Comisiynydd y Gymraeg
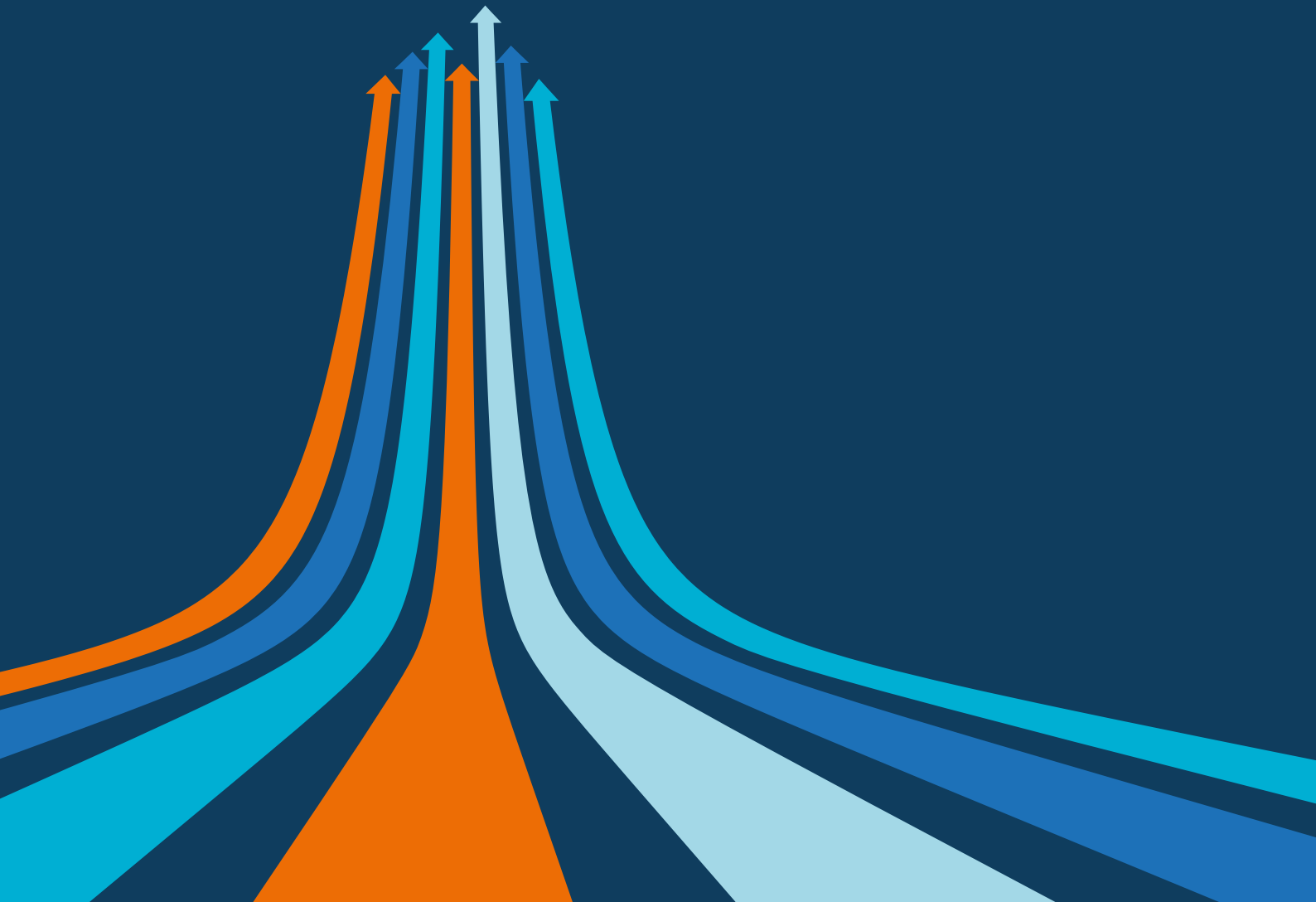**Welsh Language Commissioner**

Raising the Bar

Assurance Report 2022-23

Published in accordance with section 4 of the Welsh Language (Wales) Measure 2011
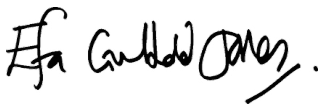
October 2023

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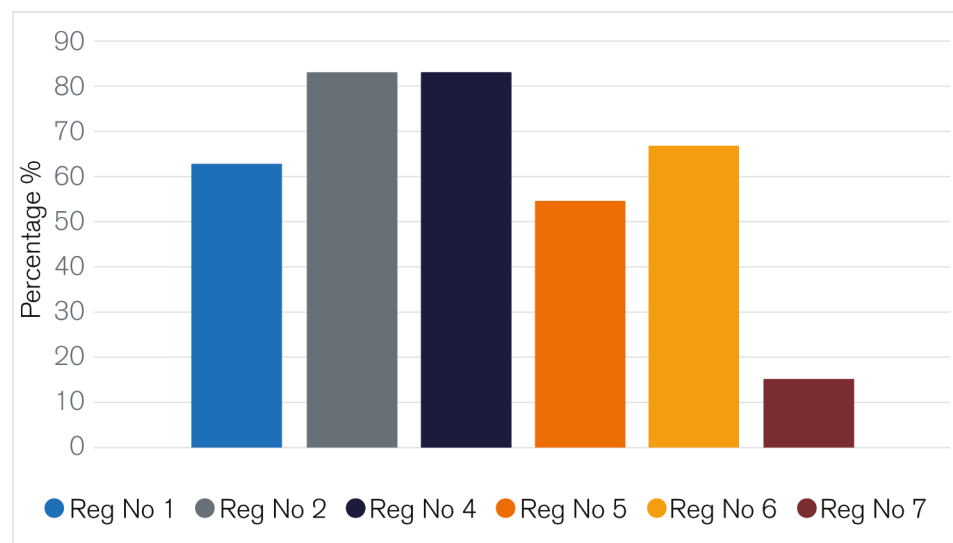
1.10 The performance of 15% in the health sector also indicates a downward trend considering that the corresponding figure for the year 2021-2022 was 30%.

---

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 services[2]
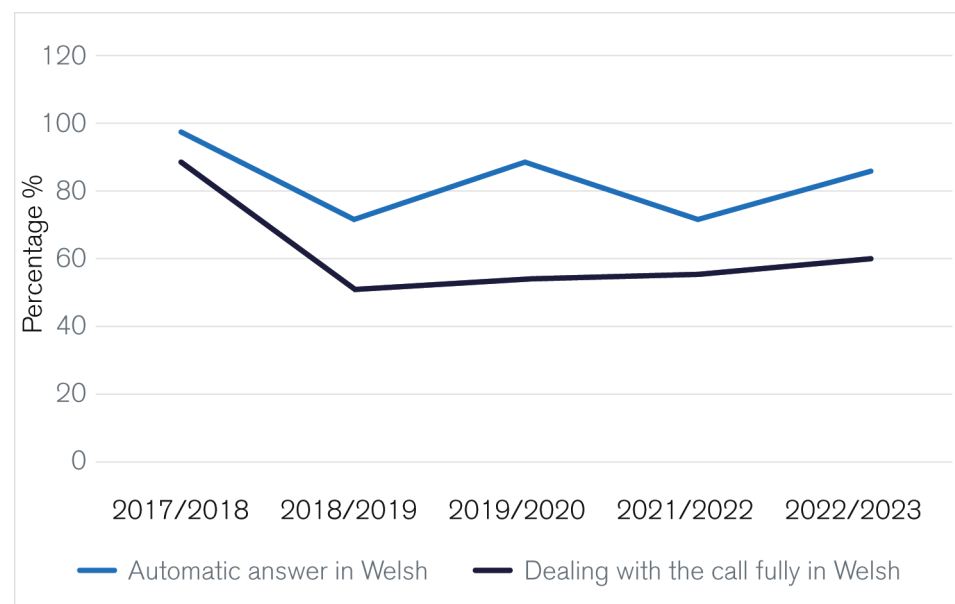
1.13 As the graph above shows, there has been an increase in organisations' levels of compliance with the standards requiring them to deal with telephone calls in Welsh and their automated service delivery standards.

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:
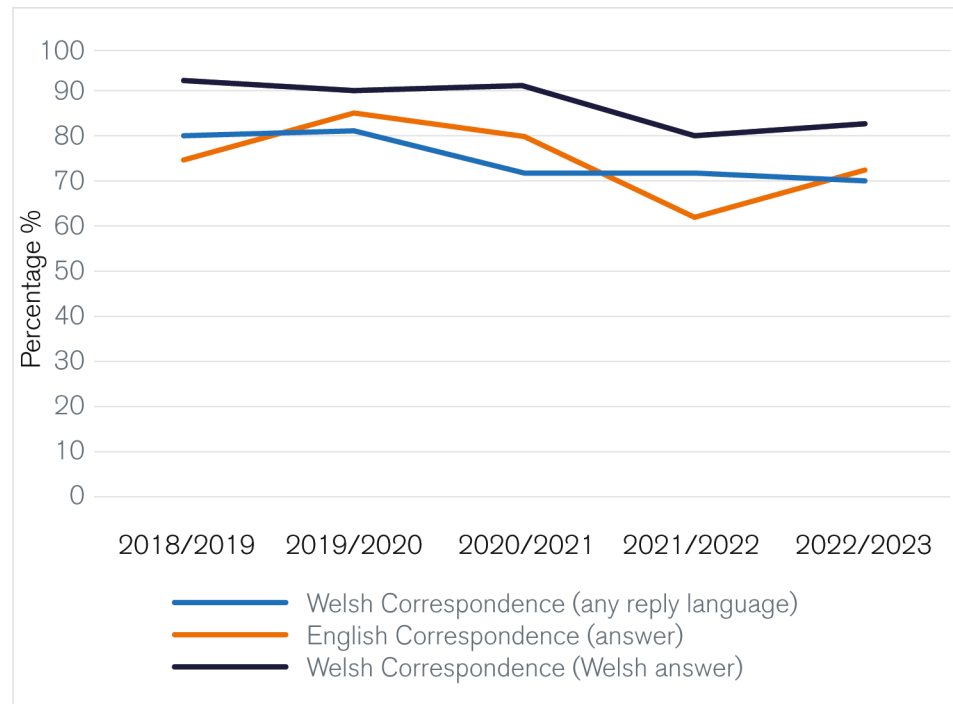
Percentage of Welsh language posts on social media[3]
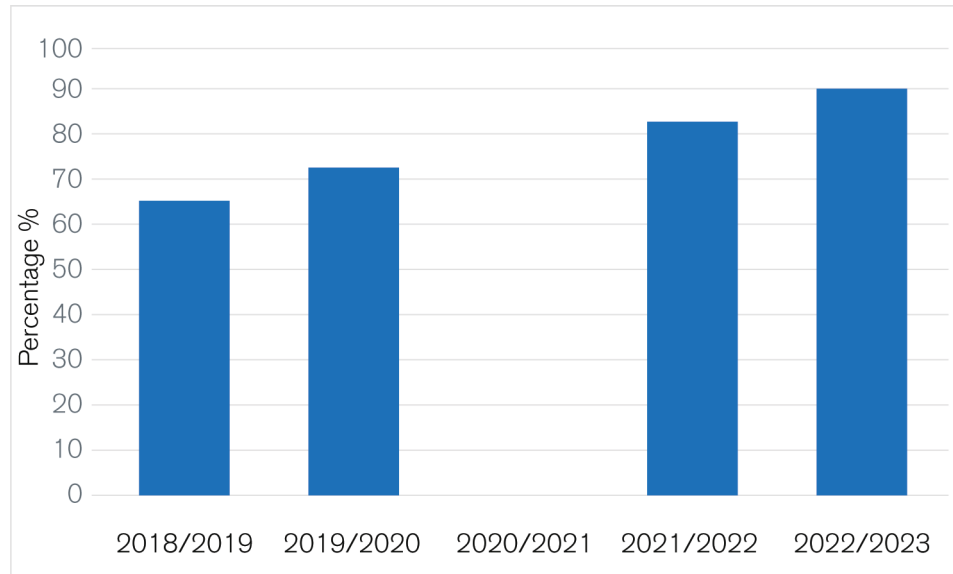
3. No data for 2020-2021

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
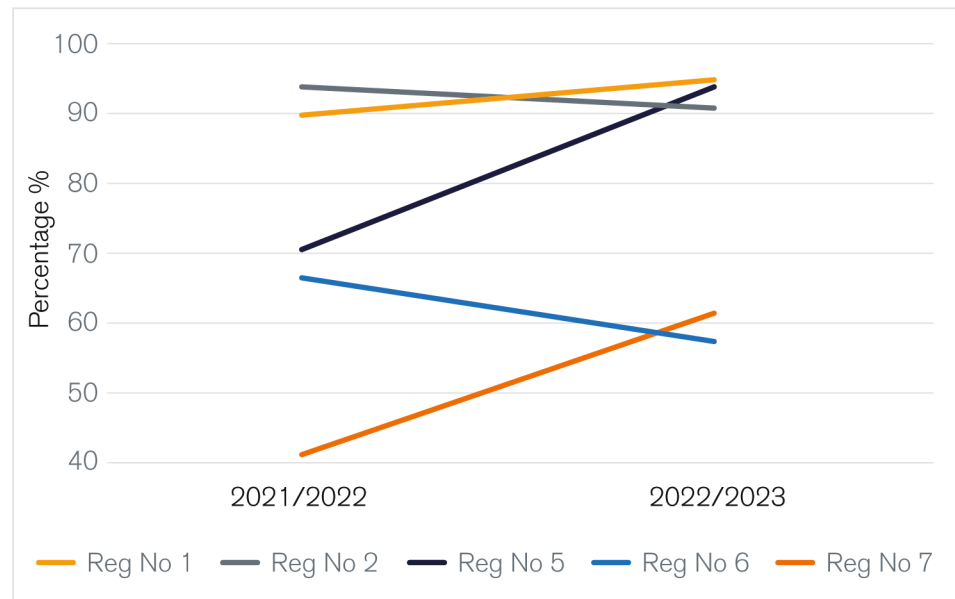
1.39 The graph below shows the percentage of web pages available in Welsh, according to the set of regulations, over time. The trend shows an upward shift towards compliance over time. It shows that the newest organisations to the standards regime (namely sets 6 and 7) are still travelling towards a 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
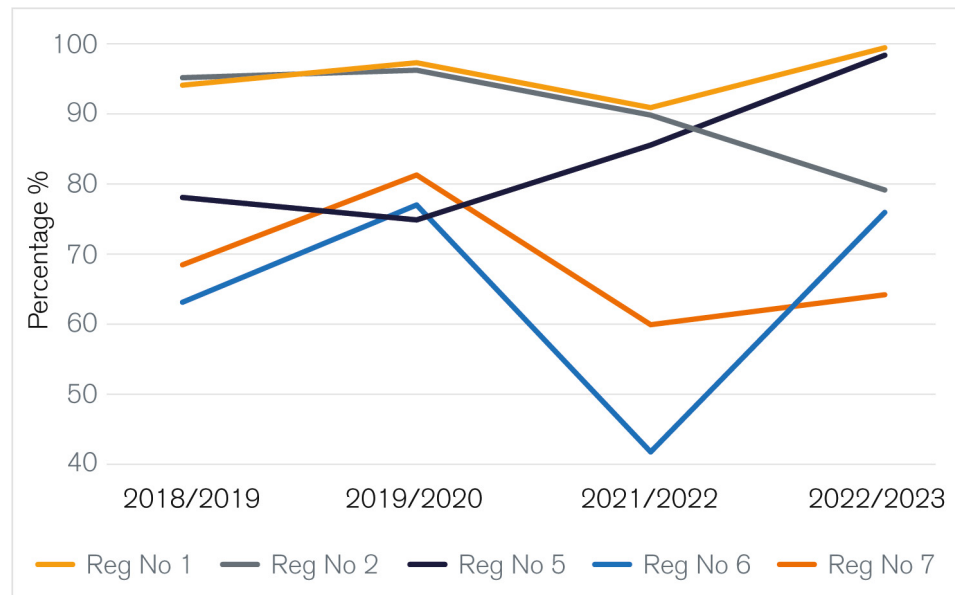
1.40 The data shows that the standards regime is working, and that the Commissioner's regulatory work is tracking and driving progress in the performance of organisations subject to Welsh language duties.

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.

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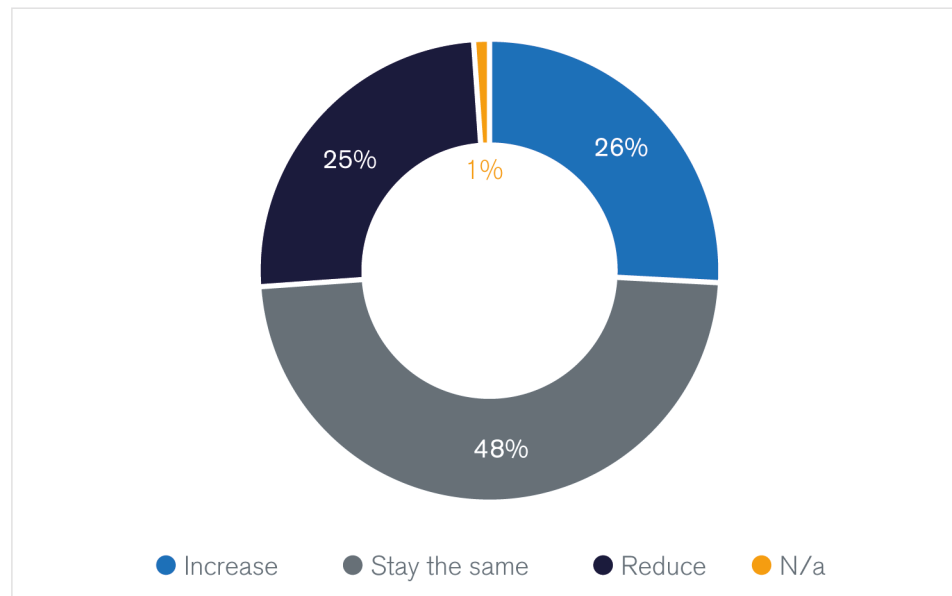
1.54   The chart above shows that 26% of respondents believe their opportunities to use Welsh in their daily lives are increasing, and 48% of respondents indicate that their opportunities remain the same. So almost three quarters of Welsh speakers find that they have the opportunity to use Welsh in their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

● Welsh   ● English   ● Varies depending on the service
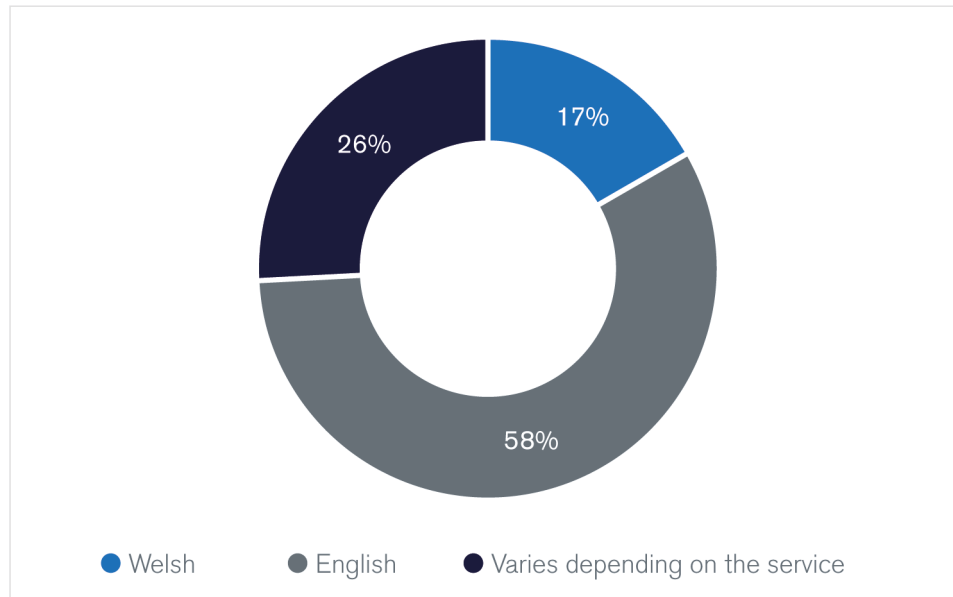
1.60.2 Clearly this figure raises concern, and reflects a stark reduction in response to the question regarding use in the last three years, since the pandemic:

Percentage of respondents who prefer to use Welsh with public bodies.
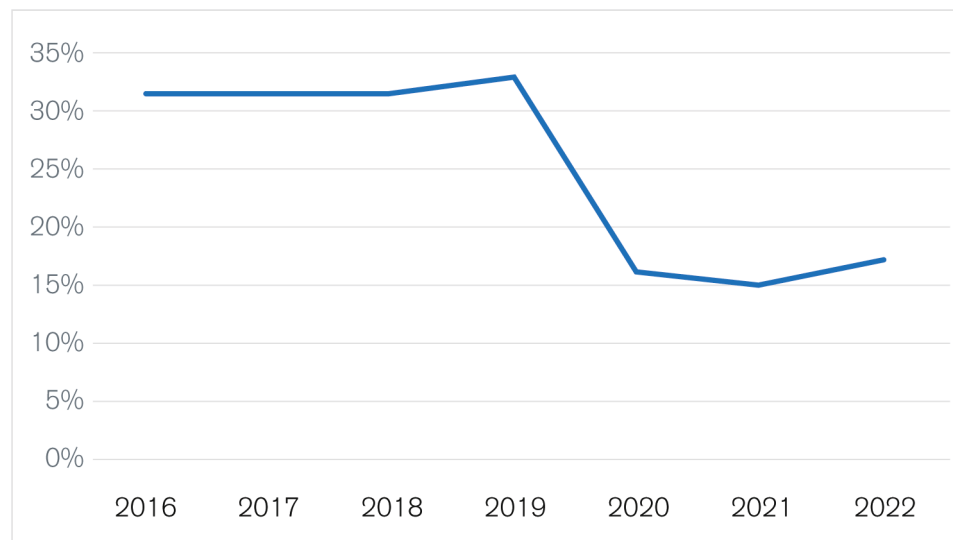
1.61 As the graph above shows, there was a significant drop in the number of survey respondents who indicated a preference for using Welsh during the pandemic period, and the figure has yet to recover to levels seen before 2020. Organisations are expected to respond to these results and do more to promote 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.

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.

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.
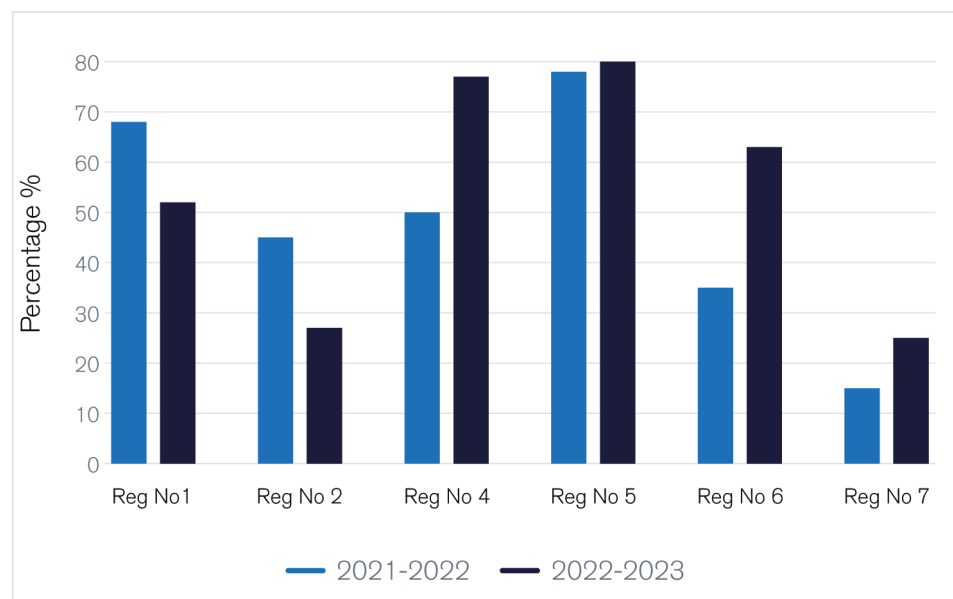
Forms

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.
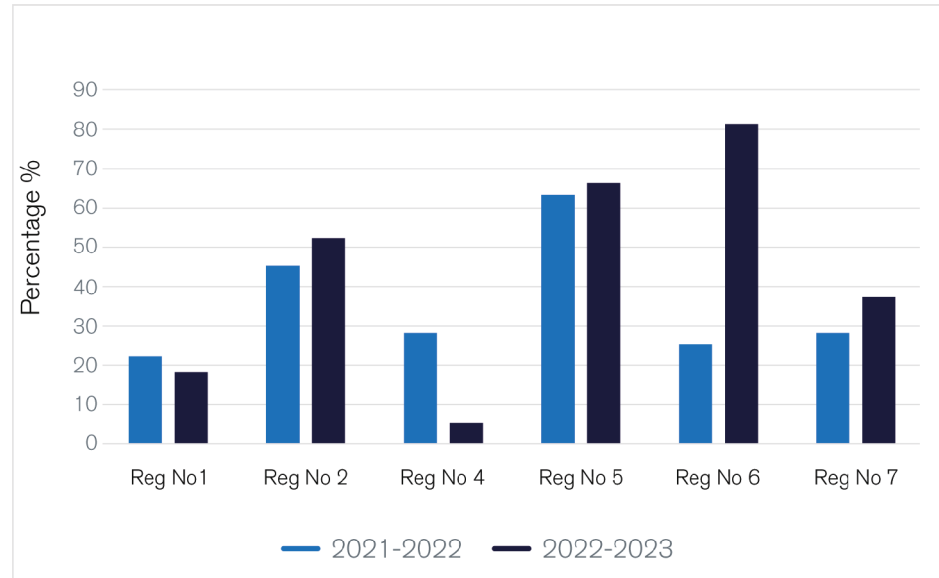
Application forms for posts

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).
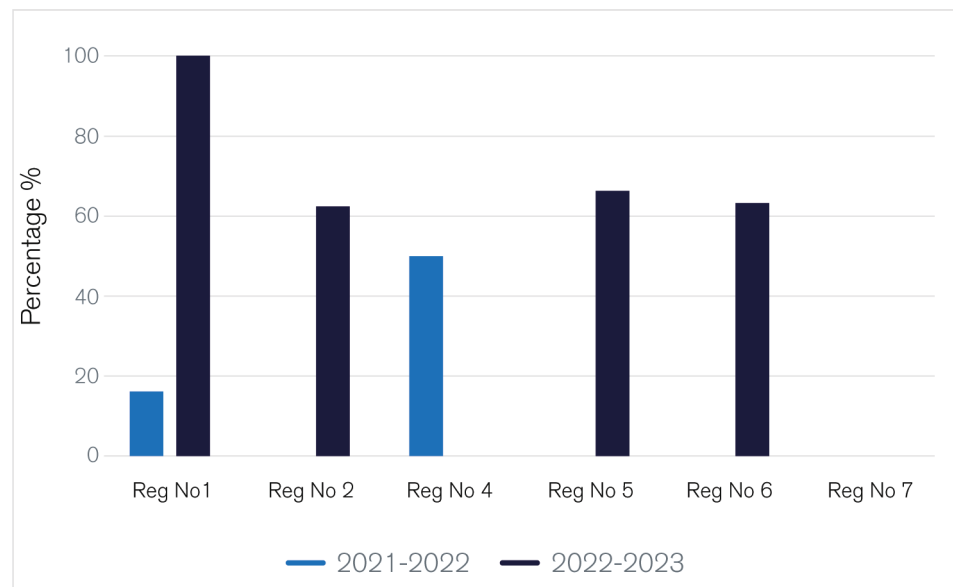
2.6 Taking into account the results of the above three graphs we see a mixed picture. Welcoming correspondence in Welsh shows a situation that is inconsistent with the overall trend as local authorities, national parks, Welsh Ministers (regulations number 1) and national bodies in Wales (regulations 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.

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.

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'.

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
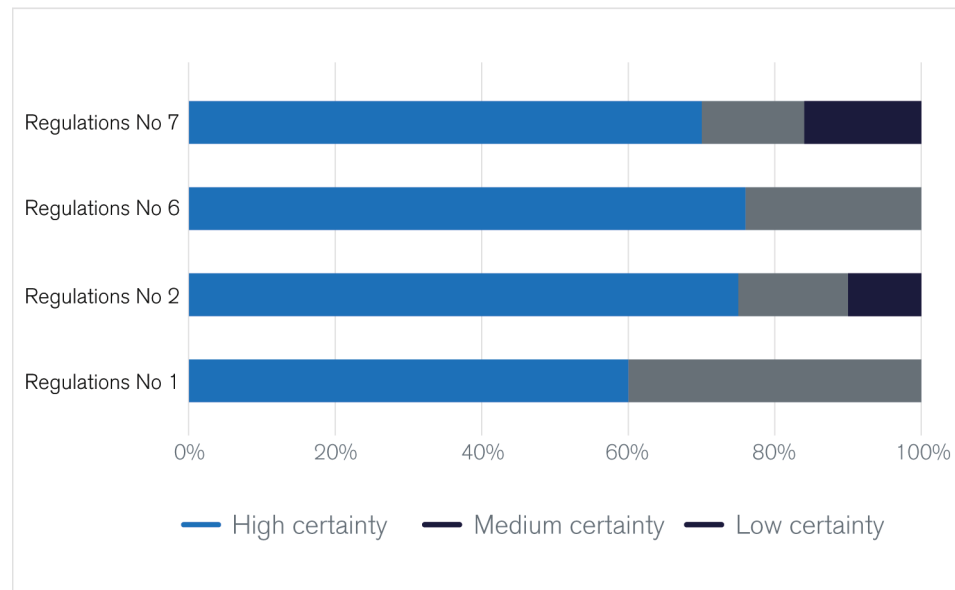
2.29 The levels of organisations reporting a self-assessment of high assurance follow the same patterns as the graph above in compliance in terms of publishing internal policies in Welsh, ensuring that staff can submit complaints in Welsh and that an internal disciplinary process can be conducted in 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.

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 Welsh[4]
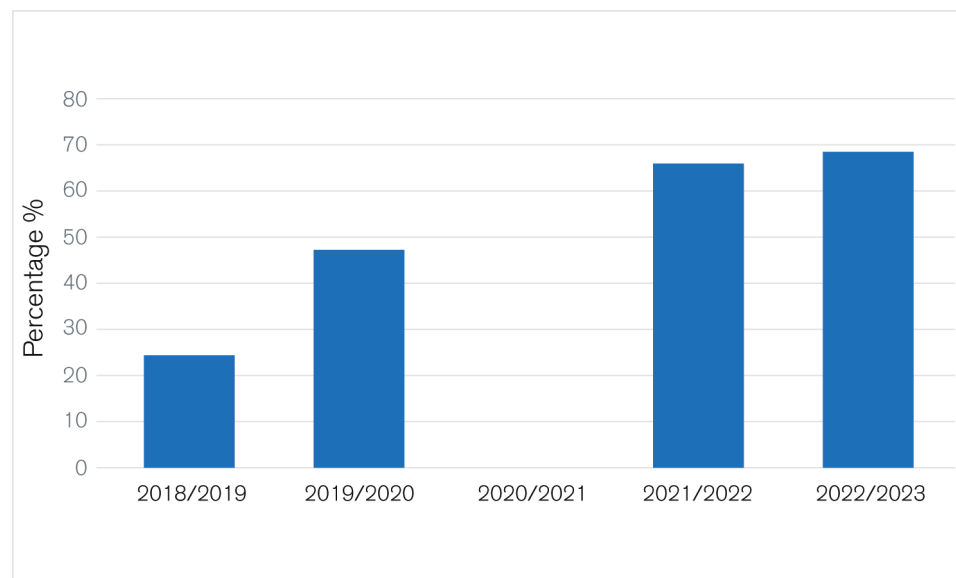
3.9   Once again, the picture is also mixed and inconsistent across sectors, with universities and further education colleges (regulations number 6) and health bodies (regulations number 7) consistently performing worse than the bodies from other sectors.

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.

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
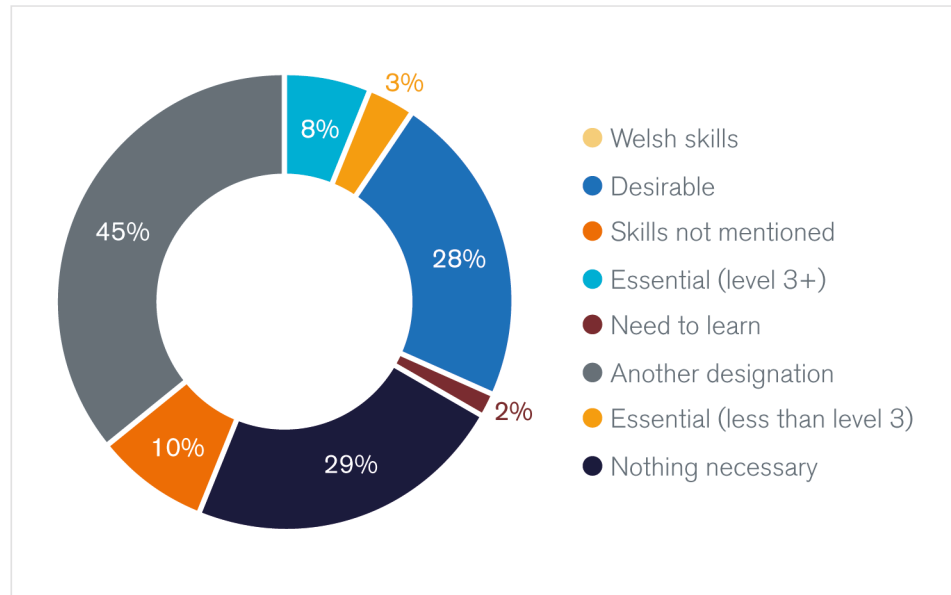
3.17 In the sample of job advertisements surveyed by the Commissioner's officers, 8.3% of posts were designated with the need for essential Welsh language skills. These were all posts advertised by bodies from the set of regulations number 1 (Welsh Ministers, local authorities and national parks) and 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;

- 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.

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
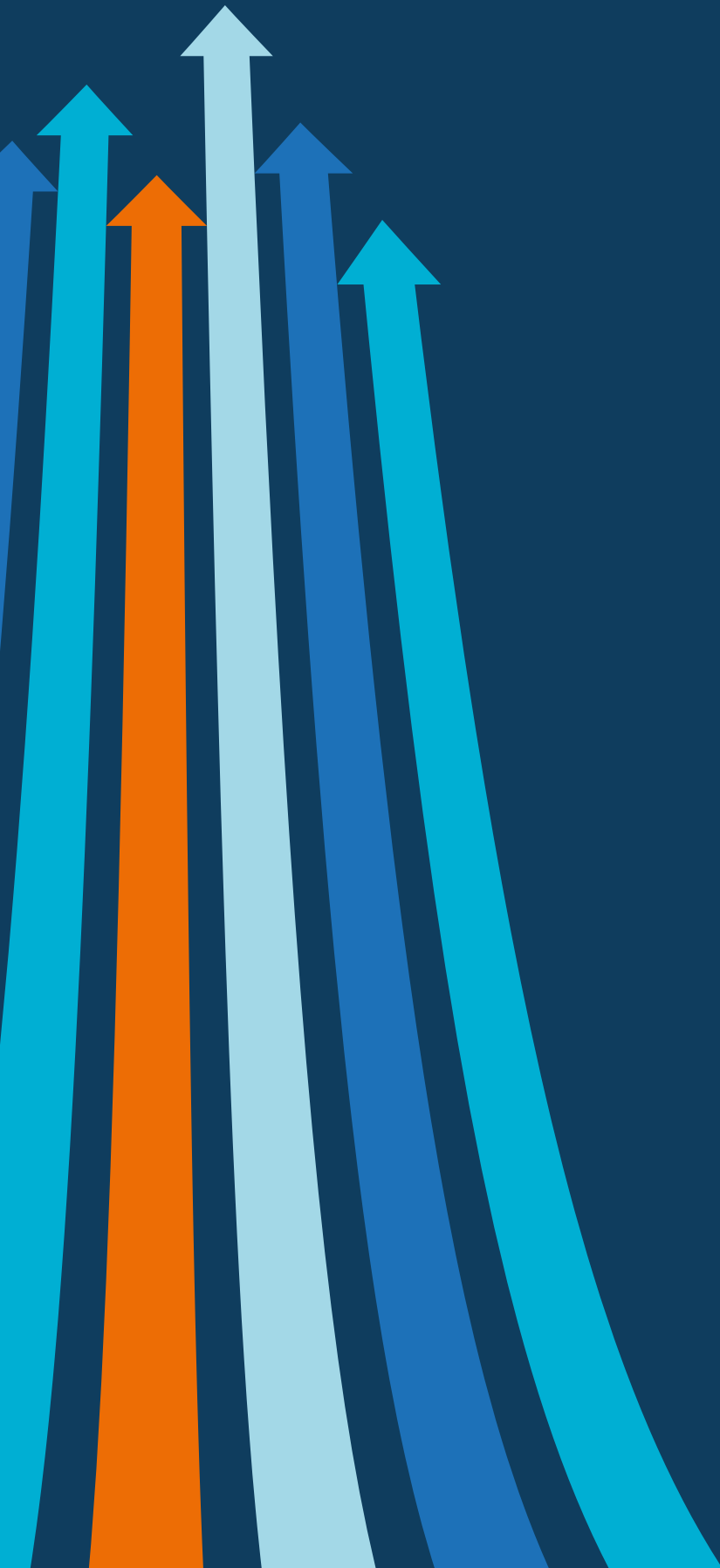- Cardiff Met University

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

Comisiynydd y Gymraeg
Welsh Language Commissioner