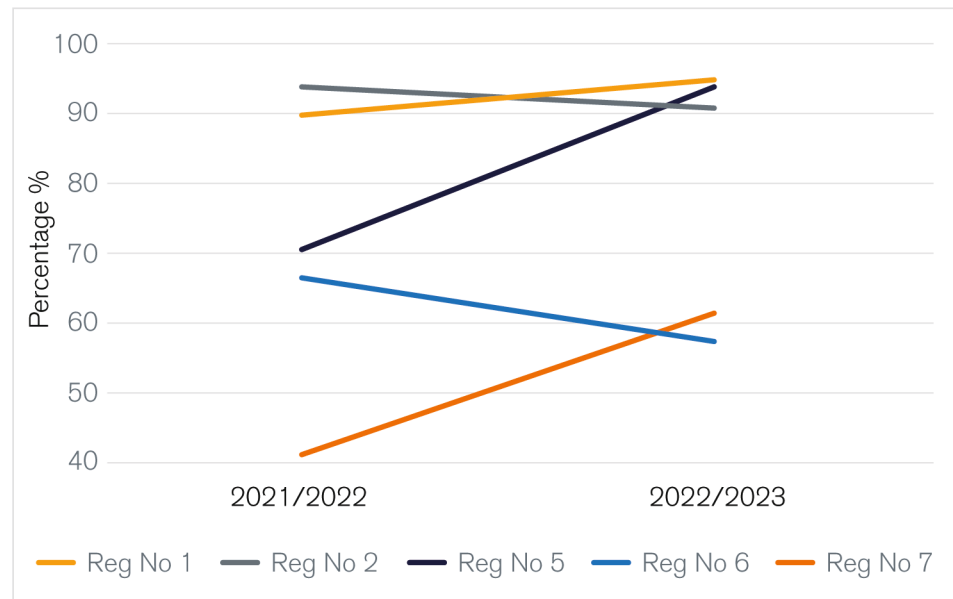
Ten enforcement actions were imposed on the University for the purpose of preventing the continuation or repetition of the failure. Actions regarding the service delivery standards included

checking social media accounts, modifying any relevant guidance and checking that corporate identity complied with the Welsh language standards now and in the future. In terms of the policy making standards the University needs to ensure that any policy decisions are made in such a way that complies with standards 94, 95 and 96. They will need to undertake a review of the assessment process of the impact of policy decisions on the Welsh language, prepare a paper on their findings and put steps in place in response to the findings. In addition, a requirement to publicise the failure to comply with standards was imposed in accordance with section 77(3)(d) of the Welsh Language Measure and required the university to post a copy of the report on their website and include a news story on their website. This will result in a greater awareness of the need to consider the impact of University decisions on opportunities to use the Welsh language and to mitigate any less favourable treatment of the Welsh language than the English language.

Effect of time on compliance levels

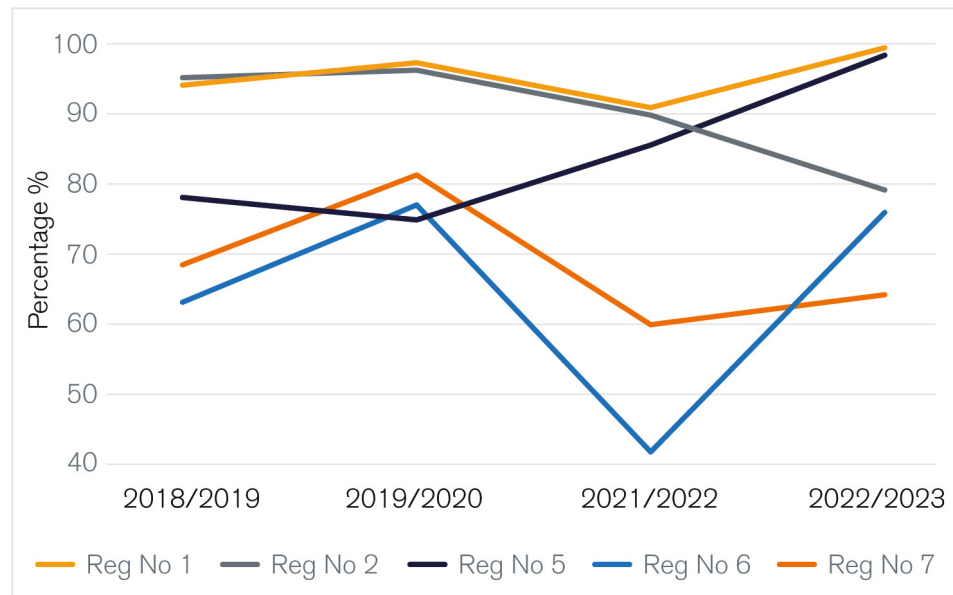
- 1.36** It has already been noted that the Commissioner's strategic objective in regulation is to maintain and increase the compliance of organisations with their statutory duties. The Commissioner's monitoring findings on the whole show that the standards regime leads to better treatment of the Welsh language and over time there is an increase in compliance levels. Having said this it must be acknowledged that a percentage of organisations fail to comply more frequently in the first few years they are subject to these duties.
- 1.37** Our surveys generally show that bodies that have been subject to standards for an extended period of time are more likely to be compliant – or the newer a body is within the standards regime, the greater the likelihood that it will not comply with all requirements.
- 1.38** The graph below shows the percentage of documents available in Welsh according to the set of regulations, and it is seen that over the past two years, bodies that have been subject to duties for a more extended period have reached a higher threshold of compliance, and that bodies named in the most recent regulations are still in a period of change and progress – despite the duty being in force.

Documents available in Welsh



1.39 The graph below shows the percentage of web pages available in Welsh, according to the set of regulations, over time. The trend shows an upward shift towards compliance over time. It shows that the newest organisations to the standards regime (namely sets 6 and 7) are still travelling towards a compliance rate of over 90% that has been met by organisations that have been subject to the standards for a more extended period (namely sets 1 and 2 and 5).

Website pages available in Welsh



1.40 The data shows that the standards regime is working, and that the Commissioner's regulatory work is tracking and driving progress in the performance of organisations subject to Welsh language duties.

1.41 While consistency remains an issue across sectors, it is possible to envisage a near future where compliance levels and therefore the standard of services to users will be consistently satisfactory. It is necessary to ensure that compliance rates do not settle below full compliance. Only full compliance guarantees parity of Welsh language services with English language services for Welsh speakers. **The bar must be raised.**

Bodies subject to language schemes

1.42 Due to the nature of language schemes, it is more difficult to compare performance levels by sector or between bodies as commitments can differ from one organisation to the next.

1.43 However, the Commissioner continues to review the main services of bodies subject to language schemes as Welsh language users are not necessarily aware of the difference in the systems, and if we are to increase the use of Welsh, it is important that all public bodies serving Wales provide quality services.

	2022/2023
Dealing with telephone calls in Welsh	42%
Replying to Welsh language correspondence in Welsh	60%
Messages in Welsh on social media	23%
Web pages available in Welsh	37%
Job advertisements in Welsh	0%
Documents available in Welsh	53%
Forms available in Welsh	54%
Use of corporate identity in Welsh	37%

1.44 The above shows that the levels of services from bodies subject to Welsh language schemes are inconsistent, and also that the nature of the commitments in some of the schemes is outdated – for example, the schemes do not include social media requirements.

1.45 However, while there is a mixed picture in terms of the performance and compliance levels of bodies implementing language schemes, there are positive developments in areas affecting many people using non-devolved services.

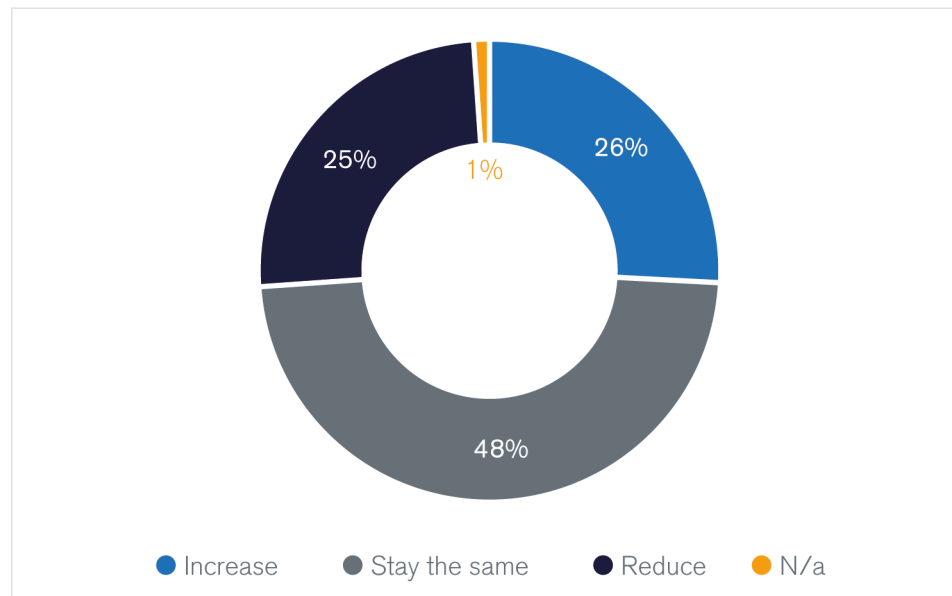
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- 1.46** There have been a number of positive developments regarding the Welsh language on the [GOV.UK](#) website, for example, during the year under review. The developments include online services and new bilingual information pages from organisations including the Department for Work and Pensions, the Driver and Vehicle Licensing Agency, the HM Land Registry and HM Courts and Tribunals Service. Some of the organisations featured on [GOV.UK](#) have had direct access to the Welsh language stream; which means that those organisations can add and update their Welsh language content in a timely manner.
- 1.47** The '[List of Welsh language services](#)' page on [GOV.UK](#) has also been modified, grouping Welsh language services and information into different categories. This was done to try to improve the organisation of the many Welsh language services and information that have been developed over time, rather than having to look through a lengthy list of links. Further work will take place on this page to make the Welsh language services and information on [GOV.UK](#) as accessible as possible.
- 1.48** However, there are important services provided by Crown services or non-devolved agencies where significant deficiencies remain in terms of the Welsh language, and where the Commissioner is pressing for bodies to improve their arrangements.
- 1.49** The Commissioner's investigation work has discovered complex issues with people trying to take a driving test in Welsh and this is a concern as this may be young people's first experience of receiving services from public bodies.
- 1.50** The Commissioner will also scrutinise over the coming period services that may affect people due to the cost of living crisis and high inflation. A number of services that support people at a vulnerable stage of life are provided by agencies at UK level and support through the medium of Welsh needs to be ensured regularly as people deal with difficult financial challenges.

Welsh Speakers Survey

- 1.51** The Commissioner annually conducts a survey of Welsh speakers' views of services and their use through the medium of Welsh. The survey is conducted on behalf of the Commissioner by Beaufort Research.
- 1.52** The survey was conducted in October 2022, with 403 respondents representing a cross-section of Welsh speakers in terms of age, geographical location and fluency levels.

1.53 We have carried out the Welsh speakers survey over time, which allows us to identify if there is a change in trends in the response of the sample to Welsh language services or their experience of using Welsh with public bodies and within the community.

My opportunities to use Welsh in my daily life are:



1.54 The chart above shows that 26% of respondents believe their opportunities to use Welsh in their daily lives are increasing, and 48% of respondents indicate that their opportunities remain the same. So almost three quarters of Welsh speakers find that they have the opportunity to use Welsh in their daily lives.

1.55 More respondents believe opportunities to use Welsh with public bodies are increasing – with 34% of respondents believing opportunities are increasing and only 18% indicating opportunities are decreasing.

1.56 It is also encouraging to note that 82% of the sample of Welsh speakers agree with the statement that 'I can usually deal with public organisations in Welsh if I wish'.

1.57 72% also agree with the statement that public organisations' Welsh language services are improving.

1.58 However, only 65% of respondents thought the quality of Welsh language services was the same as English. This response reflects the findings of the Commissioner's services monitoring work which shows that the Welsh language is regularly treated less favourably than English.

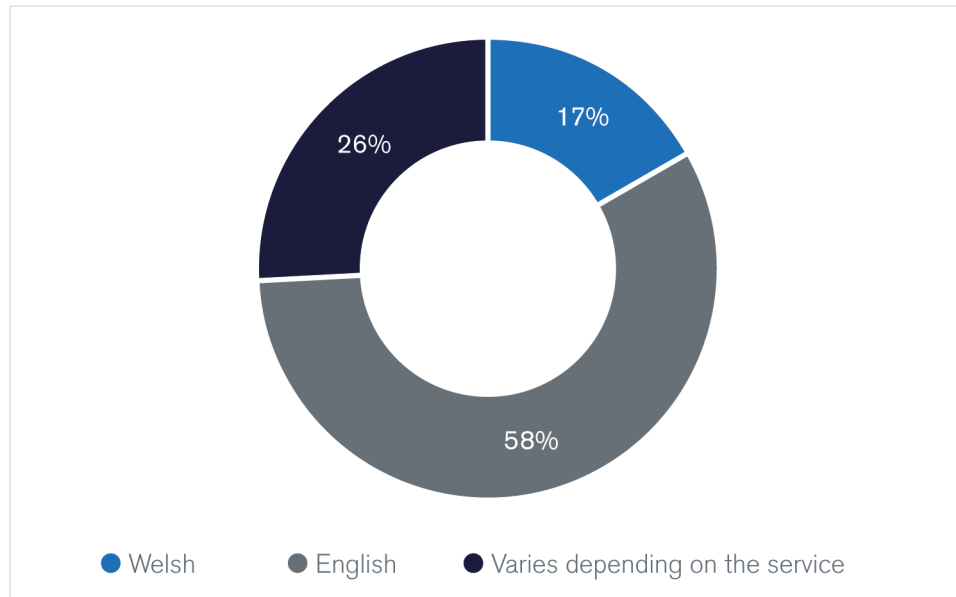
1.59 It is therefore important to reiterate the observation that there is a link between the confidence that users have in Welsh language services and the failures and lack of consistency in the quality of Welsh language services. Users notice that the quality can be lower when it comes to Welsh language services, and this is likely to have an impact on their choice in using services.

Use of services

1.60 The Welsh speakers' questionnaire asks respondents to identify which language they prefer to use with public bodies when using services.

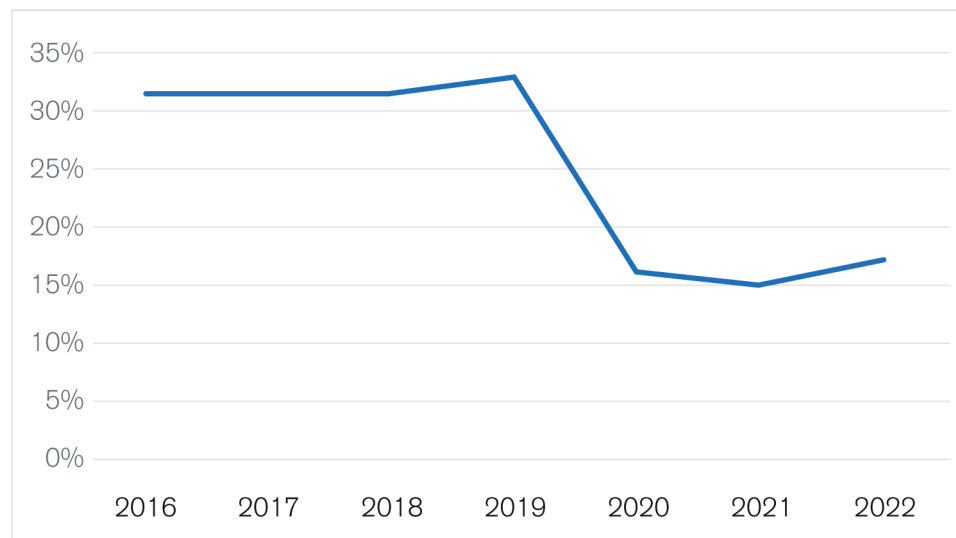
1.60.1 The chart below shows that 17% of Welsh speakers prefer to use Welsh, with 58% indicating they prefer to use English, and 26% indicating that their preference varies depending on the service:

What language do respondents prefer to use with public bodies?



1.60.2 Clearly this figure raises concern, and reflects a stark reduction in response to the question regarding use in the last three years, since the pandemic:

Percentage of respondents who prefer to use Welsh with public bodies.



- 1.61** As the graph above shows, there was a significant drop in the number of survey respondents who indicated a preference for using Welsh during the pandemic period, and the figure has yet to recover to levels seen before 2020. Organisations are expected to respond to these results and do more to promote the use of the Welsh language in order to work towards increasing use.
- 1.62** The results show, however, that fluent Welsh speakers are more likely to state that they prefer to use Welsh (32%) and people who live in areas with a higher level of Welsh speakers are also more likely to state that they prefer to use Welsh (29%) with public bodies.
- 1.63** It is a concern however that only 12% of Welsh speakers surveyed between the ages of 16 and 34 replied that they preferred to use Welsh with public bodies.
- 1.64** Another characteristic factor is a tendency towards using Welsh based on the types of services under consideration. Respondents indicate that they are more likely to use services in person or orally in Welsh:

Face to face	24%
Written (email, form etc)	8%
Telephone	20%
Reading information	12%
Social media	8%
Chat bot	6%

- 1.65** These responses are a factor when considering the corresponding levels of compliance in these services – particularly in relation to telephone services. If it's oral services people most want, it's important that they're consistently available to inspire further confidence in using Welsh.
- 1.66** For those indicating that their preference varies, 25% of those respondents (representing 26% of the total sample) cited subject matter and service type as a factor, particularly in terms of the complexity of terms etc. that lead them to switch language.
- 1.67** This response is therefore a factor to consider when developing services – particularly written ones, where greater use of clear Welsh or support with unfamiliar terms may support speakers to use Welsh more often.

Effective practice : trio writing

The Centre for Digital Public Services has collaborated with Natural Resources Wales, local authorities and Welsh Government policy teams on a 'trio writing' scheme. The scheme was intended to explore alternative ways of working with translators to improve how the content is used in both languages. The standard method of translation is based on material being developed and drafted in one language (usually English) and then the material being passed on to the translator for translation. One of the drawbacks of this arrangement is that the translators do not always have access to the context or subject matter expert to ask questions and receive further clarification as they go about translating the text. In addition, the material presented to the translator is not always designed to be clear, simple and easy to use.

Producing content that meets the needs of users in a way that is clear, accurate and easy to understand and use, requires the knowledge and expertise of a subject matter expert and content designer. The 'trio writing' approach is an attempt to include the Welsh language throughout the process, so that both languages are treated and considered equally. It's a technique that brings together a content designer (or author), subject matter expert (or sometimes researcher) and translator to work on a piece of content and create it in both languages at the same time. By therefore having the translator in the room, it ensures that both languages are considered equal, and that the text works as well in both Welsh and English.

More information about 'trio writing' can be found on the [Digital Public Service Centre](#) website.

- 1.68** 12% of Welsh speakers surveyed by Beaufort indicated that the availability of another Welsh speaker was likely to support them in using Welsh, and that an active offer from a Welsh speaker changed the habit of a further 11% of speakers to be more likely to use Welsh.
- 1.69** There are therefore opportunities and potential for organisations to increase levels of use of Welsh and move closer to the targets of the Cymraeg 2050 strategy to increase the percentage of people using Welsh every day from 10% to 20% by 2050.

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- 1.70** The above therefore supports the position that it is possible to change the habits of speakers and incentivise greater use of Welsh - particularly in oral services through the active offer by organisations - in other words, speaking Welsh first, and by making it clear that a Welsh speaker or services are available - such as through the use of the 'iaith gwaith' logo.

Preventing people from speaking Welsh

- 1.71** As part of the survey, users were asked a general question to ascertain whether they had experienced being prevented from speaking Welsh. Respondents were asked:

Have you experienced someone preventing you from speaking Welsh in the last 12 months?

- 18% of the sample responded that they had experienced someone preventing them from speaking Welsh.
- The percentage was higher for people aged between 16 and 34, with 29% of the sample reporting that they had experienced someone preventing them from speaking Welsh.
- The percentage was also higher if they were male (25%), came from high-density geographical areas of Welsh speakers (20%) or were fluent Welsh speakers (22%).

- 1.72** In response to the question, respondents had the opportunity to expand on their experiences – and here are some of the comments submitted about the workplace:

“I was prevented because they could only speak English. I should be able to speak the language of my country in my own country. I continued to speak Welsh because the people I was dealing with were Welsh speakers.”

“I was at work, they told me to stick to English so it's clear and everyone can understand what I'm saying, it didn't really bother me, I switched to English for the rest of the shift.”

“I could not speak Welsh in a job interview because the person didn't understand Welsh.”

- 1.73** As the figures and examples above show, people's experience of being prevented from speaking Welsh happens as part of life. The effect is that some, but not all, respond by turning to English.

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- 1.74** The fact that 18% of Welsh speakers surveyed reported an experience of being prevented from speaking Welsh within the last 12 months leads one to think that Welsh speakers must have considerable perseverance to use Welsh.
- 1.75** It is important to note these experiences when considering the levels of use of Welsh language services as a means of understanding why Welsh speakers do not always choose to use their Welsh. Negative experiences of using Welsh are likely to have a significant impact on people's behaviour.
- 1.76** The role of the Commissioner is key – to be supportive of users when there are grounds for complaints about failing to use Welsh.

Following an investigation, the Welsh Language Commissioner determined that Bupa Dental Care had interfered with an individual's freedom to use Welsh while he was working at one of the company's surgeries.

The Commissioner determined that Bupa had interfered with his freedom by expressing in an email, and in a subsequent letter to him, that he should not communicate in Welsh with other staff.

The reasons given by Bupa Dental Care for the intervention were that it was necessary to avoid administrative errors and that the use of Welsh in this case had constituted a breach of contract.

The Commissioner was not of the view that there was justification for the interference with the freedom this individual had to communicate in Welsh with his colleagues. In the wake of the investigation Bupa Dental Care committed to reassuring its staff that Welsh can be used in Wales and to accept that the use of Welsh at work does not lead to errors.

The full case report can be found [here](#).

2. Organisations promoting use

Promoting Welsh language services requires more than just providing them; organisations need to highlight Welsh language services.

2.1 The Commissioner has consistently supported organisations and advised that the principle of promoting the use of the Welsh language is a core principle in service delivery. The importance of the following was noted:

- providing assurances that a Welsh language service is available;
- ensuring that Welsh language services are at least as easy to access as English ones - and are available just as quickly and smoothly as the English service;
- initiating contact in Welsh by default, or providing an active offer;
- providing assurance that the use of Welsh will not disadvantage users in terms of the outcome or speed of the process; and
- ensuring that the language of the service is easy to understand.

2.2 The Welsh Language Measure states that public bodies must promote and facilitate the use of their Welsh language services. In order for the principle of promoting use to be translated into practical actions the Welsh Government has produced a series of clear standards relating to the promotion of use:

"You must promote any Welsh language service you provide..."

2.3 The Commissioner has explained to organisations how to design services in a way that people will be more likely to use them. As well as providing advice the Commissioner has offered practical ideas on how to comply with statutory language duties, and [promoting the use of Welsh](#).

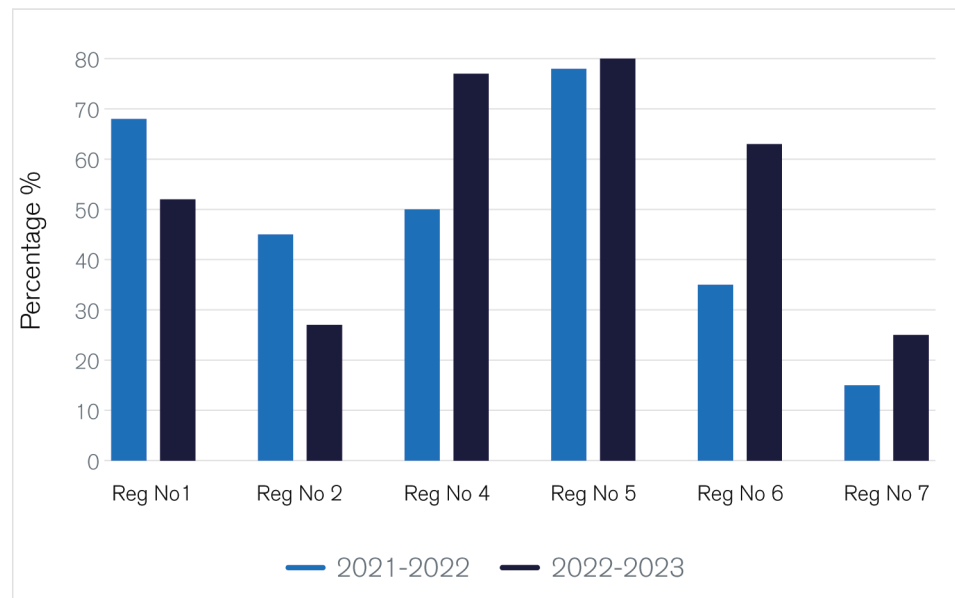
2.4 It therefore follows that the Commissioner would be interested in monitoring progress since this advice was shared in 2020. Below is an analysis of the performance of organisations during 2022-2023.

Promoting Welsh language services through positive statements

2.5 Verification surveys have been carried out taking into account levels of compliance with the standards which mean that an organisation has a duty to inform users that they can choose to use Welsh. There is a group of standards that expect organisations to include explicit statements on their documents such as statements welcoming Welsh language correspondence, welcoming anyone to complete a form in Welsh or welcoming applicants to apply for a job in Welsh. The graphs below show the compliance rate of bodies with some of the standards in question. The data is recorded according to sets of regulations and also compares 2021-2022 and 2022-2023.

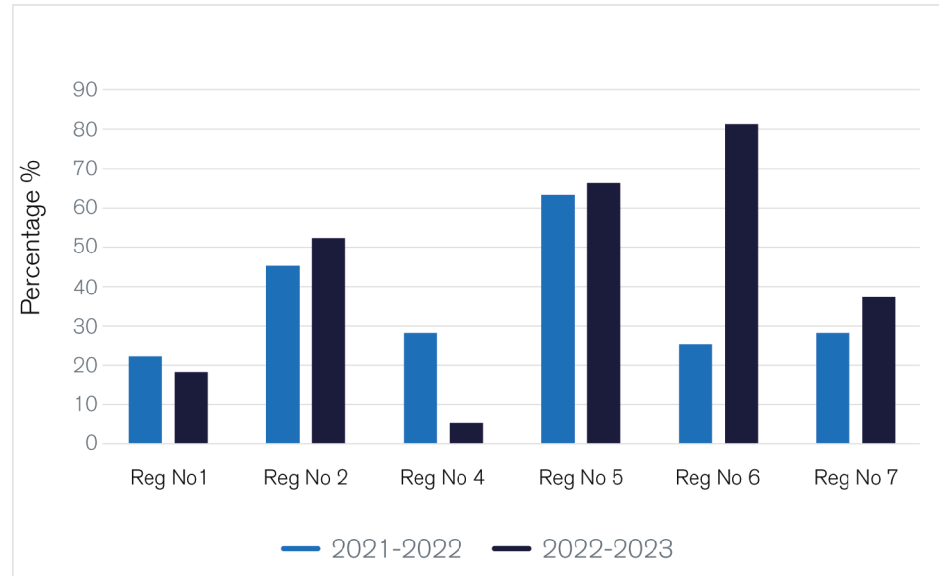
Correspondence

You must state - (a) in correspondence, and (b) in publications and official notices that invite persons to respond to you or to correspond with you, that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.



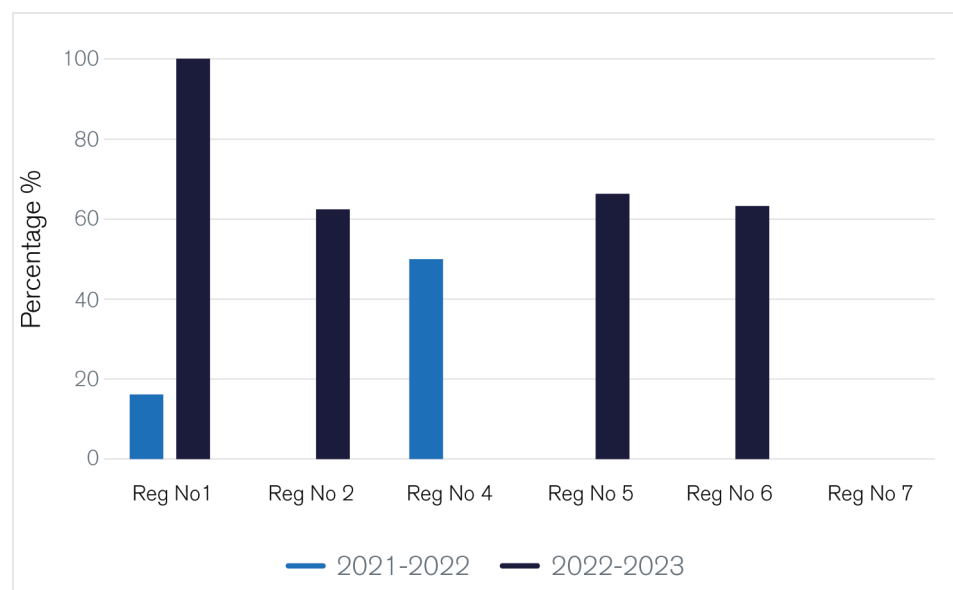
Forms

If you produce a Welsh language version and a separate English language version of a form, you must ensure that the English language version clearly states that the form is also available in Welsh.



Application forms for posts

You must ensure that your application forms for posts provide a space for individuals to indicate that they would like an interview or other method of assessment in Welsh and if an individual so wishes, you must conduct any interview or other method of assessment in Welsh (without the assistance of a simultaneous or consecutive translation service).



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- 2.6** Taking into account the results of the above three graphs we see a mixed picture. Welcoming correspondence in Welsh shows a situation that is inconsistent with the overall trend as local authorities, national parks, Welsh Ministers (regulations number 1) and national bodies in Wales (regulations number 2) show a downward trend in 2022-2023 compared to the previous year.
- 2.7** The monitoring results for promoting the use of the Welsh language in completing forms also show regulations number 1 bodies (namely local authorities, national parks and Welsh Ministers) slipping backwards – while there is significant progress from Regulations no. 6 institutions (further education colleges and universities).
- 2.8** It is a different story again when one looks at the results of monitoring application forms for posts. This data shows that regulations number 1 bodies are in full compliance in 2022-2023. There is a jump from compliance which was less than 20% in 2021-2022 to 100% compliance.
- 2.9** Including a statement on materials to promote the use of Welsh is a task that all organisations should be able to undertake with very little difficulty. Making positive statements to encourage the use of Welsh is a statutory requirement that should not be neglected. The above monitoring evidence, on relatively elementary matters, does not show that organisations have gone far in taking ownership of the principle of promoting use.

Survey on the compliance with standards on promoting the use of services

- 2.10** As part of the monitoring work the Commissioner carried out a review of the compliance of 124 organisations with Welsh language promotion standards. We also corresponded with a sample of 17 organisations implementing Welsh language schemes. A request for information was sent to the organisations in September 2022. We received 99 responses which equates to a 70% response rate.
- 2.11** This survey was qualitative and gave organisations the opportunity to share information with the Commissioner about their efforts to promote opportunities to use Welsh.
- 2.12** Taking into account the responses as a whole, it may be concluded that it is customary for some respondents to provide Welsh language services without promotion, while another proportion of the organisations are taking proactive steps in terms of promotion.

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- 2.13** 50 out of 99 respondents indicated they were running campaigns to promote the use of Welsh language services. There was widespread recognition that there was room to do more. A number of colleges replied that they had not considered which of their services they could promote in Welsh in accordance with the requirements of the standards. There were specific examples of how organisations had gone about promoting and facilitating the use of Welsh. Some examples of this are:

National Museums Wales

We have just launched Amgueddfa Cymru's new brand. The status and prominence of Welsh has been a core part of the process since the very beginning, and this is evident in our monolingual Welsh logo, the new font created which celebrates the unique features of the language, and the fact that we take a multilingual approach in our brand voice. This means we are looking for opportunities to use Welsh words in English (or other languages) text, to help people know who we are and where we come from. Our new brand will underpin increasing awareness of Wales and the Welsh language in all our work throughout Wales and beyond.

Caerphilly County Borough Council

The 'Do the Little Things' campaign was launched in March 2022, which aims to raise awareness among staff and the Welsh speaking public. It offers monthly pledges for staff and members of the public to get involved and make some small contribution, which together become significant and impactful things. We also use our Gov.delivery system, which provides the latest news to service subscribers on specific areas, such as events, highways, schools, etc. We have promoted this service in Welsh a number of times to our Welsh speakers, again through collaboration with partner organisations.

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- 2.14** The Commissioner has previously and consistently advised on the need for organisations to emphasise that change has taken place with the advent of standards duties, and to make sure that consumers are aware of the Welsh language services available. As part of the survey, there were examples of organisations giving users a prompt as part of a specific service:

Welsh Government

We make the active offer in the following ways: all call centre telephone lines answer phone calls bilingually or provide an initial bilingual message, with Welsh heard first, when corresponding, when providing a statement in our email signatures welcoming correspondence in Welsh, in emails that acknowledge receipt of Ministerial correspondence which is bilingual by default with Welsh first, through the extensive use of the Iaith Gwaith logo at reception and a message on the reception desks stating “speak Welsh here”. When registering for Welsh Government digital services the user is asked to choose a language, regardless of the language of the registration page. When inviting stakeholders to meetings bilingually, they are asked for their language choice for contributing at that meeting.

- 2.15** Organisations have been honest in their responses and some organisations have made it clear that their efforts to promote the use of Welsh have failed to hit the mark; for example, in social care one organisation tried to engage with consumers and their families to establish a language choice, but the response from consumers was disappointing. As a result of the response received, the organisation had stopped active promotion.
- 2.16** A large number of bodies referred to policies they had regarding efforts in implementing the principle of ‘Plain Welsh’.

Neath Port Talbot Council:

'We encourage staff to use professional Welsh translation services/Welsh speaking colleagues to proofread and ensure any Welsh language content is accurate and easy to understand. Staff have access to training to develop/improve their Welsh language skills. However, we are aware of the various communication protocols and ensure that styles and use of language are appropriate, for example in social media; this sometimes attracts criticism where a more spoken style/language may be used that is not 'academic/correct' Welsh learned at school/university, although it is appropriate and easy to understand. Accepting a more relaxed approach to Welsh – as evidenced in the use of English – may be something the Commissioner can help address on a Wales-wide basis.'

S4C

'S4C always tries to ensure that we use simple and clear Welsh with our audiences. One of our principles is that the Welsh language belongs to everyone, and we have a strategy in place to be inclusive, to attract more viewers, and to increase the number of Welsh speakers. We will shortly be doing a piece of work on 'the voice of S4C' – i.e. how we can make sure our service is clear and easy to understand, and discuss the Welsh language in a way that makes it more open.'

Tribunals in Wales

'Documents produced by the Welsh Education Tribunals are also produced in an easy-to-read format, ensuring that information is provided in language accessible to children and young people, who are able to submit a claim or appeal under the Tribunal's regulations.

Legal language can be complex for all users, but legal, lay and expert members of the Tribunals are experienced in dealing with a wide range of individuals during hearings, and ensuring that all parties understand everything.'

Food Standards Agency

'Since the Language Unit was established in 2007, the team has developed and nurtured a house style that focuses on plain Welsh, homely language and clear translation that keeps the target audience in mind at all times. We have a terminology contract with Canolfan Bedwyr and are working with the centre to standardise our terms and publish them on the Porth Termau terms portal website. All translation work is carried out in-house by our team of experienced translators. Every piece of work is checked and every resource is proofread to guarantee quality. With large projects, such as the Food and You project, questions were asked about the Welsh language resources in feedback forums and that feedback was incorporated from then on (e.g. including English names in brackets when there is an unfamiliar term in Welsh). We use homely language on social media, and will consider the use of 'ti/chi' in campaigns depending on the audience – e.g. the elderly/young people/students/schoolchildren'.

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- 2.17** While various efforts to promote the use of Welsh are taking place in some public bodies there is scope to give more thought to effective methods of affecting language choices. The Commissioner's strategic plan for the period 2022 to 2025 sets out a clear priority to ensure that organisations do more to promote the opportunities they provide to use the Welsh language. A starting point for many would be to follow the advice of the Welsh Language Commissioner on promoting services, or at least, ensuring that they comply with the standards that expect them to promote use of their Welsh language services.
- 2.18** As part of the survey, information was collected on methods of recording service use data. In a previous assurance report the Commissioner has advised that quantitative data collection would be useful for organisations to understand the extent to which their efforts to promote services are succeeding. Organisations were also advised to set targets for achieving an increase in use.
- 2.19** We had responses that provided a sample of service use levels. Some organisations were merely comparing the percentage of Welsh medium use with the percentage of English medium use, while other bodies record information about language choice in more useful and revealing ways. One organisation collected data according to each standard and was therefore able to compare whether there was higher use of some types of Welsh language services compared to others.
- 2.20** A few bodies collected data comparing the previous year. One organisation was able to record an increase of 3,424 visits to their organisation's Welsh language web pages in a single service area.
- 2.21** The Commissioner has provided specific advice on promoting use, explaining to organisations how to design services in a way that people will be more likely to use. e.g. ensuring that the service appears in Welsh first, or that users are genuinely offered the opportunity to use Welsh at the beginning of the process. The document offers practical ideas on how to promote the use of Welsh. Organisations need to draw everything together and act in a more holistic and purposeful way as they look to work towards increased use. Here are some things organisations should be doing in line with the principle of [promoting use](#).

- **Design services** to make people more likely to use Welsh by providing a more obvious choice e.g. offering a website splash page in Welsh to meet the requirement to promote Welsh language services.
 - **Make Welsh the default** as research shows that users tend to follow the norm, and accept the default option.
 - **Welsh services are automatic** without the need for users to have to request to use Welsh. This should include offering Welsh by default in technology – without having to change any settings.
 - **Welsh from the outset** as users are not keen to switch language once they have started dealing with an organisation in one particular language.
 - **Ask for, and record language choice**, carefully as a means of ensuring that organisations can identify Welsh language users more effectively.

- **Motivate** people to use Welsh language services. In order for an organisation to successfully encourage the use of Welsh, there needs to be a **core change in the culture of the organisation**. The change must ensure that the organisation's workforce offers a Welsh language service consistently, spontaneously and proactively.
 - **Use plain language** making Welsh easy to understand.
 - Communicate effectively that the chances of getting a good service in Welsh are now much higher than they have been and encourage users to give it a go.
 - Increasing consumer awareness that services are available in Welsh - giving the impression that using Welsh language services is the norm, is the positive, socially desirable thing to do, making people feel good about using Welsh language services.
 - Emphasise things that are new, and relevant to users.

- **Gather evidence** to measure progress
 - **Establish a baseline** and collect data on the level of use prior to the intervention
 - **Intervene** (e.g. changing the service design, or promoting the service in a different way)
 - **Collect data on the level of use after the intervention.**

Use of Welsh within internal administration

- 2.22** It is a strategic priority for the Commissioner to increase opportunities for people working within public bodies to use their Welsh by implementing Welsh language standards in this area to their full potential.
- 2.23** It is the duty of all bodies subject to Welsh language standards to develop a policy on the internal use of the Welsh language. The standard states that the intention of the policy must lead to the promotion and facilitation of the use of the Welsh language.
- 2.24** There are a number of other standards that also support the use of Welsh within a body's internal administration, such as ensuring that an employment contract and employment-related documentation can be provided in Welsh, and the publication of policies in Welsh. The standards also protect the rights of members of staff in the conduct of disciplinary processes in Welsh and when dealing with complaints.
- 2.25** To facilitate implementation and increase levels of everyday use of Welsh within the internal administration of organisations, an action pack has been published on the Commissioner's [website](#) which sets out practical steps bodies can take to support greater use of Welsh and to better plan and measure for a future where use of Welsh is facilitated.

An example of how internal use policies can support officers to use Welsh

Three members of staff working for a county council in the north east contacted the Commissioner to report an issue that could be considered as interference with their freedom to use Welsh.

When holding a conversation in Welsh on 'Teams' one non-Welsh speaking member of staff responded that the majority of the team did not speak Welsh, that conversations held on the general discussion stream should be held in a language understood by all, that holding a Welsh conversation on the general discussion stream was rude, and that if a Welsh conversation must take place it should be done in a private discussion stream.

The staff members lodged a complaint with their line manager who responded to the issue by reminding

staff of the Council's policy on the Welsh language in the workplace which gives individuals the right and encouragement to use Welsh. It was also noted that the Council was already in discussions with an external company to provide training on a wide range of issues relating to the Welsh language, including 'bilingual team management' and how to promote the Welsh language.

Following the Commissioner's intervention, the Chief Executive of the Council declared disappointment at what had happened and that the matter was one that was being taken seriously. In addition to the above, they committed to:

- receive a report on the matter and submit it to the regular meeting of the Chief Officers Team
- remind all staff of the Council's policy on the Welsh language in the workplace
- review recruitment processes to ensure that job applicants understand the importance of Welsh in the workplace

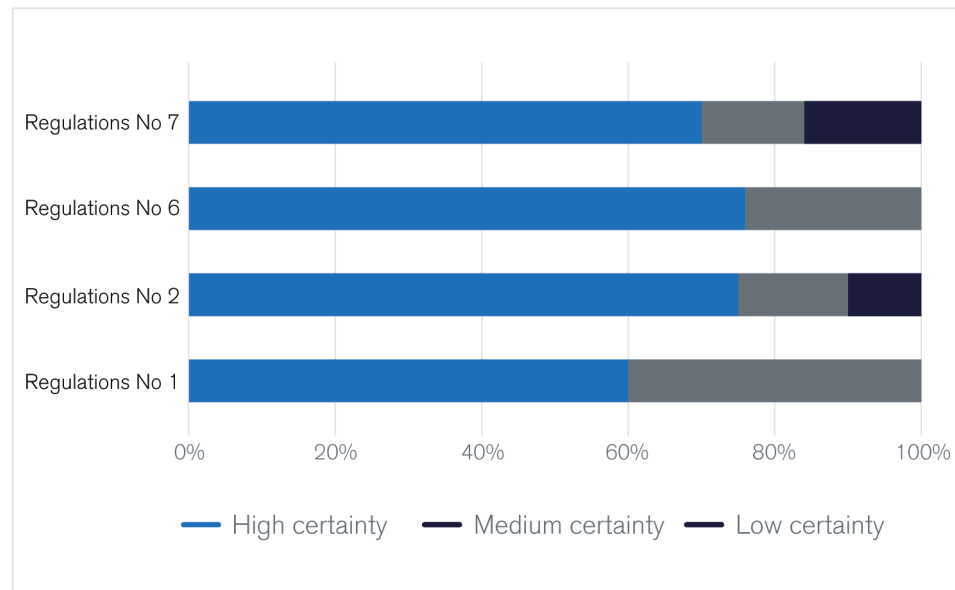
Self-assessments of compliance with operational standards

2.26 Over the past year a request has been made for organisations subject to Welsh language standards to self-assess and report on their levels of compliance with the operational standards that support the use of Welsh in the administration of the bodies.

2.27 Organisations conduct a self-assessment of whether they comply with high, medium, low assurance or do not comply with certain standards.

2.28 In general, organisations report that they comply with high assurance with the requirements to provide employment materials to their staff in Welsh. Some organisations note medium compliance, acknowledging that they intend to review the system to ensure an active offer:

Self-assessment: providing employment materials in Welsh to employees



2.29 The levels of organisations reporting a self-assessment of high assurance follow the same patterns as the graph above in compliance in terms of publishing internal policies in Welsh, ensuring that staff can submit complaints in Welsh and that an internal disciplinary process can be conducted in Welsh. The self-assessments generally confirm that compliance with these requirements is good and that bodies have adopted arrangements that support staff in using Welsh when accessing documents or if they complain or are subject to disciplinary processes.

2.30 The provision of spell-checking software and Welsh interfaces on staff computers is also assessed as having high compliance levels. There are a few issues to report from organisations using Apple mac systems, and some organisations also acknowledge that they are not offering the software etc proactively enough – in other words, staff have to ask for it to be added. Some bodies could therefore promote the availability of Welsh language technology by considering proactive options or default settings.

2.31 However, a number of bodies self-report that their intranets are not available in Welsh, contrary to the requirements of the standards. This is particularly true in institutions subject to regulations number 6 – namely further education colleges and universities, where 33% report low assurance in offering IT support in Welsh due to deficiencies with the intranet.

Policies on the internal use of Welsh

- 2.32** The sample who received the self-assessment questionnaire were asked to report on their levels of compliance with the requirement to develop a policy in accordance with the requirement of the standard:

You must develop a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language, and you must publish that policy on your intranet.

- 2.33** 90% of the sample reported complying with the requirement with high assurance.
- 2.34** Of those who did not consider compliance to be high, two organisations reported that they did not have a policy because their internal administration was already in Welsh only.
- 2.35** However, it was disappointing to note that 7 bodies confirmed that they have not yet formulated a policy to comply with the standard. The Commissioner's officers will respond to this by taking steps to ensure that the organisations concerned formulate a policy and do so with the support of the [action plan](#).
- 2.36** We also asked to receive copies of organisations' policies on the use of Welsh and to understand how organisations were developing internal use of Welsh.
- 2.37** We received 48 policies produced by bodies to meet the requirement of the standard. It is fair to note that the policies produced by the organisations vary significantly in terms of the standard of commitments to increase use or in promoting and facilitating the use of Welsh.
- 2.38** A number of policies focus too much on how to implement service delivery standards, and more closely resemble guidance on implementing the standards rather than guidance on how to use Welsh.
- 2.39** There are also two clear elements that are consistently lacking across policies – namely that they do not include an element of development as required by the standard and secondly, few set a policy goal. In other words, the policies are generally operational, setting out how the organisation supports staff to use Welsh, but do not look ahead and consider growth in levels of use.

2.40 The policies should also consider and include strategies to overcome barriers that hinder increasing use of Welsh at work. For example:

- Employees' willingness to use Welsh for work purposes is one factor: people are either confident to speak the language but feel safer using English for written items; or can speak Welsh but are not used to doing so. Organisational policies should include measures in response to this situation.
- There are a number of Welsh speakers in each of the organisations that the Commissioner met with. When there is a sufficient number of Welsh speakers, the Welsh language is used. Being within a domain, or the influence of a colleague who makes a commitment to use Welsh, can create a shift in the language of members of staff who did not previously use Welsh. In order to support the use of Welsh in certain domains the policies of organisations should include measures to reinforce or support Welsh language domains within the workplace.
- People tend to turn to English if any non-Welsh speakers are involved in the conversation or meeting. Simultaneous translation is not available for many of the internal conversations / meetings involved.
- Internal use policies should include measures to encourage staff to use Welsh orally and for informal written messages and provide support in the form of a mentor or tutor service where help and support is needed.
- Internal use policies should include a commitment recognising the status of the Welsh language within the workplace and the organisation should have someone providing the lead and setting an example for others. In relation to this a policy should include awareness raising measures about the policy.
- Some organisations' administration is done through the medium of Welsh or some are working towards a position to have Welsh as their 'main administrative language'. In cases such as these policies should be clear as to what a main administrative language means and define that in their policy.
- Information technology systems and human resources or contact management systems do not facilitate the use of Welsh within the internal administration of several organisations. Internal use policies should include a policy aim and timetable for transforming situations like this and if immediate action is not possible, policies to develop the use of Welsh should introduce temporary measures.

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- 2.41** There is scope for a high proportion of Welsh public bodies to review their policies and analyse their own situation and include measures for development in their internal use policies. The Commissioner will monitor and work with organisations to move from a static situation to one where organisations have evolving policies.
- 2.42** There is room for organisations to identify a clear goal to work towards. The Commissioner wants to see more organisations using Welsh as the main language of internal administration, and maintain that situation where it is already in operation.
- 2.43** Where that is not practically possible organisations should set a clear aim to increase the use of Welsh internally. Organisations should explore policy models that suit their circumstances for example starting to introduce Welsh as an official language of work for the first time; setting a goal of giving the workforce the choice of working through the medium of Welsh or English; declaring that Welsh has official status as the language of the workplace or setting a goal for Welsh to be the main language of the organisation.
- 2.44** The Commissioner intends to work closely with a selection of organisations in order to develop various policy models. It will be important that organisations do not stand still in the meantime and all organisations should look again at their policies and define a suitable organisational goal.

3. Skills and recruitment

In order to meet the duties of providing Welsh language services, the Welsh language must be valued more as a skill and more Welsh speakers appointed.

- 3.1** The Commissioner has consistently stated that investing time in developing robust arrangements for recruiting and assessing the need for Welsh language skills in the workplace is of key importance for successfully complying with the duties of the standards and for delivering services in Welsh.
- 3.2** In the 2021-2022 assurance report '[Welsh as a way of working](#)' the Commissioner noted that "the view that no fundamental change has taken place in planning and implementation in recruitment... to improve organisations' levels of compliance with the range of Welsh language standards in general." The Commissioner asked bodies to consider whether their arrangements were adequate in terms of recruitment and indicated that the Commissioner would be prepared to open investigations and enforce change if deficiencies persisted.
- 3.3** It is crucial that organisations have a sufficient capacity of Welsh language skills to enable them to deliver services through the medium of Welsh in accordance with the standards. The key influence on organisations' ability to provide suitable Welsh language services is the number of staff with Welsh skills. Increasing the number of officers with skills in Welsh is therefore key to complying with the requirements of Welsh language standards and Welsh language schemes. Increasing numbers will result in:
- improving Welsh language services and creating opportunities for service users to speak Welsh
 - increasing opportunities for employees to use Welsh at work
 - increasing organisations' awareness of issues affecting the Welsh language in policy-making and promoting the Welsh language.
- 3.4** To strategically address non-compliance, an independent evaluation of how organisations assess the need for skills in Welsh was commissioned. We wanted to understand how those assessments contribute to their success in recruiting Welsh-speaking staff and thereby increasing their capacity to operate in Welsh.

3.5 The review was carried out with a sample of 24 bodies with a cross-section of bodies subject to Welsh Language Standards Regulations no. 1, 2, 4, 5, 6 and 7. It was intended to enable the Commissioner to understand what arrangements are currently in place, what practices lead to success and what the barriers are. The aim was to:

- receive robust data and evidence on how the recruitment process itself influences the effectiveness of organisations in increasing workforce capacity
- learn about methodologies and practices used within organisations in assessing the language requirements of a post, the stages involved in recruitment processes and outcome of recruitment processes
- discover successful practices that can be shared with other organisations to adopt
- learn from any challenges or barriers that may arise through the work.

3.6 The company reported on the review which:

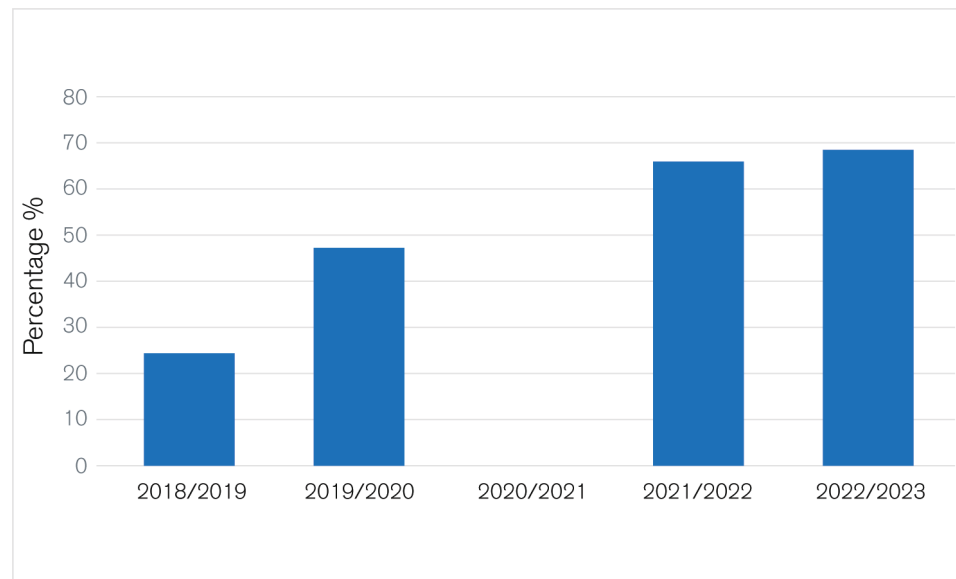
- presents an independent evaluation of how the way in which organisations assess the need for Welsh language skills contributes to their success in recruiting Welsh-speaking staff;
- includes examples of successful practices and highlights risks in practices and trends observed in practice;
- takes into account the adequacy and suitability of assessments made and highlights trends where there is evidence that they lead to success;
- identifies trends or practices that adversely affect the success of the recruitment process.

3.7 The report can be found in full on the Commissioner's website [here](#). A seminar was also held to discuss the work and the seminar can be revisited by viewing the recording [here](#).

Verification findings

3.8 The Commissioner's officers' survey data shows that there is an increase in the percentages of job adverts available in Welsh. Across the bodies subject to Welsh language standards, 69% of job adverts are available in Welsh. This increase corresponds to an increase in the ad sample surveyed in this year – which was also higher. However, it must be noted that 31% of the sample are advertised in English only. This is non-compliance with the duty.

Percentage of job advertisements available in Welsh⁴



3.9 Once again, the picture is also mixed and inconsistent across sectors, with universities and further education colleges (regulations number 6) and health bodies (regulations number 7) consistently performing worse than the bodies from other sectors.

3.10 Regulations number 7 organisations represented the group of bodies with the worst performance, with only 28% of job adverts available in Welsh.

3.11 The remaining standards organisation groups performed better overall, with percentages falling between 85% and 89% of job adverts available in Welsh.

3.12 Similar to comments on services, there are high levels of treating the Welsh language less favourably than English in advertising posts and providing supporting material – with less favourable treatment of Welsh in 50% of the sample (84% of the sample for regulations number 7 bodies). This is consistent with the situation in 2021-2022 where 51% of the sample treated the Welsh language less favourably when advertising posts.

4. No data available for 2020/2021 due to a cyber attack on the Welsh Language Commissioner's information technology systems.

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- 3.13** There has been progress however in terms of bodies complying with the requirement to inform an individual that they may apply for a post through the medium of Welsh:

You must ensure that your application forms for posts provide a space for individuals to indicate that they wish an interview or other method of assessment in Welsh and if an individual so wishes, you must conduct any interview or other method of assessment in Welsh (without the assistance of a simultaneous or consecutive translation service).

- 3.14** 92% of the number 7 regulations sample complied with this requirement and there was a marked increase with regulations number 1 results between last year (62%) and this year (83%). The same was true of regulations number 7 between last year (75%) and this year (92%).

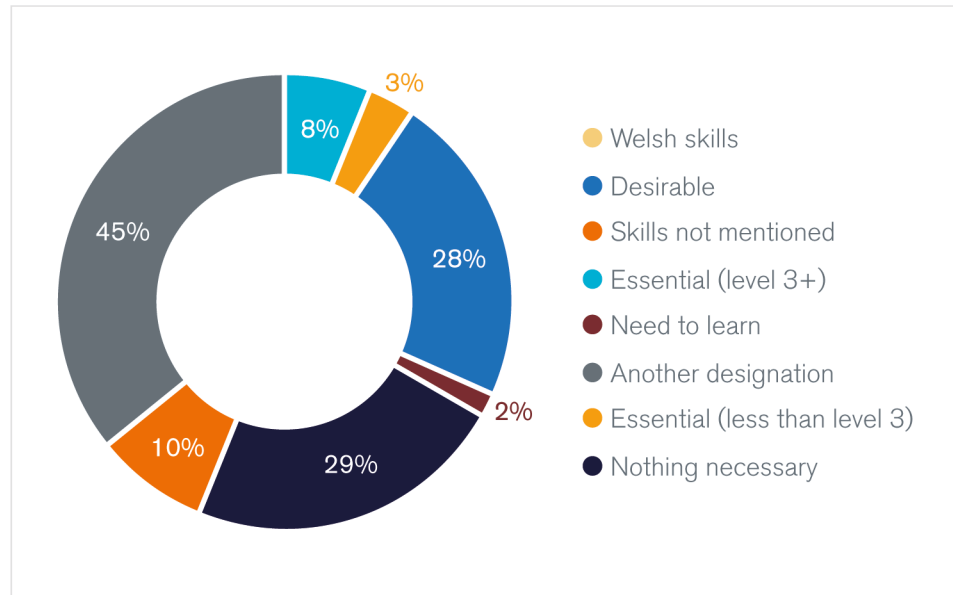
Assigning Welsh language skills in advertising posts

- 3.15** The Welsh language standards impose a requirement on bodies to assess the needs for Welsh language skills for new or vacant posts and that they need to be categorised as posts within the following 4 categories:

- Welsh language skills are essential
- Welsh skills need to be learnt after someone has been appointed to the post
- Welsh language skills are desirable, or
- Welsh language skills are not necessary.

3.16 The graph below shows the level of Welsh language skills designated in the sample of job advertisements surveyed (690).

Designation of Welsh language skills within job advertisements



3.17 In the sample of job advertisements surveyed by the Commissioner’s officers, 8.3% of posts were designated with the need for essential Welsh language skills. These were all posts advertised by bodies from the set of regulations number 1 (Welsh Ministers, local authorities and national parks) and regulations number 2 (national bodies of Wales). If these sectors are considered alone, 16% of their job advertisements designated Welsh language skills as essential.

3.18 **None of the job advertisements surveyed from bodies from the other regulations sets (regulations no. 5, 6 and 7) designated Welsh language skills as essential.**

3.19 Of all job advertisements surveyed – 10% of the sample did not mention or discuss at all what the language requirements of the post were.

3.20 45% of job adverts mentioned a designation of Welsh language skills in a different way to that required by the duty – the designation of one of four categories.

3.21 **Therefore, 54% of job advertisements surveyed failed to designate the language requirements of the post in accordance with the requirements of the standard.**

3.22 Bodies subject to Welsh language standards therefore need to reconsider their arrangements for assessing and identifying the Welsh language skills required for posts before advertising.

The Commissioner's investigation and enforcement work: Assessing the need for Welsh language skills in new and vacant posts

A member of the public submitted a complaint that a national organisation had not carried out a thorough assessment of the need for Welsh language skills before advertising and appointing to the post of director. The previous post holder was a fluent Welsh speaker with strategic responsibility for the Welsh language. The complainant was of the view that the post should be advertised with Welsh as an essential skill.

When a new post is created or a vacancy becomes available, Welsh language standards create a duty on the organisation to assess the need for Welsh language skills and categorise it as a job where Welsh is either essential, desirable, needs to be learnt, or is not necessary. A record of the assessment must also be kept.

The investigation found that the organisation had carried out an assessment of the language requirements of the post before advertising it, concluding that Welsh was an essential skill for some elements of the post. However, the organisation decided to categorise the post as one in which Welsh was 'highly desirable'. The organisation argued that categorising the post as Welsh 'essential' would unduly limit the number of potential applicants.

The investigation concluded that the organisation had failed to comply with Welsh language standards on the following grounds:

- The standards allow an organisation to place a post in one of four categories, as described above. 'Highly desirable' is not one of those categories and so the organisation breached the Welsh language standards by creating a new category for its own purposes.
- An assessment of the language requirements of the post had concluded that Welsh was an essential skill to successfully fulfil the post. However, the organisation decided not to categorise the post as Welsh 'essential' when advertising it. In doing so, the assessment was disregarded, devaluing it in the process. Conducting an assessment alone is not sufficient to ensure compliance with the standard. Categorising a job contrary to the outcome of the assessment amounts to not conducting the assessment at all.

In light of the investigation, and the enforcement action imposed, the organisation concerned undertook a review of its recruitment arrangements and revised its process and forms so that it complied with the requirements and to prevent such a failure from occurring in the future.

Assessing Welsh language skills and developing employees' Welsh language skills

- 3.23** Of the sample of organisations that responded to the Commissioner's self-assessment questionnaire, 70% stated that they complied with high assurance in terms of the requirement to assess their staff's Welsh language skills. A number of bodies clearly record staff skills and report skills levels annually in their annual reports.
- 3.24** The rest of the sample reported medium assurance – mainly acknowledging that they are dependent on a system that does not force staff to record their skills, or that a human resources system does not support easy data collection.
- 3.25** Only 59% of the sample assessed that they complied with high assurance regarding the need to develop their employees' skills.
- 3.26** A number of bodies also reported that training provided to staff, such as health and safety training or information technology training was likely to be in English and that maintaining high enough numbers to provide such training through the medium of Welsh was difficult.

Independent review findings

- 3.27** The Commissioner's findings are largely in line with those of the independent review. Here's a summary of some of those findings below.
- 3.28** Firstly, it is important to define what is meant by 'success'. Here's how the organisations involved in the review themselves define success:
- An increase in the number/percentage of staff with Welsh language skills;
 - Successfully recruiting people with the relevant language skills / Welsh language skills;
 - Successfully filling some posts that have requirements for Welsh language skills;
 - Maintaining the same number/percentage of staff with Welsh language skills;

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- A high percentage of staff with Welsh language skills;
 - An increase in staff wanting to improve their Welsh language skills;
 - An increase in the opportunities available to staff to make use of Welsh.

3.29 On the contrary, the organisations were in agreement that a lack of success amounted to a failure to attract fluent Welsh speakers or a failure to attract Welsh speakers to fill certain types of posts.

3.30 Also, according to the organisations themselves, these were the main reasons for success:

- Robust language needs categorisation system in place for posts;
- Communicating language skills needs clearly for posts;
- Collaboration with schools and higher education colleges;
- Advertising on Welsh language / social media websites;
- A conscious effort to comply with the guidance of the Welsh Language Commissioner;
- A conscious effort by the organisation to promote the Welsh language internally;
- Setting targets.

3.31 And the main reasons for lack of success:

- Lack of awareness training and lack of clear guidance for managers;
- Weaknesses in communicating language requirements for posts to candidates;
- Shortage of applications from Welsh language speakers / catchment demographics;
- Wider labour market recruitment challenges / the effects of the pandemic;
- Organisation doesn't offer competitive enough salaries;
- A large organisation struggling to implement the standards throughout.

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- 3.32** It has therefore been seen as recognition by organisations themselves of the need to improve their arrangements and that is the core reason for a lack of success. It is significant to note that slightly less than half of the sample (11 out of 24) recorded with certainty that their recruitment arrangements had been a successful / effective way to appoint Welsh-speaking individuals and increase the Welsh language skills resource within their workforces. Over half therefore were of the view that there was room for improvement and change in order to succeed.
- 3.33** 13 of the 24 organisations noted that they adhered to the standards arrangements and the Commissioner's recommendations as set out in the [recruitment advice document](#) but based on the consultancy firm's analysis of the evidence provided, there is a suggestion that their recruitment practices may not be adhering to that document as much as they believe.
- 3.34** Nine of the 24 organisations had given quite vague answers to the question regarding the extent to which they adhere to arrangements recommended by the Commissioner and 3 organisations had been completely open by saying they are not complying.
- 3.35** The conclusion is therefore that there is room for improvement and for organisations to revisit the Commissioner's advice across the board.
- 3.36** **The Commissioner is of the view that organisations have a great deal more to do to ensure the robustness of their recruitment arrangements and that making changes to those arrangements and giving the Welsh language more value as a workplace skill could lead to greater success in recruiting Welsh speakers.**
- 3.37** Following the publication of the IAITH report, the Commissioner is keen for organisations to take the time to review their own recruitment arrangements and compare the processes and procedures in place with the practices set out in that report. The Commissioner is keen that organisations recognise where positive practices are already in place and where there are practices that could negatively impact success in recruiting Welsh speakers.
- 3.38** The message and advice given to bodies in the report last year continues to stand and the Commissioner asks organisations to take note of this important research and take decisive action to consider and assess their current situation and address any practices that affect their success in recruiting Welsh speakers. The Commissioner is keen to see that organisations take this advice seriously before putting a plan in place to enforce change.

Blaenau Gwent County Borough Council's positive action to "enable change"

During 2022 Blaenau Gwent County Borough Council prepared a mandatory action plan in response to an investigation carried out by the Commissioner due to failures to comply with telephone service standards and related failures in recruitment of staff to maintain services.

The Council accepted the need for changes and conducted a system-wide survey in response with customer care as a central objective to all considerations.

In implementing the plan it was ensured from the outset that there was full support from the leadership of the organisation, and that there was support for all the changes mentioned. Support was also secured from Blaenau Gwent's corporate and Welsh language community networks.

By planning with a view to improving services across the board, and to support flexible working to meet customer needs, support was received from all relevant departments.

Changes were considered within all departments to support the improvement of the service, including considering recruitment processes, skills assessment, skills development with a focus on how to attract Welsh speakers into the organisation - by maintaining a can do mentality and a vision that posts can be filled with people with the right skills by thinking carefully and creatively about the needs of posts and by informed advertising.

They have invested in training and received good feedback from officers who had no Welsh language skills before this intervention, and have focused training on areas of work where the biggest difference can be made to their customer care. They have looked at how technology can support them with the work.

They have also decided to celebrate successes however large or small, and accepting that there is a lot of work to be done they have recognised that adding a number of small steps across the organisation can lead to big positive changes to their Welsh speaking skill levels and primarily to their customer care for each of their citizens.

A discussion of this work can be found [here](#).

Appendix 1:

The evidence that forms the basis of the report

The report is based on solid and diverse varied evidence, including:

- monitoring – conducting user experience surveys (checking services such as correspondence, phone, forms, documents, corporate identity, websites etc.);
- checking annual reports, supplementary documents and job advertisements;
- liaison with organisations – the impressions of officers who deal with organisations in providing support with compliance, the imposition of standards, and conducting investigations.
- evidence gathering meetings with organisations.

In terms of user experience surveys, it should be noted that the results are based on checking the services of all regulations no.1 and 7 organisations, and a sample of regulations no. 2, 4, 5 and 6 bodies as well as a selection of organisations implementing language schemes. A list of the bodies subject to surveys is given below. Please note therefore that the annual sample comparisons for some regulatory sets do not compare the same bodies. However, it represents the performance of the bodies within the regulatory set over time.

The verification surveys were conducted by the Commissioner's officers. The services were checked three times during the year in most cases and with a clear methodology based on the requirements of the standards as to what is noted as compliance or not.

User experience is the main aim of the verification surveys, however the work fully considered the requirements of the standards, and these are referred to in the report where relevant to identify the need for better planning etc.

Due to decisions made in light of the pandemic outsourced surveys have not been carried out in recent years, this means that data on service performance such as signs displayed by bodies, reception areas and self-service machines is not included as they were not verifiable.

Survey of Welsh speakers:

There were 403 interviews conducted with Welsh speakers in October 2022. About half of respondents noted they were fluent. The sample was representative of Welsh speakers aged 16 and over in Wales (by looking at a proportion who can speak Welsh within the 22 local authorities in Wales).

List of organisations surveyed for the verification survey findings

No. 1 Regulations

- Pembrokeshire Coast National Park Authority
- Brecon Beacons National Park Authority
- Snowdonia National Park Authority
- Blaenau Gwent County Borough Council
- Caerphilly County Borough Council
- Neath Port Talbot County Borough Council
- Conwy County Borough Council
- Merthyr Tydfil County Borough Council
- Bridgend County Borough Council
- Rhondda Cynon Taf County Borough Council
- Torfaen County Borough Council
- Wrexham County Borough Council
- Vale of Glamorgan Council
- Cardiff Council
- Newport City Council
- Cyngor Gwynedd
- Ceredigion County Council
- Denbighshire County Council
- Monmouthshire County Council
- Carmarthenshire County Council
- Pembrokeshire County Council
- Powys County Council
- Flintshire County Council
- Isle of Anglesey County Council
- The Welsh Ministers

No. 2 Regulations

- The Welsh Books Council
- National Museums Wales
- Wales Millennium Centre
- Quality Assurance Agency
- Sports Wales
- The Commission for Equality and Human Rights
- The Local Democracy and Boundaries Commission for Wales
- Natural Resources Wales
- The Welsh Local Government Association
- National Botanic Garden of Wales
- The National Library of Wales
- National Theatre Wales
- Public Services Ombudsman
- S4C
- Wales Audit Office
- The Information Commissioner's Office
- Theatr Genedlaethol Cymru

No. 4 Regulations

- Mental Health Review Tribunal for Wales
- Valuation Tribunal for Wales
- The Agricultural Land Tribunal for Wales

No. 5 Regulations

- North Wales Police and Crime Commissioner
- South Wales Police and Crime Commissioner
- North Wales Fire and Rescue Service
- Mid and West Wales Fire and Rescue Service
- Dyfed Powys Police
- South Wales Police

No. 6 Regulations

- Adult Learning Wales
- The Royal Welsh College of Music and Drama
- Coleg Cambria
- Saint David's Catholic College
- Coleg Gwent
- Pembrokeshire College
- Coleg Sir Gâr/ Ceredigion
- Grŵp Llandrillo Menai
- Careers Wales
- Aberystwyth University
- Cardiff University
- Glyndŵr University
- Cardiff Met University

No. 7 Regulations

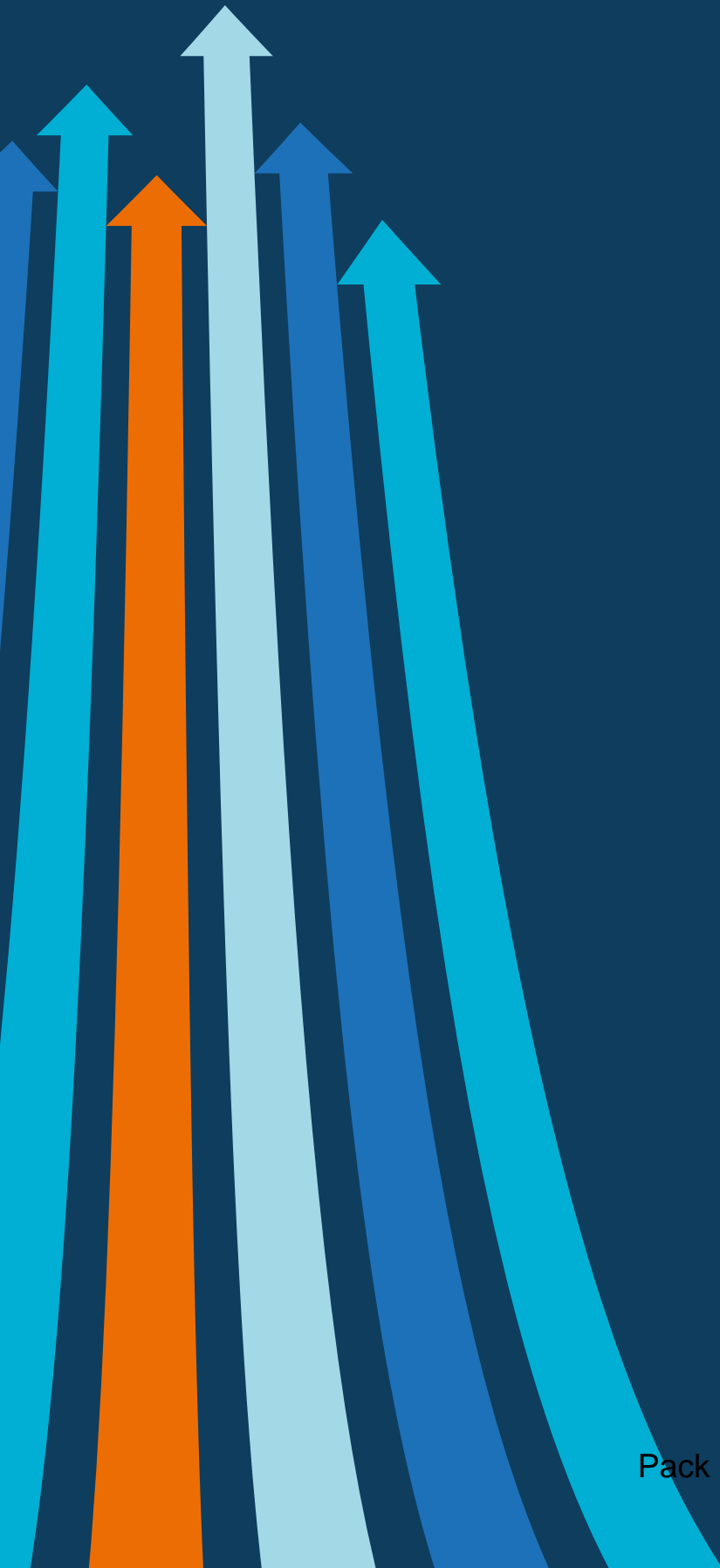
- Powys Teaching Health Board
- Aneurin Bevan University Health Board
- Swansea Bay University Health Board
- Betsi Cadwaladr University Health Board
- Cardiff and Vale University Health Board
- Cwm Taf Morgannwg University Health Board
- Hywel Dda University Health Board
- Velindre University NHS Trust
- Welsh Ambulance Services NHS Trust
- Public Health Wales NHS Trust

Bodies implementing language schemes

- Animal and Plant Health Agency
- Ordnance Survey
- Food Standards Agency
- HM Land Registry
- Charity Commission
- The Consumer Council for Water
- Valuation Office
- Wales Office
- Intellectual Property Office
- Home Office
- Office for National Statistics
- The Carbon Trust
- Judicial Appointments Commission
- HM Courts and Tribunals Services
- Money and Pensions Service
- College of Policing



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Agenda Item 3

By virtue of paragraph(s) vii of Standing Order 17.42

Document is Restricted

Sport Wales Scrutiny

Culture, Communications, Welsh Language, Sport and
International Relations Committee

November 2023

sportwales
chwaraeoncymsu

Introduction:

This information has been provided to assist the scrutiny session of Sport Wales at the Culture, Communications, Welsh Language, Sport and International Relations Committee on 8 November 2023.

Background

The below information is part of our 2022/23 Annual report which is due to be laid imminently, and our Business Plan for 23/24.

THE VISION FOR SPORT IN WALES

'An Active Nation where everyone can have a lifelong enjoyment of sport'

The Vision for Sport in Wales underpins our work as an organisation, the collaborative work of the sport sector, and the involvement of wider stakeholders. The Vision is not just for Sport Wales to work towards, rather it is the collective vehicle for cross-sector engagement in transforming Wales into an active nation.

Active Nation – We want as many people as possible to be inspired to be active through sport.

Everyone – The vision is for everyone. From people who don't see themselves as sporty to those that win medals.

Lifelong – The vision is for life; it responds to the needs of people at different stages of their life.

Enjoyment – The vision focusses on creating a range of positive experiences so everyone can enjoy sport.

The Vision is built on the *5 Ways of Working* in line with the **Wellbeing of Future Generations (Wales) Act 2015**:

Long Term – The vision ensures we, alongside our partners plan for the long term, developing opportunities that respond to the needs of all people in a changing society.

Prevention – The vision is about ensuring sport is accessible, fun, and affordable, and leaves no one behind. It also ensures we put resources into preventing problems occurring, or from getting worse.

Integration – The vision unites decision makers and organisations through its ambitions. It is built on the collaborative impact of what we can achieve when we work together.

Collaboration – The vision belongs to and needs the support of everyone in Wales – working, investing, learning, and succeeding together.

Involvement – The vision was built following conversations with individuals from every part of Wales and continues to promote involvement into shaping the future of Wales being an active nation.

The Vision underpins our strategy, and our annual business plan. Throughout this report you will read about the core areas of our work which facilitate our work towards the vision.

We are enormously grateful and very proud of the collaborative effort from the Welsh sport sector in being committed to the vision.

OUR STRATEGY

As part of our role delivering on the vision for Sport in Wales, we work to six strategic intent statements. These organisational statements demonstrate what you can expect to see from the work in which we deliver, and the work that we are part of.

These statements also act as our Wellbeing Objectives, and we utilise them to frame our Wellbeing Future Generations (WBFG) (Act) Wales 2015 public duties reporting. You will find many examples of how we work towards these objectives within the body of the report and, in the section 'Our work as a Public Body.'

Our strategic intent statements are:

#1 BE PERSON CENTRED

The needs and motivations of the individual lead the delivery, whether just starting out, aiming to progress, or striving for excellence on the world stage.

#2 GIVE EVERY YOUNG PERSON A GREAT START

Every young person has the skills, confidence, and motivation to enable them to enjoy and progress through sport; giving them foundations to lead an active, healthy and enriched life.

#3 ENSURE EVERYONE HAS THE OPPORTUNITY TO BE ACTIVE THROUGH SPORT

Sport is inclusive and provides a great experience for all.

#4 BRING PEOPLE TOGETHER FOR THE LONG-TERM

There is a collaborative, sustainable and successful sport sector, led by collective insight and learning.

#5 SHOWCASE THE BENEFITS OF SPORT

The impact of sport is evidenced, and sport's reach is fully understood, showcased and celebrated through Wales.

#6 BE A HIGHLY VALUED ORGANISATION

Sport Wales is a respected organisation, striving to overachieve by delivering an exemplary service through valued staff.

Our Business Plan

In line with our term of government remit letter, we have set seven Business Plan priority areas to enable us to deliver on our strategy and the Vision.

In 2023/24, these priorities are:

Equality, Diversity, and Inclusion

We will aim to create an inclusive culture of belonging within the organisation.

Inclusive Sport System

An inclusive sport system will provide opportunities which are led by need, that are safe, enjoyable and developmental.

Sport Partnerships

We will lead system change and establish a diverse network of five Sport Partnerships in Wales, tackling two long standing issues:

- Ensuring there is the right support and opportunities in place for those who are not regularly physically active - with a clear focus on removing barriers for those who need most help
- Taking steps to meet the high latent demand from those who are active but want to do much more

Health and Well Being

We will demonstrate, increase and maximise the role that sport plays in supporting people's health and wellbeing leading to an inclusive sport system.

We want to see evidence that the role sport plays in contributing to population health outcomes within Wales, is valued and understood through policy areas (education, mental health, public health and equalities).

Education

We will affect education policies that can positively impact on the Vision for Sport in Wales. We will focus on:

- Opportunities for all children in Wales to be active in and around the school day.
- Working with community-focussed schools, capital investment and other education policies that impact on sport

Environmental Sustainability and Decarbonisation

We will implement the Sport Wales Environmental Sustainability Plan.

We recognise that there is a Climate and Nature Emergency and a need to accelerate actions to reduce carbon emissions. We want Sport Wales to positively contribute to the Welsh Government's net zero public sector by 2030 target and to provide leadership and support to the sector to achieve this. This will support sport in Wales to become sustainable and provide lifelong opportunities for everyone.

Investments

We aim to:

- Have an open and transparent investment approach that is driven by the needs of the people of Wales and enables them to be active in sport.
- Maximise the impact the investment makes on addressing the inequalities in Sport and the Vision for Wales
- Have a process for accessing and awarding funding that is streamlined and efficient.

Sport Wales Headlines 2022/23

Our Annual Report is due to be published imminently, however, below are some of the key highlights from that report.

OUR INVESTMENT APPROACH

In order to achieve the Vision for Sport in Wales, and to ensure that public funds are used to create maximum impact among those who need them most, Sport Wales has implemented a bold investment approach. There are two main methods (below):

- ***Data Driven Investment***

In 2020 we implemented the first phase of our new approach to partner investment with the National Governing Body partners whom we hold national-level statistics and performance data for. This data-driven approach to investment allows us to listen to what the people of Wales are telling us they want to do, using data to inform the maximum amount of money we invest into individual partners and placing greater significance on race, gender, disability and deprivation. This approach is a significant change from previous ways of funding, and we continue to support partners through this transition.

- **A principles-driven approach to partner investment**

This year, a project team set about creating a new method to determine the level of investment for partners where survey level data isn't available, which was aligned to our strategy and the new collaborative way of working with partners.

A 'principles-driven' approach will be used to determine investment in our National Partners. We considered a variety of options, and a principles-driven approach was selected following user research, internal and external discussions, and robust testing. Using a principles-driven approach provides clarity on the areas in which we wish to invest, and what is important to our values and business plan, and is aligned to the Vision.

The 3 key principles are:

- Creating an equal, diverse, and inclusive sport sector
- Enhancing Welsh Sport
- Capacity building

The approach will not change the way that we work with partners, nor introduce new responsibilities that would place a burden on those organisations. The investment process will take place without altering the collaborative way of working which we have recently developed, in conjunction with our partners. Our approach, which includes ongoing conversations with partners around what really matters, will not change; partnership working will continue to encourage learning and developing together. What will change is we will have an investment approach that is transparent and distributes investment in a significantly better way to achieve the Vision.

A new approach to community investment

Following the successful partnership with the Centre for Digital Public Services (CDPS) in 2021-22, which through involving potential applicants who had not previously applied, and communities who had used the system, highlighted that applicants for our funding were often put off by our grants management system, work continued into 2022-23 with a 14-week extended Alpha+ phase. This focused on the continued design and evaluation of the user journey, and how it impacts on back-office processes and system requirements in relation to our Be Active Wales Fund.

Following the conclusion of Alpha+ in June 2022, recommendations were made to Sport Wales, which were implemented in the second half of 2022-23. Many of the recommendations were linked to the procurement of a new investment system, which was formalised in October 2022 with the appointment of new supplier, Civic UK. Work has been ongoing since then to develop a new investment system that meets the needs of Sport Wales and applicants alike for the long-term, with the view to launching the new system in early 2023-24.

Changes have also been made to our current internal processes to help lower barriers to groups who are working to reduce inequalities from accessing our funding. The Investment Team are collaborating with applicants prior to an application being made, assisting them in the initial stages of a project to ensure that they meet the funding criteria, or signposting them to relevant partners should they require additional support, via the new Expression of Interest Form that launched in March 2023. This also ties in with the role of ongoing partner research work by Sport Wales to work with local authorities and national governing bodies on the role that they play in community investment. We also invest £8m in capital funding through the below schemes.

Crowdfunder: A match funded approach supporting up to £15,000 to help not-for-profit community clubs make their facilities more environmentally friendly, economically sustainable and provide a better experience for all. Funding is specifically weighted towards areas of deprivation and inclusivity.

Energy Savings Grant: A new fund this year for up to £25,000 for not-for-profit community clubs to access support to decrease their energy bills and increase their contribution to the decarbonisation agenda. This fund supports things like solar panels, heat pumps and insulation.

Partner Capital Fund: A fund supporting up to £300,000 for National Governing Bodies, National Partners and Local Authorities to improve the sport infrastructure in Wales. This fund provides for the strategic priorities of our partners across community and performance sport.

ATP/Court Collaboration: A fund that brings together two sets of partners. Hockey Wales/WRU and FAW to support collaborative ATP and 3G pitch investments, and Basketball Wales/Wales Netball and Tennis Wales on collaborative court based investments.

Digital Apprentice Recruitment Campaign

This year, we recruited two Digital Apprentices to work as part of our Digital & Service Design team and worked in partnership with Cardiff Metropolitan University to secure places for the apprentices on their Software Engineering degree course.

Prior to the recruitment process, we considered how we could maximise the reach of the adverts and increase the opportunity to attract a diverse range of candidates. As a result of this work, we made some key changes to our usual recruitment process, as follows:

Guaranteeing interviews to candidates with diverse backgrounds and experiences who meet the essential requirements of the role

Hold three drop-in sessions so that potential candidates could informally meet some of the team and learn more about the role.

The weekly drop-in sessions were well attended and gave us a real opportunity to reiterate the inclusive culture that we have at Sport Wales in a more informal session. All sessions were really engaging, and there was a clear sense of excitement amongst the attendees.

The advert closed with a record high number of applications for a Sport Wales role (143). The standard of application for a role of this nature was incredibly high and analysis of the demographic of candidates identified that they were much more diverse than we would ordinarily see for a typical role. Further detail can be found below:

- 16% from ethnically diverse backgrounds
- 8% with a disability
- 13% LGBTQ+
- 8% whose gender identity is different to the sex assumed at birth.
- 32% with Welsh language capabilities.

This has ultimately been a very successful recruitment campaign and there have been a number of key learnings that could shape future campaigns, as well as some organisational learning. Key learnings were captured along the way such as:

- Expanding our EDI networks across the organisation really helped us push the advert for these roles out to a wide, diverse pool of potential applicants.
- Being explicit about the importance of EDI (particularly guaranteeing interviews for diverse candidates) in the job advert had a really positive impact.
- The drop-in sessions were a great way for potential candidates to see our culture and values in action and get a feel for what it's like to work for Sport Wales.

A spotlight on: Ramadan Sport

Our Ramadan Sport Project is an initiative aimed at promoting physical activity during Ramadan and fostering a deeper understanding and appreciation of this observance within the Muslim community. This project was funded by the Welsh Government's Anti-Racist Wales Action Plan funding and builds on the expectations of the Welsh Government's Remit letter to prioritise diversity, inclusion and equality throughout the sector.

In **collaboration** with Foundation 4 Sports Coaching, we engaged with and **involved** the Muslim Community in Cardiff to gain insights and ensure that the project was culturally appropriate and respectful of the practices of the Muslim community. We met regularly with Foundation 4 Sports Coaching and two training events for Sport Wales employees helped us to refine our approach and better support participants during Ramadan.

Throughout the project, unforeseen challenges prompted us to ask meaningful questions to challenge ourselves and discover new ways of working. We intend to share these learnings with the sector in the coming weeks.

Moving forward, we aim to create a lasting legacy for Ramadan for the **long-term** at Sport Wales by ensuring a safe and inclusive space for our Muslim community year-round. We hope the project's impact helps us identify areas for further improvement and explore opportunities to expand similar projects to other communities and observances. We remain committed to prioritising **collaboration**, inclusivity, and **involvement**. We have gained valuable insights from this project and are committed to using them to inform our future work. We are proud of our progress and look forward to continuing to promote physical activity and well-being for all.

A spotlight on: Birmingham 2022 – more than medals

People aren't born Commonwealth athletes; they are made by the communities, people, and clubs they meet along the way.

Every athlete has been on their own journey to get to Birmingham 2022 – for example they might have taken up their sport late, come from a rural area, or juggled jobs and family with training.

In the run-up to the Commonwealth Games, we **collaborated** with Team Wales, National Governing Bodies, athletes, coaches, and support staff to launch a campaign highlighting the stories of selected athletes. The narrative aimed to dispel many myths associated with performing on a world stage, instead telling real-life stories that supplemented our principles that underpinned athlete development activity centred on a more inclusive sporting system.

Showcasing real stories, stories that aren't typically told remains a priority for us and will serve as a useful supporting mechanism in breaking down many of the persistent inequities in the athlete development space.

A spotlight on: Actif North Wales

The first 'live' Sport partnership in North Wales has appointed a central team to manage this governance and lead strategic delivery across the region this year. The team includes a Regional Director, Partnership Manager and Business Support officer. They are in turn supported by a skills based Partnership Board with representation from key stakeholders in North Wales, and an Independent Chair.

Rebranded as "Actif North Wales", the partnership have developed a new strategy through engagement across the region, with a heightened focus for partner sport development teams to tackle inequalities across North Wales, and grow new relationships with commissioned partners. This includes a marketing and communications strategy to strengthen stakeholder engagement and explore new commercial opportunities.

We look forward to the establishment of all five regions, reflecting a diverse and thriving network of partnerships over the coming year.

Active Leisure Scheme, 60 Plus

The Active Leisure scheme, 60+, was further developed this year following an independent evaluation making recommendations for the 2022-24 Healthy Weight, Healthy Wales Action Plan period. The aim of the scheme is to provide a national leisure offer for over 60s to encourage physical activity and healthy lifestyle choices; a targeted approach to reducing health inequalities and social isolation.

In 2022, the introduction of a new reporting platform manifested a change in the way data was captured across all local authorities with benefits of capturing specific information, which it is hoped will help authorities to understand which engagement and activities have been successful. There has also been a significant increase in engagement across local authority areas in coordinating other initiatives such as The National Exercise Referral Scheme (NERS), Free Swimming Initiative (FSI), Social Prescribing and Age Well networks as well as other local 60+ provision to provide an **integrated** menu of opportunities for this age group.

Active Education Beyond the School Day

Following the elections to the Senedd in 2021, the Welsh Government's [programme for government](#) promised to realise the commitment of creating community-focused schools and explore reform of the school day. We worked with a range of partners including Welsh Government's Community-Focussed Schools Team, Local Authority Education Leads (ADEW Members), Headteachers and Local Authority Sports Development Teams to realise a project looking at the opening of facilities and delivering activities beyond the school day. The project found that the individual offers needed to be unique to the school and community and consultation with pupils and the community is key to ensuring the offer meets their needs. In terms of funding, sustainability must be considered and planned for from the outset and integrated into budgets, as well as revenue funding for staffing or coaching costs needing to be factored into budgets, as well as revenue funding for staffing or coaching costs needing to be factored in.

A full evaluation can be found on our website <https://www.sport.wales/research-and-insight/active-education-beyond-the-school-day/programme-evaluation/>

Development and Launch of the Environmental Sustainability Plan by 2030

We are proud that through our Remit Letter we are able to support the Welsh Government's commitment to achieving a zero-carbon economy by working to become carbon neutral by 2030. Indeed, in response to the Climate and Nature Emergencies, Sport Wales has identified environmental sustainability as a business plan priority. To develop our plans to contribute to the Welsh Government ambition of a net zero public sector by 2030, Sport Wales commissioned the expertise of Carbon Trust to assist in understanding our carbon emissions baseline and to develop a forward plan to reduce emissions. Following a series of workshops with key stakeholders, a draft Environmental Sustainability Plan was developed. The Plan focuses our decarbonisation and biodiversity actions around five key themes: -

- Our People
- Our Partners
- Our Procurement
- Our Places
- Our Processes

A key theme of the Plan is the **collaboration** opportunities to work with other organisations (Welsh Government Sponsored Bodies, partners within the Sport, Environment and Climate Coalition, Lottery Distributors, National Governing Bodies and other National Partners).

The Plan has been published on the Sport Wales [website in an accessible format](#). Given the pace of change in this field, Sport Wales anticipates that the Plan will be regularly reviewed to ensure that the latest developments are captured in the actions.

Dear Culture, Communications, Welsh Language, Sport, and International Relations Committee,

We are writing to you to express the importance of including specific financial support for disabled people in the upcoming 2024-2025 budget.

We have all felt the effects of the cost-of-living crisis, but we have not all experienced it equally. We have found that there are disabled people across Wales, forced to live in awful circumstances due to the twin problems of poverty and the cost-of-living crisis. A fifth of the population of Wales is disabled¹ and households containing at least one disabled person is more likely to be living in poverty,² disabled people are more likely to be economically inactive or if in work, that work is more likely to be insecure and low wage.³ Poverty has long been a problem for disabled people living in Wales, but the rising cost-of-living is forcing people into worse and worse circumstances.

The 2023-2024 budget did not provide specific support for disabled people during the crisis and our findings from our report “Barely Surviving the impact of the cost-of-living crisis on disabled people” displays some of the consequences. We found that the financial support available was short-sighted, the cost-of-living payments supporting people to pay one month of bills, but nothing beyond. Disabled people often have more essential costs than non-disabled people, this extra cost of disability has not been accounted for, beyond the support already available.

The consequences are severe. Disabled people reported only being able to eat one meal a day, having to let go of support workers or stop going to vital therapies because of cost, being unable to run access equipment due to costs, in some cases losing their lives.

¹ Office of National Statistics, Census 2021, “Disability, England and Wales: Census 2021”, 19th January 2023, <<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandwellbeing/bulletins/disabilityenglandandwales/census2021#how-disability-varied-across-england-and-wales>>

² Joseph Roundtree Foundation, “UK Poverty 2023 – The essential guide to understanding poverty in the UK”, 20th January (2023), p65, <https://www.jrf.org.uk/sites/default/files/jrf/uk_poverty_2023_-_the_essential_guide_to_understanding_poverty_in_the_uk_0_0.pdf>

³ Department for Work and Pensions, “Employment of disabled people 2022”, UK Government, 26th January (2023), <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2022/employment-of-disabled-people2022#labour-market-stat>

These have been difficult years to be a disabled person in Wales. We have been living through a mass-disabling coronavirus pandemic, in which disabled people have been disproportionately harmed. Disabled people have disproportionately been impacted by over a decade of austerity policies and with severe changes to their benefit entitlement from the UK Government, this period of financial uncertainty and continued poverty does not look likely to change.

We are calling for the Budget to include a series of recommendations and for certain questions to be asked of what we need and what is missing.

- The Welsh Government, health services and local authorities in Wales should provide specific support for the running and maintenance of disability related equipment, to ensure that all disabled people are not financially impacted by their need to use certain equipment.
- Welsh Government to urgently review its policy on social care charges, including whether the disregards for disability related expenditure are adequately protecting disabled people on low incomes with high costs.
- Urgent action to recognise and tackle mental health issues amongst disabled people, including pathways to accessing appropriate mental health support whether from social care, other areas of the health service and/or through peer support, such as from disabled people's organisations.
- Food subsidies should be considered to reduce the cost of food in shops. To supplement this, the Welsh Government and Local Authorities should provide support to and nurture the creation of community food schemes. These schemes should include accommodation for dietary requirements and include options for access requirements.
- Public transport, such as buses and trains, should be taken under public ownership to be delivered as a public service, including measures such as reduced ticket prices with the eventual goal to make public transport in Wales free.
- Provision of resources and capacity building measures to ensure the establishment and sustainability of at least one Disabled

People's Organisation in every local authority, to support coproduction of policies and services with public bodies, including peer support schemes for disabled people

- Commitment from the Welsh Government to prioritise tackling the extra cost of disability

For more information, please contact

megan.thomas@disabilitywales.org. You can find our full report here:
<https://www.disabilitywales.org/wp-content/uploads/2023/07/Barely-Surviving-cost-of-living-report.pdf>

Kind regards,

Megan Thomas

Policy and Research Officer

Disability Wales



Disability Wales
Anabledd Cymru

Barely Surviving: The Impact of the Cost-of-Living Crisis on Disabled People in Wales

This report is dedicated to the memory of the disabled people who have lost their lives during the cost-of-living crisis



Introduction

It has been difficult to escape the cost-of-living crisis, but the reality of it for many disabled people across Wales has been devastating. This report may be a tough read for some, but we are unapologetic for it as we believe it is a necessary one. Our research indicates that disabled people in Wales and across the UK have been systemically let down by their governments and our findings show that trust in Government is at an understandable extreme low.

This report is split into sections to mirror the survey that was circulated. Starting with the impact of increased energy bills where we found that most respondents had experienced large bill increases and many found themselves unable to meet their costs as a result. We next move to the impact of increasing costs in other areas, focusing mostly on transport and food, where we see disabled people being unable to afford three meals a day or their impairment-related diets and experiencing ever-increasing social isolation due to lack of access to transport. We then consider the impact on physical health, mental health and well-being, this section sees some of our most concerning findings regarding an ongoing crisis in mental health among disabled people that remains unaddressed.

The cost-of-living crisis has caused significant harm to many disabled people across Wales. Support measures implemented have been insufficient to deal with the extent of harm that the crisis has caused. The short-term responses have been inadequate for a long-term crisis. We also see little support for other related impacts of the crisis, such as measures to reduce the cost of public transport, food, and mental health support for those struggling to meet the costs.



Methodology

In accordance with the social model of disability and the philosophy of our organisation, this report is primarily informed by the direct experiences of disabled people living in Wales. We ran a self-selecting survey available in English language, English language Easy Read, English language plain text, Welsh language, and Welsh language plain text. We received 74 responses to our survey across all formats; however, we did not receive any responses to our Easy Read survey.

71 respondents identified as a disabled person, one respondent identified as non-disabled but answering on behalf of a disabled person and one person identified as non-disabled and answered for themselves. Not all respondents answered every question, so not all figures will add up to 74. The highest response rate by local authority was from among residents in Cardiff City Council, the second largest number of respondents were based in Gwynedd. All respondents were based in Wales.

We also ran two self-selecting online focus groups aimed at disabled people. 25 individuals attended the focus groups overall, it is likely that some individuals both attended a focus group and completed the survey. We also ran a network meeting of disabled people's organisations and have incorporated some of that feedback into this report. This report also uses findings from a previous Disability Wales survey on the cost-of-living crisis conducted in Spring 2022, this survey received 39 responses. Our primary data is supplemented by secondary research of other key sources.

Context

Wales has a higher proportion of disabled people within their population than the rest of the UK, 28% of the Welsh population is disabled, compared to 22% in both England and Northern Ireland, and 21% in Scotland. Disabled people throughout the UK are also more likely to be economically inactive and have a higher rate of living in poverty.¹²³

The Locked-Out Report about the impact of Covid-19 on disabled people also demonstrated a clear link between outcomes and poverty, social deprivation, state benefits, housing and experiences of work and employment.⁴

Disabled people are particularly more likely to experience fuel poverty, in 2021 900,000 disabled people lived in fuel poverty, Scope and National Energy Action estimates raised that to 2.1 million people if bills reached £3,000 a year.⁵

What is referred to in this report as the “additional cost of disability”⁶ refers to unique costs experienced by disabled people or costs that are more essential for disabled people. Heat and electricity are also two costs that disabled people may need to meet to manage their impairments.

Some impairments can be triggered by extreme temperatures or require the use of equipment that uses a significant amount of electricity. These impairment-related expenses are essential for the disabled person, therefore in some cases, the basic payments they must make are increased in comparison to a non-disabled person or they would have to reduce expenditure in other essential areas, notably food and transport, to meet these costs.

In 2021 900,000 disabled people lived in fuel poverty.

Scope and National Energy Action estimates raised that to 2.1 million people if bills reached £3,000 a year.



Section One: Impact of Rising Energy, Electricity and Water Bills

A significant majority of disabled people who responded to our survey experienced increased costs to their heating, electricity and water. Of the 74 respondents, 89% experienced increased costs, this is a slight reduction from the previous year in which 92% of the respondents experienced increased costs, however it is relevant that the 2022 survey had significantly less participants.

When asked to give further details, one disabled person told us that “Heating has increased to the extent that we don’t turn it on, just wear more clothes.” This is a common response throughout survey responses and within the focus groups, disabled people reported using coping strategies such as wearing more clothes,⁷ turning heating on for strategic times throughout the day, or resorting to having to try and bare the cold.

Respondents noted that they had already been struggling for money prior to the crisis, making it difficult to cut expenses in other areas to make up for bill increases. One key concern was the wages and benefits such as Universal Credit and Personal Independent Payments not rising in line with inflation⁸ was highlighted as a key issue “everything is getting more expensive. energy costs, household bills, food prices, travel costs and yet wages, and PIP remain the same I can’t keep up.”⁹

Uncertainty about future bill increases was also highlighted. “What’s worse is not knowing what to expect next, how much more costs will increase.”¹⁰ Some noted that even with cutting expenses, they are concerned about future financial issues or costs increasing further.

58 of the 74 respondents reported having to cut back on these costs. When asked to provide further details respondents reported having to sell their possessions to pay their bills, some had to significantly reduce their car usage.¹¹ One respondent reported that they had to change what they used their PIP for, switching from using it for certain therapies to using it for survival. Multiple respondents reported having to use outdated glasses prescriptions as they could not afford bills and to update their glasses.¹²

Fuel poverty amongst disabled people is a problem that pre-exists this crisis, National Energy Action estimated that prior to the crisis, 900,000 disabled people lived in fuel poverty.¹³ Respondents to the survey and participants in the focus groups noted that the pre-existing problem with the price of fuel and financial insecurity has exacerbated the impact of the crisis. Many disabled people could barely afford to heat their homes previously, now it is an issue for an increased number of people.

There has been significant concern about people living on pre-payment meters. These meters are “a type of domestic energy meter that lets you pay for energy before you use it. This type of meter is also known as a pay-as-you-go meter.”¹⁴ Customers using prepayment meters are disproportionately low income, but prepayment meters are often more expensive. National Energy Action found that people living with prepayment meters are far more at risk of disconnection than their counterparts.¹⁵ Disability Wales is glad to see action from Ofgem on the forced installation of these prepayment meters, but more must be done to ensure that prepayment customers are not financially penalised for using this form of meter.¹⁶

Some action has been taken on energy bills and other household bills. We were pleased with the tariffs placed on energy companies and to see some support such as Winter Fuel Allowance and the one-off £150 cost of living payments. However, as will be discussed in further detail in section four, this is a long-term problem which cannot be fully addressed by measures designed to support people in the short term.

Section Two: Housing, Transport and Other Expenses

Disability Wales believes that this crisis is significantly more complex than just the rising cost of bills, this belief was reflected in the responses from disabled people living in Wales. This section addresses some of these other costs, such as the cost of transport, food, and leisure activities, and the impact on disabled people.

We found that disabled people in Wales are consistently spending more across Housing, Transport and Impairment related expenses. 61 disabled people told us that they had spent more on transport and 48 disabled people told us that they had to spend more on impairment-related expenses. Respondents noted the rise in prices of car fuel, and transport tickets as some of the main contributors towards rising travel costs. Some respondents noted that impairment-related expenses are essential costs for them so were had to sacrifice elsewhere to meet these costs. Housing costs was split evenly between those who had or had not spent more money on their housing costs. For those who had, many owned their own homes and attributed it to rising mortgages and the additional costs of having to make adaptations to their homes.

Disability Wales asked if respondents had cut back on a range of expenses. Transport was a typical area to make cuts with 53 respondents having reported to cut back on transport. This is a concern, especially considering that respondents reported that having to make these cuts had left them increasingly isolated and unable to see loved ones. They reported that they had found it difficult to afford to attend medical appointments and access important services that required transportation. Disability Wales is also concerned that these cuts have left other support measures less effective, when asked about if they had used a 'warm bank,' some respondents told us that they had been unable to use a warm bank due to the cost of transport to get there.

Food was another typical area where respondents cut back. 50 respondents reported that they had cut back on their food expenses and this was also reflected in the focus groups. Respondents reported that the cost of food have left them only able to eat 1 or 2 meals a day and made it difficult to eat their required diet e.g., gluten free. Two of the most likely areas to cut spending was on clothing and leisure activities. 56 respondents had cut spending on clothing and 58 respondents had cut back on leisure activities. Although clothing was not mentioned specifically, many respondents reported that they had to cut back on leisure activities to afford their main expenses. Many disabled people have told us that they have been unable to do the activities which bring them joy or

fulfilment and as a result have experienced a significant reduction in their quality of life, one person noting that they are "just surviving" instead of living fully.¹⁷

Social isolation was a common theme throughout this section of research. The combination of a lack of access to transport, suitable housing and having to cut back on expenses not related to essentials needed to survive, left many disabled people becoming isolated from their communities and loved ones.

Although still the largest share of respondents, the least likely area to cut was impairment-related expenses. 32 respondents had cut back on impairment-related expenses, as mentioned in the previous paragraph, impairment-related expenses are often an additional essential expense for disabled people that often cannot be cut back on, or once cut back on has an extreme impact on their life. Examples of an impairment-related expense include costs of running equipment, particular diets and additional transport expenses. One respondent reported that they could no longer afford their support worker due to the crisis, one respondent couldn't afford to run their access equipment, and another respondent told us that they felt like they would be better off in a prison than in their current circumstances.

Disability Wales is alarmed at evidence that some disabled people are no longer able to afford the costs of their support workers due to the crisis. In Wales, the maximum weekly care charge is £100 for people in receipt of social care support from their local authority.¹⁸ Under the Welsh Government and Plaid Cymru agreement, a commitment was made to introduce a National Care Service which is free at the point of need.¹⁹ To date, there is no timetable for the implementation of free care and support.

Disability Wales is concerned about the long-term impact of these increased costs and the lack of targeted support addressing these concerns. This evidence does not exist in isolation and concerns over disabled people in Wales having to cut back on or live without in these areas have been repeated by organisations across Wales.²⁰ As costs continue to remain high, we must see swift and decisive action to tackle this.

Section Three: Impact on Wellbeing, Physical and Mental Health.

In this report there are references to suicide and self-harm, we have included this as we believe it is important to understand the severity of the impact of the crisis on disabled people, but this section may be triggering or distressing for some readers.

We have found that the cost-of-living crisis has had a profound impact on the wellbeing, physical and mental health of the disabled people we spoke to. This was highlighted as a concern in our previous research on this topic, of the 39 respondents to our 2022 survey 82% had reported that it had impacted their mental health.²¹

It cannot be understated the extremity of the impact of this crisis on some of our respondents. Multiple respondents reported experiencing suicidal ideation and mentions thoughts of ending their lives. One respondent reported that a disabled friend had taken their own life after feeling like a financial burden on their family.²² Disabled respondents specifically talked about financial insecurity and feelings of hopelessness about the crisis as stressors for their mental health. This applied consistently to both disabled people with pre-existing mental health conditions and disabled people who developed mental health conditions, such as anxiety, due to the crisis.

Many respondents have reported worsening physical health. One respondent reported worsening asthma and anxiety attacks due to not being able to keep their home heated²³ Increased pain has been a common physical health concern from the crisis. This is mostly attributed to lack of being able to afford adequate heating for homes.

Well-being has also been hugely affected. Of our respondents, 80% reported it having a negative impact on their well-being. The main

themes regarded the intersection of physical and mental health worsening and increased isolation. Many reported that having to sacrifice transport costs or others having to sacrifice their transport costs has isolated them from their loved ones and forced them to miss hospital appointments.²⁴

This is also a particular problem in residential homes where there is limited support for the disabled person to be able to financially support visitors.

Our research found that of the 74 respondents 52 reported that their physical health had been impacted by the crisis, 58 respondents reported that their mental health had been impacted by the crisis and 59 reported that their wellbeing had been impacted. We see that physical health may have been the least impacted, although levels are high for all three.²⁵ We would like to stress that even if impact on mental health and wellbeing is more ubiquitous, the individual impact on the disabled respondents is extremely important.

There is a lack of joined up support between the health service, mental health, social care and other support providers. We are concerned that the evidence points to this resulting in disabled people slipping through the cracks and struggling on their own. These experiences of our respondents were completely avoidable, this must become a national priority for the Senedd.

Section Four: Support

One key takeaway from our research in 2022 was the lack of awareness of available support for the cost-of-living crisis. In 2023 this persists as an issue. Of the 74 survey respondents, 23 respondents felt informed of support options available. 11 disabled people were unsure and 30 did not feel informed with 8 people not knowing any support options available at all.²⁶²⁷

The raw number of disabled people who had received support had increased in the latest survey, from 9 of the 39 respondents to the first survey having received effective support increasing to 14 out of the 74 respondents in the most recent survey. The number of respondents who had received support in the most recent survey is a lower percentage of the total number of respondents than in the previous but given the smaller sample sizes we don't attribute too much significance to this.

When asked about some specific support options, we do see some improvement.

Comparing knowledge of Wales Fuel Support Scheme²⁸ in 2023 to 2022. In both years, we see a high level of knowledge compared to the other areas asked about. In 2023 91% of the 74 respondents had heard of Winter Fuel Allowance compared to 7% of people had not. In 2022 85% of respondents had heard of Winter Fuel Allowance compared to 6% who had not.

Responses to our question on Local Housing Allowance²⁹ is more interesting. Although the sample sizes remain small and are different in both groups, the changes are different enough that they may be of some significance. In 2023 we found that 46% of respondents had heard of Local Housing Allowance, compared to 53% who had not, while in 2022 30% of respondents

had heard of Local Housing Allowance in comparison to 69% who had not.

There is concern that across both years, the number of respondents who had heard of Local Housing Allowance was lower than those who had not, even if the gap is starting to close.

There seems to be less progress with Discretionary Assistance Fund.³⁰ The number of respondents who had not heard of Discretionary Assistance Fund has remained high, in 2022 64% of respondents had not heard of Discretionary Assistance Fund and in 2023 58% of respondents had not heard of the fund. We do see that the percentage of those who had heard of the Discretionary Assistance Fund has increased, but less significantly than that of Local Housing Allowance. Of those who have heard of it, one respondent told us that even though they knew what it was they didn't understand it or how to get it.

In a focus group last year, we heard that a disabled person had received a £150 cost-of-living support payment³¹ without any communication regarding the payment.³² Overall, 62 respondents had heard of the £150 payment making it the second most well-known following Winter Fuel Allowance. The impact of the payment however seems limited, one respondent reporting that it "helped make a dent for a month."³³

In 2023 91% of respondents had heard of Winter Fuel Allowance compared to 7% of people had not.

In 2022 85% of respondents had heard of Winter Fuel Allowance compared to 6% who had not.

Section Four: Support (cont.)

We asked about respondents' usage of food and warm banks. Every respondent had heard of food banks, 10 respondents had been to a food bank, 9 respondents had considered going to a food bank and 51 respondents had reported never going or considering going to a food bank. Respondents who had not gone to or considered going to a food bank had a variety of reasons why, with not all respondents not needing them. The other responses focused on the accessibility of food banks, that they would go to a food bank if they had the means to access one, or shame surrounding food bank usage was key. Some reported living in 'gossipy' areas and being concerned about rumours, some reported that, despite needing one, their pride would not allow them to seek out a food bank. An attendee of the focus groups also reported that their pride had prevented them from going to a food bank. We see a key problem with the perception of food banks with shame around their usage preventing disabled people from accessing a key resource.

It is a similar story with warm banks. These are less high profile than food banks with 8 respondents not knowing what a food bank was and a focus group participant not knowing what they are. As there are fewer warm banks than food banks, physical access to them was identified as a key issue from their use. Physical access in this case encompasses both travel to warm banks and the space used as a warm bank. "Cost of travel and uncomfortable seating are barriers."³⁴ In the focus groups, some respondents did not access warm banks as the journey to get to the warm bank would still leave them extremely cold.³⁵

The cost and availability of public transport is a repeated barrier throughout this report. Even in parts of Wales which do have access to some of these services, or where support is set up and communities can work with each other, the transport system in Wales has meant that there are disabled people who still cannot access them. Public transport in Wales is a commonly discussed issue, but at the ground level the quality of transport in Wales is one of the largest barriers to being able to effectively support disabled people.

This research was conducted prior to the UK Government's announcement regarding introducing legislation to raise many benefits in line with inflation.³⁶ This is a welcome if long overdue step. We are however concerned that with inflation set to continue rising and that prior to the cost-of-living crisis, benefit levels still were not sufficient to meet basic let alone additional costs faced by many disabled people, this issue will reoccur.

'Cost of travel and uncomfortable seating are barriers'

Impact on Disabled People's Organisations

There are many disabled people's organisations the length of Wales delivering vital services and support to disabled people.

However, in a network meeting with disabled people's organisations, many stated that they do not have the funding they need to maintain the level of services they provide. Funding to combat the rising cost of bills and other expenses was highlighted as a key need. One notable example is **Aubergine Cardiff**, an autistic-led café and arts organisation which recently faced eviction due to their landlord drastically increasing their rent.³⁷

Disabled people's organisations are run and controlled by disabled people and are uniquely placed to deliver services and support to disabled people that more fully meet their needs. This has been recognised as vital to the implementation of the UNCRDP, but **funding for disabled people's organisations whether at national or local level is not adequate.**

Conclusion

The cost-of-living crisis has caused significant harm to many disabled people in Wales. For some it has meant cutting back on smaller costs, for some of the disabled people who responded to our survey it has completely changed their lives. The UK Government's response to the cost-of-living crisis also brings into sharp focus the inadequacy of the current welfare system and processes set up to deliver essential financial support.

The Welsh Government endeavoured to deliver timely yet short-term financial support to address the cost-of-living crisis which achieved some benefit for disabled people. To tackle the long-term, persistent inequalities faced by disabled people highlighted in the Locked-Out Report, **the First Minister set up the Disability Rights Taskforce in November 2021.** However, despite progress towards developing actions and objectives, the full Disability Rights Action Plan is not scheduled for publication until March 2024, leaving many disabled people feeling frustrated over the lack of urgency in tackling current issues.

Moreover, neither the UK nor the Welsh government provided assistance that was specifically targeted at addressing the unique circumstances experienced by disabled people, who face higher living costs on account of their impairments despite being more likely to live in poverty. **Many disabled people report seeing their impairments and health conditions worsen as a result of the crisis, with mental health issues becoming a silent epidemic.** Loneliness emerged as a strong theme in the research, indicating not only a lack of company, but also a sense of abandonment in having to make difficult choices with limited support.

With energy costs and the prices of essentials such as food and vital services such as public transport still high, both the Welsh and UK Governments **must act urgently** and meaningfully in response to the harrowing lived experiences of disabled people who found themselves **'barely surviving'**

Key Recommendations

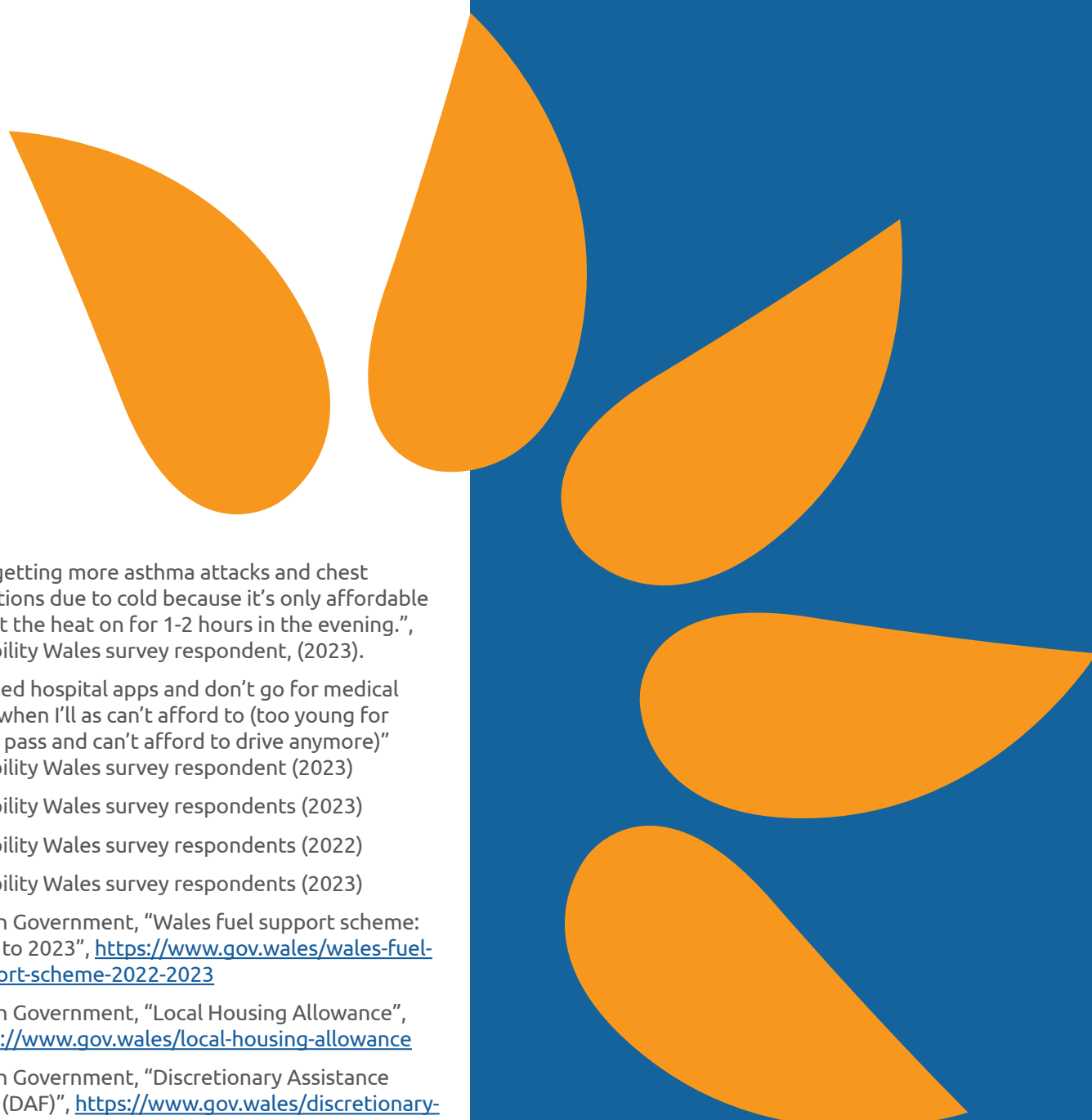
- Commitment to the proposed Disability Rights Action Plan, coproduced by the Disability Rights Taskforce, effecting radical change in maximising the social and economic potential of disabled people in Wales and minimising harms caused by national crises
- Incorporate the UN Convention on the Rights of Disabled People. Despite its inclusion in the Programme for Governance and the Co-operation Agreement with Plaid Cymru, there is still no timeline for incorporation of the United Nations Convention on the Rights of Disabled People. With limited time remaining in the legislative agenda, the Welsh Government must outline their plan for incorporation.
- Provision of resources and capacity building measures to ensure the establishment and sustainability of at least one Disabled People's Organisation in every local authority, to support coproduction of policies and services with public bodies, including peer support schemes for disabled people
- Commitment from the UK Government and the Welsh Government to prioritise tackling the extra cost of disability, involving disabled people and Disabled People's Organisations in the redesign of the benefits system.
- Devolution of the benefit Personal Independence Payment to Welsh Government, enabling a coproduced approach to the design and assessment process in line with the social model of disability.
- Action from regulators, such as Ofgem and Ofcom, to make sure that disabled people don't overpay for everyday essential services²⁴. Exploitative higher standing charges for pre-payment meters should come to an end and social tariffs should be introduced. Government must intervene to ensure that energy bills are affordable for all and that customers are not being forced to move to pre-payment meters.
- Implementation of "One Ticket, One Route, One Service", with public transport, such as buses and trains, taken under public ownership to be delivered as a public service, including measures such as reduced ticket prices with the eventual goal to make public transport in Wales free.

- Food subsidies should be considered to reduce the cost of food in shops. To supplement this, the Welsh Government and Local Authorities should provide support to and nurture the creation of community food schemes. These schemes should include accommodation for dietary requirements and include options for access requirements.
- Utilising data collection and population needs assessments to inform a joined-up approach between Welsh Government, local authorities and health services to identify disabled people at risk from the impacts of the cost-of-living crisis on their health and wellbeing by ensuring better targeting of financial support and support services.
- The Welsh Government, health services and local authorities in Wales to provide specific support for the running and maintenance of disability related equipment, to ensure that all disabled people are not financially impacted by their need to use certain equipment.
- Welsh Government to urgently review its policy on social care charges, including whether the disregards for disability related expenditure are adequately protecting disabled people on low incomes with high costs.
- Urgent action to recognise and tackle mental health issues amongst disabled people, including pathways to accessing appropriate mental health support whether from social care, other areas of the health service and/or through peer support, such as from disabled people's organisations.

For more information and
valuable resource
www.disabilitywales.org/resources/

References

- ¹ Joseph Roundtree Foundation, "UK Poverty 2023 – The essential guide to understanding poverty in the UK", 20th January (2023), p65, https://www.jrf.org.uk/sites/default/files/jrf/uk_poverty_2023_-_the_essential_guide_to_understanding_poverty_in_the_uk_0_0.pdf
- ² Esme Kirk-Wade, "UK disability statistics: Prevalence and life experiences", Research Briefing, House of Commons Library, 29th July (2022), p16, <https://researchbriefings.files.parliament.uk/documents/CBP-9602/CBP-9602.pdf>
- ³ Department for Work and Pensions, "Employment of disabled people 2022", UK Government, 26th January (2023), <https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2022/employment-of-disabled-people-2022#labour-market-status>
- ⁴ Dr Debbie Foster, "Locked out: liberating disabled people's lives and rights in Wales beyond COVID-19", Welsh Government, 19th April (2022), <https://www.gov.wales/locked-out-liberating-disabled-peoples-lives-and-rights-wales-beyond-covid-19-html>
- ⁵ Scope, "Charities warn number of disabled households in fuel poverty set to double by end of year", 17th March (2022), <https://www.scope.org.uk/media/press-releases/fuel-poverty-set-to-double/>
- ⁶ Scope, "Disability Price Tag 2023: the extra cost of disability", (2023), <https://www.scope.org.uk/campaigns/extra-costs/disability-price-tag-2023/#What-needs-to-change>
- ⁷ Disability Wales survey respondent (2023)
- ⁸ Since publication of survey, announcement made to raise these benefits in line with inflation.
- ⁹ Disability Wales survey respondent (2023)
- ¹⁰ Disability Wales survey respondent (2023)
- ¹¹ "The price of everything has shot up, but the money I live on - all I have are disability benefits: PIP & ESA - hasn't. Before the crises, when my oil in the tank got to half empty, I could afford to get it topped up straight away. For the last couple of years, the tank has been empty more than it's been filled. I'm sat here in a freezing home right now, because my oil ran out, & I didn't have the money to buy more. I also had to get an oil engineer in, to fix the boiler, because it'd run dry! I'm crippled with arthritis, and a host of other immune-based illnesses, & if I get cold, the pain intensifies – my home is freezing, as I live in a 300 year old stone cottage." Disability Wales survey respondent (2023)
- ¹² Disability Wales survey respondent (2023)
- ¹³ Scope, "Charities warn number of disabled households in fuel poverty set to double by end of year", 17th March (2022), <https://www.scope.org.uk/media/press-releases/fuel-poverty-set-to-double/>
- ¹⁴ Ofgem, "Prepayment meters explained", <https://www.ofgem.gov.uk/information-consumers/energy-advice-households/check-prepayment-meter-rules>
- ¹⁵ National Energy Action, "The hardest hit: Impact of the energy crisis UK FUEL POVERTY MONITOR 2021-2022", 17th January (2023), p27, https://www.nea.org.uk/wp-content/uploads/2023/01/3830_NEA_Fuel-Poverty-Monitor-Report-2022_V2-1.pdf
- ¹⁶ National Energy Action, "National Energy Action: new prepayment meter code of practice is "much needed" but many still face "uncertainty"", 18th April, (2023), <https://www.nea.org.uk/news/national-energy-action-new-prepayment-meter-code-of-practice-is-much-needed-but-many-still-face-uncertainty/>
- ¹⁷ Just surviving atm, don't think I of my family have 'lived' in a while." Disability Wales survey respondent (2023)
- ¹⁸ "Charging for social care", Welsh Government, <https://www.gov.wales/charging-social-care>
- ¹⁹ The Co-Operation Agreement 2021", Welsh Government, 1st December (2021), p3, <https://www.gov.wales/sites/default/files/publications/2021-11/cooperation-agreement-2021.pdf>
- ²⁰ The Bevan Foundation, "A snapshot of poverty in Winter 2023", The Bevan Foundation, 2nd February (2023), <https://www.bevanfoundation.org/wp-content/uploads/2023/02/Snapshot-of-poverty-in-winter-2023.pdf>
- ²¹ Disability Wales survey (2022)
- ²² "I have recently lost a close disabled friend due to suicide as she could no longer cope with the costs she was causing her family. She did not feel she was seen as an individual in her own right just because she was a mother and wife. Her husband and two young children are devastated." Disability Wales survey respondent, (2023).



²³ "I'm getting more asthma attacks and chest infections due to cold because it's only affordable to put the heat on for 1-2 hours in the evening.", Disability Wales survey respondent, (2023).

²⁴ "Missed hospital apps and don't go for medical help when I'll as can't afford to (too young for a bus pass and can't afford to drive anymore)" Disability Wales survey respondent (2023)

²⁵ Disability Wales survey respondents (2023)

²⁶ Disability Wales survey respondents (2022)

²⁷ Disability Wales survey respondents (2023)

²⁸ Welsh Government, "Wales fuel support scheme: 2022 to 2023", <https://www.gov.wales/wales-fuel-support-scheme-2022-2023>

²⁹ Welsh Government, "Local Housing Allowance", <https://www.gov.wales/local-housing-allowance>

³⁰ Welsh Government, "Discretionary Assistance Fund (DAF)", <https://www.gov.wales/discretionary-assistance-fund-daf>

³¹ Welsh Government, "Cost of Living Support Scheme: guide for local authorities", <https://www.gov.wales/cost-living-support-scheme-guide-local-authorities-html>

³² Disability Wales focus group (2022)

³³ Disability Wales survey respondent (2023)

³⁴ Disability Wales survey respondent (2023)

³⁵ Disability Wales focus group participant (2023)

³⁶ HM Treasury, "Spring Budget", (2023), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144441/Web_accessible_Budget_2023.pdf

³⁷ Sanjana Idnani, BBC Wales, "Cardiff cafe staffed by autistic people fears closure", 23rd December (2022), <https://www.bbc.com/news/uk-wales-63911682>



Disability Wales
Anabledd Cymru

If you are developing a project that can benefit from involvement or co-production with disabled people then get in touch to find out how we could work in partnership with you.

Disability Wales/Anabledd Cymru

Sbarc/Spark
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Company Number: 1998621

Disability Wales receives funding
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Vaughan Gething MS
Minister for Economy

Dawn Bowden MS
Deputy Minister for Arts and Sport and Chief Whip

Welsh Government

25 October 2023

Welsh Government Draft Budget 2024-25

Dear Vaughan and Dawn,

You will be aware that Senedd committees will be undertaking scrutiny of the Welsh Government's Draft Budget 2024-25 this spring.

Written evidence

To inform the Culture, Communications, Welsh Language, Sport, and International Relations Committee's scrutiny, we would welcome written information from you on the areas detailed in the Annex to this letter. We would be grateful to receive this information by 19 December 2023.

Oral evidence

Members would also be grateful if you could attend an oral evidence session on Wednesday 17 January 2024 between 09.30 – 11.00.

Approach

The Committee will seek to follow the Finance Committee's lead, basing our approach on the four principles of financial scrutiny: affordability, prioritisation, value for money and budget processes. We will also seek evidence from the Minister for Education and Welsh Language and First Minister, given the relevance of their work to our remit.

Following the session the Committee will write to you with any additional requests for information or clarification and publish a report of our findings in the Senedd.

Yours sincerely,



Delyth Jewell AS

Committee Chair

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



Annex 1: Request for written information in advance of draft budget scrutiny

The Committee requests the following information:

Commentary on Actions and detail of Budget Expenditure Line (BEL) allocations

- A breakdown of the 2023-24 draft budget allocations (as relevant to Arts, Culture, Heritage, Communications, Creative Industries and Sport) by MEG, Spending Programme Area, Action and Budget Expenditure Line (BEL).
- Final out-turns for 2020-21 and forecast out-turns for 2022-2023.

Other information

- Information on how the delivery of the Arts, Culture, Heritage, Communications, Creative Industries and Sport portfolios and their associated outcomes are monitored and evaluated to demonstrate value for money.
- Details of specific policies or programmes within the relevant MEGs (relevant to Arts, Culture, Heritage, Communications, Creative Industries and Sport) that are intended to be preventative and how the value for money and cost benefits of such programmes are evaluated.
- Information on allocations (and their location) in your portfolio to provide for legislation which has the potential to impact in the financial year 2022-23 as relevant to Arts, Culture, Heritage, Communications, Creative Industries and Sport.
- Implications of the ongoing effect of the COVID-19 pandemic, the UK exit from the EU and the cost of living crisis on the Arts, Culture, Heritage, Communications, Creative Industries and Sport portfolios and how the Welsh Government will manage ongoing impact.
- Information on allocations in your portfolio to deliver the Cultural Strategy for Wales.
- An update on development of a Culture Strategy, and any allocations for the coming financial year to take forward its actions.

Specific areas

Cadw

- Allocations and commentary in respect of Cadw including revenue generation targets, and recent annual income generation figures (including net profit).
- Allocations towards funding for owners of historic assets.

National Museum Wales and National Library of Wales

- Allocations and commentary in respect of the National Museum of Wales and the National Library of Wales, including any revenue generation targets.

Libraries and Museums

- Allocations and commentary in respect of the Libraries and Museums Strategies.
- Funding allocated to take forward recommendations in the Review of Local Museums.

Arts and Arts Council of Wales

- Allocations and commentary in respect of the Arts Council of Wales.
- Allocations and commentary in respect of funding to promote access to the arts.
- Allocations and commentary in respect of funding aimed at using arts and culture to tackle poverty.
- Allocations and commentary in respect of funding aimed at encouraging/enabling arts organisations to generate more of their own income.

Media and broadcasting

Creative Industries

- Allocations and commentary in respect of Creative Wales (including funding to be distributed by Creative Wales).
- An update on **plans** to provide further support to English-language journalism “similar to the Welsh language model”.
- Allocations and commentary in respect of any funding for the media and broadcasting.
- Allocations and commentary in respect of broadcasting and communications actions in the Cooperation Agreement, and what they are intended to achieve.



Support for film and television production

- The latest revenue and projected revenue figures, and occupancy rates for Pinewood Studios/Seren Studios since the commencement of the Management Services Agreement in November 2017.
- The latest figures for the Media Investment Budget, including total investment, return on investment and Welsh spend (broken down by project), and the same figures for investments in screen productions made by Creative Wales
- The latest figures for production funding provided by the Welsh Government including total investment and Welsh spend (broken down by project).
- The latest figures regarding the Welsh Government's loan to Bad Wolf Studios including total repayments and Welsh spend (benchmarked against Welsh Government targets).
- A description of the strategy and targets for investments in screen productions made by Creative Wales.
- An assessment of the impact of production funding provided via Ffilm Cymru, and allocations for the coming financial year.

Programme for Government commitments

On 23 September 2021 the Chair wrote to you asking you to set out the funding allocations for commitments outlined in the **Programme for Government** under the heading 'Push forward towards a million Welsh speakers, and enable our tourism, sports and arts industries to thrive'. That is:

- ensuring that Black, Asian, and Minority Ethnic histories are properly reflected throughout our cultural and heritage sectors including in National Museums;
- creating a Creative Industry Research and Development Fund;
- establishing a National Music Service;
- investing in Theatr Clwyd;
- establishing a Football Museum;
- establishing a National Contemporary Art Gallery.

The Committee will also like to address these funding allocations during the scrutiny session.

Mark Drakeford MS

First Minister

Welsh Government

25 October 2023

Welsh Government Draft Budget 2024-25

Dear Mark,

You will be aware that Senedd committees will be undertaking scrutiny of the Welsh Government's draft budget 2024-25 during the spring.

Written evidence

To inform the Culture, Communications, Welsh Language, Sport and International Relations Committee's scrutiny, we would welcome written information from you on the areas detailed in the Annex to this letter. We would be grateful to receive this information by 19 December 2023.

Oral evidence

Members would also be grateful if you could attend an oral evidence session on 11 January 2023 between 09.30 and 11.00.

Approach

The Committee will seek to follow the Finance Committee's lead, basing our approach on the four principles of financial scrutiny: affordability, prioritisation, value for money and budget processes. We will also seek evidence from the Minister for Education and the Welsh Language, the Minister for Economy, and the Deputy Minister for Arts and Sport and the Chief Whip, given the relevance of their work to our remit.

Following the session the Committee will write to you with any additional requests for information or clarification and publish a report of our findings in the Senedd.

Yours sincerely

Delyth Jewell

Delyth Jewell MS

Committee Chair

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



Annex 1: Request for written information in advance of draft budget scrutiny

The Committee requests the following information:

Commentary on Actions and detail of Budget Expenditure Line (BEL) allocations

- A breakdown of the 2024-25 draft budget allocations for international relations and international development by MEG, Spending Programme area, Action and Budget Expenditure Line (BEL).
- Final out-turns for 2022-23 and forecast out-turns for 2023-24.
- Commentary on the Actions within the MEG in relation to International Relations and International Development, including an analysis and explanation of changes between the First Supplementary Budget 2023-24 and the Draft Budget 2024-25.

Other information

- Implications of the ongoing effect of the UK's exit from the EU on international relations spending plans.
- Implications of the ongoing effects of the war in Ukraine.
- Commentary on international relations commitments in the Welsh Government's Programme for Government.

Specific areas

International Strategy

Allocations and commentary in respect of:

- An outline of the draft budget allocations to deliver the actions included in each of the action plans for the Welsh Government's International Strategy.
- resources for external diaspora organisations.
- resources for each individual delivery partner tasked with supporting the delivery of the strategy.
- resources for external arts and sports organisations to support the delivery of the strategy.

- resources aimed at promoting the Well-being of Future Generations Act internationally.
- resources for engagement with priority regions and countries outlined in the International Strategy.

Wales and Africa Programme

Allocations and commentary in respect of:

- resource provided to the projects and organisations supported by the Wales and Africa programme.
- funding to support the development of pan-African Tree Planting projects, including the existing Mbale Tree Planting Programme.
- funding to support Wales as a Fair Trade Nation, and details of what outcomes will be delivered and how delivery of these outcomes will be measured.

Overseas offices

Allocations and commentary in relation to:

- the work of the overseas offices, and details of what outcomes will be delivered and how delivery of these outcomes will be measured.
- all planned Welsh Government engagement with major international events, including how the cost benefit of engaging with these events is evaluated.
- the draft budget allocations for individual overseas offices, and on what basis were decisions on these specific allocations made.

Jeremy Miles MS
Minister for Education and Welsh Language

Welsh Government

25 October 2023

Welsh Government Draft Budget 2024-25

Dear Jeremy,

You will be aware that Senedd committees will be undertaking scrutiny of the Welsh Government's draft budget 2024-25 in the spring.

Written evidence

To inform the Culture, Communications, Welsh Language, Sport and International Relations Committee's scrutiny, we would welcome written information from you on the areas detailed in the Annex to this letter. We would be grateful to receive this information by 19 December 2023.

Oral evidence

Members would also be grateful if you could attend an oral evidence session on 24 January 2023 between 09.30 to 11.00.

Approach

The Committee will seek to follow the Finance Committee's lead, basing our approach on the four principles of financial scrutiny: affordability, prioritisation, value for money and budget processes. We are also seeking evidence from the Minister for Economy, the Deputy Minister for Arts and Sport and the Chief Whip and the First Minister, given the relevance of their work to our remit.

In accordance with the new budget procedures, the Committee will consider whether to report our findings to the Senedd.

Yours sincerely

Delyth Jewell

Delyth Jewell MS

Committee Chair

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English.



Annex 1: Request for written information in advance of draft budget scrutiny

The Committee requests the following information:

Commentary on Actions and detail of Budget Expenditure Line (BEL) allocations

- A breakdown of the 2024-25 draft budget allocations (as relevant to the Welsh Language) by MEG, Spending Programme Area, Action and Budget Expenditure Line (BEL).
- Final out-turns for 2022-23 and forecast out-turns for 2023-2024.

Other information

- Information on how the delivery of the Welsh Language portfolio and associated outcomes are monitored and evaluated to demonstrate value for money.
- Information on allocations (and their location) in your portfolio to support the *Cymraeg 2050* Welsh language strategy, in particular, allocations to achieve the 'milestones' as set out in the *Work Programme 2021-2026*.

Specific areas

Updates on allocations in 2023-24 budget

- Information on the allocation of £3 million in 2023-4 and £1.5million in 2022-23 to the Coleg Cymraeg Cenedlaethol and National Centre for Learning Welsh to increase the amount of Welsh-medium delivery in the apprenticeship and further education sector, and to provide free Welsh language learning for 16 to 25-year-olds and teaching staff.
- Update on the distribution of £2.2m allocated (per annum) to expand Welsh language immersion provision across Wales and how this funding has been used by local authorities across Wales.
- Details on take-up of the Iaith Athrawon Yfory incentive, and any impact evaluation information that could be shared. .
- Update on budget allocations from other parts of the Ministers portfolio, such as the Teacher Development and Support BEL in relation to how it is used to support the development of the Welsh language in the education sector.

- Allocations and commentary in respect of the budget allocation for the Welsh Language Commissioner in 2024-25.

Capital expenditure in relation to the Welsh language

- Detailed progress on expanding capacity in Welsh-medium schools, the distribution of the Welsh Medium Capital Grant and progress to date across local authorities in Wales.

Delyth Jewell MS
Chair, Culture, Communications, Welsh Language, Sport and International Relations
Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

27 October 2023

Dear Ms Jewell,

Thank you for your letter dated 3 October 2023 following up on several points raised during our meeting with the Committee on 21 September 2023 on the future of population and migration statistics in England and Wales.

Feedback from the 2023 International Census Forum

The 2023 International Census Forum (ICF) was held in Montreal between 2-5 October. There were representatives in attendance from Canada, the United States of America, New Zealand, Australia, Ireland, Scotland, England & Wales, and Northern Ireland.

The subject of language data collection in the Census was raised at this ICF. In particular, there was discussion around how language is collected in the Census and whether any specific challenges had been experienced. Broadly, no country reported experiencing significant difficulties in collection or reporting.

As an example, in the Canadian Census of Population there are four questions on language. These are: can the person speak English or French well enough to conduct a conversation; what language is spoken on a regular basis at home; what language is spoken most often at home; what is the language first learned at home in childhood and still understood.

Countries reported no issues relating to sense of belonging or any other significant issues when comparing Census with Surveys.

As part of the ICF Communities of Practice (CoP) framework, technical working groups exist to carry work forward in a collaborative way. Language collection would come under the data collection CoP and so best practice and approaches will continue to be shared between countries in this working group.

Office for National Statistics (ONS) and Welsh Government joint work plan on coherence of Welsh language statistics

We recognise the importance of robust data on Welsh language skills for the Welsh Government, to measure progress against the aim of a million Welsh speakers by

2050. We have conducted initial research into the potential of administrative datasets to provide information about Welsh language skills variables, in particular from education sources. This research has suggested that there is comprehensive coverage of Welsh language skills for school age children. However, the administrative sources available do not allow for production of estimates of Welsh speaking at local authority level based on population characteristics such as age and sex.

We recognise that alternative means of data collection may be needed to produce robust Welsh language statistics, for example through government departments' admin data collection or through surveys. We are keen to work with Welsh government to explore administrative sources further, as well as to explore the use of local data sources to provide this information.

Whilst we work to improve the quality of the administrative data, we will continue to use survey data where required to ensure robust statistics on Welsh language skills are available for policymakers and other data users. We are working closely with Welsh Government colleagues and are jointly conducting an ambitious workplan of research to understand the quality of current data collection sources.

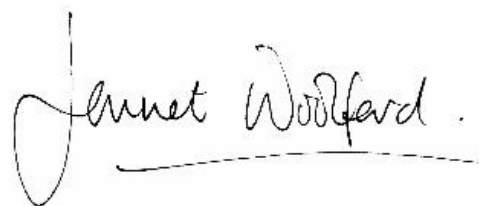
The first results from this workplan have been published and can be found in our joint Differences between estimates of Welsh language ability in Census 2021 and household surveys article¹. This workplan will continue into 2024 and will help to inform Welsh Government's response to the National Statistician's recommendation following the consultation on the future of migration and population statistics in England and Wales.

Please do let us know if you have any other questions, and if we can help the Committee further on either of these topics or any other matters.

Yours sincerely,



Ruth Studley



Jen Woolford

¹ <https://www.gov.wales/differences-between-estimates-welsh-language-ability-census-2021-and-household-surveys>

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Delyth Jewell
Chair
Culture, Communications, Welsh Language,
Sport, and International Relations Committee
(on e-mail)

25 Hydref 2023

Annwyl Gadeirydd,

I write following a meeting of your committee last week when you took evidence from the UK Government's Minister of State for Media and Data, Sir John Whittingdale MP as part of your work on public service broadcasting in Wales.

As you are aware, during a discussion on the broadcasting of major sporting events on free-to-air TV, my colleague Llyr Gruffydd MS took the opportunity to ask the Minister whether he had looked at the "relative importance of rugby to us here in Wales, and how that could be better reflected in broadcasting rights."

This was a timely discussion due to growing concerns that more rugby games will be shown behind paywalls, as was the case with the rights to the Autumn Internationals being bought by Amazon.

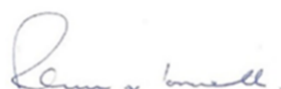
I was heartened by John Whittingdale's comments that should the Senedd argue very strongly that the issue of listed events should be looked at again, then the UK Government would do so.

In that spirit, I have written to the other Group Leaders in the Senedd, inviting them co-sign a cross-party appeal, making representations to this end to the Department for Culture, Media, and Sport in Westminster. I enclose a copy of the letter for your awareness.

I would be grateful if the Culture, Communications, Welsh Language, Sport, and International Relations Committee could also allocate time to discuss this matter and explore all feasible options for ensuring that the Senedd makes the strongest possible statement in favour of ensuring that all major rugby matches are available on free-to-air TV.

I look forward to receiving your response.

Yr gywir,



Rhun ap Iorwerth

Aelod o'r Senedd - Ynys Môn – Member of the Senedd

Michael Grade
Chair
Email: michael.grade@ofcom.org.uk

23 October 2023

By Email

Dear Delyth,

Thank you for your letter of 12 October 2023 and the opportunity to appear before the committee. As I mentioned during the session, I would have preferred to attend in person alongside my colleagues and I hope that can be arranged for the next time.

The responses to your questions are set out below which I hope you find helpful. For ease of reference, I have included each query as a subheading.

Impact of the Draft Media Bill on broadcasting in Wales

Ofcom's powers in respect of the use of Welsh language by commercial radio licence holders are limited. Currently, licensees make commitments on the character of services as part of a competitive licence application process. Ofcom then sets licence obligations, which reflect these commitments.

Changes to commercial radio licensing are a matter of Government policy. DCMS policy to simplify and streamline commercial radio licensing was reflected in the DCMS response to the [Digital Radio and Audio Review](#) and subsequently, in the Media Bill. The [Explanatory Notes](#) which the UK Government published alongside the draft Media Bill include, at paragraph 14, a summary of the proposed changes to the regulation of radio services. We understand that these draft provisions would mean that there would no longer be a statutory function for Ofcom to regulate the character of service of local commercial stations, and it will be up to individual service providers whether they broadcast in Welsh.

It is worth noting that seven out of the nine community radio stations in Wales licensed by Ofcom broadcast content in the Welsh language, one of which, Bro Radio, available to the Vale of Glamorgan and surrounding area is also now available on DAB.

The BBC also provides two Welsh language services, Radio Cymru and Radio Cymru 2. On the latter, we are currently consulting on the impact on competition of

proposals to extend the number of originated Welsh-language hours offered by BBC Radio Cymru 2 so that it becomes a UK Public Service in its own right.¹

In relation to public service broadcasting television channels, the Media Bill will also introduce new requirements that recognise the importance of regional and minority languages, including Welsh, to the provision of public service broadcasting.

Consideration of the rights to the broadcasting of sports

Ofcom's role in the Listed Events regime is principally to assess applications from broadcasters for consent to broadcast listed events (in circumstances where our consent is required). We determine whether to give our consent by reference to criteria set out in our [Code](#), which focuses on the way in which rights were acquired and can also require us to consider whether there are restrictions placed on a broadcaster in how they make coverage available.

We do not approve the broadcasters' coverage plans nor do we determine which events should be listed, which is a matter for the Secretary of State for Culture, Media and Sport. For this reason, our research thus far has been focused on understanding changes to the rights market rather than the relationship between audiences and certain sports.

In 2022 we commissioned and published a [report from Ampere Analysis](#) looking at trends and dynamics in the sports broadcasting sector. This included a section that looked at trends in audience consumption habits of sport and listed events.

The report linked above provides insights into the trends and changes seen across the sports rights market in recent years, including the changing role of PSBs. PSBs have maintained a steady level of investment in sports in recent years, largely driven by focussed on Listed Events. However, there are a number of challenges facing PSBs that may impact their ability to compete for sports rights.

PSBs are facing budget constraints, whether from a freeze to the licence fee or a downturn in the advertising market, and this is compounded by production cost inflation. Sports rights can be expensive, and these budget constraints may be impacting PSBs' ability to compete for these rights packages. In recent years PSBs have also faced competition from new global media organisations interested in expanding into the sports market, including online and streaming services. PSBs have long faced competition in the sports rights market from Pay TV providers, such

¹ [Consultation: The BBC's proposals for BBC Radio Cymru 2 - Ofcom](#)

as Sky or BT Sport, so this is not a new challenge but is certainly becoming more acute.

Channel 3 licensing and expenditure

In July 2013 we published our decision to create a separate licence for Wales for the licence period 1 January 2015 to 31 December 2024. At that time, we also published a statement on our review of regional programming quotas across the UK. In relation to Wales, and following consultation, we decided to maintain the existing regional news minutage obligations and the non-news licence obligations. For regional news, we found that the existing quota represented an appropriate balance between providing a sustainable Channel 3 service and meeting the needs of audiences. For non-news programming we noted that the obligations did not prevent the licensee from providing more regional non-news programming if it considered that was necessary and therefore the existing obligations provided an appropriate backstop.

We are currently in the process of renewing the Channel 3 licence for the next licence period (1 January 2025 – 31 December 2034). We are not proposing to amend the existing licence areas, so the Wales licence will be retained with the current set of obligations. As part of the licence renewal process we [reviewed the current licence obligations](#) and found that the current Channel 3 licence obligations are the minimum contributions to PSB that we expect for audiences, and that Channel 3 has a good track record in delivering these obligations.²

Network news and current affairs

The quotas for network news and current affairs programming are the same across most of the Channel 3 licences. However, the Borders licence (which covers the England and Scotland sub-regions) has a higher current affairs quota to ensure programming meets the needs of audiences from both sub-regions, and the UK-wide breakfast licence operates on a different basis, during a limited timeslot in the morning.

² https://www.ofcom.org.uk/_data/assets/pdf_file/0011/240203/s.229-report-channel-3-and-5-licensing.pdf

Channel 3 licence	Network news quota	Network current affairs quota
14 regional and nations licences (incl. Wales and Northern Ireland, provided by ITV, and Central and North Scotland, provided by STV)	365 hours per annum	43 hours (35 hours in peak) per annum
Borders	365 hours (125 hours in peak) per annum	78 hours (35 hours in peak) per annum
Breakfast licence	1 hour per day	1 hour per week

Regional news and non-news programming

The licences covering broadcast in Wales, Scotland and Northern Ireland are subject to the same weekly quota for regional news programming (4 hours). The quota is higher than the same obligation in each of the English regional licences (up to 3 hours and 5 minutes).

The Wales and Scotland licences are subject to the same weekly quota for regional non-news programming (1.5 hours). This is less than the same quota in Northern Ireland (2 hours) and more than the same quota in each of the English regional licences (where the quota varies from 3 to 15 minutes).

The Wales licence has the highest regional current affairs programming weekly quota (47 minutes). This compares to a quote of 33 minutes in each of the Northern Ireland and Scotland licences. There is no such quota in each of the English regional licences.

Channel 3 licence	Regional news	Regional non-news	Regional current affairs
Wales	4 hours	1 hour and 30 minutes	47 minutes
11 English regional licences	Varies from 42 mins – 3 hours and 5 minutes	Varies from 3 – 15 minutes	None
STV (Central and North)	4 hours	1 hour and 30 minutes	33 minutes
Northern Ireland	4 hours	2 hours	33 minutes

Last year, we assessed the commercial sustainability of the Channel 3 licence obligations for all the Channel 3 licensees in our report to the Secretary of State (the report is a statutory part of the renewal process and is otherwise referred to as the ‘section 229 report’). Our assessment found that the current licence obligations could

be commercially sustainable during the next licence period as a whole but could represent a small annual net cost towards the end of the period. We also noted that sustainability of the Channel 3 PSB obligations could come under increasing pressure in some scenarios, especially if the value associated with licence benefits was lower or declined faster than expected.

We also assess ITV's delivery against the programming quotas in our Annual PSB Compliance Report.³ We have been satisfied with ITV's delivery against the programming quotas in the Wales licence, and it generally tends to deliver against them (and in some cases deliver above minimum requirements). There were some shortfalls on delivery of the regional programming quotas in 2020, due to exceptional disruptions to the broadcast industry related to the pandemic.

"Qualifying spend" refers to the spend considered when calculating broadcasters' compliance with regional production quotas. As per Ofcom's [regional production guidance](#), this relates to production spend for first-run programmes made within the UK, excluding news programmes, self-promotional content, and acquisitions. Qualifying spend for Wales is a subset of this total qualifying spend, comprising spend from those programmes that counted as productions made in Wales. Programmes can count for this by meeting two out of the three criteria as set out in the guidance (i.e. substantive base, production spend, and off-screen talent).

The decrease in the proportion of qualifying hours and spend allocated to Wales by ITV was largely the result of *I'm a Celebrity...Get Me Out of Here* returning to filming in Australia in 2022, following its temporary relocation to Castell Gwrych near Abergele in 2020 and 2021, which qualified it as a regional production in those years. ITV also broadcast two drama series in 2021 which contributed to its proportion of qualifying hours and spend for Wales – *Hollington Drive* and *The Pembrokeshire Murders*. In 2022, there were two titles which qualified as productions made in Wales – documentary series *Wonders of the Border* and factual entertainment title *The Pier*.

Unlike the BBC and Channel 4, the Channel 3 licence does not have either nation-specific quotas or an out of England production quota. As such, under the current licence conditions, ITV can choose to meet its network regional production quota in any nation or region outside the M25.

Ofcom capacity in Wales

³ See "[Annual Reports](#)" tab.

The number of colleagues based in Ofcom's Cardiff office has grown in recent years. In addition, to the core Nations team, there are now a wider range of roles based in Cardiff, including colleagues from teams across Ofcom – Network and Communications, Market Research, Strategy and Online Safety. Our commitment to growing the number and diversity of roles is demonstrated by the recent appointment of two new early careers graduates, bringing the total to 19. We have sufficient capacity in our office to grow the size of our Welsh workforce, which we plan to achieve incrementally through a mix of location neutral recruitment, targeted recruitment, and support for relocations.

Thank you once again and please let me know if you have further queries.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael Grade". The signature is fluid and cursive, with a long horizontal stroke extending to the left and a large loop at the end.

MICHAEL GRADE
(Lord Grade of Yarmouth)



Cyfieithiad I'r Saesneg gan Gomisiwn y Senedd
English Translation by Senedd Commission

Delyth Jewell MS
Culture, Communications, Welsh Language, Sport and International Relations Committee
Welsh Parliament
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30 October 2023

Public Service Broadcasting in Wales: Request for additional information

Dear Chair,

We would like to thank you for the opportunity to offer evidence on Wednesday, 4 October 2023, and for the Committee's continued interest in and support of public service broadcasting in Wales.

Following your request for additional information, we outline further details regarding spending by S4C on content during 2022-23.

Since its launch in 1982, S4C has recognised that it has an important responsibility and function to contribute to the future of the language, culture, society and economy of Wales. We are very proud of the part we have played in the success of the creative industries in Wales and of the strong chain of independent production companies that have been established here.

It is important that the economic contribution of S4C be felt in all parts of Wales. S4C has an aim to spend over 95% of its content budget with producers based in Wales and, over the next few years, to ensure a more equal distribution of spending on content across Wales.

We report annually on our expenditure on content and specify the distribution of that expenditure based on the locations of the offices of the production companies that create our programmes in the S4C Annual Report and Accounts.

During 2022-23, it is stated that the expenditure outside Wales was 2%, and that figure has been rounded up from 1.6%. It is also stated in the annual report that the corresponding figure for 2021-22 was 1%; this was rounded down from 1.48%.

The increase of 0.1 in the percentage of the content budget that has been spent outside Wales is a result of additional sports programmes that were provided by a

production company whose producers and filming work are based in Wales, but which is headquartered in London.

From year to year, the breakdown of spending on content may vary as a result of the range of S4C commissions. However, because S4C works with producers based in Wales, there are very few cases where we spend on content outside of Wales. Normally, there will be expenditure on content outside Wales as a result of the location of the headquarters of some independent production companies, occasional co-productions, or format purchases.

Yours sincerely,



Elin Morris
Chief Operating Officer of S4C



Rhodri Williams
Chairman of S4C



House of Commons
Welsh Affairs Committee

Broadcasting in Wales

Fifth Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 18 October 2023*

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Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the Senedd Cymru—Welsh Parliament).

Current membership

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[Simon Baynes MP](#) (*Conservative, Clywd South*)

[Virginia Crosbie MP](#) (*Conservative, Ynys Môn*)

[Wayne David MP](#) (*Labour, Caerphilly*)

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

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Committee staff

The current staff of the Committee are Aneesha Bhamrah (Committee Operations Manager), Gabriel Byrne (Committee Specialist), Eldon Gallagher (Committee Operations Manager), Edward Hicks (Second Clerk), Sarah Ioannou (Clerk), Chloe Jago (Senior Media Officer), Francis Morse (Second Clerk), Anwen Rees (Clerk), and Lara Stace (Committee Specialist).

Contacts

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You can follow the Committee on X (formerly Twitter) using [@CommonsWelshAff](#)

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Summary

The broadcasting industry is undergoing a period of transformative change, driven by significant technological developments in how content is created, distributed and consumed. The transition from analogue to digital formats, and the rise of high-speed internet, has seen the emergence of on-demand streaming services like Netflix and Amazon Prime Video offering unprecedented choice for consumers and leading to a decline in viewing of traditional linear television channels. The proliferation of smart TVs and connected devices has made it easier for viewers to access online content on their television sets. Increasingly, people watch programmes through digital platforms, listen to radio through Smart Speakers, and consume the content they want rather than following a schedule.

Broadcasting plays a vital role in reflecting and shaping modern Welsh identity through a diverse range of TV and radio content, encompassing news and current affairs, drama, live sport and cultural events in both the Welsh and English languages. Meanwhile, the Welsh broadcasting industry continues to provide a rich pool of talent and expertise that contributes to the growth and success of the sector at a UK and, indeed, international level.

Throughout our inquiry, we identified key themes and issues that need to be addressed to ensure that broadcasting in Wales continues to thrive. Our Report therefore makes the following conclusions and recommendations:

Public Service Broadcasters

The UK's public service broadcasters (PSBs) are fighting for prominence on the first page on any significant device, be it a set-top box, smart TV or games console. Existing regulations are outdated because they are limited to traditional linear electronic TV guides and do not apply to streaming, on-demand and internet-connected TVs. The lack of prominence of PSB content across all devices, particularly digital and streaming platforms, will result in consumers struggling to find much loved content in a format and language that they enjoy. The proposals contained in the Draft Media Bill on prominence are vital to the continued success of public service broadcasters in the twenty-first century. The Government must introduce the Media Bill to Parliament as early as possible in the next Session, which is due to begin in November 2023, and prioritise its passage through both Houses.

Public service broadcasters must modernise to survive in the digital age. We welcome the investment by PSBs in their digital platforms, which is needed given the growing proportion of people in Wales using them to watch PSB programmes. However, accessing Welsh content is not straightforward on these platforms, making it difficult for it to be viewed in Wales and across the UK. We call on PSBs to urgently develop their digital platforms to improve their level of online personalisation and ensure that programmes local to Wales and Welsh language content are prominent and easy to access. We request that public service broadcasters report to us by March 2024 on their progress in this area.

The future of Welsh Language broadcasting

It is vital that Welsh language provision continues to grow amid the changing media landscape, and is a visible part of the television system in the UK. While we welcome the current funding settlement in place for S4C, it is vital that the channel has greater certainty over its long-term funding. We note that the Government has announced a review of the licence fee model. This will have implications for the delivery of Welsh language broadcasting by the BBC, and future funding of S4C. In its response to this Report, the Government must give assurances that the review includes a reference to safeguarding Welsh-language broadcasting.

We welcome the investments that the Government is making in digital provision for S4C, but the scale of investment needed to ensure the sustainability of Welsh language broadcasting in the long-term is daunting. We are concerned that the wider revolution in broadcasting will leave S4C exposed. It is also clear that S4C has a strong relationship with BBC Cymru Wales, and these links have been further enhanced by S4C's reliance on licence fee funding and on BBC iPlayer as the foremost platform for digital content. To ensure the continuing strength of Welsh language broadcasting we recommend an enhanced long-term partnership between S4C and BBC Cymru Wales. This should include safeguards for the branding, editorial and commercial independence of S4C. This partnership should work towards a long-term framework agreement that supports S4C, providing it with the investment to produce digital content to compete with streaming services. The partnership should be overseen by the Secretary of State for Culture, Media and Sport.

Broadcasting live sports in Wales

The broadcasting of sporting events is a matter of considerable public interest. It brings people together for a shared experience, providing a source of pride. The danger of sports coverage going behind a paywall is that any additional short-term injection of money does not reach the grassroots and is offset in the longer term by reduced awareness of and participation in the sport. Therefore, live sports broadcasting should strive to reach the widest possible audience, which is best achieved through free-to-air coverage. This is especially so for Welsh rugby union, which needs to rediscover its soul and aim to reach the maximum number of people in Wales. We believe that maintaining a listed events system is in the public interest as it ensures that free-to-air broadcasters are able to ensure that all licence fee payers have access to nationally important sporting events. However, we do not believe that the listed events regime currently accurately reflects the importance placed by supporters on certain competitions. We recommend that the Government adds the Six Nations to Group A of the Listed Sporting Events, to ensure its status on terrestrial TV.

The use of Welsh in sport is a vital expression of identity for many. Whilst we understand concerns that a Welsh language requirement could reduce the value of broadcasting contracts, we believe that the provision of Welsh commentary is extremely important to the vitality of the Welsh language. We note that Viaplay successfully negotiated for S4C to provide Welsh language broadcasting. Amazon Prime Video was able to provide a Welsh language commentary of the rugby union autumn internationals. Therefore, streaming services are willing to ensure Welsh language provision. The

current Ofcom code does not empower it to protect this Welsh language provision and ensure it continues. We recommend that Ofcom's remit be amended to ensure that it can designate events in Group A and Group B of the Listed Events Regime and specified non-listed events as requiring live Welsh language commentary.

Radio

We are extremely concerned at the apparent decline in the use of Welsh language on commercial radio. The ability to listen to the Welsh language on a daily basis is vital to maintaining the Welsh language and to encouraging new learners. The current regulatory framework is not strong enough to support the Welsh Language on commercial radio. We ask the Government to consider the adequacy of Ofcom's remit in relation to Welsh language content on commercial radio stations in Wales.

Ofcom's decision to prioritise DAB licenses overlooks the high levels of AM/FM listening in Wales, and does not take into account the difficulties in digital transmission across parts of Wales. Community radio stations believe that FM licences will enable them to reach a wider audience. There is a clear demand, and continuing need, for FM radio licences. We recommend that Ofcom resume offering FM licences, particularly targeting local and community radio stations.

Developing the skills pipeline into Welsh broadcasting

We are concerned that the introduction of in-house commissioning at Channel 4 could harm independent production companies in Wales. In its response to this Report, the Government must outline the steps it will take to ensure that the introduction of in-house commissioning by Channel 4 will help rather than harm the independent production sector in Wales. We call on the Government to make changes to the Draft Media Bill to reflect our concerns. We also call on Channel 4, in response to this Report, to outline their commitment to commissioning work from Welsh production companies.

Apprenticeships can be an effective and powerful way of developing a diverse and skilled workforce. However, the current system of apprenticeships within the broadcasting sector is inflexible, and does not reflect the needs of a freelance, project-based sector. There must be a fundamental reform of the Apprenticeship Levy in the UK. We call on the UK and Welsh Governments to review the Apprenticeship Levy and to increase the roll-out of the shared apprenticeship system in Wales to ensure that they can benefit the creative industries sector in Wales.

1 Introduction

The revolution in broadcasting

1. The broadcasting industry is undergoing a period of transformative change, driven by significant technological developments in how content is created, distributed and consumed. The transition from analogue to digital formats, and the rise of high-speed internet, has seen the emergence of on-demand streaming services like Netflix and Amazon Prime Video offering unprecedented choice for consumers and leading to a decline in viewing of traditional linear television channels. The proliferation of smart TVs and connected devices has made it easier for viewers to access online content on their television sets. Increasingly, people watch programmes through digital platforms, listen to radio through Smart Speakers, and consume the content they want rather than following a schedule. Interactivity through social media platforms, and personalisation of content shaped by algorithms that track user preferences, are changing the way consumers access and enjoy media outputs.

2. While this global revolution in broadcasting is “fantastic news for people who enjoy watching television”¹ and brings enormous new opportunities for content creators and producers, it has profound implications for traditional broadcasters operating within national frameworks of legislation and regulation. Public service broadcasters face increasing competition from companies with enormous global reach and multi-billion-dollar budgets.

Our inquiry

3. Broadcasting is a reserved policy area, under the responsibility of the UK Government. The Welsh Government also takes a close interest in broadcasting, and has responsibility for policy areas such as sport, education and skills, and the Welsh language, which intersect with the broadcasting industry in Wales. The broadcasting industry in Wales is regulated by the Office of Communications (Ofcom).

4. Our inquiry sought to investigate the rapidly changing broadcasting landscape, and to understand its impact on broadcasting in Wales. We launched our inquiry on 19 July 2022, publishing terms of reference and a call for evidence inviting submissions on several broad themes. We considered the future of public service broadcasting in Wales in the light of the growth of global streaming services and changing viewing habits. We considered the impact these changes could have on the future of Welsh language broadcasting. In addition, we looked at free-to-air sports broadcasting and the implications for Welsh viewers, national sports bodies and public service broadcasters of new digital streaming platforms acquiring live broadcast rights entering the market for broadcasting rights. We also took evidence on the future of commercial radio in Wales and the role it plays within Welsh communities. Finally, we looked at potential threats to Wales’ successful independent TV and film production sector.

5. We received 31 pieces of written evidence and held eight oral evidence sessions, hearing from public service broadcasters, social media companies, streaming services, community and commercial radio stations, independent production companies, FA

1 [Q423](#)

Wales and the Welsh Rugby Union, the broadcaster Guto Harri, the Welsh Language Commissioner, representatives from Ofcom, and from the UK Government Minister, Rt Hon Sir John Whittingdale MP. We were disappointed that Amazon Prime Video and Twitter did not send representatives in response to our requests, although they did provide written evidence. We are grateful to all those who have contributed directly to our inquiry. During our inquiry we also held two outreach sessions at Venue Cymru, Llandudno, and at Gower College, Swansea. This provided us with a valuable insight into the views of people across Wales.

6. Under the Standing Orders of the House of Commons, we may invite Members of other Select Committees and Members of the Senedd to contribute to our inquiries.² We benefitted from the contributions of Kevin Brennan MP, from the Culture, Media and Sport Committee, and Delyth Jewell MS, Chair of the Senedd's Culture, Communications, Welsh Language, Sport and International Relations Committee, to the evidence sessions they attended.

7. During the latter part of our inquiry, the Government published the Draft Media Bill, to enable the public to “enjoy a new golden age of programming”.³ This bill reforms the legal framework for the regulation of public service broadcasters, makes changes to on-demand programme service regulation in the UK and makes changes to the legal framework for the regulation of radio, including conferring new powers and duties on Ofcom and the Secretary of State for Culture, Media and Sport.⁴ The Government stated that the bill “would reform decades-old laws to turbocharge the growth potential of the UK’s public service broadcasters, allowing them to better compete with global giants”.⁵ While we did not have time to examine the Draft bill in detail, we did touch on some of its provisions during our inquiry.

2 [Standing Order No. 137A](#), paras 1(e) and 3

3 [Broadcasting reforms to create new golden age of British TV and help nation’s public service broadcasters thrive](#), Department for Digital, Culture, Media and Sport press release, 28 April 2022

4 Draft Media Bill, [CP 822](#), March 2023

5 HC Deb, 29 March 2023, [col 46WS](#) [Commons written ministerial statement]

2 Broadcasting in Wales

8. Broadcasting has played an important role in shaping Welsh national life over the last century. From the earliest days of the industry, there have been intense political debates and questions raised over the national characteristics of the broadcasting output received in Wales, as well as the status and prominence of the Welsh language. Broadcasting plays a vital role in reflecting and shaping modern Welsh identity through a diverse range of TV and radio content, encompassing news and current affairs, drama, live sport and cultural events in both the Welsh and English languages. Meanwhile, the Welsh broadcasting industry continues to provide a rich pool of talent and expertise that contributes to the growth and success of the sector at a UK and, indeed, international level.

9. There has been a broadcasting presence in Wales since the BBC's first broadcast from Cardiff in 1923. For almost as long as there has been a broadcasting industry, it has included distinctively Welsh elements. However, the emergence of a national broadcasting sector in Wales, with recognisably Welsh channels, developed over the decades on the back of campaigns and political pressure as well as increasing understanding of consumer preferences in Wales. In the 100th anniversary year of the BBC in Wales, BBC Cymru Wales is the main public service broadcaster in Wales, and operates two television channels (BBC One Wales and BBC Two Wales) and three radio stations: BBC Radio Wales; BBC Radio Cymru; and BBC Radio Cymru 2 (which has applied to Ofcom to extend its hours of Welsh language programming). S4C is the only Welsh-language television channel, while ITV Cymru Wales is the ITV franchise for Wales.

Table 1: The development of broadcasting in Wales

Year	Event
1922	Inauguration of the British Broadcasting Company
1923	First broadcast from Wales
1925	First broadcast talk in the Welsh language
1927	Establishment of the British Broadcasting Corporation
1937	The Welsh Region begins broadcasting on its own wavelength
1952	First television transmission in Wales
1956	Television Wales and the West (TWW) is awarded the franchise for South Wales and the West of England
1958	TWW starts broadcasting
1962	Wales (West and North) Television launches as Teledu Cymru
1964	Acquisition of Teledu Cymru by TWW
1964	Launch of BBC Cymru Wales
1968	Launch of Harlech Television (known as HTV Cymru Wales from 1970), replacing TWW
1977	Launch of BBC Radio Cymru
1978	Launch of BBC Radio Wales
1982	Launch of S4C - all Welsh language programmes both on BBC Wales and HTV transfer to S4C
	Launch of Channel 4
1982	HTV Cymru Wales becomes a fully English-language service and is renamed HTV Wales (reverts to HTV Cymru Wales in 1989)

Year	Event
1997	Launch of the BBC Wales webpages
2002	HTV's service in Wales is renamed ITV1 Wales as on-air regional identities are dropped
2006	HTV Wales was renamed ITV Wales and West
2008	ITV Broadcasting Limited becomes responsible for all regional franchises in England, Wales and southern Scotland
2014	ITV in Wales is now officially known as ITV Cymru Wales

10. The last decade has seen significant investment into Wales by public service broadcasters. ITV Wales moved into new headquarters in Cardiff Bay in 2014, with state of the art facilities. BBC Cymru Wales opened its new headquarters in Cardiff in 2020. Tim Davie, Director General of the BBC, has expressed his commitment to BBC production in Wales.⁶ An increasing number of the BBC's news and radio programmes are broadcast from Wales. Wales has recently become the BBC's centre of excellence for Climate and Science Journalism, with BBC News' dedicated specialist journalists and production team, along with BBC Radio's science production, all moving to Cardiff.

11. The broadcasting sector generates considerable economic value for Wales. The UK Government valued the turnover of the TV, radio and photography sector in Wales at £494 million in 2021.⁷ Employment in the creative industries in Cardiff and the surrounding regions has grown by 54% since 2012.⁸ ITV specifically, together with ITV studios and Boom Cymru, employs nearly 350 people in Wales.⁹ The BBC contributes over £200 million every year to the Welsh economy and over 2,000 jobs.¹⁰ For every £1 of income, S4C generates an economic impact of £2.03 in the UK economy, £1.45 of which is generated in Wales. Moreover, S4C's expenditure supports an estimated 2,229 jobs in Wales.¹¹

12. Public service broadcasting has been the cornerstone of the achievements of the Welsh broadcasting sector. Shaped by national legislation and regulation, the public service broadcasting (PSB) model, built on linear channels that provided programming with a distinctive and strong Welsh flavour, has been an important asset for the Welsh population. The tectonic shifts now taking place in broadcasting risk undermining the success and sustainability of public service broadcasting. Welsh broadcasting, which relies heavily on the national PSB model, is especially vulnerable to the rapidly changing patterns of media consumption and revenue flows currently being seen globally. The relative decline of public service broadcasters threatens the foundations of success of Welsh broadcasting.

13. Broadcasting holds an importance in Welsh national life that is unique among the nations of the United Kingdom. A distinctively Welsh broadcasting sector, underpinned by strong public service broadcasting, is a precious asset that must be allowed to flourish for the benefit of future generations. We welcome the Government's Draft Media Bill with its explicit aim of supporting the sustainability of public service broadcasters, and we urge Ministers to listen to the specific concerns of the Welsh

6 BBC, *The BBC Across the Nations: The BBC 2022–2027*, March 2021

7 Department for Digital, Culture, Media and Sport ([BRO0016](#))

8 UK Government, *The UK Government's Plan for Wales*, May 2021, p32

9 [Q35](#)

10 [Q32](#) [Rhuanedd Richards]

11 S4C ([BRO0011](#))

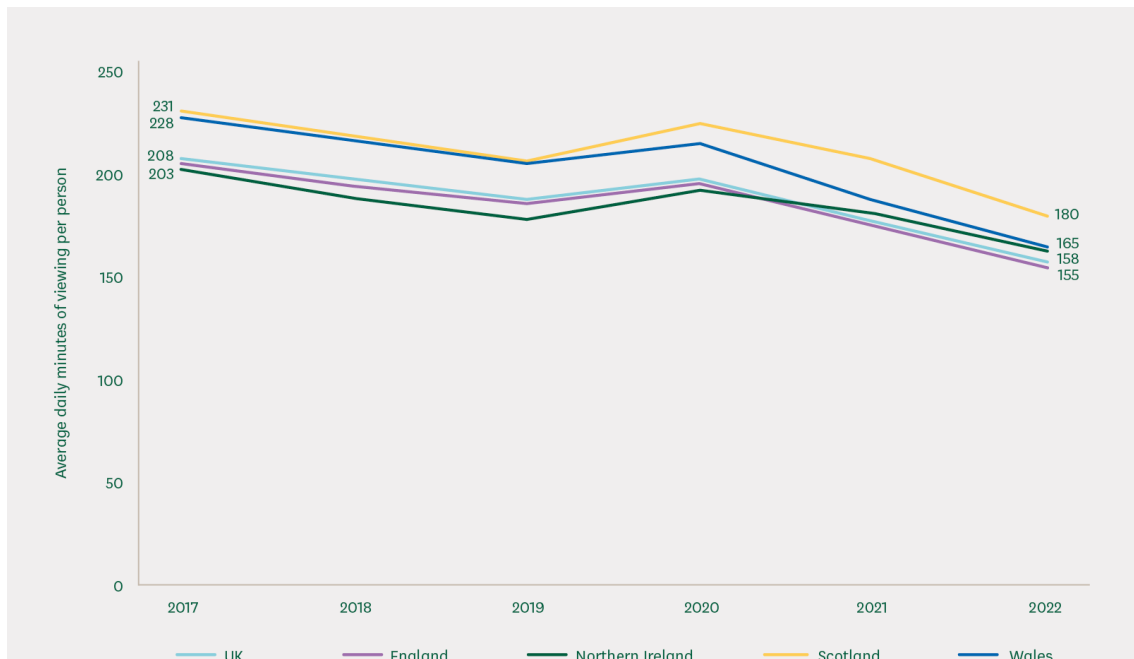
broadcasting sector as they take the Bill through the House. We would request that in its scrutiny at Committee Stage, the Bill Committee convene at least one evidence session exclusively with stakeholders from the broadcasting industry in Wales.

3 Public service broadcasters

14. This Chapter focuses on the television and digital content provided by public service broadcasters (PSBs). In Wales, this means the BBC, ITV, Channel 4, Channel 5, and the Welsh-language broadcaster, S4C.¹² PSBs are required by law to be universal, serving all audiences, free at the point of use and to be impartial in their coverage. They are set quotas for the volume of news produced, for producing original content, and for airing programmes made by independent production companies. They have obligations to provide children’s programming, and to produce and provide programmes for the UK’s nations and regions.¹³

15. Our inquiry explored how public service broadcasting in Wales is responding to the pressures and challenges posed by the transformational changes in broadcasting. It has certainly become a tougher environment for PSBs in the last decade. The proliferation of digital platforms, the growth of global video-on-demand, increased choice and changing audience patterns have all fundamentally changed how public service broadcasters connect with their audiences. Ofcom’s Media Nations Wales 2023 report confirmed the changing media landscape. It noted that television viewing was continuing its long-term decline across the whole of the UK. In Wales, viewing had declined from 3 hours and 8 minutes per day in 2021 to 2 hours and 45 minutes per day in 2022, with television viewing decreasing among all age groups. The table below show the decline in television viewing over the last five years in the different nations (the rise in figures in 2020–2021 was exceptional due to the pandemic).¹⁴

Figure 1: Average daily minutes viewed of broadcast TV per person, by nation: 2017-2022



Source: Barb. BBC areas, all individuals (4+)

- 12 Ofcom, *Public service broadcasting annual report: 2023*, 3 August 2023. While all BBC public service television channels are PSB channels, only the main channels of each of the other public service broadcasters have this status.
- 13 House of Lords, *Public service broadcasting: as vital as ever*, First Report of the Select Committee on Communications and Digital, Session 2019, *HL Paper 16*, pp 11–12.
- 14 Ofcom, *Media Nations: Wales 2023*, 3 August 2023, p12

16. Despite the declining numbers, PSBs are still the most watched broadcasters in Wales. Ofcom’s Media Nations Wales 2023 report noted that content from Wales’ public service broadcasters remained highly valued by the public.¹⁵ Witnesses spoke in support of public service broadcasting in the UK and in Wales, with its offering of news, documentaries, investigative journalism, arts, education, and current affairs. Benjamin King, Director of Public Policy UK and Ireland at Netflix, stated that “[w]e have a great deal of respect and admiration for [PSBs]. In the UK, they are consistently world leaders in the programming they provide”.¹⁶ Dr Caitriona Noonan, Senior Lecturer in Media and Communications at Cardiff University, also stressed the wider cultural benefits of PSBs:

... diversity of content and voices, the provision of local news services and the representation of contemporary life in Wales are some of the ways that PSB contribute to the cultural life within Wales. Through their programming and support of local talent, PSB also contribute to the visibility of Wales and Welsh stories globally.¹⁷

Rt Hon Sir John Whittingdale MP, Minister of State for Media, Tourism and Creative Industries in the UK Government, stated that “public service broadcasting [...] remains absolutely central to the Government’s view of the broadcasting landscape”.¹⁸

17. During our inquiry, we took evidence on the importance of reforming rules on “prominence”. We examined how PSBs were using digital platforms to reach new audiences. We also considered the PSBs’ relationships with their competitors, the streaming services.

Prominence

18. Prominence is the extent to which a platform makes a service or content apparent to consumers. Rules on prominence state that PSBs must be listed in the first five slots in electronic programme guides on TV sets. This means that consumers will see BBC 1, BBC 2, ITV, Channel 4, and Channel 5 at the top of linear electronic programme guides (EPGs) when switching on their televisions.¹⁹

19. However, these rules do not apply to online TV platforms including Smart TVs, pay TV services, streaming sticks and set top boxes. There are also no rules to ensure that PSB’s digital platforms (e.g. BBC iPlayer, ITVX, All 4, My5 and S4C’s Clic) are easily findable on platform user interfaces such as homepages.

20. S4C expressed concern that the limited scope of prominence rules was harming Welsh-language programming and its ability to champion Welsh voices in an increasingly global market. Siân Doyle, Chair of S4C, told us it had to talk to Samsung, Freeview Play, YouView, Sky and Virgin Media individually about its place on their online television systems.²⁰ S4C explained how the small size of the Welsh language audience made it

15 Ofcom, *Media Nations: Wales 2023*, 3 August 2023, pp16–18

16 [Q97](#) [Benjamin King]

17 Dr Caitriona Noonan ([BRO0003](#))

18 [Q423](#)

19 Communications Act 2003, [section 310](#)

20 Oral evidence taken on 13 July 2022, HC (2021–22) 594, [Q11](#) [Siân Doyle]

difficult “to negotiate prominence on each connected TV platform on a purely commercial basis”.²¹ Dr Caitriona Noonan told us that a lack of reform would raise the “risk of digital extinction for Welsh culture and language”.²²

21. Part 2 of the UK Government’s Draft Media Bill would ensure that PSB content was given prominence on platforms used to watch television online, including giving prominence to PSBs’ online services.²³ Witnesses said this reform would allow PSBs to retain and increase audiences. Teledwyr Annibynnol Cymru (TAC)²⁴ wrote that prominence reform was a “crucial measure, as it will help to hold up audience share for UK PSBs”.²⁵ ITV Cymru Wales told us that prominence reform was vital to its argument to shareholders for continuing to hold a PSB licence, given that competitors such as Sky and Netflix were not bound by the obligations imposed on licence-holders.²⁶

22. Phil Henfrey, Head of News and Programmes at ITV Cymru Wales, described the urgent need for the introduction of the Media Bill in Parliament.²⁷ He noted that the existing regulatory framework was:

... hopelessly out of date. It was conceived in an era when Amazon was still a bookstore, when Netflix was posting DVDs and before Apple had even invented the iPhone.²⁸

23. Rt Hon Sir John Whittingdale MP acknowledged that the draft legislation had been six years in gestation, and that he would “have liked it to have arrived sooner”.²⁹ He added that it was his “strong hope” that the Bill would be introduced early in the next Session and be on the statute book before the next general election.³⁰

24. Public service broadcasters are facing the challenges of increased competition and changing viewing habits, where viewers may choose content from a range of online providers and platforms. It is imperative that their content is easily discoverable in an increasingly busy digital marketplace.

25. The UK’s public service broadcasters are fighting for prominence on the first page on any significant device, be it a set-top box, smart TV or games console. Existing regulations are outdated because they are limited to traditional linear electronic TV guides and do not apply to streaming, on-demand and internet-connected TVs. The lack of prominence of PSB content across all devices, particularly digital and streaming platforms, will result in consumers struggling to find much loved content in a format and language that they enjoy. The proposals contained in the Draft Media Bill on prominence are vital to the continued success of public service broadcasters in the twenty-first century. *The Government must introduce the Media Bill to Parliament as early as possible in the next Session, which is due to begin in November 2023, and prioritise its passage through both Houses.*

21 [S4C \(BRO0011\)](#)

22 [Dr Caitriona Noonan \(BRO0003\)](#)

23 [Draft Media Bill, CP 822, March 2023](#)

24 [Teledwyr Annibynnol Cymru \(TAC\)](#) is a trade association representing the independent television production sector in Wales.

25 [Teledwyr Annibynnol Cymru \(TAC\) \(BRO0004\)](#)

26 [ITV Cymru Wales \(BRO0001\)](#)

27 [Q36](#)

28 [Q32](#) [Phil Henfrey]

29 [Q428](#)

30 [Q428](#)

The use of digital platforms

26. The future of PSB broadcasting will depend more on digital platforms than it will on developments in linear television, as broadcasters digitalise their services to meet their viewers' changing needs. Arqiva³¹ told us that a successful and dynamic broadcasting sector in Wales “will be hybrid, with a choice of services available”.³²

27. Each public service broadcaster has developed on-demand catch-up services to allow audiences to watch at a time of their choosing. BBC iPlayer is the video on-demand service from the BBC, and also carries S4C content. ITV launched a new digital platform, ITVX, in 2022. ITV and BBC also share the subscription service Britbox, an on-demand subscription service in the US. All4 is Channel 4's online TV service, while Channel 5 content can be accessed through My5. S4C Clic is the broadcaster's standalone streaming portal, providing access to both live and on-demand programmes, plus box sets. The Government announced in 2022 that S4C would receive £7.5 million per annum to support the development of its digital offering.³³

28. Ofcom's Media Nations Wales 2023 report highlighted the popularity of these video— on—demand services. Nearly three in four people in Wales (73%) used BBC iPlayer in 2023, with just under half using Channel 4 (48%) and one in five using My5 (20%) over the same period. Following its launch at the end of 2022, just under half of people in Wales (45%) said they used ITVX in early 2023.³⁴

29. During our engagement events in Llandudno and Swansea, although participants commented that they used these digital platforms, they did express concern regarding their ease of use, and how well they were serving Welsh viewers. Participants criticised the fact that the digital platforms could not be filtered by a viewers' region. Some thought that BBC iPlayer was harder to use than Netflix or Amazon Prime Video.

30. Public service broadcasters recognised that there was a need to improve their digital platforms. Rhuanedd Richards, Director of BBC Cymru Wales, spoke of the need to develop BBC iPlayer to ensure it could “respond to location as well as to people's interests, so that we can surface content that remains relevant to people's lives”.³⁵ Phil Henfrey told us that, by December 2023, ITVX would feature “a rail specifically for Welsh content”, providing an “opportunity to share [the] content that we produce in Wales with audiences not just in Wales, but right across the UK”.³⁶

31. Public service broadcasters must modernise to survive in the digital age. We welcome the investment by PSBs in their digital platforms, which is needed given the growing proportion of people in Wales using them to watch PSB programmes. However, accessing Welsh content is not straightforward on these platforms, making it difficult for it to be viewed in Wales and across the UK. We call on public service broadcasters to urgently develop their digital platforms to improve their level of online

31 Arqiva are a transmission company that owns television and radio transmission sites.

32 Arqiva ([BRO0007](#))

33 HC Deb, 17 January 2022, [col 38](#) [Commons Chamber]

34 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p20

35 [Q34](#) [Rhuanedd Richards]

36 [Q35](#)

personalisation and ensure that programmes local to Wales and Welsh language content are prominent and easy to access. We request that public service broadcasters report to us by March 2024 on their progress in this area.

Relationship of PSBs and streaming services

32. A key feature of the changing broadcasting landscape has been the growth of streaming services, with companies such as Netflix and Amazon Prime Video producing programmes with multi-billion-dollar budgets that reach global audiences. Ofcom's Media Nations Wales 2023 report noted that 63% of households in Wales subscribed to at least one streaming video-on-demand service: Netflix was the most popular, followed by Amazon Prime Video and Disney+. ³⁷ This had increased from the 33% of adults who had used subscription streaming and on-demand services in 2018. ³⁸

33. Streaming companies emphasised to us the benefits their investments and productions had brought to Wales. Benjamin King said Netflix's production activities in Wales had generated £200 million of UK GDP. ³⁹ Adam Minns, Executive Director of the Association for Commercial Broadcasters and On-Demand Services (COBA), ⁴⁰ stated that spending on "high-end TV" ⁴¹ in the last five years had risen from £31 million to £71 million per year in Wales, and that employment had doubled from 1,000 to 2,000, out of a total employment in television in Wales of approximately 3,500. ⁴² Moreover, he said that independent producers benefited from no longer depending on one broadcaster for commissions. For example, Severn Screen, an independent film and television production company based in Wales, was making programmes for ITV, the BBC, Netflix, Sky and AMC. ⁴³ Kate Biggs, Content and Media Policy Director at Ofcom, noted the ongoing positive effect of investment from streaming companies in the UK, and their investment in talent and skills. ⁴⁴

34. In their evidence to us, streaming services highlighted their collaboration with PSBs. Benjamin King said that streaming services were complementary to public service broadcasters and denied that the growth of streaming companies was "a death knell" to PSBs. ⁴⁵ Mr King added that Netflix had invested \$400 million in UK PSBs between 2016 and 2020, which constituted about 2% of PSBs' total spending in that time. ⁴⁶ Adam Minns said that non-PSBs had spent £450 million on co-production with PSBs. ⁴⁷ Amazon Prime Video highlighted its work with the National Theatre, the BBC, and Channel 4. ⁴⁸

35. By contrast, some witnesses criticised streaming services for their lack of local content for subscribers in Wales. The Media Reform Coalition pointed to the lack of

37 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p19

38 Ofcom, [Media Nations: Wales 2018](#), 18 July 2018, p10

39 [Q95](#) [Benjamin King]

40 The Association for Commercial Broadcasters and On-Demand Services (COBA) is a trade association that represents broadcasters such as Sky, QVC, BT and Discovery Networks.

41 High-end television (HETV) is a definition related to claiming tax relief on television productions, usually drama series. Tax relief can, for example, be claimed on scripted television projects with core expenditure of at least £1 million per broadcast hour.

42 [Q94](#)

43 [Q96](#)

44 [Q264](#)

45 [Qq 97](#), [104](#) [Benjamin King]

46 [Q97](#) [Benjamin King]

47 [Q97](#) [Adam Minns]

48 Amazon Prime Video ([BRO0018](#))

“cultural references, idioms or regional accents” in Netflix programmes produced in the UK. It argued that Welsh audiences “are unlikely to see their lives or experiences reflected in the programming”.⁴⁹ The Welsh Language campaigning body, Cymdeithas yr Iaith, criticised streaming companies’ lack of news and current affairs, and argued that they lacked accountability to viewers.⁵⁰ The Welsh Language Commissioner told us that she had not met representatives of streaming services, although she would be keen to do so. The Commissioner also recommended data collection on the use of Welsh on non-PSB platforms.⁵¹

36. Amazon Prime Video has been criticised in the House for demanding 30% of the advertising revenue from STV⁵² as the price of hosting STV’s programmes.⁵³ Appearing before us, the Minister said that negotiations between ITV and Amazon were a commercial matter. However, the Minister said that Ofcom would ensure discussions between PSBs and streaming companies were “conducted to obtain an agreement on fair and reasonable terms” and that, if required, Ofcom could examine the imposition of unfair terms.⁵⁴

37. The success of Welsh broadcasting has rested on the close dialogue between broadcasters and Welsh policy makers. This relationship is now being challenged by the shifts in global power in the broadcasting landscape with the growth of global companies such as Amazon Prime Video, based overseas. Amazon Prime Video resisted sending a representative to answer our questions, and streaming services have not met the Welsh Language Commissioner. These are worrying indications that future policy makers in Wales will find it harder to retain a valuable relationship with all broadcasters. The oral evidence we took from Netflix and COBA demonstrate that this relationship remains possible.

38. Companies such as Netflix and Amazon Prime Video provide competition to public service broadcasters. However, there are also opportunities for PSBs to work in partnership with them, and there are good examples where PSB providers have developed effective partnerships with streaming services to develop content. We look forward to this continuing in the future.

39. We are concerned about streaming companies demanding such a high proportion of advertising revenue in return for hosting PSB programmes on their sites. *We call on Ofcom to examine these practices and to publish its findings by April 2024 on whether further regulation is needed to ensure fair and reasonable terms for PSBs.*

49 Media Reform Coalition ([BRO0013](#))

50 Cymdeithas yr Iaith ([BRO0009](#))

51 [Q404](#)

52 STV is the third channel in Scotland.

53 HC Deb, 15 June 2023, [col 202WH](#) [Westminster Hall]

54 [Q426](#)

4 The future of Welsh Language broadcasting

40. From the very earliest days of broadcasting in Wales there has been a demand from within Wales for Welsh language content on radio and television. S4C was founded in 1982 and is the world's only Welsh language broadcaster. It occupies a unique position in the UK broadcasting landscape and is a driving force in promoting the Welsh language, providing 115 hours of programmes every week on linear television.⁵⁵

41. S4C is seen as central to meeting the ambitions of the UK and Welsh Governments for one million people to speak Welsh by 2050.⁵⁶ However, during our outreach sessions, we heard that streaming content was increasingly competing with Welsh language programmes for the attention of young people. Viewers were attracted by the strong marketing of Disney+ and Netflix, which were considered better than that of S4C. Social media too, poses challenges for Welsh speakers: a recent survey for the Welsh Government found that over 50% of young Welsh speakers on social media almost always or predominantly used English.⁵⁷ These are concerning since the 2021 Census revealed that the number of Welsh speakers in Wales had decreased from 19% of the population in 2011 to 17.8% in 2021, representing a reduction of almost 24,000 Welsh speakers between 2011 and 2021.⁵⁸

42. S4C has a close relationship with the BBC. First, S4C is now reliant on funding drawn from the licence fee. Secondly, BBC is required to provide S4C with at least 10 hours of Welsh language programming a week.⁵⁹ The BBC and S4C share technical broadcasting services, including cyber-security and key technologies and the majority of S4C's online content is viewed through BBC iPlayer rather than S4C Clic.⁶⁰

43. Our inquiry sought to establish how well S4C caters to viewers looking for Welsh language programmes and to explore the role S4C can play in promoting the increase of the Welsh-speaking population. We have focused on three areas: S4C's reach on television and social media; S4C's funding; and the relationship between the BBC and S4C.

S4C on television and social media

44. Weekly viewing figures on S4C declined between 2018–19 and 2022–23, from 665,000 to 509,000, while annual figures fell from over 10 million viewers to 6.3 million over the same period. The drop in numbers was entirely due to a reduction in viewers from outside Wales, with slender increases in viewership among people in Wales, Welsh speakers in Wales, and peak audiences between 7pm and 10pm.⁶¹

45. S4C has achieved some success in selling programmes to streaming services. Benjamin King, Director of Public Policy UK and Ireland at Netflix, told us Netflix had

55 S4C, Annual Report and Accounts 2022–23, HC (2022–23) 1344, p 6

56 Welsh Government, *Cymraeg 2050: a million Welsh Speakers*, 10 July 2017; “*Million Welsh speakers target by 2050 backed by UK minister*”, BBC News, 1 July 2019

57 Welsh Government, *Social use of the Welsh language: July 2019 to March 2020*, 17 November 2022, chart 6

58 Welsh Government, *Welsh language in Wales (Census 2021)*, 6 December 2022

59 Broadcasting Act 1990, section 58(1)

60 S4C, Annual Report and Accounts 2022–23, HC (2022–23) 1344, p 80

61 S4C, Annual Report and Accounts 2022–23, HC (2022–23) 1344, p 27

licensed the S4C series *Dal y Mellt*.⁶² In August 2023 it was announced that six hours of S4C Welsh language content would be broadcast every week on the Maximum Effort channel, co-owned by actor Ryan Reynolds, under the title of “Welsh Wednesdays”.⁶³

46. S4C is also growing its reach on social media. On YouTube, S4C’s viewing hours in 2022–23 were almost double those of 2021–22. Tomos Grace, Head of Media and Responsibility, Strategy and Operations at YouTube Europe, Middle East and Africa, told us that S4C was part of a wider Welsh language “ecosystem” on social media.⁶⁴

S4C funding

47. Since 1 April 2022, S4C has been funded from the licence fee. In addition, commercial income, including from advertising, generates a small percentage of S4C’s income. S4C received £88.85 million from the licence fee in 2022/23 and will receive the same in 2023/24, including £7.5 million per year allocated to support digital development. Licence fee receipts will increase in line with CPI inflation until 2027/28.⁶⁵

48. The Media Reform Coalition highlighted that S4C’s budget has fallen by approximately 36% since 2010.⁶⁶ This reduction was blamed for the increasing proportion of programmes that are repeats, which had risen from 43% in 2001 to 67.6% in 2020/21.⁶⁷ S4C also told us that lack of funding had led it to fall behind on digital development.⁶⁸

49. While the funding settlement is welcome, it currently remains unclear how S4C will be funded after the current settlement comes to an end in 2028. S4C told us that it needed long term notice of future funding arrangements to allow the channel “to provide longer-term commitments to its digital and online services, to quality programming across all core genres, and to supporting the creative industries in Wales” in a more sustained manner. S4C also argued that long-term funding stability would enable it to maintain a pipeline of film and drama commissions, which often have lead-in times of two years or more, while also allowing it to award multi-year commissions for successful series.⁶⁹

50. In January 2022, the Government announced a review of the licence fee model.⁷⁰ Efa Gruffudd Jones, the Welsh Language Commissioner, expressed the need for the review to give consideration to broadcasting in Wales. In written evidence to the Committee, the then Department for Digital, Culture, Media and Sport stated that any review would be “expected to take into account whether and how the BBC itself should continue to deliver minority language broadcasting services and output”.⁷¹

51. It is vital that Welsh language provision continues to grow amid the changing media landscape, and is a visible part of the television system in the UK. While we welcome the current funding settlement in place for S4C, it is vital that the channel

62 [Q93](#)

63 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p 6

64 [Q322](#) [Tomos Grace]

65 Department for Digital, Culture, Media and Sport, [Letter from Secretary of State to S4C on Final Determination of the 2022 licence fee settlement](#), 21 January 2022

66 Media Reform Coalition ([BRO0013](#))

67 Cymdeithas yr Iaith ([BRO0009](#))

68 S4C ([BRO0011](#))

69 S4C ([BRO0011](#))

70 HC Deb, 17 January 2022, [col 40](#) [Commons Chamber]

71 Department for Digital, Culture, Media and Sport ([BRO0016](#))

has greater certainty over its long-term funding. *We note that the Government has announced a review of the licence fee model. This will have implications for the delivery of Welsh language broadcasting by the BBC, and future funding of S4C. In its response to this Report, the Government must give assurances that the review includes a reference to safeguarding Welsh-language broadcasting.*

S4C's relationship with the BBC

52. The close relationship between S4C and the BBC goes further than mutual reliance on the licence fee. The BBC provides at least 10 hours of Welsh language programming a week. The Draft Media Bill will permit the BBC and S4C to reach alternative arrangements.⁷² The Government White Paper stated that the current arrangement was a rigid framework, and it intended to permit S4C and the BBC to create a more flexible alternative, better suited to changing viewing habits and “the evolving broadcasting landscape”.⁷³ The BBC supported a move away from an “hours-based content delivery model to a more flexible partnership”.⁷⁴

53. Efa Gruffudd Jones said “[i]t must be ensured that these alternative arrangements do not undermine the existing provision, and indeed extend it”.⁷⁵ She also emphasised the importance of the BBC as a broadcaster of Welsh language through its BBC Cymru Fyw digital service, and the close relationship the BBC and S4C had with national bodies such as the National Centre for Learning Welsh.⁷⁶ The Welsh Language Commissioner’s report on the position of the Welsh language, expressed concern at the lack of plurality in Welsh language provision from providers other than S4C and BBC, which could “reflect the myriad of views and experiences of the people of Wales through the medium of Welsh”.⁷⁷

54. There is also a heavy reliance by S4C on BBC iPlayer as a digital platform for its programmes. The viewing of S4C content on BBC iPlayer rose from 1,575,400 hours in 2019–20 to 2,680,000 in 2022–23. In contrast, there was a reduction in numbers of those viewing S4C content through its own digital platform, S4C Clic.⁷⁸

55. In written evidence to this inquiry, the then Department for Digital, Culture, Media and Sport stated that it intended to make “the UK’s indigenous regional and minority languages” part of the public service remit for television.⁷⁹ To help achieve this, the UK Government stated it would update S4C’s public service remit to include digital and online services and would remove the current geographical broadcasting restrictions.⁸⁰

72 [Explanatory Notes to the Draft Media Bill](#) [Bill CP 822], p 35

73 Department for Digital, Culture, Media and Sport, *Up Next: The Government’s vision for the broadcasting sector*, CP 671, 28 April 2021, p 7

74 BBC Cymru Wales ([BRO0014](#))

75 Welsh Language Commissioner ([BRO0010](#))

76 Welsh Language Commissioner ([BRO0010](#))

77 Welsh Language Commissioner, *The position of the Welsh Language 2016–20: Welsh Language Commissioner’s 5-year report*, 20 October 2021, p 243

78 S4C, *Annual Report and Accounts 2021–22*, HC (2021–22) [389](#), p 64; S4C, *Annual Report and Accounts 2022–23*, HC (2022–23) [1344](#), p 28

79 Department for Digital, Culture, Media and Sport ([BRO0016](#))

80 Department for Digital, Culture, Media and Sport ([BRO0016](#))

These reforms would enable “S4C to broaden its reach and offer its content on a range of new platforms across the UK and beyond”.⁸¹ These proposals were subsequently included in the Draft Media Bill.⁸²

56. We welcome the investments that the Government is making in digital provision for S4C, but the scale of investment needed to ensure the sustainability of Welsh language broadcasting in the long-term is daunting. We are concerned that the wider revolution in broadcasting will leave S4C exposed. It is also clear that S4C has a strong relationship with BBC Cymru Wales, and these links have been further enhanced by S4C’s reliance on licence fee funding and on BBC iPlayer as the foremost platform for digital content. *To ensure the continuing strength of Welsh language broadcasting we recommend an enhanced long-term partnership between S4C and BBC Cymru Wales. This should include safeguards for the branding, editorial and commercial independence of S4C. This partnership should work towards a long-term framework agreement that supports S4C, providing it with the investment to produce digital content to compete with streaming services. The partnership should be overseen by the Secretary of State for Culture, Media and Sport.*

81 Department for Digital, Culture, Media and Sport ([BRO0016](#))

82 [Explanatory Notes to the Draft Media Bill](#) [Bill CP 822], pp 7, 17, 31–36, 38

5 Broadcasting live sports in Wales

57. Welsh national teams project Welsh identity onto the global stage and channel the national pride of Welsh men and women to the rest of the world. For a geographically small nation, this projection is of visceral importance.

58. Live free-to-air sports broadcasting has been the lifeblood of public service broadcasting schedules in Wales. In 2022, three of the four most-watched programmes in Wales were sports competitions.⁸³ Amongst the most popular television programmes in Wales are the men's international rugby union matches.⁸⁴ During the men's FIFA World Cup in 2022, Wales' match against the USA had a UK-wide audience of 11.5 million with 69% of Welsh viewers choosing to watch the match.⁸⁵

59. In turn, broadcasting revenue has been crucial for Welsh sport, in particular rugby and football. Nigel Walker, acting CEO of the Welsh Rugby Union (WRU) and Ian Davis, Chief Commercial and Engagement Officer of FA Wales (FAW), told us the sale of broadcasting and media rights represented 40% and 40–50% of the income of the WRU and FA Wales respectively.⁸⁶

60. The broadcasting revolution is now shifting the norms of viewership and consumption of television; however, it has thrown down new challenges to both PSBs and sports bodies. When global streaming giants enter the competition for broadcasting rights, public service broadcasters find it impossible to compete, sports bodies may gain increased revenues but lose their wide viewership, and fans may be unable to follow the sports they love.

The Listed Events regime

The current regulatory regime around the broadcasting of sporting events is the Listed Events regime. The Broadcasting Act 1996 empowers the Secretary of State to designate key sporting and other events as 'listed events'.⁸⁷ The purpose of these arrangements is to ensure that key sporting events are made available to all television viewers, particularly those who cannot afford the extra cost of subscription television.

Sporting events are divided into two groups:

- Group A events (such as the Olympics and FA Cup Final) cannot be acquired exclusively by subscription broadcasters unless the live rights have been offered first to the BBC, ITV and Channel 4.
- Group B events may be acquired by subscription broadcasters as long as certain conditions are met: e.g. highlights must be shown on free-to-air channels. The Six Nations falls into this group, although ITV and the BBC currently jointly hold the rights for this competition.

Sporting events deemed to be events of "national interest" can also be placed on the list. No such events have been listed for Wales.

61. In recent years, streaming services have entered the marketplace as sports broadcasters and built paywalls around some sports broadcasting.⁸⁸ Since 2021, the men's rugby union

83 Ofcom, *Media Nations: Wales 2023*, 3 August 2023, pp 13–14

84 Ofcom, *Media Nations: Wales 2018*, 18 July 2018, p 16

85 Ofcom, *Media Nations: Wales 2023*, 3 August 2023, p 4

86 [Qq332, 336](#)

87 Broadcasting Act 1996, [section 97](#)

88 Ampere Analysis (commissioned by Ofcom), *Trends and Dynamics in the Sports Broadcasting Sector – Abridged Report for Ofcom Ampere Analysis*, 2022

autumn internationals have been broadcast on Amazon Prime Video, with Welsh language commentary replacing S4C's free-to-air coverage. Amazon Prime Video also broadcast the rugby summer series ahead of the 2023 Rugby Union World Cup. Worryingly, there have been recent reports that the broadcasting of future Rugby World Cup tournaments could go behind a paywall.⁸⁹

62. The broadcasting rights to Wales' men's football qualifying matches are controlled by UEFA, granted to them by FA Wales to ensure the sale of less prestigious matches.⁹⁰ In 2022, the rights were awarded to the Scandinavian streaming broadcaster, Viaplay. Subsequently, S4C was able to negotiate the right to broadcast Welsh language coverage. In July 2023, Viaplay announced it was ending its coverage of UK sport.⁹¹

63. S4C told us that the growth of pay-tv and streaming companies bidding for sports rights had "led to an inflation of the cost of acquiring such rights".⁹² Nigel Walker acknowledged that the increasing cost of sports rights was making it harder for PSBs to win sporting rights.⁹³ He described how PSBs were uniting "in order to be competitive and to keep the value products free-to-air".⁹⁴

64. Covid-19 left the WRU vulnerable to financial pressures. In 2022 the Professional Game Board, which runs professional rugby union in Wales, commissioned Oakwell to review the commercial health of the game. The Oakwell Sports Advisory report, which has not been placed in the public domain, reportedly concluded that the finances of Welsh rugby needed dramatic improvement. The report predicted a £7 million deficit for Welsh rugby in 2023, which would double by 2025, and proposed reforms to the structure of Welsh rugby, its commercial activity, player selection rules, and governance.⁹⁵ Nigel Walker told us that the model of professional rugby union, though not broken, did "need a reset", with changes needed to funding models and player salaries.⁹⁶

65. Witnesses noted the tension between two conflicting forces: the need to secure sufficient revenue for sports; and the importance of maintaining as wide as possible access for viewers. While increased revenues from the sale of rights to subscription channels and streaming services could be channelled to support grassroots activity, the loss of the widest access for viewers could put the future of the sport in jeopardy.

66. Streaming services spoke about the advantages of showing sports on their channels. Amazon Prime Video told us that they did not think that broadcasting sporting events on streaming services affected viewership. It stated that "millions" of rugby fans had watched the sport on Amazon Prime Video.⁹⁷ It argued that Welsh rugby matches were of interest to viewers of rugby across the UK.⁹⁸ It noted that the month-long free trial for Amazon Prime Video meant that viewers did not necessarily need a subscription to watch Wales'

89 ["Rugby World Cup matches could go behind behind pay wall in radical shake-up"](#), Wales Online, 26 September 2023

90 [Qq337, 350](#)

91 ["Viaplay: Broadcaster of Scotland games and Scottish League Cup to pull out of UK"](#), BBC Sport, 20 July 2023

92 [S4C \(BRO0011\)](#)

93 [Q338](#)

94 [Q366](#)

95 ["Oakwell report: The Welsh rugby proposals you haven't heard about and the looming doomsday coming in 2025"](#), Wales Online, 16 June 2022

96 [Q330](#)

97 Amazon Prime Video ([BRO0018](#))

98 Amazon Prime Video ([BRO0018](#))

matches.⁹⁹ Witnesses also spoke of the benefits of the revenue generated by the sale of sporting rights to streaming services. COBA told us that increased investment by Sky in cricket had led to the doubling of funding in grassroots cricket, and thereby increased participation.¹⁰⁰

67. Many witnesses spoke of the balance that needed to be struck between the wider audience that could be accessed by broadcasting on PSBs, and the increased revenue provided by streaming and subscription providers, which could potentially be used to fund grassroots sport. Nigel Walker acknowledged there was “always a tension” to this balance.¹⁰¹ He explained that the WRU looked at “what does Welsh rugby and the Welsh Rugby Union need—but then we also look at the supporter and follower of Welsh rugby”.¹⁰² He added that PSBs needed to remain competitive:

It does not necessarily mean outbidding their opponents but being competitive. As long as they continue to be competitive, in my view, Welsh rugby will continue to look very closely at those bids, and it will not just be about the top level. Just as we say that every person has their price, every organisation will have its price.¹⁰³

Ian Davis said that there was a balance of revenue and viewers, a balance of delivering “not only for the Welsh public but also for people who want to play the game”.¹⁰⁴

68. By contrast, Professor Justin Lewis, Director of Clwstwr,¹⁰⁵ argued that switching the broadcasting of matches to subscription services was only practicable for sports which could command significant revenue and popularity to “sustain interest despite smaller TV audiences”, which in any case could dwindle in the medium to longer term.¹⁰⁶ Rhuanedd Richards, Director of BBC Cymru Wales, told us that the main advantage of sporting events being shown on PSBs was that they drew larger audiences through free-to-air coverage, in comparison to a paywall provider. She noted that the Amazon Prime Video matches had attracted “substantially lower” audiences and that “people have missed out because they have not had these games available free-to-air”.¹⁰⁷ Smaller sports, such as netball, also benefitted from increased publicity they gained through being broadcast on PSBs.¹⁰⁸ The Welsh Government agreed that PSB coverage could generate wider interest, and thus participation, in less popular sports and provide role models for future generations of sports professionals. It also questioned the idea that the additional revenue from selling rights to subscription broadcasters led to increased investment in grassroots sport.¹⁰⁹

69. Witnesses sympathetic to PSB coverage also expressed the need to amend the Listed Events regime. The Welsh Government agreed there was a need for a “new regulatory

99 [Q107](#)

100 The Association for Commercial Broadcasters and On-Demand Services (COBA) ([BRO0017](#))

101 [Q332](#)

102 [Q347](#)

103 [Q341](#)

104 [Q336](#)

105 Clwstwr is a research, development and innovation programme supported by the Welsh Government and which funds innovative projects in the media industry.

106 Professor Justin Lewis ([BRO0015](#))

107 [Q74](#) [Rhuanedd Richards]

108 [Q76](#)

109 Welsh Government ([BRO0006](#))

framework [that] could support a specific list of Welsh events that could be prioritised for protection”.¹¹⁰ ITV Wales Cymru also called for the regime to be extended to cover digital rights.¹¹¹

70. When asked whether he had a view about sporting events going behind paywalls, Rt Hon Sir John Whittingdale MP told us that it is was “up to the sports body to decide whether their interests were best served by maintaining free-to-air provision”.¹¹²

71. The broadcasting of sporting events is a matter of considerable public interest. It brings people together for a shared experience, providing a source of pride. The danger of sports coverage going behind a paywall is that any additional short-term injection of money does not reach the grassroots and is offset in the longer term by reduced awareness of and participation in the sport. Therefore, live sports broadcasting should strive to reach the widest possible audience, which is best achieved through free-to-air coverage. This is especially so for Welsh rugby union, which needs to rediscover its soul and aim to reach the maximum number of people in Wales. We believe that maintaining a listed events system is in the public interest as it ensures that free-to-air broadcasters are able to ensure that all licence fee payers have access to nationally important sporting events. However, we do not believe that the listed events regime currently accurately reflects the importance placed by supporters on certain competitions. We recommend that the Government adds the Six Nations to Group A of the Listed Sporting Events, to ensure its status on terrestrial TV.

72. We are disappointed that the current listed events system does not include any Welsh events in Category A, prioritising and protecting sporting events that are of significant national and cultural significance. *We recommend that the UK Government works with the Welsh Government and broadcasters to discuss how the listed events regime could be amended to support a specific list of Welsh events.*

Welsh language coverage of sport

73. Under the current Listed Events regime, the free-to-air terrestrial broadcasters are defined as those received by 95% of the population on “fair and reasonable terms”.¹¹³ S4C is only available for free-view in Wales and therefore is excluded from the regime. In the Draft Media Bill, the Government proposes replacing the free-to-air and 95% coverage requirement with a requirement that the broadcaster must be a public service broadcaster, which would make S4C qualify.¹¹⁴

74. The provision of Welsh language commentary by Amazon Prime Video was a catalyst for discussion on the best way to provide sports coverage in the Welsh language. We were disappointed that Amazon Prime Video did not send a representative to appear before us. In written evidence, Amazon Prime Video told us that:

We are very proud that we were the first pay broadcaster to offer a Welsh language option for rugby. At Prime Video we always work back from the

110 Welsh Government ([BRO0006](#))

111 ITV Cymru Wales ([BRO0001](#))

112 [Q448](#)

113 [Explanatory Notes to the Draft Media Bill](#) [Bill CP 822], p 18

114 [Explanatory Notes to the Draft Media Bill](#) [Bill CP 822], p 18

customer and want to give them the best experience possible with our live sports coverage. This is why we invested in a full Welsh language production for the Wales Rugby matches during the Autumn Nations Series.¹¹⁵

75. S4C told us that it should have a central role in Welsh language coverage of sport. Its sports coverage helped to promote the Welsh language by attracting a younger and more diverse audience, and by attracting non-Welsh speakers to the channel.¹¹⁶ Cymdeithas yr Iaith argued that “giving sports rights to subscription services puts more power in the hands of private companies and deprives people of the ability to watch sports”.¹¹⁷ The Welsh Government said that sports broadcasts on PSBs were “essential to the Welsh Government’s ambitions for the Welsh language”, because sport helped reach both traditional and non-traditional Welsh language audiences.¹¹⁸ It wanted “free-to-air Welsh language commentary [to be] available as a fundamental part of the framework over the longer-term”.¹¹⁹ Nigel Walker said that WRU’s preference “would be a carve-out for S4C”, though it would depend on the nature of the contract and the view of the other negotiating bodies.¹²⁰

76. In contrast, the broadcaster Guto Harri was enthusiastic about a multinational company such as Amazon providing a Welsh language commentary, calling it “great progress for the status and prominence of the Welsh language”.¹²¹ He proposed the idea of requiring broadcasters of sports events to provide a Welsh language commentary.¹²² Efa Gruffudd Jones, the Welsh Language Commissioner, said that further moves from free-to-air sports broadcasting would make it “necessary to ensure that a Welsh-language commentary was provided”.¹²³ She suggested amending the Ofcom code on specified sports and events to ensure that Welsh-language commentary was provided for sporting events moving away from free-to-air broadcasters.¹²⁴ Ofcom explained that its code was “not an instrument which imposes requirements on broadcasters” and that the current underpinning statutory regime did not specify how the coverage was to be presented.¹²⁵ Consequently, Ofcom was “not empowered to require provision of commentary in particular languages”.¹²⁶

77. Ian Davis was concerned that putting any duty on broadcasters to provide Welsh language coverage would reduce the commercial incentives to buy the rights to show that sport:

Making it an obligation to have a Welsh language option will reduce the competitive landscape for us. Ultimately, if we get less money, we can invest less money into programmes and facilities. We have a duty of care to make

115 Amazon Prime Video ([BRO0018](#))

116 S4C ([BRO0011](#))

117 Cymdeithas yr Iaith ([BRO0009](#))

118 Welsh Government ([BRO0006](#))

119 Welsh Government ([BRO0006](#))

120 [Q355](#) [Nigel Walker]

121 [Q10](#)

122 [Q11](#)

123 Welsh Language Commissioner ([BRO0010](#))

124 Welsh Language Commissioner ([BRO0010](#))

125 Ofcom ([BRO0022](#))

126 Ofcom ([BRO0022](#))

sure we get the most out of it, while also respecting the Welsh language. Making it an obligation would be dangerous and we would lose money on it.¹²⁷

78. The Minister did not explicitly state an opinion on who should provide Welsh language coverage. He did say that the loss of control for legislators and regulators due to the growth of streaming services was “something we need to keep under review”.¹²⁸ He had a positive view of S4C holding sports rights, saying it was important to S4C and “of real benefit to sports fans in Wales”.¹²⁹

79. The use of Welsh in sport is a vital expression of identity for many. Whilst we understand concerns that a Welsh language requirement could reduce the value of broadcasting contracts, we believe that the provision of Welsh commentary is extremely important to the vitality of the Welsh language. We note that Viaplay successfully negotiated for S4C to provide Welsh language broadcasting. Amazon Prime Video was able to provide a Welsh language commentary of the rugby union autumn internationals. Therefore, streaming services are willing to ensure Welsh language provision. The current Ofcom code does not empower it to protect this Welsh language provision and ensure it continues. *We recommend that Ofcom’s remit be amended to ensure that it can designate events in Group A and Group B of the Listed Events Regime and specified non-listed events as requiring live Welsh language commentary.*

80. Fans of Welsh football will be understandably concerned about the uncertainty surrounding the future broadcasting of the qualifying matches of Wales’ men’s football team given the planned withdrawal of Viaplay from UK broadcasting. This has the potential to also jeopardise the coverage of those matches on S4C. *We ask that FA Wales write to us by February 2024, updating us on the latest situation and outlining the representations it is making to UEFA to ensure that any new contract-holder works with S4C to replicate its previous agreement with Viaplay and thereby ensure Welsh language commentary.*

81. *With the UK and the Republic of Ireland having recently been awarded the hosting of the European Championships in 2028, we would further request that this tournament is placed in Group A of the Listed Events Regime and that there is a requirement for PSB coverage to include a Welsh language commentary option for every match involving the Wales team.*

127 [Q355](#) [Ian Davis]

128 [Q447](#)

129 [Q448](#)

6 Radio

Current situation

82. We have so far concentrated on television in Wales in this Report, but radio is also undergoing a process of change. People are listening to radio on different devices. There are concerns that young people are being drawn away from radio. Young people listen to podcasts and prefer the flexibility of Spotify for music.¹³⁰

83. There are three types of radio broadcasters in Wales: the BBC, commercial radio and community radio. Radio listening is strong in Wales, with just under nine in ten adults (87%/2.3 million) tuning in each week, and listening for longer than the UK average: 21 hours and 48 minutes, compared to the UK average of 20 hours 24 minutes. Ofcom’s Media Nations Wales 2023 report noted that BBC radio services accounted for the majority (56%) of radio listening. In comparison, the share of listening for UK-wide local commercial services in Wales was 22.7% compared to 19.4% for local commercial services. Listening to radio online continues to grow in popularity as smartphones, smart speakers and other online devices account for 14.2% of all radio listening in Wales. However, most listening is accounted for by AM/FM (36.5%) and DAB (35.6%) platforms.¹³¹

84. In this Report, we concentrate on commercial radio and community radio, the challenges and opportunities for which have been central to the evidence we have received.

Commercial radio

85. There are 46 UK-wide commercial radio services and 32 Wales-wide and local commercial services that use digital audio broadcasting in Wales—a mixture of Welsh-based stations or stations that serve the whole of the UK.¹³²

86. Over the last few decades, the commercial radio sector has been deregulated, allowing multiple licences to be held by one company and removing the requirement for the local station to be located in the town in which it broadcasts. Local stations in Wales are increasingly owned by larger corporations that control multiple radio stations, combining them under a handful of national brands, and sharing programmes across all stations.¹³³ To name a couple of examples: Radio Pembrokeshire was purchased by Nation Broadcasting; Cardiff’s Red Dragon station was purchased by Global Radio and was subsumed into their Capital radio brand.

87. In 2018, new regulations issued by Ofcom allowed station owners to reduce the minimum amount of local programming on local radio stations during daytime hours from seven hours a day to just three. Ofcom also removed a requirement on local stations to produce their own breakfast show, often the most important show on any station. In return, stations had to produce an “enhanced local news service”, which Ofcom defined as meaning the inclusion of hourly news bulletins throughout the day featuring at least one “fully formed local news story” relevant to local listeners. However, this news output may

130 Radiocentre ([BRO0020](#))

131 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p 36

132 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p 32

133 Ofcom, [Localness guidelines](#), 11 May 2021

be produced by journalists based hundreds of miles from listeners.¹³⁴ Terry Mann, Station Manager at GTFM, a community radio station serving Rhondda Cynon Taf, expressed his disappointment at the reduction of localness by commercial stations: “commercial radio has partly left the party and is doing a lot of programming from outside Wales”.¹³⁵

88. Martin Mumford, Managing Director of Nation Broadcasting,¹³⁶ agreed with the assessment that localness was the price that had to be paid for radio success in a commercial world, and that this element now had to be undertaken by community radio:

... the model of having a station in a small town, in every town, is not commercially viable any more.¹³⁷

89. Local commercial radio stations also have few obligations to produce programmes in Welsh. Ofcom currently does not have powers to require the inclusion of particular content, such as Welsh language requirements, on commercial radio stations. It only has the powers to approve or reject applications, and to decide between different applications.¹³⁸ The Senedd’s Culture, Welsh Language and Communications Committee in 2021 noted how Radio Ceredigion Ltd, owned by Nation Broadcasting, had changed itself from offering “regular identifiable Welsh language programming” to “a distinctive, Welsh-in-character service”. The report called this “a case study in the loss of Welsh language broadcasting”, and highlighted how Ofcom could not require which language should be broadcast.¹³⁹

90. Radiocentre, the industry body for commercial radio, disputed the suggestion that there was insufficient Welsh language provision on commercial radio and provided three examples of commercial radio stations that had regular programmes in Welsh: Capital Cymru, which broadcasts to Gwynedd and Anglesey; Greatest Hits Radio South Wales; and Capital North West and Wales.¹⁴⁰ Martin Mumford said that Welsh language broadcasting could be heard on stations such as Radio Pembrokeshire, Radio Carmarthenshire and Bridge FM. He stated that Radio Pembrokeshire provided an hour of Welsh language coverage, from 9pm on Sunday night. This was to meet the licence obligation to provide an hour of Welsh language content.¹⁴¹

91. Martin Mumford argued that commercial radio needed to have consistent programming, which did not enable channels to switch between English and Welsh.¹⁴² He called for increased Government funding for commercial radio if there was a wish to increase its Welsh language output. He noted that the Audio Content Fund, which ran from 2019 to 2022, had subsidised commercial programmes in English and Welsh in rural communities in West Wales.¹⁴³

92. Cymdeithas yr Iaith said that “Ofcom has failed, and continues to fail, to serve Wales and the Welsh language” by not halting the decline in the use of Welsh language

134 Ofcom, *Localness on commercial radio: Approved areas in Scotland and Wales*, 4 March 2019

135 [Q130](#)

136 Nation Broadcasting owns and operates twelve independent local radio stations across the United Kingdom.

137 [Q154](#)

138 [Q231](#)

139 Senedd Cymru, Culture, Welsh Language and Communications Committee, *Exploring the devolution of broadcasting: How can Wales get the media it needs?*, March 2021, pp 34, 40–41

140 Radiocentre ([BRO0020](#))

141 [Q183](#)

142 [Q156](#)

143 [Q183](#) [Martin Mumford]

on commercial radio.¹⁴⁴ Efa Gruffudd Jones, the Welsh Language Commissioner, told us she was in favour of regulations requiring Welsh language content in commercial radio licences.¹⁴⁵

93. We are extremely concerned at the apparent decline in the use of Welsh language on commercial radio. The ability to listen to the Welsh language on a daily basis is vital to maintaining the Welsh language and to encouraging new learners. The current regulatory framework is not strong enough to support the Welsh Language on commercial radio. We ask the Government to consider the adequacy of Ofcom’s remit in relation to Welsh language content on commercial radio stations in Wales.

Community radio

94. There are nine community radio stations in Wales, focused specifically on local engagement.¹⁴⁶ Stations are not-for-profit, have limits on the revenue they can raise, and are focussed on delivering social gain. Toby Ellis, Station Manager, Director and Broadcaster at Pure West, a community radio station in Haverfordwest, said “Our USP is local—hyperlocal”.¹⁴⁷ Terry Mann told us that community radio is “bringing genuinely local radio back to Wales”.¹⁴⁸

95. During our evidence session, we heard about three ways to strengthen the role of community radio in Wales: expanding the number of FM licences that were available; reforming and increasing funding to the UK Community Radio Fund; and placing UK Government advertisements on community radio.

Availability of FM licences

96. Historically, radio content has been broadcast using radio signal sent at AM (Amplitude Modulation) or FM (Frequency Modulation). These are received by analogue radios, which are gradually being replaced by digital devices, primarily DAB (Digital Audio Broadcasting). The UK Government’s Draft Media Bill would remove the duty on Ofcom to provide for a diversity of national and local analogue services on AM/FM because of “the range of national and local services that are now available via digital means”.¹⁴⁹ However, UK analogue licences will continue to be renewed up to 2030.¹⁵⁰

97. Access to digital radio transmission of BBC and national commercial digital broadcasts into homes and on major roads in Wales remains below the UK average, and over a fifth of major roads in Wales do not have DAB coverage.¹⁵¹

98. Pure West called for an increase in FM licenses to be made available up until the deadline of 2030. Toby Ellis thought Ofcom had too quickly given up on FM radio. He told us it was important that radio was available on many different platforms and was accessible. An FM licence would enable a local digital station, such as Pure West:

144 Cymdeithas yr Iaith ([BRO0009](#))

145 [Q420](#)

146 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p 31

147 [Q136](#)

148 [Q130](#)

149 [Explanatory Notes to the Draft Media Bill](#) [Bill CP 822], p 47

150 Department for Digital, Culture, Media and Sport, [Boost for commercial analogue radio stations](#), 2 July 2022

151 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p 32

... to get more advertisers and sponsors on board because we will have a bigger local demographic, thus creating more revenue, and hopefully, more [...] volunteers will then become employees.¹⁵²

Terry Mann told us that there was “a list around the corner of people who want to apply for FM radio licences”.¹⁵³

99. MônFM was more cautious. It acknowledged that FM did provide better access in hilly areas of North Wales, as a lower frequency and fewer transmitters were needed than for broadcasting over DAB, but it warned that additional FM frequencies would risk saturating the spectrum and harming existing stations.¹⁵⁴ Martin Mumford also explained that, “Ofcom, some years ago, produced for me a very complicated spreadsheet explaining that there were no FM frequencies available in the whole swathe of south Wales”.¹⁵⁵

100. Ofcom told us that DAB would ultimately offer audiences more stations, “more efficiently, and in more locations, than FM can”.¹⁵⁶ DAB could offer 10–20 services for listeners on one frequency, against one service on FM.¹⁵⁷

101. Rt Hon Sir John Whittingdale MP said that the awarding of licences was a matter for Ofcom. However, he could not see any specific objection to continuing to issue FM licences and acknowledged that there were remote areas without DAB coverage.¹⁵⁸

102. Ofcom’s decision to prioritise DAB licenses overlooks the high levels of AM/FM listening in Wales, and does not take into account the difficulties in digital transmission across parts of Wales. Community radio stations believe that FM licences will enable them to reach a wider audience. There is a clear demand, and continuing need, for FM radio licences. We recommend that Ofcom resume offering FM licences, particularly targeting local and community radio stations.

103. The Government’s proposal to remove the duty on Ofcom to provide for a diversity of national and local analogue services on AM/FM also appears premature, especially given the difficulties in some areas of accessing DAB services. We recommend that the Government amend the Draft Media Bill to ensure that this duty is retained.

UK Community Radio Fund

104. Since 2005, there has been a considerable expansion in community radio stations.¹⁵⁹ Witnesses told us that community radio stations faced the challenge of securing sustainable funding. Terry Mann noted that the financial turnover of GTFM had declined from £185,000 in 2006 to £50,000 in 2023, reflecting a reduction in grant funding. Instead, funding came from advertising, sponsoring and charity fundraising.¹⁶⁰

152 [Q140](#)

153 [Q150](#)

154 MônFM ([BRO0019](#))

155 [Q153](#)

156 Ofcom ([BRO0032](#))

157 Ofcom ([BRO0032](#))

158 [Q458](#)

159 Department for Digital, Culture, Media and Sport, *Up next - the government’s vision for the broadcasting sector*, [CP 671](#), 28 April 2021, p 30

160 [Q137](#)

105. There has been, and continues to be, Government funding to provide financial support to community radio stations. A Welsh Government Community Radio Fund ran from 2008 to 2014, and distributed on average £100,000 a year to community radio stations, which could be used to meet running costs, particularly staff wages. The Welsh Government closed the Fund due to cuts in the budget for the Culture and Sport portfolio.¹⁶¹ At a UK level, a Community Radio Fund, administered by Ofcom, was established in 2005.¹⁶² The Fund awards money through a bidding process.

106. Witnesses expressed concern about the levels of funding available to community radio stations through the UK Government's Community Radio Fund. Terry Mann told us that the growth in community radio stations in the UK had not been matched by an increase in the money available from the Fund. Since 2005, in nominal terms the amount paid out by the Fund has remained broadly the same. However, when adjusting for inflation (real-terms) the amount awarded in 2022/23, £493,816, had been 24.69% lower than that awarded in 2005/06 (£655,749 in 2022/23 prices). There had also been a marked increase in the amount of money applied for, reflecting the increased number of community radio stations.¹⁶³

107. A Report published in 2021 found that between 2016/17 and 2019/20, Welsh stations had made up 3% of all applications to the Community Radio Fund, but had only received 1% of the grants awarded.¹⁶⁴ In 2022/23, only 2 of the 34 community radio stations which had received financial support from the Fund had been from Wales.¹⁶⁵

108. Witnesses described the Fund as restrictive due to the limited areas that the money could be spent on by the radio station, and that it was inferior to the Welsh Government's Community Radio Fund. MônFM told us that money received from the Ofcom Community Radio Fund had to be spent on one-off or developmental projects.¹⁶⁶ This was in contrast to the Welsh Government's historic fund, which had supported radio stations in meeting their core costs, such as licence fees or utility bills. It told us that small community radio stations did not have the capacity to prepare bids in-house, and that they often needed to hire external staff to prepare them. It told us that it wanted Ofcom to apportion funds to different regions of the UK or to have shared funding among licence-holders meeting certain operating criteria.¹⁶⁷

161 Senedd Cymru, Culture, Welsh Language and Communications Committee, [Tuning In: Inquiry into Radio in Wales](#), December 2018, p 23

162 Department for Digital, Culture, Media and Sport, *Up next - the government's vision for the broadcasting sector*, CP 671, 28 April 2021, p 31

163 Ofcom, *Community Radio Fund end of year reports 2006/07 to 2011/12 and 2014/15 to 2021/22*. For 2012/13, award of grants [Round 1](#) and [Round 2](#), 2013/14, award of grants [Round 1](#) and [Round 2](#), and 2022/23, [Community Radio Fund \(30 June 2022\)](#), award of grants [Round 1](#) and [Round 2](#). Real-terms prices for 2022–23 prices were calculated using HM Treasury, [GDP deflators at market prices, and money GDP June 2023 \(Quarterly National Accounts\)](#), 30 June 2023

164 UK Government, Wavehill Social and Economic Research, [Evaluation of the Community Radio Fund: Final Report](#), December 2021, p 10

165 Ofcom, [Award of grants 2022–23: Round 1](#), 21 July 2022; Ofcom, [Award of grants 2022–23: Round 2](#), 22 February 2023

166 MônFM ([BRO0019](#))

167 MônFM ([BRO0019](#))

109. Rt Hon Sir John Whittingdale MP acknowledged there were more applicants than could receive grants and asserted that the fund had been increased in each of the last three years. He acknowledged the important role community radio stations played in serving audiences differently to the BBC or larger commercial stations.¹⁶⁸

110. Community radio plays a vital role in serving local people, and we welcome the growth in this sector. However, we are concerned with the current levels of funding for the sector in Wales. Funding available through the UK Government’s Community Radio Fund has not kept pace with inflation. *We recommend that the Government increases the Community Radio Fund to match the current demand, as well as linking it to inflation for future years.*

111. The current UK Community Radio Fund is too restrictive and does not allow small community radio stations to spend funding where they best feel it is needed. *We recommend that the Government amends the restrictions on where funding from the Community Radio Fund can be spent, allowing community radio stations greater flexibility to spend the funds where it will be of greatest use.*

112. *The Welsh Government’s Community Radio Fund played an important role in supporting community radio in Wales. We urge the Welsh Government to reinstate support for community radio in Wales. This support was discontinued in 2014.*

Advertising by the UK Government

113. Witnesses told us of missed opportunities by the UK Government to advertise on local community radio. Both Terry Mann and Môn FM criticised the UK Government for running campaigns seeking to recruit new police officers and promoting public services, on commercial radio, but not on community radio. This was seen to be a missed opportunity to reach a wider demographic.¹⁶⁹

114. MônFM said community radio stations reached “deeper into a wider cross-section of communities than some of the commercial stations”.¹⁷⁰ Such advertising provided additional revenue that helped keep critical infrastructure going. It welcomed the Welsh Government’s commitment to advertising on community radio, including using community radio to advertise its “keep Wales safe” message, and its paying and booking of time through advertising agencies.¹⁷¹

115. The Minister said advertising was a matter for individual departments, but also acknowledged that some departments “have not been as imaginative as they should be” in where they had advertised.¹⁷²

116. Advertising on community radio would benefit their development and enable the Government to reach a wider audience with its advertisements, potentially increasing the pool of applicants for public sector jobs. *We call on the Government to develop and publish by April 2024 a strategy setting out how it will seek to place advertisements on community radio stations.*

168 [Q453](#)

169 [Q137](#) [Terry Mann], MônFM ([BRO0019](#))

170 MônFM ([BRO0019](#))

171 [Q137](#)

172 [Q454](#)

7 Developing the skills pipeline into Welsh broadcasting

117. The success of Welsh broadcasting is not just about producing stars of the screen nor engrossing programmes that inform and entertain. Wales has become a place of excellence in activities behind the camera—the writing of scripts, the lighting of sets, and the editing of content. The buildings, valleys, and mountains of Wales have been the foreground and background of historical, contemporary and fantasy dramas.

118. The statistics show the progress of Welsh producers in the last decade. The gross value added of film, video and television productions in Wales increased from £62 million to £200 million from 2007 to 2017.¹⁷³ Cardiff is now the third largest production centre in the UK.¹⁷⁴ The majority of production companies are small and work mainly on commissions from PSBs.¹⁷⁵ Rhuanedd Richards, Director of BBC Cymru Wales, told us that “Wales is now the fastest growing area anywhere in the UK when it comes to primary commissions in video and drama”.¹⁷⁶ Rt Hon Sir John Whittingdale MP told us that: “One of the great success stories for Wales is the amount of television content that is being produced by both public service broadcasters and streaming services in Wales”.¹⁷⁷

119. This Chapter will examine how to build on this recent success and meet the new challenges facing independent producers. We examine securing commissions from BBC Wales and from streaming services; in-house commissioning at Channel 4; the skill shortages facing the sector; and the practice of brass-plating by production companies not based in Wales.

Commissioning by public service broadcasters

120. Production companies are heavily dependent on PSBs for commissions. Dr Caitriona Noonan, Senior Lecturer in Media and Communications at Cardiff University, emphasised that mid-sized dramas and soap operas, in addition to appealing to domestic audiences, “play a vital role in up-skilling workers and giving financial stability to production companies and freelancers”.¹⁷⁸ Pact¹⁷⁹ explained that producers had to find alternative sources of funding, such as borrowing against the revenue from secondary sales, because UK PSBs very rarely fully funded programmes. This situation had reduced the cost for PSBs of producing programmes, whilst “maintaining the high-quality of the programme”.¹⁸⁰

121. Yeti Television expressed concern regarding commissioning by BBC Cymru Wales. It contrasted the practice of BBC Cymru Wales with BBC Scotland and BBC Northern Ireland. The latter two were “fiercely protective of their local companies” and would almost never commission programmes from a company based outside of their UK nation.¹⁸¹ By contrast, Yeti Television stated that BBC Cymru Wales was happy to commission from

173 Senedd Research, *Coronavirus: the creative industries*, 11 September 2020

174 Teledwyr Annibynnol Cymru (TAC) (BRO0004)

175 University of South Wales, *Screen Survey Wales 2021*, 9 February 2022, p 6

176 Q37 [Rhuanedd Richards]

177 Q430

178 Dr Caitriona Noonan (BRO0003)

179 Pact is a UK-wide trade association for production companies.

180 Pact (BRO0008)

181 Yeti Television (BRO0026)

production companies based outside of Wales. It claimed this approach had harmed the local production sector in Wales and had fostered the creation of ‘pop-ups’, companies with only temporary bases in Wales.¹⁸² This problem was exacerbated by decisions about network commissioning being taken in London. Wales-based independent production companies faced difficulties in directly engaging with these decision-makers. Consequently, Yeti Television favoured moving network-level commissioning power to Wales.¹⁸³

122. David P. Davies, Founder and Creative Director of 5 Acts Productions, a production company, also informed us that, due to inflation, it had raised the tariffs it charged to PSBs. Accordingly, S4C and BBC “might struggle somewhat to get shows made without a co-financier of some description. This could potentially alter the local for local feel of some programmes as co-financiers were often more internationally focused”.¹⁸⁴

123. PSBs are crucial to the continual success of the independent production sector in Wales. However, we are concerned that the lack of network-level commissioning power at BBC Cymru Wales is leading to commissions being given to companies outside Wales. In their response to our Report, BBC Cymru Wales must write to us to explain why their approach to commissioning in Wales appears to differ from that adopted by the BBC in Scotland and Northern Ireland.

New opportunities with streaming companies

124. London is now nearing capacity as a production location.¹⁸⁵ Witnesses told us that there was the potential for Wales to attract additional work in this area. Professor Justin Lewis, Director of Clwstwr, said that Wales could:

... exploit [...] its position—through the BBC and S4C—as the UK’s leading centre of bilingual production, with a range of skills (such as back to back production) enabling it to reach global markets.¹⁸⁶

125. Streaming companies currently commission fewer than twenty projects per year across the UK.¹⁸⁷ Recent successes in Wales have included *His Dark Materials* produced for HBO, *The Crown* and *Sex Education* produced by Netflix, and *Britannia* produced for Sky Atlantic and Amazon Prime Video. The independent producers we heard from expressed a keenness to continue to work with these companies. The main challenge that they faced was getting a hearing from them. Siân Price, Director of Yeti Television, told us that “you need a big hit or a brand that your company makes”, which in turn requires investment in skills and commissions from PSBs, to compete with companies already being used.¹⁸⁸ Dyfrig Davies, Chair of Teledwyr Annibynnol Cymru (TAC), said his organisation had worked with the Department for Business and Trade, which had involved joint meetings between TAC, the Department, S4C and the British Film Institute on how to promote content to streamers. He emphasised the importance of access, and the need for more meetings between streaming companies and producers in Wales.¹⁸⁹ The

182 Yeti Television ([BRO0026](#))

183 Yeti Television ([BRO0026](#))

184 David P. Davis ([BRO0023](#))

185 The Association for Commercial Broadcasters and On-Demand Services (COBA) ([BRO0002](#))

186 Professor Justin Lewis ([BRO0015](#))

187 Yeti Television ([BRO0026](#))

188 [Q392](#)

189 [Q394](#) [Dyfrig Davies]

other production companies we received evidence from suggested some form of light-touch quota which would ensure Welsh companies had to be involved in production. Siân Price said this would enable them to “get a foot in the door and show the world that there is amazing talent in Wales”.¹⁹⁰

126. The UK Government’s written evidence emphasised that its £500 million Film and TV Production Restart scheme had helped productions hit by the Covid-19 pandemic and supported productions in Wales such as *His Dark Materials*.¹⁹¹

127. Streaming companies provide an exciting opportunity for work for the independent production sector in Wales. They can provide an additional source of revenue to commissions from PSBs and help spread the word about the excellence of Welsh production companies. However, it can be difficult for a small nation such as Wales to attract investment and to highlight skills within its production sector. *The Welsh and UK Governments must outline to us the steps they are taking to attract both PSBs and streaming services to produce more programmes in Wales. The UK Government should explain how it is harnessing the increased interest in Wales, especially in the USA, to attract streaming services to produce programmes in Wales.*

Channel 4 and in-house commissioning

128. At present, under section 295 of the Communications Act 2003, Channel 4 must use independent producers, which retain the rights to the programmes.¹⁹² While announcing its decision to reverse the proposed privatisation of Channel 4, the Government stated that it would continue with its proposal to permit Channel 4 to produce its programmes in-house. The Government said it would legislate to permit Channel 4 “to produce and monetise its own content”, which would increase its commercial income and enhance its financial stability.¹⁹³ The Government confirmed that the current minimum level of 35% of programmes and spending having to be outside of London and 9% of programmes and spending outside of England would be unchanged. Clause 25 of the Draft Media Bill would permit Channel 4 to undertake in-house commissioning.¹⁹⁴

129. Channel 4 provides an important source of investment and work in Wales. In 2019, it contributed £20 million in gross value added and 200 jobs,¹⁹⁵ and in 2022, it spent £18.8 million in Wales.¹⁹⁶ 5.4% of the hours of network productions on Channel 4 were made in Wales in 2022, vastly higher than ITV and Channel 5.¹⁹⁷

130. Witnesses underlined the importance of productions commissioned by, and training schemes supported by, Channel 4 to Welsh production companies.¹⁹⁸ Dyfrig Davies told

190 [Q392](#)

191 Department for Digital, Culture, Media and Sport ([BRO0016](#))

192 Communications Act 2003, [section 295](#)

193 [“Channel 4 to remain publicly owned with reforms to boost its sustainability and commercial freedom”](#), Department for Digital, Culture, Media and Sport press release, 5 January 2023

194 [Explanatory Notes to the Draft Media Bill](#) (Bill CP 822), p 31

195 Teledwyr Annibynnol Cymru (TAC) ([BRO0004](#))

196 Channel 4, [Channel Four Television Corporation: Report and Financial Statements 2022](#), July 2023, p 84

197 Ofcom, [Media Nations: Wales 2023](#), 3 August 2023, p 30

198 Teledwyr Annibynnol Cymru (TAC) ([BRO0004](#))

us that Channel 4’s production moving in-house would be harmful to a number of Welsh companies that currently produced content for that channel.¹⁹⁹ Pact agreed that the proposal would harm SMEs in Wales.²⁰⁰

131. Rt Hon Sir John Whittingdale MP said the changes in the Bill were designed to ensure the viability of Channel 4 amid the changing media landscape. He noted that “[i]t doesn’t mean that Channel 4 is going to immediately abandon the independent sector. There will be remaining quotas like the ones that exist at the moment”.²⁰¹ He stressed that “Channel 4 is aware of the importance and it will still have obligations to commission particularly outside of London, including in Wales”.²⁰²

132. We are concerned that the introduction of in-house commissioning at Channel 4 could harm independent production companies in Wales. In its response to this Report, the Government must outline the steps it will take to ensure that the introduction of in-house commissioning by Channel 4 will help rather than harm the independent production sector in Wales. We call on the Government to make changes to the Draft Media Bill to reflect our concerns. We also call on Channel 4, in response to this Report, to outline their commitment to commissioning work from Welsh production companies.

Skills and apprenticeships

133. Witnesses expressed concern around the recruitment of people to the industry. S4C noted that there were currently skills gaps “across almost every area of expertise in the creative sector in Wales”.²⁰³ Yeti Television stated that “[t]here is a dearth of development talent in Wales—that is a genuine skills shortage”.²⁰⁴ COBA wrote that the “barriers to growth are skills and space, not investment”.²⁰⁵ Benjamin King, Director of Public Policy UK and Ireland at Netflix, commented:

If there is one challenge that our industry is facing, it is the skills challenge. It behoves all of us to address that. It is also something Government would do well to take as a significant policy priority, if we want our film and TV production industry to carry on being world class in the way it is today.²⁰⁶

134. Witnesses expressed frustration at the current rules around apprenticeships.²⁰⁷ Criticism was levelled by representatives of COBA, Netflix, and TAC at money paid through the Apprenticeship Levy being unspent. Adam Minns, Executive Director of COBA, explained that the screen sector across the UK paid £20 million in the apprenticeship levy,²⁰⁸ but could only use £5 million of it.²⁰⁹ He highlighted that a major obstacle to

199 [Q389](#)

200 Pact ([BRO0008](#))

201 [Q429](#)

202 [Q430](#)

203 S4C ([BRO0011](#))

204 Yeti Television ([BRO0026](#))

205 The Association for Commercial Broadcasters and On-Demand Services (COBA) ([BRO0002](#))

206 [Q121](#) [Benjamin King]

207 In Wales apprenticeships are funded from the Welsh Government budget and delivered through a network of quality assured training providers. Unlike in England, there is not a system of digital vouchers whereby employers can draw on money they have paid in the Apprenticeship Levy to fund apprentices. Business Wales, [Apprenticeship Levy](#), accessed 4 September 2023

208 The apprenticeship levy is a UK Government employment tax that charges 0.5% of the pay bill of employers whose total pay bill exceeds £3 million. Revenue goes to HM Revenue and Customs.

209 [Q122](#) [Adam Minns]

employing more apprenticeships was that the standard 12-month apprenticeship model was unsuitable for most of the broadcasting industry, which operated on much shorter contracts tied to specific projects.²¹⁰

135. Witnesses told us that actions required to tackle the challenges around the skills deficit and apprenticeships were a shared responsibility between broadcasters, and the UK and Welsh Governments. COBA explained that non-PSBs already paid voluntary contributions worth c.£11 million a year into a skills fund.²¹¹ Benjamin King detailed Netflix's training programme, Grow Creative UK.²¹² Rhuanedd Richards said the BBC was working with the National Film and Television School to support emerging talent.²¹³ Siân Price said that commissions for a television series, rather than for a single project, would enable companies to hire trainees. Such commissions, alongside work between production companies and broadcasters, could also help reduce barriers to people from more disadvantaged socioeconomic backgrounds.²¹⁴

136. Witnesses called for more shared apprenticeships schemes. This allowed employers to take on apprentices for a short duration, if they were not in a financial position to offer them a long-term contract, while enabling apprentices to work with a number of different employers to complete a full apprenticeship program. This enabled them to gain the skill sets they required to become qualified. Flexi-job and shared apprenticeships have been piloted by the Welsh Government.²¹⁵ The *Creative Skills Action Plan*, launched in 2022, included a commitment that Creative Wales²¹⁶ and the Welsh Government would work to introduce Shared Apprenticeship Schemes across all creative sectors where possible, and explore the viability of degree apprenticeships, and continue the current requirement that recipients of Creative Wales production funding must employ at least one apprentice.²¹⁷ In June 2023, the UK Government published its *Creative Industries Sector Vision*, to maximise the growth of the creative industries. It stated that there would be increased collaboration between the four nations of the UK through the Creative Industries Council.²¹⁸

137. The creative industry provides an opportunity for employment and economic growth in Wales. Wales already has a strong reputation in this area and produces programmes which are seen by a global audience. However, the industry is currently threatened by the skills shortage in this area. We welcome the plans published by Creative Wales and by the UK Government to address skills shortages in this area, and this needs to be seen as an area of priority. However, more still needs to be done to address skills shortages.

138. Apprenticeships can be an effective and powerful way of developing a diverse and skilled workforce. However, the current system of apprenticeships within the broadcasting sector is inflexible, and does not reflect the needs of a freelance, project-based sector. There must be a fundamental reform of the Apprenticeship Levy in the

210 [Q127](#) [Adam Minns]

211 The Association for Commercial Broadcasters and On-Demand Services (COBA) ([BRO0002](#))

212 [Q121](#) [Benjamin King]

213 [Q68](#)

214 [Q400](#)

215 Teledwyr Annibynnol Cymru (TAC) ([BRO0027](#))

216 Creative Wales is a Welsh Government body established in 2020 to support the creative industries in Wales.

217 Creative Wales, [Creative Skills Action Plan 2022–2025](#), September 2022, p 3

218 Department for Culture, Media and Sport, *Creative Industries Sector Vision: A joint plan to drive growth, build talent and develop skills*, [CP 863](#), June 2023, p 11

UK. We call on the UK and Welsh Governments to review the Apprenticeship Levy and to increase the roll-out of the shared apprenticeship system in Wales to ensure that they can benefit the creative industries sector in Wales.

Brass-plating

139. PSBs have production quotas, set by Ofcom, for the proportion of programmes made outside the M25. Ofcom’s requirements are that a company must have “a substantive base” with an unspecified number of senior personnel located in a place; have 70% of their production expenditure spent in the location (not including the on-screen talent) and at least 50% of off-screen production staff must be usually employed in the UK but outside London.²¹⁹ The practice of “brass-plating” (also called “pop-up” firms), is where production companies usually based elsewhere set up temporary bases in Wales. They are then deemed to be located there under Ofcom rules.

140. Welsh-based independent production companies were critical of this practice. Dyfrig Davies noted that brass-plating led to intellectual property leaving Wales. Money usually brought into Wales went instead to the place the firm was usually based. Furthermore, freelancers who had worked with the brass-plating firm were then being attracted to leave Wales to continue working with them.²²⁰ TAC calculated that 41 out of 71 productions qualifying as being made in Wales were made by companies headquartered elsewhere.²²¹ Dyfrig Davies was unsure whether the problem was the rules or their enforcement.²²² Yeti Television stated that responsibility lay not with companies but with broadcasters, who required the establishment of regional offices, and who “should face greater scrutiny and rule-tightening”.²²³

141. Rt Hon Sir John Whittingdale MP said the issue was one for Ofcom to deal with but noted that the Media Bill could potentially be used as a vehicle to address these concerns.²²⁴ Ofcom said it had consulted on the regional production regime in 2019 and subsequently strengthened its guidance. It believed that evidence of brass-plating tended to be “anecdotal and limited”.²²⁵ It was often conflated with the legitimate practice of companies having headquarters outside Wales. Ofcom acknowledged that five out of seventy-one productions relied on only one criterion to claim to be based in Wales, which could allow the system to be manipulated. However, it did not think any further reforms were needed, although it recognised that the growth of home working might affect the definition of where staff and a production were based.²²⁶

142. Brass-plating allows broadcasters to meet their regional production criteria while using production companies that may not be based in Wales. Ofcom acknowledges that relying on the “substantive base” criterion alone provides an opportunity for the

219 Ofcom, *Regional production and regional programme definitions: Guidance for public service broadcasters*, 19 June 2019, pp 3–5

220 [Qq375](#), [378](#)

221 Teledwyr Annibynnol Cymru (TAC) ([BRO0027](#))

222 [Q377](#)

223 Yeti Television ([BRO0026](#))

224 [Q445](#)

225 Ofcom ([BRO0030](#))

226 Ofcom ([BRO0030](#))

system to be manipulated. We recommend that Ofcom examine whether this criterion alone should be sufficient to qualify a production as being based in Wales. We call on the Government to amend the Draft Media Bill to address this problem.

Conclusions and recommendations

Broadcasting in Wales

1. Broadcasting holds an importance in Welsh national life that is unique among the nations of the United Kingdom. A distinctively Welsh broadcasting sector, underpinned by strong public service broadcasting, is a precious asset that must be allowed to flourish for the benefit of future generations. We welcome the Government's Draft Media Bill with its explicit aim of supporting the sustainability of public service broadcasters, and we urge Ministers to listen to the specific concerns of the Welsh broadcasting sector as they take the Bill through the House. We would request that in its scrutiny at Committee Stage, the Bill Committee convene at least one evidence session exclusively with stakeholders from the broadcasting industry in Wales. (Paragraph 13)

Public service broadcasters

2. Public service broadcasters are facing the challenges of increased competition and changing viewing habits, where viewers may choose content from a range of online providers and platforms. It is imperative that their content is easily discoverable in an increasingly busy digital marketplace. (Paragraph 24)
3. The UK's public service broadcasters are fighting for prominence on the first page on any significant device, be it a set-top box, smart TV or games console. Existing regulations are outdated because they are limited to traditional linear electronic TV guides and do not apply to streaming, on-demand and internet-connected TVs. The lack of prominence of PSB content across all devices, particularly digital and streaming platforms, will result in consumers struggling to find much loved content in a format and language that they enjoy. The proposals contained in the Draft Media Bill on prominence are vital to the continued success of public service broadcasters in the twenty-first century. *The Government must introduce the Media Bill to Parliament as early as possible in the next Session, which is due to begin in November 2023, and prioritise its passage through both Houses.* (Paragraph 25)
4. Public service broadcasters must modernise to survive in the digital age. We welcome the investment by PSBs in their digital platforms, which is needed given the growing proportion of people in Wales using them to watch PSB programmes. However, accessing Welsh content is not straightforward on these platforms, making it difficult for it to be viewed in Wales and across the UK. We call on public sector broadcasters to urgently develop their digital platforms to improve their level of online personalisation and ensure that programmes local to Wales and Welsh language content are prominent and easy to access. *We call on public service broadcasters to urgently develop their digital platforms to improve their level of online personalisation and ensure that programmes local to Wales and Welsh language content are prominent and easy to access. We request that public service broadcasters report to us by March 2024 on their progress in this area.* (Paragraph 31)
5. The success of Welsh broadcasting has rested on the close dialogue between broadcasters and Welsh policy makers. This relationship is now being challenged by

the shifts in global power in the broadcasting landscape with the growth of global companies such as Amazon Prime Video, based overseas. Amazon Prime Video resisted sending a representative to answer our questions, and streaming services have not met the Welsh Language Commissioner. These are worrying indications that future policy makers in Wales will find it harder to retain a valuable relationship with all broadcasters. The oral evidence we took from Netflix and COBA demonstrate that this relationship remains possible. (Paragraph 37)

6. Companies such as Netflix and Amazon Prime Video provide competition to public service broadcasters. However, there are also opportunities for PSBs to work in partnership with them, and there are good examples where PSB providers have developed effective partnerships with streaming services to develop content. We look forward to this continuing in the future. (Paragraph 38)
7. We are concerned about streaming companies demanding such a high proportion of advertising revenue in return for hosting PSB programmes on their sites. *We call on Ofcom to examine these practices and to publish its findings by April 2024 on whether further regulation is needed to ensure fair and reasonable terms for PSBs.* (Paragraph 39)

The future of Welsh Language broadcasting

8. It is vital that Welsh language provision continues to grow amid the changing media landscape, and is a visible part of the television system in the UK. While we welcome the current funding settlement in place for S4C, it is vital that the channel has greater certainty over its long-term funding. *We note that the Government has announced a review of the licence fee model. This will have implications for the delivery of Welsh language broadcasting by the BBC, and future funding of S4C. In its response to this Report, the Government must give assurances that the review includes a reference to safeguarding Welsh-language broadcasting.* (Paragraph 51)
9. We welcome the investments that the Government is making in digital provision for S4C, but the scale of investment needed to ensure the sustainability of Welsh language broadcasting in the long-term is daunting. We are concerned that the wider revolution in broadcasting will leave S4C exposed. It is also clear that S4C has a strong relationship with BBC Cymru Wales, and these links have been further enhanced by S4C's reliance on licence fee funding and on BBC iPlayer as the foremost platform for digital content. *To ensure the continuing strength of Welsh language broadcasting we recommend an enhanced long-term partnership between S4C and BBC Cymru Wales. This should include safeguards for the branding, editorial and commercial independence of S4C. This partnership should work towards a long-term framework agreement that supports S4C, providing it with the investment to produce digital content to compete with streaming services. The partnership should be overseen by the Secretary of State for Culture, Media and Sport.* (Paragraph 56)

Broadcasting live sports in Wales

10. The broadcasting of sporting events is a matter of considerable public interest. It brings people together for a shared experience, providing a source of pride. The

danger of sports coverage going behind a paywall is that any additional short-term injection of money does not reach the grassroots and is offset in the longer term by reduced awareness of and participation in the sport. Therefore, live sports broadcasting should strive to reach the widest possible audience, which is best achieved through free-to-air coverage. This is especially so for Welsh rugby union, which needs to rediscover its soul and aim to reach the maximum number of people in Wales. We believe that maintaining a listed events system is in the public interest as it ensures that free-to-air broadcasters are able to ensure that all licence fee payers have access to nationally important sporting events. However, we do not believe that the listed events regime currently accurately reflects the importance placed by supporters on certain competitions. *We recommend that the Government adds the Six Nations to Group A of the Listed Sporting Events, to ensure its status on terrestrial TV.* (Paragraph 71)

11. We are disappointed that the current listed events system does not include any Welsh events in Category A, prioritising and protecting sporting events that are of significant national and cultural significance. *We recommend that the UK Government works with the Welsh Government and broadcasters to discuss how the listed events regime could be amended to support a specific list of Welsh events.* (Paragraph 72)
12. The use of Welsh in sport is a vital expression of identity for many. Whilst we understand concerns that a Welsh language requirement could reduce the value of broadcasting contracts, we believe that the provision of Welsh commentary is extremely important to the vitality of the Welsh language. We note that Viaplay successfully negotiated for S4C to provide Welsh language broadcasting. Amazon Prime Video was able to provide a Welsh language commentary of the rugby union autumn internationals. Therefore, streaming services are willing to ensure Welsh language provision. The current Ofcom code does not empower it to protect this Welsh language provision and ensure it continues. *We recommend that Ofcom's remit be amended to ensure that it can designate events in Group A and Group B of the Listed Events Regime and specified non-listed events as requiring live Welsh language commentary.* (Paragraph 79)
13. Fans of Welsh football will be understandably concerned about the uncertainty surrounding the future broadcasting of the qualifying matches of Wales' men's football team given the planned withdrawal of Viaplay from UK broadcasting. This has the potential to also jeopardise the coverage of those matches on S4C. *We ask that FA Wales write to us by February 2024, updating us on the latest situation and outlining the representations it is making to UEFA to ensure that any new contract-holder works with S4C to replicate its previous agreement with Viaplay and thereby ensure Welsh language commentary.* (Paragraph 80)
14. *With the UK and the Republic of Ireland having recently been awarded the hosting of the European Championships in 2028, we would further request that this tournament is placed in Group A of the Listed Events Regime and that there is a requirement for PSB coverage to include a Welsh language commentary option for every match involving the Wales team.* (Paragraph 81)

Radio

15. We are extremely concerned at the apparent decline in the use of Welsh language on commercial radio. The ability to listen to the Welsh language on a daily basis is vital to maintaining the Welsh language and to encouraging new learners. The current regulatory framework is not strong enough to support the Welsh Language on commercial radio. *We ask the Government to consider the adequacy of Ofcom's remit in relation to Welsh language content on commercial radio stations in Wales.* (Paragraph 93)
16. Ofcom's decision to prioritise DAB licenses overlooks the high levels of AM/FM listening in Wales, and does not take into account the difficulties in digital transmission across parts of Wales. Community radio stations believe that FM licences will enable them to reach a wider audience. There is a clear demand, and continuing need, for FM radio licences. *We recommend that Ofcom resume offering FM licences, particularly targeting local and community radio stations.* (Paragraph 102)
17. The Government's proposal to remove the duty on Ofcom to provide for a diversity of national and local analogue services on AM/FM also appears premature, especially given the difficulties in some areas of accessing DAB services. *We recommend that the Government amend the Draft Media Bill to ensure that this duty is retained.* (Paragraph 103)
18. Community radio plays a vital role in serving local people, and we welcome the growth in this sector. However, we are concerned with the current levels of funding for the sector in Wales. Funding available through the UK Government's Community Radio Fund has not kept pace with inflation. *We recommend that the Government increases the Community Radio Fund to match the current demand, as well as linking it to inflation for future years.* (Paragraph 110)
19. The current UK Community Radio Fund is too restrictive and does not allow small community radio stations to spend funding where they best feel it is needed. *We recommend that the Government amends the restrictions on where funding from the Community Radio Fund can be spent, allowing community radio stations greater flexibility to spend the funds where it will be of greatest use.* (Paragraph 111)
20. *The Welsh Government's Community Radio Fund played an important role in supporting community radio in Wales. We urge the Welsh Government to reinstate support for community radio in Wales. This support was discontinued in 2014.* (Paragraph 112)
21. Advertising on community radio would benefit their development and enable the Government to reach a wider audience with its advertisements, potentially increasing the pool of applicants for public sector jobs. *We call on the Government to develop and publish by April 2024 a strategy setting out how it will seek to place advertisements on community radio stations.* (Paragraph 116)

Developing the skills pipeline into Welsh broadcasting

22. PSBs are crucial to the continual success of the independent production sector in Wales. However, we are concerned that the lack of network-level commissioning power at BBC Cymru Wales is leading to commissions being given to companies outside Wales. *In their response to our Report, BBC Cymru Wales must write to us to explain why their approach to commissioning in Wales appears to differ from that adopted by the BBC in Scotland and Northern Ireland.* (Paragraph 123)
23. Streaming companies provide an exciting opportunity for work for the independent production sector in Wales. They can provide an additional source of revenue to commissions from PSBs and help spread the word about the excellence of Welsh production companies. However, it can be difficult for a small nation such as Wales to attract investment and to highlight skills within its production sector. *The Welsh and UK Governments must outline to us the steps they are taking to attract both PSBs and streaming services to produce more programmes in Wales. The UK Government should explain how it is harnessing the increased interest in Wales, especially in the USA, to attract streaming services to produce programmes in Wales.* (Paragraph 127)
24. We are concerned that the introduction of in-house commissioning at Channel 4 could harm independent production companies in Wales. *In its response to this Report, the Government must outline the steps it will take to ensure that the introduction of in-house commissioning by Channel 4 will help rather than harm the independent production sector in Wales. We call on the Government to make changes to the Draft Media Bill to reflect our concerns. We also call on Channel 4, in response to this Report, to outline their commitment to commissioning work from Welsh production companies.* (Paragraph 132)
25. The creative industry provides an opportunity for employment and economic growth in Wales. Wales already has a strong reputation in this area and produces programmes which are seen by a global audience. However, the industry is currently threatened by the skills shortage in this area. We welcome the plans published by Creative Wales and by the UK Government to address skills shortages in this area, and this needs to be seen as an area of priority. However, more still needs to be done to address skills shortages. (Paragraph 137)
26. Apprenticeships can be an effective and powerful way of developing a diverse and skilled workforce. However, the current system of apprenticeships within the broadcasting sector is inflexible, and does not reflect the needs of a freelance, project-based sector. There must be a fundamental reform of the Apprenticeship Levy in the UK. *There must be a fundamental reform of the Apprenticeship Levy in the UK. We call on the UK and Welsh Governments to review the Apprenticeship Levy and to increase the roll out of the shared apprenticeship system in Wales to ensure that they can benefit the creative industries sector in Wales.* (Paragraph 138)
27. Brass-plating allows broadcasters to meet their regional production criteria while using production companies that may not be based in Wales. Ofcom acknowledges that relying on the “substantive base” criterion alone provides an opportunity for the system to be manipulated. *We recommend that Ofcom examine whether this*

criterion alone should be sufficient to qualify a production as being based in Wales. We call on the Government to amend the Draft Media Bill to address this problem.
(Paragraph 142)

Formal minutes

Wednesday 18 October 2023

Members present

Rt Hon Stephen Crabb, in the Chair

Simon Baynes

Ruth Jones

Ben Lake

Robin Millar

Rob Roberts

Broadcasting in Wales

Draft report (Broadcasting in Wales), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Question accordingly agreed to.

Paragraphs 1 to 142 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

Adjourned till Wednesday 25 October at 9.30am.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 09 November 2022

Guto Harri, Broadcaster and Communicator [Q1–31](#)

Wednesday 07 December 2022

Siân Doyle, CEO, S4C; **Phil Henfrey**, Head of News and Programmes, ITV Cymru Wales; **Rhunedd Richards**, Director, BBC Cymru Wales [Q32–92](#)

Wednesday 18 January 2023

Adam Minns, Executive Director, The Association for Commercial Broadcasters and On-Demand Services (COBA); **Benjamin King**, Director of Public Policy, UK and Ireland, Netflix [Q93–129](#)

Wednesday 01 March 2023

Toby Ellis, Station Manager, Director and Broadcaster, Pure West Radio; **Terry Mann**, Station Manager, GTFM Radio [Q130–152](#)

Martin Mumford, Managing Director, Nation Broadcasting [Q153–187](#)

Wednesday 19 April 2023

Eleanor Marks, Director Wales, Ofcom; **Kate Biggs**, Content and Media Policy Director, Ofcom [Q188–264](#)

Wednesday 10 May 2023

Tomos Grace, Head of Media and Responsibility, Strategy and Operations, YouTube Europe, Middle East and Africa (EMEA); **Giles Derrington**, Senior Government Relations and Public Policy Manager, TikTok; **Megan Thomas**, Public Policy Manager, Meta [Q265–329](#)

Wednesday 07 June 2023

Nigel Walker, Acting CEO, Welsh Rugby Union; **Ian Davis**, Chief Commercial and Engagement Officer, Football Association of Wales [Q330–367](#)

Sioned William, Director, Cwmni Da; **Dyfrig Davies**, Chair, Teledwyr Annibynnol Cymru (TAC); **Siân Price**, Creative Director, Yeti Television [Q368–401](#)

Wednesday 28 June 2023

Efa Gruffudd Jones, Welsh Language Commissioner, **Lowri Williams**, Strategic Director, Welsh Language Commissioner's Office [Q402–422](#)

Rt Hon Sir John Whittingdale MP, Minister of State for Media, Tourism and Creative Industries, Department for Culture, Media and Sport; **Robert Specterman-Green**, Director, Media and Creative Industries, Department for Culture, Media and Sport

[Q423-460](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

BRO numbers are generated by the evidence processing system and so may not be complete.

- 1 Amazon Prime Video ([BRO0018](#))
- 2 Arqiva ([BRO0007](#))
- 3 BBC Cymru Wales ([BRO0014](#))
- 4 BBC Cymru Wales ([BRO0021](#))
- 5 Channel 4 ([BRO0012](#))
- 6 Cymdeithas yr Iaith ([BRO0009](#))
- 7 David P. Davis, Founder and Creative Director, 5 Acts Productions ([BRO0023](#))
- 8 Department for Digital, Culture, Media and Sport ([BRO0016](#))
- 9 ITV Cymru Wales ([BRO0001](#))
- 10 Professor Justin Lewis, Director, Clwstwr ([BRO0015](#))
- 11 Media Reform Coalition ([BRO0013](#))
- 12 Meta ([BRO0028](#))
- 13 MônFM ([BRO0019](#))
- 14 Dr Caitriona Noonan, Senior Lecturer Media and Communications, Cardiff University ([BRO0003](#))
- 15 Ofcom ([BRO0022](#))
- 16 Ofcom ([BRO0030](#))
- 17 Ofcom ([BRO0032](#))
- 18 Pact ([BRO0008](#))
- 19 Radiocentre ([BRO0020](#))
- 20 Radiocentre ([BRO0005](#))
- 21 S4C ([BRO0011](#))
- 22 Teledwyr Annibynnol Cymru (TAC) ([BRO0004](#))
- 23 Teledwyr Annibynnol Cymru (TAC) ([BRO0027](#))
- 24 The Association for Commercial Broadcasters and On-Demand Services (COBA) ([BRO0002](#))
- 25 The Association for Commercial Broadcasters and On-Demand Services (COBA) ([BRO0017](#))
- 26 TikTok ([BRO0024](#))
- 27 Twitter ([BRO0025](#))
- 28 Welsh Government ([BRO0006](#))
- 29 Welsh Language Commissioner ([BRO0010](#))
- 30 Yeti Television ([BRO0026](#))
- 31 YouTube ([BRO0033](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2022–23

Number	Title	Reference
1st Report	Grid Capacity in Wales	HC 218
2nd Report	Floating Offshore Wind in Wales	HC 1182
3rd Report	Nuclear energy in Wales	HC 240
4th Report	Wales as a global tourist destination	HC 220
1st Special Report	The Benefits System in Wales: Government response to the Committee's Fourth Report of Session 2021–22, and correspondence from the Welsh Government	HC 402
2nd Special Report	The economic and cultural impacts of trade and environmental policy on family farms in Wales: Government response to the Committee's Fifth Report of Session 2021–22	HC 470
3rd Special Report	Grid capacity in Wales: Government response to the Committee's First Report	HC 1063
4th Special Report	Floating Offshore Wind in Wales: Government Response to the Committee's Second Report	HC 1405
5th Special Report	Nuclear energy in Wales: Government Response to the Committee's Third Report	HC 1656

Session 2021–22

Number	Title	Reference
1st Report	Railway Infrastructure in Wales	HC 438
2nd Report	Renewable energy in Wales	HC 439
3rd Report	Implications of the UK-Australia FTA for Wales	HC 481
4th Report	The Benefits System in Wales	HC 337
5th Report	The economic and cultural impacts of trade and environmental policy on family farms in Wales	HC 607
1st Special Report	Railway infrastructure in Wales: Government response to the Committee's First Report of Session 2021–22	HC 715
2nd Special Report	Renewable energy in Wales: Government response to the Committee's Second Report	HC 756
3rd Special Report	Implications of the UK/ Australia FTA for Wales: Government response to the Committee's Third Report of Session 2021–22	HC 895

Session 2019–21

Number	Title	Reference
1st Report	Pre-appointment hearing with the Government's preferred candidate for the Chair of S4C	HC 89
2nd Report	Freeports and Wales	HC 205
3rd Report	The Welsh economy and Covid-19: Interim Report	HC 324
4th Report	Wales and the Shared Prosperity Fund: Priorities for the replacement of EU structural funding	HC 90
5th Report	Brexit and trade: implications for Wales	HC 176
1st Special Report	The Armed Forces and Defence Industry in Wales: Government Response to the Committee's First Report of Session 2019	HC 97
2nd Special Report	City Deals and Growth Deals in Wales: Government Response to the Committee's Second Report of Session 2019	HC 146
3rd Special Report	Freeports and Wales: Government Response to Committee's Second Report of Session 2019–21	HC 667
4th Special Report	Wales and the Shared Prosperity Fund: Priorities for the replacement of EU structural funding: Government response to the Committee's Fourth Report of Session 2019–21	HC 1083
5th Special Report	Brexit and trade: implications for Wales: Government response to the Committee's Fifth Report of Session 2019–21	HC 1223

Summary

The broadcasting industry is undergoing a period of transformative change, driven by significant technological developments in how content is created, distributed and consumed. The transition from analogue to digital formats, and the rise of high-speed internet, has seen the emergence of on-demand streaming services like Netflix and Amazon Prime Video offering unprecedented choice for consumers and leading to a decline in viewing of traditional linear television channels. The proliferation of smart TVs and connected devices has made it easier for viewers to access online content on their television sets. Increasingly, people watch programmes through digital platforms, listen to radio through Smart Speakers, and consume the content they want rather than following a schedule.

Broadcasting plays a vital role in reflecting and shaping modern Welsh identity through a diverse range of TV and radio content, encompassing news and current affairs, drama, live sport and cultural events in both the Welsh and English languages. Meanwhile, the Welsh broadcasting industry continues to provide a rich pool of talent and expertise that contributes to the growth and success of the sector at a UK and, indeed, international level.

Throughout our inquiry, we identified key themes and issues that need to be addressed to ensure that broadcasting in Wales continues to thrive. Our Report therefore makes the following conclusions and recommendations:

Public Service Broadcasters

The UK's public service broadcasters (PSBs) are fighting for prominence on the first page on any significant device, be it a set-top box, smart TV or games console. Existing regulations are outdated because they are limited to traditional linear electronic TV guides and do not apply to streaming, on-demand and internet-connected TVs. The lack of prominence of PSB content across all devices, particularly digital and streaming platforms, will result in consumers struggling to find much loved content in a format and language that they enjoy. The proposals contained in the Draft Media Bill on prominence are vital to the continued success of public service broadcasters in the twenty-first century. The Government must introduce the Media Bill to Parliament as early as possible in the next Session, which is due to begin in November 2023, and prioritise its passage through both Houses.

Public service broadcasters must modernise to survive in the digital age. We welcome the investment by PSBs in their digital platforms, which is needed given the growing proportion of people in Wales using them to watch PSB programmes. However, accessing Welsh content is not straightforward on these platforms, making it difficult for it to be viewed in Wales and across the UK. We call on PSBs to urgently develop their digital platforms to improve their level of online personalisation and ensure that programmes local to Wales and Welsh language content are prominent and easy to access. We request that public service broadcasters report to us by March 2024 on their progress in this area.

The future of Welsh Language broadcasting

It is vital that Welsh language provision continues to grow amid the changing media landscape, and is a visible part of the television system in the UK. While we welcome the current funding settlement in place for S4C, it is vital that the channel has greater certainty over its long-term funding. We note that the Government has announced a review of the licence fee model. This will have implications for the delivery of Welsh language broadcasting by the BBC, and future funding of S4C. In its response to this Report, the Government must give assurances that the review includes a reference to safeguarding Welsh-language broadcasting.

We welcome the investments that the Government is making in digital provision for S4C, but the scale of investment needed to ensure the sustainability of Welsh language broadcasting in the long-term is daunting. We are concerned that the wider revolution in broadcasting will leave S4C exposed. It is also clear that S4C has a strong relationship with BBC Cymru Wales, and these links have been further enhanced by S4C's reliance on licence fee funding and on BBC iPlayer as the foremost platform for digital content. To ensure the continuing strength of Welsh language broadcasting we recommend an enhanced long-term partnership between S4C and BBC Cymru Wales. This should include safeguards for the branding, editorial and commercial independence of S4C. This partnership should work towards a long-term framework agreement that supports S4C, providing it with the investment to produce digital content to compete with streaming services. The partnership should be overseen by the Secretary of State for Culture, Media and Sport.

Broadcasting live sports in Wales

The broadcasting of sporting events is a matter of considerable public interest. It brings people together for a shared experience, providing a source of pride. The danger of sports coverage going behind a paywall is that any additional short-term injection of money does not reach the grassroots and is offset in the longer term by reduced awareness of and participation in the sport. Therefore, live sports broadcasting should strive to reach the widest possible audience, which is best achieved through free-to-air coverage. This is especially so for Welsh rugby union, which needs to rediscover its soul and aim to reach the maximum number of people in Wales. We believe that maintaining a listed events system is in the public interest as it ensures that free-to-air broadcasters are able to ensure that all licence fee payers have access to nationally important sporting events. However, we do not believe that the listed events regime currently accurately reflects the importance placed by supporters on certain competitions. We recommend that the Government adds the Six Nations to Group A of the Listed Sporting Events, to ensure its status on terrestrial TV.

The use of Welsh in sport is a vital expression of identity for many. Whilst we understand concerns that a Welsh language requirement could reduce the value of broadcasting contracts, we believe that the provision of Welsh commentary is extremely important to the vitality of the Welsh language. We note that Viaplay successfully negotiated for S4C to provide Welsh language broadcasting. Amazon Prime Video was able to provide a Welsh language commentary of the rugby union autumn internationals. Therefore, streaming services are willing to ensure Welsh language provision. The

current Ofcom code does not empower it to protect this Welsh language provision and ensure it continues. We recommend that Ofcom's remit be amended to ensure that it can designate events in Group A and Group B of the Listed Events Regime and specified non-listed events as requiring live Welsh language commentary.

Radio

We are extremely concerned at the apparent decline in the use of Welsh language on commercial radio. The ability to listen to the Welsh language on a daily basis is vital to maintaining the Welsh language and to encouraging new learners. The current regulatory framework is not strong enough to support the Welsh Language on commercial radio. We ask the Government to consider the adequacy of Ofcom's remit in relation to Welsh language content on commercial radio stations in Wales.

Ofcom's decision to prioritise DAB licenses overlooks the high levels of AM/FM listening in Wales, and does not take into account the difficulties in digital transmission across parts of Wales. Community radio stations believe that FM licences will enable them to reach a wider audience. There is a clear demand, and continuing need, for FM radio licences. We recommend that Ofcom resume offering FM licences, particularly targeting local and community radio stations.

Developing the skills pipeline into Welsh broadcasting

We are concerned that the introduction of in-house commissioning at Channel 4 could harm independent production companies in Wales. In its response to this Report, the Government must outline the steps it will take to ensure that the introduction of in-house commissioning by Channel 4 will help rather than harm the independent production sector in Wales. We call on the Government to make changes to the Draft Media Bill to reflect our concerns. We also call on Channel 4, in response to this Report, to outline their commitment to commissioning work from Welsh production companies.

Apprenticeships can be an effective and powerful way of developing a diverse and skilled workforce. However, the current system of apprenticeships within the broadcasting sector is inflexible, and does not reflect the needs of a freelance, project-based sector. There must be a fundamental reform of the Apprenticeship Levy in the UK. We call on the UK and Welsh Governments to review the Apprenticeship Levy and to increase the roll-out of the shared apprenticeship system in Wales to ensure that they can benefit the creative industries sector in Wales.

Delyth Jewell MS
Chair, Culture, Communications, Welsh
Language, Sports, and International Relations
Committee

18 October 2023

The third meeting of the UK-EU Parliamentary Partnership Assembly

Dear Delyth,

As you are aware, the UK-EU PPA plays an important role in overseeing the implementation of the UK-EU Trade and Cooperation Agreement and any future UK-EU agreements, and is the only body that can hold to account the Partnership Council, which is made up of European Commission representatives and UK Government Ministers.

We represented the Senedd at the third meeting of the UK-EU PPA on 3-4 July. During this meeting, the PPA held important discussions on a number of issues. A breakout group on mobility drew attention to the ongoing issues for the arts and culture sector of travelling and touring. We were able to highlight evidence gathered on this issue by your Committee in your Wales-Ireland inquiry, which highlighted that there are still issues despite the Common Travel Area.

The breakout group reiterated the recommendation previously made to the TCA Partnership Council that the EU and UK should negotiate a comprehensive agreement to allow artists to tour and work in the EU and the UK.

We are writing to you to draw your attention to our short report on the outcomes of the meeting, and hope the report is of interest to your Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

Luke Fletcher

Luke Fletcher MS
Member
Economy, Trade and Rural Affairs Committee

We welcome correspondence in Welsh or English



UK-EU Parliamentary Partnership Assembly: Third meeting summary report

October 2023

The Parliamentary Partnership Assembly (PPA) is a formal body established under the UK-EU Trade and Cooperation Agreement (TCA). It plays an important role in overseeing the implementation of the TCA and all future UK-EU agreements.

The third meeting of the PPA took place in Brussels on 3-4 July. This report provides a summary of the issues discussed of importance to Wales. The summary report of the last meeting of the PPA made five recommendations on development of Senedd engagement with the PPA. This report reflects on how those have been taken forward between the second and third meetings.

Huw Irranca-Davies, MS, Chair of the Legislation, Justice and Constitution Committee and Luke Fletcher, MS, a member of the Economy, Trade and Rural Affairs Committee participated in the third meeting and the report has therefore been agreed by them in that capacity.



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1. Issues of importance to the Senedd and Wales

The UK-EU, the [Trade and Cooperation Agreement \(TCA\)](#) covers large areas that fall within devolved competence or have a significant impact on them. You can find more information about what these are, how these affect Wales and the role of the PPA in the Senedd Research [guides and infographics on the agreement](#).

In a signal that the agreement on the Windsor Framework has changed the tone and atmosphere in UK-EU relations and the desire for further cooperation under the TCA, the agenda and discussions covered areas where further future cooperation may be possible and where there is common interest from both sides in further collaboration.

You can [watch](#) the proceedings in full on the European Parliament UK delegation website.

“ A more positive trajectory”

Implementation of the Northern Ireland Protocol and the terms of the Windsor Framework is a significant issue for Welsh ports, businesses and citizens. The [Senedd’s Legislation, Justice and Constitution Committee](#) and its [Economy, Trade and Rural Affairs Committee](#) are closely monitoring the impacts of its implementation on Wales.

European Commission Vice-President Šefčovič [remarked](#) that agreement of the Windsor Framework has set UK-EU relations on “a more positive trajectory”. The UK Foreign Secretary, James Cleverly, [welcomed](#) the mutual trust, confidence and understanding grown between both parties. The more collaborative and cooperative atmosphere was notable and should be strongly welcomed.

Vice-President Šefčovič [emphasised](#) the need for work on the implementation of the Windsor Framework to be continued at pace. How implementation issues are resolved will be of significant interest to Wales. The Welsh Government has already [signalled](#) its intention to consent to regulations implementing the Framework in devolved areas.

Signs of further cooperation

The signing of the [Memorandum of Understanding](#) on Financial Services between the UK and EU was highlighted by both sides as a signal of how further cooperation could be agreed.

Securing energy supplies

In response to the [joint recommendation](#) on energy cooperation adopted by the PPA during its second meeting, the Partnership Council highlighted that the UK and EU have agreed to regular discussion on security of supply issues and that the UK has signed an MoU with the North Sea Energy Commission (NSEC) which includes cooperation on hybrid and joint projects, maritime spatial planning, financing of renewable energy projects and exchange of best practice. In our pre-briefing to the UK delegation we highlighted the importance of cooperation in the Irish Sea and Celtic Sea for renewable energy and interconnector projects in Wales and the hope cooperation in these areas can continue to be strengthened in similar ways to cooperation in the North Sea.

A call for global leadership on climate cooperation

The breakout group on climate energy [highlighted](#) the ‘huge potential for cooperation between the EU and the UK’ on delivery of net zero targets,

decarbonisation and reform of electricity markets. It called for cooperation on the development of carbon border adjustment mechanisms and a specialised committee on net zero to be created under the TCA governance structure.

The breakout group provided an opportunity to raise Senedd Committee work on the Welsh Government's net zero ambitions and policy and legislation in Wales aimed at tackling the climate crisis.

Accession to Horizon

The UK's accession to the Horizon research programme featured heavily in multiple sessions and breakout groups. Members from all sides in the PPA called on the UK Government and European Commission to conclude negotiations and reach an agreement as soon as possible.

In the breakout groups and in our pre-briefing to the UK delegation we highlighted the importance to the research, innovation and higher education sector in Wales of rapid accession to the Horizon research programme. We emphasised that factors such as the potential quality of research partnerships and outcomes should factor in any value for money analysis concluded by the UK Government.

We welcome the subsequent announcement on the UK's association to Horizon.

A common desire to improve mobility

The ability of UK citizens and EU citizens to move between the UK and EU for study, work and leisure continues to be a key focus of PPA members.

The breakout group on mobility drew attention once again to the on-going issues for the arts and culture sector of travelling and touring. We were able to highlight evidence gathered on this issue by the Senedd's Culture Committee as part of its Wales-Ireland inquiry where issues remain despite the Common Travel Area. The breakout group reiterated the recommendation made previously to the TCA Partnership Council that the EU and UK should negotiate a comprehensive agreement to allow artists to tour and work in the EU and the UK.

The decreased opportunities and barriers to youth mobility and engagement remains of concern to PPA members. We highlighted the work of the Welsh Government's Taith learner exchange programme and its reciprocal elements. The breakout group encouraged the Partnership Council to facilitate the mobility of school children with identity cards and group permits.

On-going issues around settled and pre-settled status for EU citizens wishing to remain in the UK remains a concern. The [Senedd's Equality and Social Justice Committee](#) monitors this issue in Wales.

Including citizen voices through civil society cooperation

Horizon and youth mobility were identified by PPA members as a key element of improving civil society cooperation. Emphasising the common importance members from both sides place on resolving these issues.

Further engagement between the PPA and civil society dialogue on the UK-EU relationship is something PPA members are keen to explore. The Senedd and Welsh organisations have been active in supporting Wales and EU civil society engagement post-Brexit. The discussion of the issues provided an opportunity to draw attention to the importance of this work. Engagement of Welsh civil society in UK-EU relations is a key element of the Senedd's Legislation, Justice and Constitution Committee [inquiry on UK-EU governance](#). The Committee hopes to report in advance of the next meeting of the PPA in December.

More room to cooperate on green industrial policy and trade?

The EU's Green Deal, Fit for 50 and the US Inflation Reduction Act formed the basis for discussions on further opportunities to cooperate on industrial policy. Lord Johnson, UK Minister for Investment [called](#) for close cooperation to produce resilient supply chains particularly in relation to the development of new technologies. Mr Richard Szostak, Direct for Western European Partners, European Commission [emphasised](#) the Commission's focus on fully implementing and realising the potential of the TCA before focussing on further areas of cooperation outside of the agreement. He further echoed Vice-President Šefčovič's message that further divergence will necessarily mean further barriers to trade. He reiterated Commission concerns about the Retained EU Law Act remain and that close attention will be paid by the EU to any legislative changes made. The Senedd refused consent to the Bill but the Act was passed by the UK Parliament without consent.

Our briefing for the UK delegation emphasised that Technical Barriers to Trade with the EU remain a key concern for many Welsh businesses.

“Unwavering condemnation of the unprovoked and unjustified war of aggression against Ukraine”

In its [second recommendation](#) to the Partnership Council, the PPA reiterated its unwavering condemnation of the war in Ukraine, its support for Ukraine and the need for cooperation between the EU and UK particularly in relation to an effective sanctions policy. It also called for an ‘intensification of dialogue’ on avenues for future cooperation and coordination on foreign and security related matters in general between the UK and the EU. It has asked the Partnership Council to report back on its recommendation before the next meeting in December 2023.

The Senedd has been unanimous in supporting motions that condemn the war and express solidarity with the people of Ukraine.

2. Senedd engagement in the work of the PPA

Devolved legislatures have much to contribute to the work of the PPA as this report shows. Devolved members’ positive contribution to the work of breakout groups and the valuable opportunity to raise issues and good practice from Wales in those groups clearly demonstrates the benefits of our inclusion.

Our [summary report](#) on the second meeting of the PPA made five recommendations to further develop the relationship between the Senedd and the PPA. Progress has been made on several recommendations but we’ll continue to work and press for further progress on others.

Recommendation 1: Improvements made to the participation of devolved legislatures in the PPA are now embedded as ordinary working practice.

Recommendation 2: Consideration continue to be given by the Bureau of the PPA to devolved legislatures being able to participate in Plenary discussions on areas of devolved competence.

The inclusion of breakout groups on the agenda for the second time and the invitation for devolved members to fully participate in these demonstrates that positive developments made at the second meeting are being embedded. We value the opportunity this provides to contribute to the important discussions taking place. The publication of the points raised by the breakout groups by both institutions is also very welcome and helps aid transparency and engagement with the PPA.

Whilst appreciating the limited time available to all members of the PPA to contribute during plenary debates, we continue to press for time to be found for devolved legislatures to speak in plenary debates on areas of devolved competence. The PPA plays a hugely important role in strengthening relationships between the UK and the EU and the devolved legislatures can make a positive contribution to the development of ideas and sharing of good practice.

In a similar way the contribution of European regional representatives and wider civil society can only strengthen the work of the PPA.

We provided a written briefing in advance of the meeting to the UK delegation to raise issues of specific importance to the Senedd and Wales. We hope this proved useful in informing the contributions of the UK delegation. We also met with a Vice-Chair the Rt.Hon Hilary Benn in advance. We will continue to seek to develop our relationship and engagement with UK delegation members.

Recommendation 3: The Senedd representatives and relevant Senedd committees work together on the development of the relationship with UK and EU delegation members outside of formal PPA meetings.

Recommendation 4: The reports on outcomes of the session are routinely shared and drawn to the attention of relevant Senedd committees and Welsh Government.

We drew our last report to the attention of relevant Senedd committees and the First Minister for Wales. We're grateful for their positive response and continue to engage with them.

The Senedd's Legislation, Justice and Constitution Committee has invited sister committees in other UK legislatures to participate in its inquiry on UK-EU Governance and met with MEPs from the EU's delegation during its visit to Brussels in September.

Other Senedd Committees have plans to visit Brussels over the next 12 months to discuss issues relevant to the work of the PPA and will continue to seek to build relationship with counterparts in their respective areas.

We take note of the calls from the European Commission in particular to raise the political profile of the TCA and its governance structures and will continue to raise awareness of the PPA's important work.

Recommendation 5: That mechanisms are developed to engage with Welsh civil society on the work of Senedd members in the PPA, both in advance of the formal meetings and after meetings to feedback on proceedings.

We were able to engage informally with stakeholders ahead of this third meeting and used this information to inform our briefing to the UK delegation and contributions in the breakout groups. We're grateful to those stakeholders who were able to provide a steer at such short notice. A key challenge in seeking to engage formally with stakeholders ahead of meetings is that agendas haven't been received until, at most, a week in advance.

Whilst this limits the opportunities available to formally engage with stakeholders on specific agenda items, there are opportunities to engage stakeholders on issues of importance to them in general in advance of meetings and to seek to influence the contents of the agenda. There are also opportunities to raise awareness of any issues identified through more formal stakeholder engagement with both delegations outside of the formal meetings.

In addition, we will seek further opportunities to coordinate work on the PPA with that done by Senedd Members on the UK-Committee of the Regions Contact Group to seek to maximise opportunities available to raise issues of importance to Wales.

Agenda Item 4.5

Y Cynullin Gyhoeddus, Cyfiawnder a'r Cyfansoddiad

Legislation, Justice and Constitution Committee

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Delyth Jewell MS

Chair, Culture, Communications, Welsh Language, Sport, and International Relations Committee

17 October 2023

Dear Delyth,

The Welsh Government's strategic forward approach to its relationship with the European Union

On Friday 6 October I received a letter from the First Minister, following his appearance before my Committee on Monday 18 September, in which he outlines the Welsh Government's strategic forward approach to its relationship with the European Union.

We noted the letter at our meeting on Monday 9 October, and it can be viewed here: LJC(6)-27-23 - Paper 16 - Letter from the First Minister, 6 October 2023.

Yours sincerely,



Huw Irranca-Davies

Chair

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Agenda Item 9

By virtue of paragraph(s) vii of Standing Order 17.42

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