



Delyth Jewell AS  
Chair  
Culture, Communications, Welsh Language, Sport, and International Relations Committee  
Senedd Cymru

15/12/2023

Annwyl Delyth

### Annual scrutiny follow-up

Thank you for the opportunity to appear before the Committee to discuss my 2022-23 Annual Report and 2023 Assurance Report at the beginning of November. Thank you also for the subsequent letter where you ask for more information about certain aspects of our evidence. Below I respond to your questions by area.

#### 1. Case Management System

A case management system was presented to us by the providers for testing in February 2023. Following our testing work we were of the opinion that aspects of the system which relate to governance and work to promote the Welsh language with the third and private sectors had been delivered in accordance with our expectations by the end of the contract period. We were not, however, of the opinion that significant aspects of the system relating to the organisation's regulatory work had been carried out in accordance with our expectations. However, due to the nature of the system, and the fact that we did not consider that large aspects of the work had been carried out in accordance with our expectations we have decided not to use the elements that we deemed to be acceptable for the time being.

I understand your concerns about the additional costs associated with completing the work. Due to the nature of the contract we understood that the system would need some further refinement following the initial testing period and that there would be some costs associated with that, but as I explained above, we are not of the opinion that the system that was presented to us for testing met our expectations in the first place. We are in the

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process of obtaining further specialist advice to assist us with the next steps. Following this, we will be in a better position to consider the subsequent steps. In doing so we will fully consider the costs of the project and value for public money.

In the meantime, as I explained at the Committee meeting, the Commissioner's staff are able to continue their work effectively. The anticipated benefits that would come from the system mainly relate to savings in terms of the efficiency of the use of staff time and include:

- Automating some tasks that would mean savings in staff time
- Reducing the burden of day-to-day repetitive and administrative tasks
- Enabling us to keep a better record of our work and adhere to timetables
- Enabling us to measure progress more easily against our performance indicators
- Enabling us to report better on the performance of the bodies that we regulate

## 2. Independence of government

Before deciding to lease space in the Welsh Government building in Cathays Park an exercise was carried out to weigh the risks and costs of doing so in relation to the risks and costs of moving to another space. It was concluded that the costs of leasing space at Cathays Park would be significantly lower than leasing space from a commercial provider and that steps could be put in place to mitigate the risks identified in relation to the independence of the organisation. I am confident following that exercise that we have come to the right conclusion in terms of my office's resources and that suitable steps will be in place to protect the independence of the Commissioner. These steps include:

- All members of the Commissioner's staff have committed to acting in accordance with a code of conduct based on Nolan's principles of conduct in public life. Ensuring the independence of the Commissioner is at the core of that code of conduct. That means that my and my staff's decisions and dealings will not be influenced by the location of our office, and that we will not treat the Welsh Government differently from the other organisations that are regulated by us.
- In relation to the above, the Welsh Government and the Commissioner have a memorandum of understanding which sets out the responsibilities of the two organisations and their relationship with each other.
- Sharing space in this way brings financial savings to the Commissioner and to other public bodies with whom we will share the space. It is a prudent way of working in a difficult financial climate. It would be extremely difficult for the Commissioner to share space with other public bodies that do not have to comply with Welsh language standards. In this regard, we will share our space with other regulatory bodies including the Food Standards Agency and Natural Resources Wales.
- The Commissioner's staff will have unique passes to enable them to access the fourth floor of the building and public areas only. Welsh Government staff will not have access to the fourth floor of the building.
- A minority of the Commissioner's staff will be located in these offices, and they will all operate a hybrid working arrangement. The Caernarfon office is now the



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Commissioner's main office and this is the address that will be used for communication purposes.

The Commissioner does not have the right to spend more than the sum voted by the Senedd, this is in accordance with the principle of 'Parliamentary Supply' of the UK Public Money Management framework. If we need additional funding for any of our expenditure categories we are required to apply to the Welsh Government through the 'supplementary budget' process. Previously, the Commissioner would have been able to control any additional expenditure requirements from our reserve fund, but now it is not possible to keep a reserve fund for these purposes so my ability to control additional expenditure is limited.

When establishing this procedure, the Commissioner underlined the conflict that could arise in connection with the possibility of needing to request additional funding in order to bring proceedings against the Government which of course, is regulated by the Commissioner. A commitment was given in a letter that the Welsh Language Commissioner would be able to request funding from the Finance Minister for the purposes of bringing legal proceedings against the Government if we did not have enough funding in the absence of a reserve fund. There is therefore recognition of the potential conflict and there is a process in place to overcome this difficulty and to protect the independence of the Commissioner.

### **3. Funding challenges for 2024-25**

As required, I submitted a paper to the Government by 31 October 2023 outlining the funding my office needs to carry out our work. In the paper presented I noted that an increase of £147,000 was needed to the Commissioner's revenue budget for 2024-25 to carry out the same activities as last year. This includes an increase of £132,000 to meet a 5% increase in employment costs. As an organisation, we follow the Welsh Government salary pattern. Without an increase to the underlying revenue budget to meet that increase, we will inevitably need to make difficult decisions in order to achieve savings to meet the deficit. We will have already achieved savings of £97,000 in 2023-24 by reducing our estate so there are very few further savings that we will be able to make towards the organisation's running costs in the coming years.

As we do not yet know the terms of the settlement that we will receive from the Welsh Government we are currently working on different scenarios dependent on predicting different settlements. This, inevitably, includes looking at the staffing structure. Introducing changes to our staffing structure would significantly affect the office's ability to carry out our work; I have already, for example, decided to keep two positions vacant for the time being following staff departures. I should point out that the organisation already employs 4 fewer members of staff than in 2015-16 - a reduction of 6 would be a reduction of over 10%. This work of preparing for different scenarios also means that we need to look at our already small programme budget (£150,000).



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I hope that this letter fully answers the Committee's questions. Please feel free to contact me if you need further information.

Yr eiddoch yn gywir,

**Efa Gruffudd Jones**  
Welsh Language Commissioner