

Response from Cymdeithas yr Iaith to the Welsh Language Commissioner's draft strategic plan for 2025-2030 – Introduction

Cymdeithas yr Iaith is an organisation that has campaigned non-violently for the Welsh language and all communities in Wales, as part of the international revolution for freedom and justice, for more than 60 years.

SUMMARY OF MAIN DEMANDS

We call upon you, as Commissioner, in general terms, to:

- Resume your core function as an independent regulator for the Welsh language and an advocate for the rights of Welsh speakers
- Stop facilitating the back-door implementation of the Welsh Government's plans (2017-2019) to weaken the regulatory system pertaining to the Welsh language, and to turn the Commissioner primarily into a body that promotes the Welsh language, contrary to the Welsh Language Measure 2011. The Commissioner's office needs to be able to implement the core function of the Measure, and to strengthen the expert, independent function of providing scrutiny and advice for the benefit of the Welsh language. There will be increasing demand for this work if the Welsh Language and Education (Wales) Bill comes to fruition, if we wish to transform the situation of the Welsh language in respect of town and country planning, and if we wish to hold the Government's feet to the fire in terms of reaching a million Welsh speakers. We anticipate that specialist units will be needed to work in the area of Welsh education, planning and realising the trajectory towards the 2050 target.
- Commit to leaving the Welsh Government's offices in Cardiff at the earliest opportunity and look for a more suitable location in the capital, in order to rekindle at least some kind of semblance of credibility and independence regarding the body's work

We call on you to overhaul the 2025-2030 Strategic Plan:

- So that *people's rights* to use the Welsh language are central to the objectives, and that there is a commitment to use the full force of the law in a measurable way (SMART commitments) to move things forward
- So that there is a definitive and measurable commitment in relation to the Welsh language in the workplace to create a certain number of workplaces that are administered mainly or entirely through the medium of Welsh – orally and in writing – by the end of the plan's lifespan in 2030, thereby normalising the successful policies of bodies such as Gwynedd Council and the National Library
- So that there is a commitment in the health and care sector to try to realise, by 2030, the existence of an absolute right for the people of Wales to receive clinical care, specialist care (e.g. mental and psychiatric health care) and social care entirely through the medium of Welsh, and to pressure the Government to impose language standards on primary care providers so that, for example, a GP, dentist and pharmacist can be seen through the medium of Welsh, thereby highlighting the scandalous situation at present, where they have been omitted.

- To stop wasting Welsh language resources and funding by encouraging wealthy bodies such as banks and supermarkets to use the Welsh language and to use those resources instead to (i) run a public campaign to shame the Welsh Government over its failure to use its powers to impose language standards on large corporations such as energy and gas companies, which make a fortune on the backs of the people of Wales every year; (ii) launch a standards investigation into telecoms operators, and press the Welsh Government for the right to use the Welsh language when dealing with supermarkets, banks, private car parks and the private sector as a whole; and (iii) create and operate a fund for initiating and joining court cases for the benefit of the Welsh language. This would be open for applications from communities and could make a real difference to the status of the language and the ability of individuals to use it.
- To include a commitment to provide public guidance regarding the work of completing the roll-out of standards regulations to all organisations for which it is possible to do so under the current schedules of the Measure: important bodies and those with which the people of Wales come into contact regularly, such as Post Office Ltd., the benefits system, Crown bodies etc.
- To reintroduce indicators regarding the number and percentage of statutory investigations that are opened annually following the receipt of valid complaints under section 93 of the Welsh Language Measure, and the number that are terminated, as a [percentage] of the total number of complaints received
- To include a commitment to use the Commissioner's powers to initiate and to intervene regularly and strategically in legal cases, and to report the number of cases as an annual indicator.
- To make use of the Commissioner's powers to conduct statutory inquiries, as was done with 'My Language, My Health'.

We call on the Welsh Government:

- To restore the 25% cut to the Commissioner's budget and honour the commitments made in the Explanatory Memorandum for the Welsh Language Measure regarding the organisation's funding levels

We call on the Senedd's Culture, Communications, Welsh Language, Sport and International Relations Committee, the opposition parties in the Senedd, and back-bench Members of the legislature:

- To ask difficult and persistent questions of the Commissioner until there is certainty that she is acting in accordance with the Measure and for the benefit of the rights of Welsh speakers, and that her resources have been reconfigured on that basis
- To scrutinise the relationship between the Commissioner and the Government
- To scrutinise the effectiveness of the administration of the Welsh Language Tribunal and its role in empowering complainants and in promoting access to administrative justice, and the extent to which its decisions have the effect of holding the Commissioner to account.

SUBSTANCE OF THE RESPONSE

Role of the Welsh Language Commissioner

Although the Government's attempts to introduce a weaker language Act between 2017-2019 have been rejected entirely, it appears that the Commissioner remains enthusiastic about trying to achieve the Government's plans on its behalf, which raises further questions about her suitability to be an independent advocate for the rights of Welsh speakers. We are concerned that the conduct of the Commissioner here is far removed from the role of being an advocate for Welsh speakers.

It is most regrettable that the character of the organisation, which is evident in this plan, has changed entirely from the character and mission of the organisation that was created in 2012 – and in a fashion that was not intended at all as a result of the Welsh Language Measure 2011. A Measure that was the subject of a long campaign. A Measure that remains unchanged, despite efforts to do so – efforts that were withdrawn amid strong opposition.

These changes have come about without a single piece of primary legislation having been changed, without any change to the enforcement policy (although we understand that efforts are underway to do so, and we will respond separately to your consultation in that regard), and with everything happening behind closed doors. That is unacceptable and completely undemocratic. Questions must be asked regarding how it happened. There are major questions to be asked about Welsh Language Commissioners (their governance arrangements and internal challenge – the Advisory Panel, the Risk and Audit Committee, etc.), and about the three branches of governance relating to the Welsh language, namely the Government, the opposition parties / legislature, and the Welsh Language Tribunal. We are therefore making recommendations in relation to all of the above.

It is striking to compare the draft strategic plan with the narrative of the organisation, created in 2012. It could be said that it confirms the gradual erosion on the body. For example, the regulatory section of the plan, on page 6, states the following: "The purpose of Welsh language standards and Welsh language schemes is to increase the number of Welsh medium services available, and to promote and facilitate the use of those services." This seems to ignore the fact that the language standards are a mechanism to create rights for Welsh speakers. The Measure states, in section 1. 2(a), that the official status of the language will be affected, among other things, by "the rights which arise from the enforceability of those duties".

The plan in general terms, and its language, emphasis and analysis reflect an excessively cosy culture and relationship with the Government and the bodies that the Commissioner is supposed to be regulating for the benefit of the language, and in terms of the Commissioner's intended role as an independent advocate and champion for Welsh speakers.

The words 'right', 'rights' or 'complainant' do not appear in this draft strategic plan at all, as one might expect from a body that is supposed to be an advocate for people, and as has been the case in the past.

The objectives have also been weakened. Your *current* strategic plan sets clear objectives and ensures that people, increasing services and promoting the Welsh language are central:

Objective 1: Ensure fairness, justice and rights for Welsh speakers

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

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

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

The *proposed* Objectives in the strategic plan for 2025-30, on the other hand, are very general. Although no one would disagree with them, they reflect insufficient ambition as objectives, and they are weakened in terms of language, content and impact:

Objective 1: Increasing services available in Welsh Objective 2: Promoting the use of Welsh medium services Objective 3: Increasing opportunities for the wider use of Welsh

What is clear from these objectives is that there is an emphasis on giving people more opportunities to use the Welsh language, and that it is then their choice to use the language or not, with no consideration given to the fact that language is a social phenomenon and that forces of all kinds restrict and influence individual choices.

As opposed to objectives that ensure Welsh language services and provision and ensure that the provision is clearly available, these objectives place a responsibility on the public to make use of services.

It is clear in the objectives, purposes and priorities of the Children's Commissioner and the Older People's Commissioner that they take seriously their roles as strong and firm advocates for people. The Children's Commissioner states that her purpose is to be a rights realiser and a challenger. Her [objectives](#) include the following:

"...support and empower children to speak out and share their diverse experiences with decision makers.

"...challenge and support others to ensure children's human rights are realised."¹

In the same way, [the Older People's Commissioner notes](#) that one of her functions is to: *"Challenge discrimination against older people in Wales".*

It is clear that people are central to their objectives and priorities, and that their aim is to advocate on behalf of the people whom they represent. The rights that children and older people have are more clear and common across all areas, while language rights are limited to specific areas, which means that it is easier to set the kind of objectives that the Children's Commissioner and Older People's Commissioner have. However, this also means that the Welsh Language Commissioner needs to do more to expand rights.

The Welsh Language Commissioner should serve as a strong voice for the people of Wales in the same way, and demand more Welsh language provision.

Moreover, questions arise regarding the location of the Commissioner's office in our capital, within the Government's headquarters in Cathays Park, given that the Government is a body that the Commissioner is responsible for holding to account. While we understand that there are financial savings to be made from closing an office, and that the funding that has been saved could be used for the Commissioner's other work, the truth of the matter is that this was a money-saving measure in the face of cuts to the Welsh Language Commissioner's budget. Alternative solutions would have achieved the same goal, such as sharing an office with the other Commissioners, or with other Welsh-language bodies in the capital. We note that the other Commissioners, as far as we know, have not taken up any space in Cathays Park, and that

the Welsh Language Commissioner, unlike those Commissioners, has direct regulatory powers over the Government and its operations.

The Government appoints and funds the office of the Welsh Language Commissioner, of course, and so this role is conducted at arm's length from the Government. However, the sharing office space and resources means that the office of the Welsh Language Commissioner is more susceptible to the perception that it is being influenced by the Government and failing to maintain proper independence.

We call upon the Commissioner to re-engage with her function as an independent regulator, above all else, and to start operating in this way.

The Commissioner should be more vocal and proactive. She should press the Government to implement and drive its standards timetable. Although the Government is responsible for drawing up a programme and timetable for setting standards, the Welsh Language Commissioner is meant to be a body that advocates on behalf of the Welsh language and Welsh speakers. That needs to be done through public calls that draw attention to the Government's tardiness and through internal pressure.

The majority of the services that people use on a daily basis are services provided by private companies. The Commissioner has the scope to demand the right to use Welsh in the private sector, again by drawing attention to need, and by pressuring the Government to do so.

Use of powers

The Welsh Language Commissioner has a number of powers through the Measure, and these powers need to be used for the benefit of Welsh speakers. Over the years, fewer investigations have been conducted in relation to complaints regarding failure to comply with the standards.

While we accept that the Commissioner seeks solutions with organisations in the first instance, and that this process can lead to swifter resolution, organisations do not record complaints against them in those cases, and thus their compliance reports do not reflect the situation, and the issues in question are not treated with the same gravity or transparency.

After an investigation is opened, we believe that the Commissioner should make full use of her enforcement and sanctioning powers when appropriate, in order to ensure fairness for those who have failed to receive a Welsh language service, and to demonstrate the gravity of the issue. The publicising of failures and solutions, for example, would encourage organisations to adhere to the standards and ensure that action plans are in place. Given that members of the public would be aware of a failure of this kind, it would be more important for an organisation to ensure that it adheres to its action plan and that there is no recurrence.

We call for the reintroduction of an indicator relating to the number of investigations opened and concluded, and the introduction of an indicator for the number of judicial reviews that have been commenced and contributed to – both as key indicators that need to be included in the plan. Although the Register of Enforcement Actions is public, it does not provide a full picture of the number of investigations, complaints, and so forth.

It is important, for the sake of transparency, that the public is able to see more detail pertaining to the Commissioner's work, and how many complaints are received but not investigated.

Themes in the strategic plan

Health and care, the workplace, and children and young people are worthy priorities, but the actions of the strategic plan (under the heading "Over the next five years we will:") do not reflect the three themes. There are a few actions related to the three priority areas, but they are, on the whole, very general in nature, and so it is difficult to see how they will improve people's experience in the three areas in question.

Moreover, there is a need to prioritise technical and detailed work in specific areas, such as healthcare and education. The Welsh Language Commissioner will have an important role to play in scrutinising in detail the significant growth that will be needed in Welsh education, in preparation for the implementation of the Welsh education Bill.

The expectation is that there will be a tremendous increase in the documentation that will be produced at the school governing body level for the first time, given that each governing body is expected to draw up delivery plan. The Welsh Language Commissioner will probably be expected to analyse and challenge these bodies, together with Qualifications Wales, the WJEC, Estyn, and the Education Workforce Council.

In the area of Welsh language education, the role of the Welsh Language Commissioner is to challenge providers. That is not clear in the strategic plan.

The strategic plan also notes that the attitudes of children and young people towards the Welsh language "and their practices in using the language now, will affect their future use of Welsh." Statutory education is an important part of that, but extracurricular activities are also central. Welsh is considered a language of education, and an irrelevance in the world

beyond the classroom, because sports and leisure activities for children and young people are mainly conducted in English. We believe that specific attention needs to be paid to ensuring that extracurricular activities for children are provided through the medium of Welsh. To highlight one example, the Commissioner has, to date, failed to ensure that children and young people have the right and opportunity to have swimming lessons through the medium of Welsh.

Health and care

Increasing opportunities to use the Welsh language in this area is not enough in itself, without considering all of the planning work that is required to ensure that the Welsh language is placed at the heart of our health and care services.

From the perspective of patients, the use of Welsh is essential if that is their language of choice, especially in respect of stroke care and dementia, and for children. It is also essential that mental health support and services are available in Welsh, and in an accessible and timely fashion.

In addition, the following statement is made clearly in the [Duty of Quality Statutory Guidance 2023 and Quality Standards 2023](#): "*Being able to access services in the Welsh language makes a significant positive difference to the quality of the overall experience and health and wellbeing outcomes for many Welsh-speakers.*" Furthermore, the *More than just words* strategic framework (Welsh Government, 2022) pledges that Welsh speakers will receive health and care services that meet their needs as a natural part of their care, with an increasing emphasis on implementing a proactive offer of Welsh language provision. Therefore, strong leadership, data mapping and workforce planning are key themes within the framework actions. However, a lack of effective planning and action is hindering efforts to increase Welsh language provision, thereby compounding the suffering of service users. We call upon the Commissioner to adopt a

leading role in holding the Welsh Government to account on all actions within the *More than just words* framework.

Primary care was omitted from the language standards for the health sector, but the sector was included in separate, parallel regulations in 2019. The The National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 do not introduce a single mandatory right of any value. This perpetuates a shameful situation in which there is still no right to primary health services such as seeing a GP or a dentist who can speak Welsh. There is an urgent need to return to this issue. We note that [the Welsh Government intends to review](#) the regulations, and so we expect the Commissioner to lead the way in calling and pressing for the inclusion of primary care within mainstream standards, and in asserting that there is a right to receive care, treatment and consultations through the medium of Welsh.

What is missing from the proposed strategic plan from a health perspective is attention to the work of Digital Health and Care Wales, which is vital in terms of installing technical systems in order to identify and respond to the linguistic needs of service users, and in terms of planning the workforce to provide services through the medium of Welsh.

Workplaces

In terms of workplaces, we feel that there needs to be a greater emphasis on organisational change. At present, those who wish to work through the medium of Welsh are in the minority and are swimming against the tide, given that English is the language of many workplaces. What we need to do is change workplaces so that they are Welsh-speaking. As a starting point, we need to identify organisations that undertake their internal administration in Welsh, both orally and in writing, and use that as a baseline before setting a target for how many more will be doing this by the end of the plan's lifespan. The emphasis of the regulatory actions under Objective 3 is on increasing opportunities to use the Welsh language. However, we believe that it is necessary to go further by collaborating closely with specific organisations on how to move things [forward]. We accept that this is already happening to a certain extent. However, we need to build on this and collaborate with public authorities across Wales with which the public have regular contact, such as county councils, to take action towards working through the medium of Welsh.

Objective 1

We have doubts about encouraging organisations "to use technology and artificial intelligence to increase and improve their services in Welsh" as a means of increasing Welsh language services. The use of artificial intelligence can be beneficial in giving existing staff more confidence or increasing their skills. Nevertheless, it could also increase dependence on technology or software, instead of creating a workforce that can work through the medium of Welsh.

The number of investigations launched on the basis of complaints has decreased over recent years. Therefore, monitoring "the percentage of enforcement actions being implemented" is certainly not a reliable yardstick.

Objective 2

While we agree that it is necessary to ensure that the public knows about opportunities to use the Welsh language, encouraging people to use those services puts the responsibility on the

public to make use of services. In a delicate situation, people feel powerless and lack the confidence to ask service providers for a Welsh language service. Therefore, Welsh language services need to be available by default, and there should be no need to complain if they are not available when they should be.

As we have already stated, being able to use Welsh outside school settings is an important part of confirming that Welsh is an everyday language, and not just a language for the classroom. We need to do more than influence “policy areas that specifically affect

children and young people’s opportunities to use Welsh”. We believe that work needs to be done with local authorities, management bodies and private providers in order to increase the provision of sports and cultural activities available through the medium of Welsh.

Objective 3

There is no doubt that the Welsh language needs to be central to decisions. Too many organisations consider the Welsh language only when they have to, and they do so in superficial ways designed merely to comply with requirements. Consideration of the Welsh language is included in the policy standards of a number of organisations. In her regulatory work, the Commissioner should ensure that organisations exceed the minimum expectations, and that the Welsh language is central to their decisions. And when seeking to influence, the Commissioner should, in our view, expand her policy work to local and grassroots settings, as well as seeking to influence the policy framework and national legislation. It is in our communities that the Welsh language exists from day to day, and the Commissioner has a key role in developing her detailed work in this area: responding to local authorities' local development plans and important individual planning applications (as do other regulators, such as Natural Resources Wales), and scrutinising WESPs and the school-level Welsh delivery plans proposed in the education Bill, for example. We therefore propose that there is a need to create dedicated units within your office to achieve these goals – an Education Unit, a Town and Country Planning Unit etc. – and to nurture the necessary linguistic planning expertise. There is a gap here for the Commissioner to fill.

There is also an intention to "engage purposefully with the public to understand when and why incidents of interference with people’s freedom to use Welsh occur". There is a need to do more than engage. Procedures within the Measure need to be used in full to encourage complaints about interference, and to investigate and expose the people responsible for interfering with the human rights of Welsh speakers. There have been a number of effective instances of this in the past, in the case of organisations such as Bupa. One effective way of understanding when and why people are unable to use the Welsh language is by looking at the complaints received from the public. Changing the complaints procedure to dictate that complaints must be made, in the first instance, to the body that fails to provide a Welsh language service will lead to a reduction in the Commissioner's knowledge of problems and cases of non-compliance.

Other areas needed in the strategic plan

With regard to language infrastructure, we note that Members have discussed on the floor of the Senedd the absence of a timetable for full development of Welsh speech-to-text technology. In a world where virtual assistant devices are part and parcel of our everyday lives, it is vital for the future of the language that Welsh speakers are able to use this technology in their language. The Commissioner therefore needs to try to put that timetable in place and monitor it.

Another area missing from the strategic plan is research. The Government has set a goal of creating a million Welsh speakers by 2050, and there is only a quarter of a century left to hit that target. According to the results of the 2021 Census, the percentage and numbers of Welsh speakers continue to fall, and the Government is not doing enough to arrest this decline.

In order to hold the Government to account, we believe that there is a need for a research unit or research officers tasked with monitoring, on a quarterly basis, the trajectory towards a million speakers by 2050, and with measuring the impact of the measures implemented by the Government as part of the Cymraeg 2050 plan.

A copy of this response will be sent to the Chair of the Senedd's Culture, Communications, Welsh language, Sport, and International Relations Committee, along with the Welsh language spokespeople of the Senedd parties, so that it can inform their scrutiny of the Commissioner's work.