



**Cynulliad Cenedlaethol Cymru**  
**The National Assembly for Wales**

**Pwyllgor Deddfwriaeth Rhif 2**  
**Legislation Committee No. 2**

**Dydd Iau, 29 Ebrill 2010**  
**Thursday, 29 April 2010**

**Cynnwys**  
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Lorraine Barrett	Llafur (yn dirprwyo ar ran Lynne Neagle) Labour (substitute for Lynne Neagle)
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Rhodri Morgan	Llafur Labour
Gareth Jones	Plaid Cymru The Party of Wales
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol**  
**Others in attendance**

Eifion Griffiths	Uwch Ddadansoddwr, Gweithrediadau'r Rhwydwaith, Scottish Power Senior Analyst, Network Operations, Scottish Power
Meri Huws	Cadeirydd, Bwrdd yr Iaith Gymraeg Chair, Welsh Language Board
Gwyn Jones	Cyfarwyddwr Polisi a Therminoleg, Bwrdd yr Iaith Gymraeg Director of Policy and Terminology, Welsh Language Board
Meirion Prys Jones	Prif Weithredwr, Bwrdd yr Iaith Gymraeg Chief Executive, Welsh Language Board
Huw Roberts	Cyfarwyddwr Materion Cymreig, y Post Brenhinol Director of Welsh Affairs, Royal Mail
Stuart Taylor	Pennaeth Cysylltiadau Allanol Cymru, y Post Brenhinol Head of External Relations Wales, Royal Mail
Richard Tasker	Pennaeth Gweithrediadau Debyd Uniongyrchol, Scottish Power Head of Direct Debit Operations, Scottish Power

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Stephen Davies	Cynghorydd Cyfreithiol Legal Adviser
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Owain Roberts	Dirprwy Glerc Deputy Clerk
Dr Alys Thomas	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 9.30 a.m.*  
*The meeting began at 9.30 a.m.*

## **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions**

[1] **Val Lloyd:** Good morning and welcome to this morning's meeting of Legislation Committee No. 2.

[2] I have the usual housekeeping announcements to make. We are not expecting a fire alarm today, so if you hear any such alarm, it is for real and please leave via the exit door. Please turn off all mobile phones, pagers, BlackBerrys and such equipment, because they interfere with our broadcasting equipment. As you know, the National Assembly for Wales operates through the media of Welsh and English. The Welsh translation is available on channel 1 and amplification of sound is on channel 0. I know that the witnesses have been here before, but I remind them that the microphones will come on automatically and, therefore, there is no need to touch them because that can cause confusion with the equipment.

9.31 a.m.

### **Mesur Arfaethedig y Gymraeg (Cymru): Sesiwn Dystiolaeth The Proposed Welsh Language (Wales) Measure: Evidence Session**

[3] **Val Lloyd:** The committee is scrutinising the Proposed Welsh Language (Wales) Measure today. We must complete our deliberations by 23 July. Our purpose this morning is to take evidence from the Welsh Language Board. We have many questions to get through in a relatively short period of time and, therefore, I would be grateful if everyone could be mindful of that and focus on their answers.

[4] I welcome Meri Huws, the chair of the Welsh Language Board, Meirion Prys Jones, the chief executive, and Gwyn Jones, the director of policy and terminology. Good morning to you all. We will go straight into questions, and I will ask the first question.

[5] To what extent does the proposed Measure implement the recommendations contained in your 2006 paper on the legislative position of the Welsh language?

[6] **Ms Huws:** Yr ydym, fel bwrdd, wedi ymrwymo i'r hyn ddywedasom ym mhapur safbwynt 2006. I'ch atgoffa'n fyr, nodwyd gennym bwysigrwydd symud tuag at ddeddfu ac y dylai'r deddfu hwnnw gryfhau'r elfen hawliau, arwain at weithleoedd dwyieithog sy'n hollbwysig o ran y Gymru newydd, a chreu pwerau rheoleiddio ychwanegol, ac y mae angen i'r rheini fod yn llymach na'r rhai yn Neddf yr Iaith Gymraeg 1993. Mae'r Mesur arfaethedig hwn yn cymryd rhai camau yn y cyfeiriad hwnnw.

**Ms Huws:** We, as a board, are committed to what we stated in the 2006 position paper. To remind you briefly, we stated the importance of moving towards the creation of legislation and that that legislation should strengthen the rights element, lead to bilingual workplaces that will be vital in the new Wales, and create additional regulatory powers, which need to be stricter than those in the Welsh Language Act 1993. This proposed Measure takes some steps in that direction.

[7] Yr ydym yn sicr yn croesawu rôl y comisiynydd a'r pwerau rheoleiddio sydd dipyn yn fwy grymus na'r rhai sydd gan y bwrdd ar hyn o bryd. Nid ydym yn teimlo, felly, bod y Mesur arfaethedig yn ymwneud â hawliau ac nid oes cyfeiriad at weithleoedd dwyieithog, ond mae camau yn y cyfeiriad

We welcome the role of the commissioner and the regulatory powers that are substantially more powerful than those that the board has at present. We do not feel, therefore, that the proposed Measure appertains to rights and there is no reference to bilingual workplaces, but there are steps in

iawn.

the right direction.

[8] **Michael German:** Does this proposed Measure, particularly Part 1, realise the Welsh Government's stated objective in 'One Wales' of confirming official status for both Welsh and English?

[9] **Ms Huws:** Mae cryn amwysedd ac aneglurder yn y datganiad ynghylch y statws yn Rhan 1 y Mesur arfaethedig. Yr wyf yn ymwybodol fod Emyr Lewis, yn ei dystiolaeth yr wythnos diwethaf, wedi cyfeirio at hyn hefyd. Cytunwn â sylwadau Emyr Lewis bod angen datganiad clir ynglŷn â statws. Nid yw'r datganiad hwn yn glir ac yr ydym wedi cynnig, yn ein dystiolaeth, datganiad eithaf syml bod y Gymraeg yn iaith swyddogol yng Nghymru. Gofynnaf i chi ystyried a fyddai modd ei gynnwys yn y Mesur arfaethedig.

**Ms Huws:** There is considerable ambiguity and a lack of clarity in the statement regarding status in Part 1 of the proposed Measure. I am aware that Emyr Lewis, in his evidence last week, also referred to this. We agree with Emyr Lewis's comments that there is a need for a clear statement on status. This is not a clear statement and, in our evidence, we have offered quite a simple statement that the Welsh language is an official language in Wales. I ask you to consider whether it would be possible to include that in the proposed Measure.

[10] **Mr M. Jones:** Os edrychwn ar wledydd eraill sy'n mynd ati i hyrwyddo ieithoedd lleiafrifol, gwelwn fod y datganiad hwnnw fel arfer yn cael ei gynnig oherwydd fe'i ystyrir yn arwyddbost pwysig ynglŷn â statws iaith o fewn y diriogaeth honno. Felly, mae'r elfen honno o ran statws iaith yn hynod bwysig.

**Mr M. Jones:** If we look at other countries that are promoting minority languages, we see that that statement is usually put forward because it is considered to be an important signpost regarding the status of the language within that territory. Therefore, that element regarding language status is extremely important.

[11] **Michael German:** You missed out one important part of my question on the 'One Wales' document's stated objective of confirming official status for both Welsh and English.

[12] **Mr M. Jones:** Yn y cyd-destun hwnnw, tueddwn i gytuno â'r hyn sydd yn y Mesur arfaethedig, sef nid yw hyn yn effeithio ar sefyllfa'r Saesneg yng Nghymru.

**Mr M. Jones:** In that context, we tend to agree with what is included in the proposed Measure, that is, that this does not affect the situation of the English language in Wales.

[13] **Gareth Jones:** Dyma gwestiwn hollol sylfaenol, hyd y gwelaf i.

**Gareth Jones:** This is a totally fundamental question, as far as I can see.

[14] Un peth yw dweud y dylid cadarnhau statws swyddogol ond, yn eich tyb chi, beth yw'r berthynas rhwng statws swyddogol a hawliau unigolion, a sut y mae'n datblygu? Pa oblygiadau sydd i gadarnhau hynny? Dyna lle mae'r brif ddadl.

It is one thing to say that official status should be confirmed, but in your opinion, what is the relationship between official status and the rights of individuals, and how does that develop? What implications does that confirmation carry? That is where the main argument lies.

[15] **Mr M. Jones:** Credaf mai mater o ddatganiad am statws yr iaith ei hun yw hyn. Pwysigrwydd y llinell hon yw dweud bod gan y Gymraeg le a statws yng Nghymru. O safbwynt goblygiadau hynny, credaf mai mater yw o ddweud y byddem, dros amser, yn gweld beth fyddai'r drafodaeth o gwmpas

**Mr M. Jones:** I think that this about making a statement about the status of the language itself. The importance of this line is in saying that Welsh has a place and status in Wales. As for the implications, I believe that it is a matter of saying that, over time, we would see what sort of discussion will surround that.

hynny. Datganiad syml yw hwn, ac nid oes, ynnddo'i hun, gymaint â hynny o oblygiadau. This is a simple declaration, for which, in itself, there are not too many implications.

[16] **Michael German:** To be absolutely clear, while you would like to see your statement—as you put it in your evidence—included in Part 1 of the proposed Measure, you do not think that it would have any impact upon the effect of the proposed Measure itself.

[17] **Mr M. Jones:** Dros gyfnod, credaf y byddem yn gweld y goblygiadau yn y drafodaeth ynglŷn â'i union ystyr. Gwelwch hynny mewn gwledydd eraill lle gwneir y datganiadau hyn. Ar y cyfan, gwelwn mai ychydig o herio sydd yn digwydd ar y datganiad hwnnw. Felly, teimlwn mai ei brif bwrpas yw gosod statws yr iaith Gymraeg. **Mr M. Jones:** Over time, I think that we would see the implications in the discourse on what it means exactly. You can see that in other nations where this statement is made. On the whole, we believe that there is little challenge to these statements. Therefore, we feel that its main purpose is to set out the status of the Welsh language.

[18] **Ms Huws:** Mae gwerth cyfreithiol i'r datganiad hwnnw am statws. Cewch adeiladu ar hwnnw wedyn yn gyfreithiol. Mae gwerth seicolegol a diwylliannol penodol iawn i'r datganiad hwnnw, hefyd. Mae'n creu hyder ieithyddol. Felly gwelwn ddwy elfen, fel bwrdd. **Ms Huws:** That statement on status has legal value. You can build on that afterwards in law. There is specific psychological and cultural value to that statement, too. It creates linguistic confidence. Therefore, we as a board see two elements.

[19] **Michael German:** Yes, I understand that there is a specific psychological and cultural value. That is pretty clear, but a piece of legislation clearly must have legal standing. What is the legal effect, in your view, of including that statement in this proposed Measure?

[20] **Mr M. Jones:** Ni chredaf fod cymaint â hynny o rym cyfreithiol y tu ôl i'r datganiad. Mater o weld yr hyn sydd yn esblygu dros amser yw hyn; hynny yw, a yw'r datganiad hwnnw yn cael ei herio. Credaf y bydd y drafodaeth a geir o gwmpas hynny o fudd yn y dyfodol beth bynnag. **Mr M. Jones:** I do not think that there is that much legal force behind the statement. It is a matter of seeing what evolves over time; that is, whether the statement is challenged. I believe that the discourse that will happen around that could in any case be of benefit in the future.

[21] **Michael German:** So, it would not have any legal effect on the document as it now stands.

[22] **Mr M. Jones:** Na, hyd y gwn i ar hyn o bryd. Credaf y byddai'n rhaid inni weld yr hyn sydd yn digwydd dros gyfnod. Mae'n ddatganiad o ffydd, efallai, yn y lle cyntaf. **Mr M. Jones:** Not as far as I know at present. I think that we would have to see what would happen over a period of time. It is a declaration of faith, perhaps, in the first place.

[23] **Ms Huws:** Mae gan unrhyw ddatganiad mewn unrhyw adran mewn deddfwriaeth statws cyfreithiol os ydyw yn y gyfraith; felly byddai'n gynsail cyfreithiol pe bai ef yn y ddeddfwriaeth. **Ms Huws:** Any statement made in any section of legislation has legal status if it is in law; therefore, it would set a legal precedent if it were in the legislation.

[24] **Michael German:** I have asked specifically what the legal benefit is—what happens in legal terms—by making that statement, but it is not there. You have just stated that it would have a legal bearing, but what is that legal bearing?

[25] **Ms Huws:** Credaf y gwelwn ddatblygiad cyfreithiol dros amser. Mae'n fwy neu lai yn amhosibl i ragweld beth fyddai hynny yn y dyfodol ond byddai datganiad cyfreithiol yma ynglŷn â statws y Gymraeg.

**Ms Huws:** I believe that we would see legal development over time. It is almost impossible to anticipate what that would be in the future, but there would be a legal statement here on the status of the Welsh language.

[26] **Brynle Williams:** Os wyf yn deall yn gywir, mae hwn yn fwy seicolegol na dim arall. Yr ydych yn dweud bod hwn yn agor y drws ymhellach ond bod angen gweld yr effaith seicolegol er mwyn agor y drws. A wyf wedi deall yn iawn? Fel yr ydych wedi ei ddweud yn eich ateb i Mike, nid oes unrhyw beth arall yno, heblaw'r pwysigrwydd o agor y drws drwy roi statws.

**Brynle Williams:** If I understand this correctly, this is more psychological than anything else. You say that this would open the door wider, but you would need to see the psychological effect for the door to be opened. Have I understood you correctly? As you have told Mike, there is nothing else there, apart from the importance of opening that door by declaring the status.

[27] **Ms Huws:** Mae gwerth cyfreithiol i gael datganiad mewn cyfraith ynglŷn â statws swyddogol. Mae gwerth yn hynny. Y buddion eraill sydd yn deillio o hynny yw'r elfennau seicolegol, cymdeithasol a diwylliannol.

**Ms Huws:** There is legal value in having a statement in law regarding official status. There is merit in that. The other benefits to accrue from that are the psychological, social and cultural elements.

[28] **Val Lloyd:** I will allow this one last question, Gareth.

[29] **Gareth Jones:** Derbyniaf yr hyn a ddywedwch o safbwynt cydnabyddiaeth o'r statws, ond nid wyf yn glir o hyd. Beth yw'r goblygiadau? A ydych yn dweud mai camau pellach a fydd yn dod â hawliau i unigolion? Ni fedrwn osgoi'r busnes ynghylch hawliau yn cael ei ddweud drosodd a thro. Hoffwn gael rhyw fath o arweiniad gennych o ran sut yr edrychwch ar hyn. Un peth yw derbyn y statws—ac mae hynny'n wych—ond beth yw gwir oblygiadau hynny? A gaiff yr unigolion hawliau o hynny, ynteu a ydyw'n rhywbeth na fedrwnch ei ateb ar hyn o bryd?

**Gareth Jones:** I accept what you say regarding recognition of the status, but I am still not clear. What are the implications? Are you saying that further steps would provide rights to individuals? We cannot avoid this business of rights coming up over and over. I would like some kind of indication from you as to how you see this. It is one thing to accept the status—and that is great—but what are the real implications of that? Will individuals have rights as a result, or is it something that you cannot answer at present?

[30] **Ms Huws:** Ni wnaiff y datganiad cyfreithiol hwnnw greu hawliau cyfreithiol, yn naturiol.

**Ms Huws:** That legal statement will not create legal rights, naturally.

9.40 a.m.

[31] **Michael German:** Moving on to the issue of a Welsh language commissioner, for the record, are you content, as the Welsh Language Board, to be abolished and replaced by a Welsh language commissioner?

[32] **Ms Huws:** Byddai'n rhyfedd i unrhyw gorff ddweud ei fod wrth ei fodd yn cael ei ddileu, ond yr ydym yn croesawu'r ffaith bod y Mesur arfaethedig yn cynnig rôl y comisiynydd. Gofynasom am hyn yn ein

**Ms Huws:** It would be strange for any organisation to say that it is happy to be abolished, but we welcome the fact that the proposed Measure proposes the role of the commissioner. We requested that in our

papur safbwynt yn 2006. Yr hyn sy'n bwysig inni yw sicrhau bod unrhyw strwythur sy'n cael ei greu yn y dyfodol yn cryfhau sefyllfa gyfredol y Gymraeg. Nid ydym yma i amddiffyn parhad unrhyw gorff, ond i sicrhau bod y strwythurau yn y dyfodol yn ddigon grymus ac effeithiol i sicrhau bod y Gymraeg yn cryfhau.

position paper in 2006. What is important for us is that any structure created in future should strengthen the current position of the Welsh language. We are not here to defend the continuance of any body. We must ensure that, in future, structures are sufficiently powerful and effective to ensure that the Welsh language gains in strength.

[33] Cwestiwn sylfaenol sy'n codi ynghylch rôl y comisiynydd yw ble y bydd y gweithgaredd o hybu ac hyrwyddo gwaith cymunedol yn eistedd yn y dyfodol. A fydd yn eistedd gyda'r comisiynydd fel rheoleiddiwr, ynteu a fydd yn eistedd yn rhywle arall? Os yw yn rhywle arall, ble mae'r darn hwnnw o waith yn mynd? Mae hwnnw'n ddarn hollol greiddiol o waith y bwrdd iaith.

A fundamental question that arises about the role of the commissioner is where the promotion of work in the community will lie in future. Will it lie with the commissioner as regulator, or will it lie somewhere else? If it lies elsewhere, where does that piece of work go? That is an intrinsic part of the language board's work.

[34] **Michael German:** I would like to probe that a little further. Many of your strategic priorities do not fall within local language planning initiatives, and so on. They are outside the Welsh language scheme that you currently operate, and they are not purely promotional either. Some activities that you engage in, such as family and community language planning, increasing the use of the Welsh language among young people, and so on, are broadly related to planning as a body. You have talked about promotion, and it is easy to see 'promotional' versus 'regulatory', but, in your view, under the proposed Measure, where would responsibility for those matters go? Who would take charge of those?

[35] **Mr M. Jones:** Yr ydym yn cydnabod bod grym deddfwriaethol yn elfen bwysig o ran cynllun ieithyddol. Byddwn hefyd yn dweud mai'r elfen bwysicaf ar gyfer y dyfodol yw cynyddu defnydd ymarferol o'r Gymraeg. Nid deddfwriaeth ynddi'i hun yw'r offeryn i achosi i hynny ddigwydd. Y darn anoddaf yw'r broses o sicrhau bod unigolion yn eu cartrefi a'u cymunedau eu hunain yn siarad Cymraeg.

**Mr M. Jones:** We acknowledge that legislative backing is an important element in language planning. I would also say that the most important element for the future is increasing the practical use of the Welsh language. Legislation is not in itself the tool to make that happen. The hardest part is the process of ensuring that individuals, in their own homes and communities, speak Welsh.

[36] Yr ydym ni, fel gwlad a chymuned o siaradwyr, wedi bod yn llwyddiannus iawn yn y cyd-destun hwnnw. Byddwn yn dweud ein bod wedi bod yn fwy llwyddiannus yn hyrwyddo ein hiaith nag unrhyw gymuned arall y gwn amdani, oherwydd mae gweithredu ymarferol ar lawr gwlad i hyrwyddo'r iaith. Yr ydym yn awyddus iawn i gadw'r elfen honno a'i diogelu. Wrth inni edrych ar y strwythurau, mae'n rhaid edrych ar rôl y comisiynydd a beth yw hyd a lled ei rôl fel rheoleiddiwr. Ai cyd-destun y rheoleiddiwr yw'r lle gorau i'r gwaith hyrwyddo hwnnw?

We, as a nation and a community of speakers, have been very successful in that context. I would say that we have been more successful in promoting our language than any other community that I know of, because it is being practically and actively promoted at grass-roots level. We are very eager to retain that element and to safeguard it. As we look at the structures, we need to look at the commissioner's role, and the long and the short of the commissioner's role as a regulator. Is the regulatory context the best place for that promotional work?



[37] Os nad yw'r cyfrifoldeb am y gwaith hwnnw'n mynd i'r comisiynydd, a yw'n mynd i'r Llywodraeth? Ein teimlad ni yn y cyd-destun hwnnw yw nad y gwasanaeth sifil, er ei gryfderau, yw'r lle i wneud y gwaith sensitif o gynllunio ar lefel macro a micro i hyrwyddo'r iaith Gymraeg. Felly, mae cwestiwn yn codi ynghylch ble y dylid rhoi'r gwaith anodd o gynllunio, ac, er enghraifft, sut y dylid hyrwyddo'r Gymraeg yng Nghaernarfon, yng Nghasnewydd, yn Abertawe ac yn y blaen. Mae hynny'n golygu strategaethau gwahanol, dealltwriaeth wahanol, ac, yn aml, math gwahanol o bobl i ddelio â hynny.

If the responsibility for that work does not go to the commissioner, does it go to the Government? Our feeling in that context is that the civil service, despite its strengths, is not the best place for the sensitive work of planning on a macro and micro level to promote the Welsh language. Therefore, the question arises as to where the difficult work of planning should lie, and, for example, how the Welsh language should be promoted in Caernarfon, Newport, Swansea, and so on. Different strategies, a different understanding and, very often, different kinds of people are required to deal with that.

[38] **Michael German:** So, essentially, you would say that the Welsh Assembly Government, the Welsh language commissioner, and Welsh local authorities are not the appropriate bodies to handle these matters, and that there should be another body.

[39] **Mr M. Jones:** Yr ydym yn codi cwestiwn ynghylch hynny. Mae'n dibynnu i ryw raddau ar y diffiniad o rôl y comisiynydd. Ar hyn o bryd, mae'r syniad o dribiwnlys yn cael ei gynnig, ond byddwn yn dadlau bod hynny'n newid rôl arferol comisiynydd. Efallai y byddai'r model hwnnw'n creu lle i roi'r gwaith o ddelio â'r sector breifat a'r gwaith cymunedol ynddo.

**Mr M. Jones:** We raise a question about that. It depends to some extent on the definition of the role of the commissioner. The idea of a tribunal is being proposed at the moment, but I would argue that that changes the usual role of a commissioner. That model might create a space in which to fit the work of dealing with the private sector and the community sector work.

[40] **Michael German:** We have received evidence relating to the Welsh Language Board being retained as a statutory body, with its name, composition and so on all changed so that it becomes the Welsh language commission with a chief commissioner and deputies. Do you have a view on that?

[41] **Ms Huws:** Wrth symud ymlaen, mae'n bwysig cael eglurder o ran cyfrifoldebau. Nid oes angen gormod o gyrff yn ymwneud â'r maes hwn. Yn sicr, o roi pwyslais ar y defnyddiwr, mae angen i'r defnyddiwr ddeall pwy sy'n gwneud beth. Mae perygl o gael gormod o gomisiynwyr a gormod o gomisiynau yn ymwneud â'r maes hwn. Mae angen eglurder a phendantwydd, ac wedyn gallwn symud ymlaen.

**Ms Huws:** In moving forward, it is important that we have clarity regarding responsibilities. We do not need too many organisations to be involved in this field. Certainly, if you put the emphasis on the consumer, the consumer needs to understand who does what. There is a risk of having too many commissions and too many commissioners involved in this field. We need clarity and assertiveness, and then we can move forward.

[42] **Michael German:** So, a Welsh language commissioner, a Welsh language commission and a chief commissioner would be too many commissioners in the kitchen.

[43] Your evidence raises questions about the independence of the commissioner from Welsh Ministers. Could you explain your concerns about that?

[44] **Ms Huws:** Mae cwestiwn sylfaenol ynghylch pwy sy'n penodi'r comisiynydd. Os

**Ms Huws:** There is a fundamental question about who appoints the commissioner. If the

caiff y comisiynydd ei benodi gan y Prif Weinidog, mae cwestiwn sylfaenol yn codi ynghylch annibyniaeth y rôl honno.

commissioner is appointed by the First Minister, a fundamental question arises regarding the independence of that role.

[45] Un peth a welsom yn ein gwaith rheoleiddio a monitro fel bwrdd yw bod darn mawr o waith rheoleiddio yn ymwneud â'r Llywodraeth. Dyna un o brif feysydd monitro a rheoleiddio. Os yw'r comisiynydd yn cael ei benodi gan y Prif Weinidog, mae cwestiwn yn codi o ran yr elfen wleidyddol sy'n dod i mewn i'r penodiad hwnnw ac a fydd pwysau gwleidyddol yn cael ei ddwyn. Byddai'n anodd iawn i'r comisiynydd rheoleiddio gwaith y Llywodraeth yn annibynnol.

One thing that we found in our regulatory and monitoring work as a board is that a large part of the regulatory work relates to the Government. That is one of the key areas of monitoring and regulation. If the commissioner is appointed by the First Minister, a question arises about the political element that comes into that appointment and whether political pressure is brought to bear. It would be very difficult for the commissioner to regulate Government work independently.

[46] Os yw'r penodiad yn wleidyddol, mae cwestiwn arall yn codi o ran i ba raddau y byddai pethau fel cyllidebau yn cael eu dylanwadau pe bai newid Llywodraeth ac anghytundeb ynghylch unrhyw benderfyniad gan y comisiynydd. Felly, mae angen gofyn cwestiwn caled ynglŷn â phwy ddylai benodi a sut yr ydych yn sicrhau annibyniaeth y comisiynydd.

If the appointment is political, another question arises about the extent to which things like budgets would be influenced should there be a change of Government and disagreement about any of the commissioner's decisions. Therefore, we need to ask a hard question about who should make the appointment and how to ensure the independence of the commissioner.

[47] **Michael German:** Would you like to hazard a guess, given how the legislation stands before us, as to the amount of work that the commissioner will have to do to regulate the Government and the Government's bodies—that is, the Government in its broadest context to support your argument?

[48] **Mr M. Jones:** Mae hwnnw'n gwestiwn diddorol. Tybiaf ein bod yn gorfod edrych ar gymariaethau mewn gwledydd eraill oherwydd nid yw hwnnw'n digwydd yma ar hyn o bryd. Mae gwledydd eraill yn tueddu i ganolbwyntio ar y berthynas rhwng y comisiynydd â'r Llywodraeth. Dyna'r prif gyswllt. Felly, tybiaf y byddai, yn sicr, hanner gwaith y comisiynydd yn ymwneud â'r Llywodraeth a llywodraeth leol.

**Mr M. Jones:** That is an interesting question. I think that we need to look at comparisons in other countries because that does not happen here currently. Other countries tend to focus on the relationship between the Government and the commissioner. That is the main point of contact. So, I assume that, certainly, half the commissioner's work would relate to the Government and to local government.

[49] O safbwynt y tensiynau hyn, mae tensiwn ychwanegol os ydych hefyd yn rhoi'r gwaith o ddelio gyda'r sector preifat a'r gwaith cymunedol i'r comisiynydd o safbwynt llif arian. Mae'r bwrdd yn buddsoddi swm sylweddol yn y maes hwnnw ar hyn o bryd. Pe bai'r comisiynydd hefyd yn gyfrifol am y gwaith hwnnw yn ei gyfanrwydd, byddai dylanwad y Gweinidog o safbwynt llif arian hefyd yn arwyddocaol yn y cyd-destun hwnnw.

On these tensions, there is an additional tension if you place the work of dealing with the private sector and community work with the commissioner in terms of funding streams. The board currently invests a substantial amount in that area. If the commissioner were also responsible for that work in its entirety, then the Minister's influence on the flow of funds would also become significant in that context.

[50] **Rhodri Morgan:** Ym mharagraff 6 o'ch tystiolaeth, yr ydych yn dweud nad yw'r model am gomisiynydd yn dilyn y cynseiliau a osodwyd mewn gwledydd eraill. Mae rhyw nodyn o achwyn yn y ffordd yr ydych yn gosod y cwestiwn—nid bod Cymru'n wahanol i'r gwledydd hynny, ond efallai fod y borfa yn lasach yr ochr draw. Efallai fod hwnnw'n hollol nodweddiadol o'r Cymry o ran y ffaith ein bod wastad yn meddwl ein bod yn cael cam a bod pethau mewn gwledydd eraill yn well. Fodd bynnag, paham yr ydych yn gosod y cwestiwn mewn modd achwyngar yn hytrach na dweud efallai fod pethau'n wahanol mewn gwledydd eraill? Rhaid i chi ddweud a oes rhesymau da neu beidio dros ddewis llwybr gwahanol yng Nghymru.

[51] **Mr M. Jones:** Credaf eich bod yn gwneud pwynt pwysig ynghylch datblygu model sy'n addas ar gyfer Cymru. Mae hwnnw'n greiddiol i'r hyn a ddywedwn yng nghyd-destun y Mesur arfaethedig yn ei gyfanrwydd, sef bod yr hyn sy'n debygol o esblygu yn seiliedig ar y model sydd gennym yma. Yr ydym yn tynnu sylw at brofiad gwledydd eraill sydd â chomisiynwyr. Y duedd yw iddynt ganolbwyntio ar y broses o reoleiddio, sef pan fyddwn mewn cyfnod o anghydfod a phan fydd diffyg darpariaeth, a'r comisiynydd sy'n delio â hynny. Mae hefyd yn ymwneud ag eirioli dros siaradwyr a thynnu eu sylw at eu hawliau. Dyna'r model arferol ar gyfer comisiynwyr.

9.50 a.m.

[52] Mae'r term 'comisiynydd' yn un mor eang fel ei bod yn anodd iawn ei ddiffinio. Mae'n ymddangos ein bod â thipyn o elastig yng Nghymru o ran sut yr ydym yn diffinio'r term. Tybiaf mai dyna'r rheswm am gynnwys tribiwnlys. Mewn gwledydd eraill, y comisiynydd fyddai'n ymgymryd â rôl y tribiwnlys. Yn y gwledydd hynny, nid yw'r comisiynydd yn delio â'r sector preifat nac yn gosod safonau. Cymerwn gomisiynydd Iwerddon er enghraifft. O safbwynt cynlluniau iaith, mae Iwerddon yn dilyn model Cymru: y Llywodraeth sy'n cytuno'r cynlluniau, a'r comisiynydd sy'n eu rheoleiddio pan fydd anghydfod yn codi. Yn bennaf, gyda'r Llywodraeth y mae hynny yn digwydd.

**Rhodri Morgan:** In paragraph 6 of your evidence, you say that the commissioner model does not follow the precedent set in other countries. There is a slight note of complaint in the way in which you pose that question—not that Wales is different from the other nations, but perhaps that the grass is greener on the other side. That may be entirely characteristic of the Welsh people in that we always think that we have been wronged and that things are always better in other countries. However, why do you pose that question in that critical way rather than stating perhaps that things are different in other countries? You must say whether there are good reasons or not for taking another route in Wales.

**Mr M. Jones:** I think that you make an important point about the development of an appropriate model for Wales. That is central to what we are saying in terms of this proposed Measure in its entirety, namely that what is likely to evolve is based on the model that we have here. We draw attention to the experience of other countries that have commissioners. The tendency is for them to concentrate on the regulatory process, so when we are in a dispute or where there is a lack of provision, and the commissioner deals with that. The commissioner would also advocate on behalf of speakers and draw their attention to their rights. That is the usual model for a commissioner.

The term 'commissioner' is such a broad term that it is difficult to define it. It seems that there is some elasticity in Wales as to how we define the term. I suspect that that is the reason for including the tribunal. In other countries, it would be the commissioner who would undertake the tribunal's role. In those countries, the commissioner does not deal with the private sector or set standards. Let us take the Irish commissioner as an example. For language schemes, Ireland has adopted the model that we have in Wales: the Government agrees the language schemes, and it is the commissioner who regulates those schemes when disputes arise. In the main, it is with the Government that that happens.

[53] **Rhodri Morgan:** A hoffech wneud unrhyw bwyntiau eraill am y tensiynau yr ydych wedi'u crybwyll rhwng yr ochr reoleiddio a'r ochr hybu?

**Rhodri Morgan:** Would you like to make any other points regarding the tensions that you have mentioned between the regulation side and the promotion side?

[54] **Mr M. Jones:** Mae tensiwn pan fydd gan rywun grymoedd rheoleiddio caled a grymoedd hybu. Ar hyn o bryd, o safbwynt y bwrdd, credaf y gallant orwedd yn lled gyfforddus gyda'i gilydd, ond nid oes gan y bwrdd y grymoedd caled hynny. Pan fydd grymoedd caled, a rhaid dweud wrth rywun eich bod yn mynd drwy'r broses gyfreithiol, mae'n anodd mynd yn ôl y diwrnod wedyn a gofyn, er enghraifft, 'A hoffech chi weithio gyda ni, gan rannu rhywfaint o arian i ddatblygu prosiect i hyrwyddo'r Gymraeg yn nyffryn Aman?' Mae tensiynau; nid oes amheuaeth am hynny, ac yr ydym wedi cael rhywfaint o flas ar hynny ar hyd y blynyddoedd. Felly, yr ydym yn gweld bod tensiwn.

**Mr M. Jones:** There is tension when someone has strong regulatory powers as well as promotional powers. At the moment, from the board's position, I believe that they can sit quite comfortably together, but the board does not have those strong powers. When there are strong powers, and it becomes necessary to tell someone that you are taking legal action, it is difficult to return the next day and ask, for example, 'Would you like to work with us, and share some funding to develop a project promoting Welsh in the Amman valley?'. So, there are tensions; there is no doubt about that, and we have had a small taster of that over the years. Therefore, we do see that there are tensions.

[55] **Rhodri Morgan:** A yw'r bwrdd erioed wedi defnyddio'r frawddeg enwog o'r Maffia, sef eich bod yn gwneud cynnig i rywun na allant ei wrthod? [*Chwerthin.*]

**Rhodri Morgan:** Has the board ever used that famous phrase of the Mafia, that you are going to make someone an offer that they cannot refuse? [*Laughter.*]

[56] **Mr M. Jones:** Yr wyf yn siŵr nad ydym wedi gwneud hynny.

**Mr M. Jones:** I am sure that we have not done that.

[57] **Rhodri Morgan:** Da iawn. O ran y cwestiwn o'r dewis posibl o roi'r rôl o hybu i gorff ar wahân i'r comisiynydd—ac ar wahân i'r Llywodraeth—beth allai gymryd y drydedd rôl, ar wahân i'r ddwy arall? Oni fydd hynny'n creu dryswch ac aflerwch?

**Rhodri Morgan:** Very good. On the question of the possible option of giving the promotional role to a body separate from the commissioner—and the Government—what could take up that third role, apart from the other two? Would that not create confusion and disorder?

[58] **Ms Huws:** Yr ydym yn cydnabod bod perygl o hynny. Fel y dywedais yn gynharach, mae eglurder yn bwysig yma, ond rhaid cydnabod bod yma ddarn sylweddol ac arbenigol o waith sydd angen ei barhau. Nid ydym yn cynnig unrhyw atebion pendant o ran ble y dylai hwnnw gael ei leoli, ond nid ydym yn gweld y Llywodraeth na'r gwasanaeth sifil yn gartref naturiol i'r math hwnnw o waith, gan ei fod yn wahanol iawn i'r gwaith gweinyddol dyddiol a gysylltir â'r gwasanaeth sifil. Mae'n bosibl ystyried cael comisiynydd amlbwrpas, ond yr ydym wedi cydnabod yn barod y gallai hynny greu tensiwn rhwng y cyfrifoldebau hyrwyddo a'r

**Ms Huws:** We recognise that there is a danger of that. As I said earlier, clarity is important, but it must be recognised that there is a significant and specialist piece of work here that needs to be continued. We are not offering any definite answers as to where that should be located, but we do not see the Government or the civil service as being the natural home for this type of work, as it is very different from the daily administrative work that is associated with the civil service. It would be possible to consider having a multipurpose commissioner, but we have already acknowledged that that could create tensions between the promotion and strong

rheoleiddio caled.

[59] Yr ydym yn awyddus i beidio â dweud bod yn rhaid i gorff megis bwrdd yr iaith barhau, ond rhaid ateb y cwestiwn o ble y byddai'r darn hwn o waith yn eistedd yn fwyaf cyfforddus, buddiol ac effeithiol. Sut yr ydym yn sicrhau y gall y gwaith hwn fod yn rhagweithiol ac yn sensitif i'r hyn sy'n digwydd ar lawr gwlad? Credaf fod trafodaeth angenrheidiol i'w chael o ran hynny.

[60] **Rhodri Morgan:** Os bydd gormod o gyrff gwahanol, oni fydd problemau ymarferol, sef bod angen rhyw fath o fâs critigol ar unrhyw gorff cyhoeddus oherwydd yr angen i gynnig cyfleoedd am ddyrchafiad ac yn y blaen? Fel arall, os bydd cyrff yn rhy fach, gyda 10 yn y swyddfa hon a 10 mewn swyddfa arall, bydd pobl yn aros yn yr un swydd am chwarter canrif nes eu bod yn ymddeol. Mae angen y màs critigol hwnnw er mwyn creu corff sy'n gallu gweithredu'n ymarferol.

[61] **Ms Huws:** Mae'r rheini'n bwyntiau teg. Ar hyn o bryd, yr ydym yn edrych ar gorff megis bwrdd yr iaith sydd â rhyw 80 o staff. Mae honno'n nifer fach ond mae'n ddigon i wneud y gwaith hwnnw yn effeithiol. Pe baech yn edrych ar yr elfen reoleiddio, gallech ddadlau mai canran fechan iawn o'r staff sy'n ymwneud â'r elfen honno. Gallai swyddfa'r comisiynydd fod yn swyddfa fach, ond yr elfen hyrwyddo yw'r darn mwyaf o waith o ran niferoedd y staff a maint y gwaith. Dyna'r darn nad yw'n cael ei weld yn y Mesur arfaethedig, a dyna'r darn y mae angen inni benderfynu i ble mae'n mynd, gan dderbyn eich safbwynt o ran maint.

[62] **Mr M. Jones:** Efallai ei bod yn werth ychwanegu mai rhyw hanner dwsin o staff sydd gan gomisiynydd iaith Iwerddon, er mwyn ichi gael rhyw fath o syniad o hyd a lled yr elfen reoleiddio yn hyn oll.

[63] **Rhodri Morgan:** A fydd yn achosi problemau os yw'r comisiynydd yn gallu ymyrryd yn y broses gyfreithiol, o ran adolygiad barnwrol ac yn y blaen? A yw hynny'n bosibilrwydd arwyddocaol, ac a yw'n hollol wahanol i'ch sefyllfa fel bwrdd?

regulation responsibilities.

We are anxious to avoid saying that an organisation such as the language board has to continue, but there is a need to answer the question of where this piece of work would sit most comfortably, where it would produce the greatest benefit, and where it would be most effective. How do we ensure that this work can be proactive and sensitive to what is happening on the ground? There is an essential debate to be had on that.

**Rhodri Morgan:** If there are too many different bodies, would there not be practical problems, namely that any public body needs a critical mass because of the need to offer opportunities for promotion and so on? Otherwise, if an organisation is too small, and has 10 people in this office and 10 in another, people will be stuck in the same jobs for a quarter of a century until they retire. That critical mass is required to create a body that can operate in practice.

**Ms Huws:** Those are fair points. We are currently looking at a body such as the language board which has around 80 staff. That is a small number, but it is large enough to do that work effectively. If you were to look at the element of regulation, you could argue that only a small percentage of staff deals with that. The office of the commissioner could be quite small, but the promotion element is the main body of work as regards staff numbers and the amount of work. That is the part that is not found in the proposed Measure, and that is the element that we need to decide where it should go, accepting what you say about size.

**Mr M. Jones:** Perhaps it is worth adding that the Irish language commissioner has around half a dozen staff, which gives you some idea of the extent of the regulatory role in all of this.

**Rhodri Morgan:** Would it cause problems if the commissioner was able to intervene in the legal process, for instance, in a judicial review, and so on? Is that a significant possibility, and is that very different from your situation as a board?

[64] **Ms Huws:** Yn y lle cyntaf, mae angen diffinio beth yn gywir yw rôl y comisiynydd. Mae'r cwestiynau yr ydych yn eu codi o bosibl yn eilaidd i hynny. Gan fod rôl y comisiynydd, o'r hyn y gallwn ei weld yn y Mesur arfaethedig, yn rôl gyfreithiol ei natur, mae'n hollol briodol iddo feddu ar y pwerau ychwanegol hynny. Fodd bynnag, y cam cyntaf yw diffinio yn gywir beth yw ei rôl.

**Ms Huws:** In the first instance, we need to define the precise role of the commissioner. The questions that you raise are perhaps secondary to that. Given that the role of the commissioner, from what we can see in the proposed Measure, is legal in nature, it is wholly appropriate for the role to have those additional powers. However, the first step is to define exactly what that role is.

[65] **Brynle Williams:** On establishing an advisory panel to the Welsh language commissioner, do you think that it is necessary to have an advisory panel to assist the commissioner? If so, why? Should the panel be appointed by the commissioner or the Minister?

[66] **Ms Huws:** I unrhyw berson mewn rôl megis comisiynydd, mae cael panel o unigolion fel ffynhonnell o wybodaeth ychwanegol yn bwysig, felly byddwn yn dadlau bod cael y mewnbwn hwnnw o wahanol leoedd a buddiannau yng Nghymru yn bwysig. Pwy sy'n apwyntio'r comisiynydd yw'r pwynt pwysig yn y man cyntaf, yn hytrach na phwy sy'n apwyntio'r panel. Dyna'r elfen o annibyniaeth sy'n hollbwysig. Dylid defnyddio egwyddorion Nolan wrth apwyntio panelau, ac mae hynny'n ddigon derbyniol.

**Ms Huws:** For any person in a role such as a commissioner, having a panel of individuals as a source of additional information is important, so I would argue that having that input from different places and interests in Wales is important. What is important is not who appoints the panel but who appoints the commissioner in the first place. That is the element of independence that is most crucial. The Nolan principles should be used to appoint panels, as that would be quite acceptable.

[67] **Mr M. Jones:** O ran rôl y comisiynydd, mae llawer o'r swyddogaethau yn y Mesur arfaethedig a'r fframwaith newydd yn disgyn ar ysgwyddau un person. Gwyddom o brofiad personol bod rhychwant y maes hwn yn eang iawn, ac mae'r cyfrifoldebau'n fawr. Felly, byddai'n fanteisiol sicrhau bod grŵp o bobl yn gallu cynghori'r unigolyn hwn a fydd yn amlwg iawn o safbwynt ei weithredoedd neu ei gweithredoedd.

**Mr M. Jones:** On the role of the commissioner, many of the functions in the proposed Measure and in the new framework will fall squarely on the shoulders of one person. We know from personal experience that the scope of this area is very wide and the responsibilities are great. So, it would be beneficial to ensure that there is a group of people who can advise this individual who will be very high profile as regards his or her actions.

[68] **Ms Huws:** Gallai fod yn rôl unig iawn, ac felly bydd yn bwysig cael doethion i fwydo i mewn.

**Ms Huws:** It could be a very isolated role, and so having the input of expert advisers will be important.

[69] **Brynle Williams:** Cytunaf y gallai'r rôl fod yn unig iawn, ond mae cynnal annibyniaeth y rôl hefyd yn bwysig. Pan fydd gennych bobl yn bwydo i mewn i'r system, oni fydd hynny'n gwanhau'r system rhywfaint?

**Brynle Williams:** I agree that the role could be isolated, but maintaining the independence of the role is also important. If you have people feeding into the system, will that not dilute the system somewhat?

[70] **Ms Huws:** Mae ffin denau rhwng

**Ms Huws:** There is a fine line between being

bod yn rhy unig ac ynysig, a dibynnu ar benderfyniad unigolyn sy'n cael gormod o ddylanwad o'r tu allan. Derbyniaf fod y llinell yn denau. Fodd bynnag, yr ydym yn sôn yn y fan hon am banel ymgynghorol, ac yr wyf yn credu mai ymgynghori ddylai fod yn digwydd, nid pwysu.

too lonely and insular, and then depending on the decision of an individual who is subject to too much external influence. I accept that it is a fine line. However, we are talking here about an advisory panel, and I believe that it should be advising that is happening, not lobbying.

[71] **Brynle Williams:** Symudaf yn awr at fater safonau.

**Brynle Williams:** I now move to the issue of standards.

[72] Your evidence states that you have reduced the bureaucracy of the Welsh language scheme process. Could you explain that further, please?

[73] **Mr M. Jones:** Mae gennym ryw 570 o gynlluniau iaith wedi'u cytuno bellach. Pan gychwynnodd y broses honno, yr oedd yn gallu bod yn araf deg a llafurus, ond erbyn hyn teimlwn ei bod yn llyfn iawn. Ers 2003, yr ydym wedi dyblu nifer y cynlluniau yr ydym yn delio â hwy bob blwyddyn. Yn bwysicach wrth edrych tua'r dyfodol, byddwn yn dadlau nad mater o fiwrocraidaidd yn unig yw cynllun iaith. Mae'r broses organig honno sy'n digwydd o fewn corff wrth iddo lunio cynllun, lle mae trafodaeth ac ystyriaeth o sut mae'r corff yn delio â'r Gymraeg, lawn mor bwysig â'r cynllun ei hun, mewn sawl ffordd.

**Mr M. Jones:** We now have around 570 agreed Welsh language schemes. When that process began, it could be slow and cumbersome, but we now feel that it goes very smoothly. Since 2003, we have doubled the number of schemes that we deal with every year. More importantly, in looking to the future, I would contend that a language scheme is not only a matter of bureaucracy. There is an organic process that takes place within an organisation that is drawing up a scheme, whereby there is discussion and a consideration of how it deals with the Welsh language, and that is just as important as the scheme itself, in many ways.

10.00 a.m.

[74] Gwelwn fod cyrff yn deffro i'r cyfleoedd wrth iddynt drafod yn fewnol sut y gallant ddarparu ar gyfer pobl sy'n dewis defnyddio eu gwasanaethau Cymraeg. Mae pethau'n datblygu wrth i'r cynlluniau ddatblygu. Mae'n broses dda ynddi'i hun ond, erbyn hyn, mae'n sicr yn llawer cynt, ysgafnach a mwy pwrpasol.

We see organisations waking up to the opportunities as they discuss internally how they can make provision for people who choose to use their Welsh-medium services. Things develop as the schemes develop. It is a worthwhile process in and of itself, but, by now, it is certainly far quicker, less burdensome and more purposeful.

[75] **Ms Huws:** A minnau'n rhywun nad yw'n rhan o'r broses honno ond yn gadeirydd y bwrdd, hoffwn ddweud fy mod yn ymwneud yn aml â chyrff sydd wedi mynd drwy'r broses honno ac wedi cyrraedd diwedd y daith, sef cynllun iaith sydd wedi'i gymeradwyo. Y neges yr wyf wedi ei chael yn gyson dros y pump neu chwe blynedd diwethaf yw eu bod yn gwerthfawrogi'r broses honno'n fawr iawn. Yr oeddwn gyda Chyngor Cefn Gwlad Cymru yr wythnos hon, a oedd yn dathlu'r ffaith ei fod ar ei drydydd cynllun iaith. Cefais fy ngwahodd yno i rannu ei bleser a'r hyn yr oedd wedi'i ddysgu fel

**Ms Huws:** As someone who is not a part of that process but as chair of the board, I want to say that I have a lot of involvement with the organisations that have been through that process and have reached the end of their journey, namely an approved language scheme. The message that I have received consistently over the past five to six years is that they appreciate that process immensely. I was with the Countryside Council for Wales this week, which was celebrating the fact that it was on its third Welsh language scheme. I was invited along to share its pleasure and what it had learned as an organisation. It has

corff. Erbyn hyn, mae wedi gosod y nod i'w hun o fod yn weithle dwyieithog oherwydd y broses o gynllunio ieithyddol.

now set itself the objective of becoming a bilingual workplace through that process of language planning.

[76] **Brynle Williams:** Diolch am yr atebion hynny.

**Brynle Williams:** Thank you for those answers.

[77] To what extent do you think the proposed standards framework will improve on the current system of language schemes in providing services in Welsh?

[78] **Ms Huws:** O edrych ar unrhyw gamau ymlaen, yr hyn sy'n hollbwysig o safbwynt y bwrdd yw bod unrhyw strwythur, boed yn safonau neu'n gynlluniau iaith, yn adeiladu ar yr hyn yr ydym wedi'i gyflawni yn barod. Nid yw safonau yn gysyniad cyfarwydd o ran cynllunio ieithyddol, er ei fod yn gysyniad cyfarwydd mewn meysydd eraill, fel cydraddoldebau, er nad ydym yn sicr pa mor effeithiol y buont ym maes cydraddoldebau. Felly, mae'n gysyniad newydd. Yr ydym yn ansicr ynghylch effeithiolrwydd safonau, ac yr ydym wedi mynegi hynny yn ein tystiolaeth. Nid ydym yn sicr ychwaith o natur y safonau a argymhellir. Yr ydym wedi gofyn am fwy o wybodaeth am hynny er mwyn inni allu ffurfio barn. Fodd bynnag, yr hyn sy'n bwysig wrth gyflwyno safonau a'u datblygu yw eu bod yn cael eu gwau ynghyd â strwythur y cynlluniau iaith, ac yn adeiladu arnynt. Nid ydym yn sicr a yw hynny'n cael ei fynegi'n glir yn y Mesur arfaethedig.

**Ms Huws:** In looking at any future steps, what is crucial for the board is that any structure, whether it be standards or language schemes, should build on what we have already achieved. Standards are not a concept that we are familiar with in the field of language planning, although it is a familiar concept in other contexts, such as equalities, although we are not sure how effective standards have been in that area. So, it is a new concept. We are unsure of the effectiveness of standards, and we have said as much in our evidence. We are also unsure of the nature of the standards that are being recommended. We have asked for more information about that so that we can come to a view on it. However, what is important in introducing standards and developing them is that they dovetail with, and build on, the structure with language schemes. We are not sure whether that has been expressed clearly in the proposed Measure.

[79] **Mr M. Jones:** Mae cynlluniau iaith yn cael eu derbyn fel offerynnau cynllunio mewn nifer o wledydd erbyn hyn, rhai o dan ddylanwad uniongyrchol yr hyn sydd wedi digwydd yng Nghymru a rhai yn batrymau sydd wedi datblygu o fewn y gwledydd hynny. Nid yw safonau, hyd y gwn i, yn cael eu defnyddio yn unman arall o safbwynt hyrwyddo iaith. Felly, yr ydym yn gofyn sut maent yn cael eu datblygu. Edrychwn ymlaen at y drafodaeth honno fel y gallwn ddeall yn well sut y bydd hynny'n digwydd.

**Mr M. Jones:** Language schemes are accepted as planning instruments in several countries by now, some of which have been directly influenced by what has happened in Wales, with others being models that have developed within those countries. As far as I am aware, standards are not used anywhere else as a tool for language promotion. So, we are asking a question about how they will be developed. We look forward to that discussion, so that we can gain a better understanding of how that will happen.

[80] **Gareth Jones:** Yr wyf yn derbyn y gwaith da a wnaed gyda'r cynlluniau iaith, ac yr ydych newydd ddweud bod dros 500 ohonynt wedi'u cymeradwyo. Yn eich profiad chi, a oes unrhyw gorff cyhoeddus wedi mynd ati a sefydlu cynllun iaith ond dyna ni? Dywedasoich ar y cychwyn mai'r hyn sy'n allweddol yw twf y Gymraeg a'r

**Gareth Jones:** I accept the good work that has been done with language schemes, and you have just referred to the fact that more than 500 of them have been approved. In your experience, has any public body set about developing a language scheme and then just left it? You said at the outset that the key point is the growth of the Welsh language



cyfleoedd i'w defnyddio. Nid wyf yn sinigaidd o gwbl am y cynlluniau iaith ond mae'n rhaid imi ofyn y cwestiwn hwn. A ydych chi'n medru monitro'r cynlluniau hyn fel eich bod yn dyst i'r twf a'r cyfleoedd ychwanegol sy'n datblygu? A ydym yn gwneud digon o'r llwyddiannau hynny? Yr wyf yn meddwl bod hwnnw'n gwestiwn pwysig.

[81] **Mr M. Jones:** Mae cynlluniau iaith wedi newid y dirwedd ieithyddol yn llwyr. Mae'n anodd cofio yn ôl i 1993, ond maent wedi gwneud gwahaniaeth sylweddol. Yr ydym hefyd yn dweud bod angen gwneud llawer mwy o waith ychwanegol. Yr hyn sydd wedi bod ar goll ers 1993 yw'r elfen o reoleiddio. Eleni, yr ydym wedi cynnal naw ymchwiliad i mewn i gyrff nad ydynt yn cadw at eu cynlluniau iaith. Yn ddiddorol ddigon, mae mwy neu lai pob un ohonynt wedi derbyn yr argymhellion ac wedi'u gweithredu. Mae agweddau cadarnhaol iawn tuag at gynlluniau iaith o fewn cyrff, ond yn sicr mae lle i wella a chael trefn reoleiddio well, a hefyd—ac yr wyf yn siŵr y deawn at hyn—mae angen ar ddefnyddwyr wybod mwy am yr hyn sydd ar gael. Yr ydym eisiau esblygu hynny ac mae potensial gyda'r cynlluniau iaith. Maent yn offerynnau pwerus iawn. Cynaliasom gynhadledd er mwyn trafod y Mesur arfaethedig â'r cyrff sy'n cydweithio â ni ar y cynlluniau. Allan o'r 570 o gyrff hynny, daeth 100 i'r gynhadledd yn Aberystwyth oherwydd bod ganddynt ddiddordeb yn yr hyn a fydd yn digwydd nesaf. Yr oedd y cyrff yn teimlo eu bod wedi buddsoddi mewn rhywbeth da, ond yr oeddent am wybod beth a fydd yn digwydd nesaf.

[82] **Brynle Williams:** Some public bodies have argued that the status quo allows the opportunity for dialogue with the Welsh Language Board, and that a one-size-fits-all approach is avoided. Is there anything in the proposed Measure that suggests that this approach would change?

[83] **Ms Huws:** Yn hytrach na'r ddeialog yr ydym yn ei chael ar hyn o bryd gyda'r cyrff perthnasol, credaf mai'r hyn a gynigir inni gan y Mesur arfaethedig yw unffurfiaeth. Hanfod safonau yw unffurfiaeth. O gael yr unffurfiaeth honno, credaf y byddech yn colli'r ddeialog bwrpasol sy'n creu'r drafodaeth ynglŷn â sut y mae corff arbennig yn hybu a hyrwyddo'r iaith ac yn creu

and the opportunities to use it. I am not at all sceptical about language schemes, but I must ask this question. Are you able to monitor these schemes so that you can bear witness to this growth and to the additional opportunities that stem from them? Are we making enough of those successes? I think that that is an important question.

**Mr M. Jones:** Language schemes have completely changed the linguistic landscape. It is difficult to think back to 1993, but they have made a significant difference. We are also saying that a great deal of additional work needs to be done. The element that has been missing since 1993 is that element of regulation. This year, we have conducted nine inquiries into organisations that are not complying with their language schemes. Interestingly enough, more or less every one has accepted the recommendations and implemented them. There are very positive attitudes towards language schemes within organisations, but there is certainly room for improvement and for a better system of regulation, but also—and I am sure that we will come to this—users need to have a better understanding of what is available. We want to evolve that and language schemes have that potential. They are very powerful instruments. We held a conference to discuss the proposed Measure with the organisations that co-operate with us on the schemes. Of those 570 organisations, 100 came to the conference in Aberystwyth because they are interested in what will happen next. The organisations felt that they had invested in something good, but wanted to know what will happen next.

**Ms Huws:** Rather than the dialogue that we have at present with the relevant bodies, I believe that what is offered in the proposed Measure is uniformity. Uniformity is the essence of standards. In having that uniformity, I believe that you would lose that purposeful dialogue that creates the discussion about how a particular body promotes the Welsh language and creates

gweithleoedd dwyieithog. O gael safonau yn unig, credaf y byddwch yn colli elfen aruthrol o bwysig o gynllunio ieithyddol yn y gweithle a gyda'r gweithlu.

bilingual workplaces. In having nothing but standards, I believe that you will lose an extremely important element of language planning in the workplace and with the workforce.

[84] **Mr M. Jones:** O ran ein dehongliad ni o'r Mesur arfaethedig, unwaith y bydd y safonau wedi eu cytuno, byddant yn cael eu gosod ar sector neu gorff. Teimlwn fod yna le, efallai, i blethu'n agosach y syniad o ddisgwyliadau'n cael eu gosod ar gyrff o'r tu allan gyda'r corff ei hun yn trafod y disgwyliadau hynny ac yn cael bod yn rhan o'r broses honno. Heb amheuaeth, mae cynllun iaith yn adlewyrchu natur y corff. Y cyrff a w'yr orau beth y maent yn ei wneud, ac sy'n gallu crybwyll yn ystod trafodaeth, felly, pa wasanaethau y gallant eu cynnig. Gwaith y bwrdd ar hyn o bryd yw herio a cheisio adeiladu ar hynny. Mae angen inni gynnwys, rhywsut neu'i gilydd, yr elfennau hynny mewn unrhyw ddatblygiad. Mae angen inni symud o sefyllfa lle ni w'yr llawer iawn o bobl beth a ddylid ei wneud o ran darparu gwasanaethau, i sefyllfa lle mae gan bobl syniadau, strwythur a threfn. Yr ydym ar y daith honno, ac yr ydym am sicrhau bod y daith honno yn parhau.

**Mr M Jones:** In terms of how we interpret the proposed Measure, once the standards have been agreed, they will be imposed on a sector or organisation. We feel that there may be room to interweave more closely the idea of external expectations being forced on organisations with the idea of the organisation itself discussing those expectations and being a part of that process. Without a doubt, language schemes reflect the nature of an organisation. The organisations know best what they do and can therefore address, during a discussion, which services they can offer. The board's remit at present is to challenge and to try and build on that. We need to include those elements, somehow or other, in any development. We need to move forward from a situation where many people do not know what should be done in terms of providing services, to a situation where people have ideas, a structure and order. We are on that journey, and we want to ensure that the journey continues.

[85] Credwn y byddai gosod egwyddorion cyffredinol ar lefel Cymru gyfan ynglŷn â'r hyn yr ydym yn ei ddisgwyl o fantais hefyd. Nid ydym yn dadlau y dylid atal y broses gan ein bod yn hapus â'r hyn sydd gennym. Yn hytrach, yr ydym yn dadlau bod angen symud ymlaen. Mae'n rhaid i'r hyn a wnawn nesaf fod yn rhesymegol, nid yn unig inni fel bwrdd ond hefyd i'r cyrff ac i'r defnyddwyr.

We believe that setting general principles regarding what we expect on an all-Wales level would also be beneficial. We are not arguing that we should stop the process because we are happy with what we have. Rather, we are arguing that we need to move forward. What we do next must be logical, and not only to us as a board, but to the organisations and the users.

[86] **Val Lloyd:** I remind the witnesses, since we have a fixed amount of time available, to focus their answers. I understand your need to explain, and I am not curtailing the discussion, but please focus your answers.

[87] **Brynle Williams:** The Minister told the committee:

[88] 'It must be understood that the standards are a development of the Welsh language schemes. They are not something else, or something different. They will be a development of something that is already required very often within the schemes.'

[89] To what extent would you agree that the standards framework proposed is a 'development' of Welsh language schemes?

[90] **Ms Huws:** O ran y Mesur **Ms Huws:** In terms of the proposed Measure

arfaethedig sydd o'n blaenau, ni welaf y ddaidl yn cael ei gwneud bod hwn yn gam ymlaen. Credaf fod angen mwy o eglurder ynglŷn â beth yw'r safonau, a dylid nodi hefyd bod y Mesur arfaethedig hwn yn dileu cynlluniau iaith. Mae'r teitl byr ar dudalen 12 yn dweud yn glir y bydd y Mesur arfaethedig hwn yn dileu cynlluniau iaith. Yr ydych felly'n adeiladu safonau ar strwythur yr ydych newydd ei ddileu. Yr wyf yn teimlo bod hynny'n anodd ei ddeall mewn cyddestun cyfreithiol.

[91] **Rhodri Morgan:** Trof yn awr at eich tystiolaeth, ac at baragraffau 11 a 16 yn benodol. Yr wyf am sicrhau fy mod yn cael darlun clir o'ch barn. A ydych yn negyddol, yn bennaf, ynghylch y safonau a'r fframwaith newydd sy'n cael ei osod, neu a ydych yn teimlo bod posibilrwydd o fod yn bositif, yn enwedig o ran mynd i'r afael â'r gwendidau yn y system bresennol?

10.10 a.m.

[92] Yr ydych yn disgrifio'r rhain ym mharagraff 11, sef eich bod chi fel cwango yn siarad yn uniongyrchol â chyrff cyhoeddus, ond bod yr unigolyn, y dinesydd, bron â chael ei dorri o'r system, ac y byddai symud o'r system bresennol i safonau yn ateb posibl i'r gwendid hwn ynghylch y dinesydd unigol. A ydyw hi'n bosibl y bydd safonau'n ateb y gwendid hwnnw?

[93] **Ms Huws:** Dechreuaf drwy gydnabod bod angen i ni edrych fwyfwy ar y defnyddiwr a'r dinesydd o fewn y system. Credaf y byddem ni, fel bwrdd, yn cydnabod bod yr elfen honno yn hollbwysig. Gwnaethom gydnabod hynny yn ein papur safbwynt yn 2006. Yr wyf yn gobeithio y bydd safonau yn arwain at eglurder, ond, eto, rhaid cydnabod nad oes digon o fanylder am y safonau yn y Mesur arfaethedig i wneud y penderfyniad hwnnw. Fodd bynnag, yr ydym yn cydnabod bod angen system sy'n rhoi pŵer i'r dinesydd. O ddarllen y Mesur arfaethedig hwn, nid wyf yn gweld tystiolaeth o hynny. Yr hyn a fydd gennym fydd strwythur, drwy safonau, a fydd yn rhoi pwysau ar y darparwr, yn hytrach na hawliau i'r dinesydd.

[94] **Rhodri Morgan:** Yr ydych yn sôn

that is before us, I do not see the argument being made that this is a step forward. I believe that more clarity is needed regarding the standards, and it should also be noted that this proposed Measure abolishes language schemes. The short title on page 12 states clearly that the proposed Measure abolishes language schemes. You are therefore building standards on a structure that you have just abolished. I feel that that is hard to understand in a legal context.

**Rhodri Morgan:** I turn now to your evidence, and to paragraphs 11 and 16 specifically. I want to ensure that I have a clear picture of your views. Are you mainly negative regarding the standards and the new framework that is being set, or do you feel that there is potential to be positive, particularly in terms of addressing the weaknesses in the current system?

You describe these in paragraph 11, namely that you as a quango speak directly to public bodies, but that the individual, the citizen, has almost been cut out of the system, and that moving away from the current system to standards is a potential solution to this weakness regarding the individual citizen. Is it possible that standards will offer a solution to that weakness?

**Ms Huws:** I will begin by acknowledging that we need to look increasingly at the consumer and the citizen within the system. I think that we, as a board, would recognise that that element is vital. We recognised that in our position paper in 2006. I hope that the standards will lead to clarity, but, again, we must recognise that there is insufficient detail about the standards in the proposed Measure to make that decision. However, we recognise that we need a system that empowers the citizen. I do not see evidence of that when reading this proposed Measure. What we will have is a structure, based on standards, that places responsibilities on the provider, rather than giving rights to the citizen.

**Rhodri Morgan:** You mention the idea of

am y syniad o berchnogaeth y cyrff cyhoeddus o'r cynlluniau iaith o dan y system bresennol a bod perygl y byddwn yn colli hynny o dan system o safonau. Yr ydych yn beirniadu'n llym—neu o leiaf yn gofyn cwestiwn fel pe baech yn beirniadu'n llym—y syniad o golli perchnogaeth. A allwch chi amlinellu pam yr ydych yn meddwl bod perygl o golli perchnogaeth yn seicoleg y cyrff cyhoeddus o dan y system newydd?

[95] **Mr M. Jones:** Mae Deddf 1993 a'r Mesur arfaethedig hwn yn rhoi'r pwyslais ar y darparwr. Yr ydym yn teimlo, o safbwynt safonau, na fyddai'r ddeialog fewnol honno yn digwydd i'r un graddau. Byddai safonau yn gosod disgwyliadau ar gyrff ac felly ni fyddai'r ddeialog honno, sy'n galluogi cynlluniau i dyfu o fewn y sefydliad, yn digwydd. Dyna yw'n pryder mwyaf yn hyn o beth: y bydd y teimlad o berchnogaeth yr ydym yn ei weld mor amlwg ar hyn o bryd mewn cyrff yn cael ei golli. Fel y dywedodd y cadeirydd, mae gan y Cyngor Cefn Gwlad deimlad cryf o berchnogaeth o'i gynllun iaith ei hun ac mae hynny i'w weld yn gyffredinol drwy'r sector.

[96] **Ms Huws:** Gallwn hefyd nodi enghreifftiau o'r maes iechyd, lle yr ydym wedi gweld newid sylweddol o ran ansawdd gwasanaeth oherwydd bod awdurdod iechyd wedi datblygu cynllun iaith a'i weithredu'n hollol fwriadus. Yr ydym wedi gweld cydnabyddiaeth o'r twf hwnnw gan y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol sydd wedi deillio o berchnogaeth y cyrff iechyd hynny o'r cynlluniau iaith.

[97] **Gareth Jones:** Efallai bod hwn yn gwestiwn rhethregol yng nghyd-destun yr atebion yr ydych newydd eu rhoi, ond yn eich tystiolaeth yr ydych yn cyfeirio at risg bod y Mesur arfaethedig yn rhoi gormod o gyfleoedd i gyrff golli eu hymrwymiad i ddarparu gwasanaethau drwy gyfrwng y Gymraeg. Yr wyf yn cymryd mai'r hyn sydd gennych dan sylw yw'r ffaith bod y Mesur arfaethedig yn mynd i ddileu'r cynlluniau iaith a'ch bod yn gweld bod risg yn hynny o beth. A ydwyf yn iawn mai dyna'r math o risg yr ydych yn cyfeirio ato?

[98] **Ms Huws:** Caiff y swyddogion sôn

ownership of the language schemes by public bodies under the current system and that there is a risk of losing that under a system of standards. You are acutely critical—or at least you ask the question as if you were acutely critical—of the idea of losing ownership. Can you outline why you think that there is a risk of losing ownership in the psychology of public bodies under the new system?

**Mr M. Jones:** The 1993 Act and this proposed Measure puts the emphasis on the provider. We feel, in terms of standards, that that internal dialogue would not occur to the same extent. Standards would place expectations on organisations and therefore that dialogue, which allows schemes to grow within organisations, would not take place. That is our biggest concern in this regard: the loss of the sense of ownership that we see so evidently at present in organisations. As the chair mentioned, the Countryside Council for Wales has a strong sense of ownership of its Welsh language scheme and that is seen generally throughout the sector.

**Ms Huws:** We can also identify examples in the health sector, where we have seen significant changes in the quality of service because health authorities have developed a language scheme and have implemented it purposefully. The Minister for Health and Social Services has acknowledged that growth, which has emanated from health bodies taking ownership of their Welsh language schemes.

**Gareth Jones:** Perhaps this is a rhetorical question in the context of the answers that you have just given, but in your evidence you identify a risk that the proposed Measure offers too many opportunities for bodies to lose their commitment to providing Welsh language services. I take it that you are referring to the fact that the proposed Measure is going to abolish the language schemes and that you see a risk in that. Am I right that that is the sort of risk to which you are referring?

**Ms Huws:** The officials can talk about this,

am hyn, ond mae tystiolaeth bod cyrff yn dechrau cysylltu â'r bwrdd yn mynegi ansicrwydd ynghylch yr hyn y maent wedi ei fuddsoddi yn y gorffennol a gofyn, 'Ydy hyn yn mynd i barhau? Ydy hyn yn mynd i gael ei werthfawrogi yn y dyfodol?'

[99] **Mr M. Jones:** Mae'r Mesur arfaethedig yn cynnig dau newid sylfaenol, sef newid yr offeryn a newid y corff. Mae'r newid hwnnw'n mynd i arwain at gwestiynau dros y pum mlynedd nesaf, wrth i ni symud o gael un corff i strwythur newydd. Bydd rhywun yn gofyn, 'Beth yw'r pwrpas i fi gadw at fy nghynllun iaith os na fydd neb yno i'm herio?', a bydd rhai blynyddoedd, efallai, pan fyddwn yn datblygu safonau, felly mae perygl y bydd tair, pedair neu bum mlynedd pan na fydd cymaint o egni creadigol ag sydd ar hyn o bryd.

[100] **Gareth Jones:** Felly, mae'r lefel honno o bryder yn bodoli ynghylch y diffyg dilyniant; dyna yw'r risg. Mae eich tystiolaeth hefyd yn dangos eich bod yn pryderu ynghylch y safonau eu hunain. Mae'r Mesur arfaethedig yn cyfeirio at y mathau o safonau: safonau llunio polisi, gweithredu, hybu a chadw cofnodion. A ydych yn credu bod y rhain yn briodol?

[101] **Mr M. Jones:** Yr wyf yn credu bod y datblygiad hwnnw i'w groesawu. Mae elfennau i'w croesawu o fewn y rhestr honno o bethau fydd eisiau eu hystyried. Mae'r rhestr honno yn datblygu, ac yr wyf yn tybio y bydd yr elfennau'n medru ffitio mewn i unrhyw fath o system lle bod angen edrych yn fwy manwl ar wahanol agweddau o'r gwaith. O safbwynt y gwaith, yr wyf yn croesawu'r elfen sy'n ymwneud â hyrwyddo'r iaith Gymraeg gan y Llywodraeth a llywodraeth leol. Ceir elfennau da yng nghanol y rhestr.

[102] **Gareth Jones:** Yn eich tyb chi, a ydyw pob gwasanaeth i'r cyhoedd yn dod o dan Atodlen 9 i'r Mesur arfaethedig, er enghraifft gwasanaethau addysg a'r defnydd a wneir o'r Gymraeg wrth ddarparu gwasanaethau rheng flaen? Fel dilyniant i'r cwestiwn hwnnw, a ydyw Atodlen 9 yn ymdrin â phob mater sydd wedi'u cynnwys ar hyn o bryd yng nghanllawiau Bwrdd yr Iaith Gymraeg ar yr hyn y dylid ei gynnwys mewn

but there is evidence that organisations are beginning to contact the board expressing uncertainty about what they have invested in the past and asking, 'Is this going to continue? Will this be appreciated in future?'

**Mr M. Jones:** The proposed Measure makes two fundamental changes, namely changing the instrument and changing the body. That change is going to lead to questions being asked over the next five years, as we move from having one body to a new structure. Someone will ask, 'What is the point of me sticking to my scheme if there is no-one there to challenge me?', and there may be some years while the standards are developed. So, there is a risk of there being three, four or five years when there will not be as much creative energy as there is at present.

**Gareth Jones:** Therefore, that level of concern exists in relation to the lack of continuity; that is the risk. Your evidence also shows that you are concerned about the standards themselves. The proposed Measure refers to the types of standards: policy making, operational, promotion, and record keeping. Do you believe that these are appropriate?

**Mr M. Jones:** I believe that this development is to be welcomed. Elements within that list of things that will need to be considered are to be welcomed. That list is developing, and I think that the elements will be able to fit into any system where there is a need to scrutinise different aspects of the work in more detail. In terms of the work, I welcome the element related to the promotion of the Welsh language by Government and local government. There are good elements to the list.

**Gareth Jones:** In your view, does Schedule 9 to the proposed Measure cover all public services, for example, educational services and the use made of the Welsh language in the provision of front-line services? Following on from that question, does Schedule 9 cover all the matters that are presently covered in the Welsh Language Board's guidance on the contents of Welsh language schemes?

cynlluniau iaith Gymraeg?

[103] **Mr M. Jones:** O safbwynt y rhestr, teimlaf fod rhai elfennau ychwanegol sydd angen eu cynnwys, megis materion staffio a delio â chwynion. Hefyd, yr ydym yn gweld yn gynyddol bod angen cynnwys rôl y swyddogion sy'n rheoleiddio trwyddedi.

**Mr M. Jones:** In terms of the list, I feel that there are some additional elements that need to be included, such as staffing matters and dealing with complaints. Also, we see an increasing need to include the role of officials who regulate licences.

[104] O safbwynt yr ail gwestiwn, os ydych yn cymharu Atodlen 9 i'r Mesur arfaethedig ag adran 9 Deddf 1993, credaf fod rhaid elfennau'n absennol o'r Atodlen. Ers 1993, mae cyrff wedi mynd ati i fynd llawer iawn ymhellach nag a oedd yn ofynnol yn y Ddeddf wreiddiol. Mae rhai cynlluniau diwygiedig yn mynd yn eithaf pell, o safbwynt gwneud pethau fel cydnabod hawl siaradwyr Cymraeg yn y gweithle, neu'n rhoi statws cyfartal i'r ddwy iaith fel ieithoedd gweithredoedd mewn sefydliadau. Mae'r cyrff, felly, yn ychwanegu at yr hyn sydd yn y Ddeddf, ac yn mynd ymhellach na'r hyn sydd yn y Mesur arfaethedig.

In terms of the second question, if you compare Schedule 9 to the proposed Measure with section 9 of the 1993 Act, I believe that there are some elements missing from the Schedule. Since 1993, organisations have gone much further than was required by the original Act. Some amended schemes go quite far and acknowledge the rights of Welsh speakers in the workplace, or give equal status to both languages as the operational languages of organisations. Those bodies, therefore, add to what is in the Act, and go further than what is contained in the proposed Measure.

[105] **Gareth Jones:** Cawsom dystiolaeth ysgrifenedig gan Gymdeithas y Gyfraith yn datgan:

**Gareth Jones:** We have received evidence from the Law Society stating that:

[106] 'The imposition of standards upon providers of services to the public is the driver for this legislation. Therefore, the primary legislation should give a clear and detailed outline of the substance of the standards. There is no indication of how the Welsh Ministers will approach the drafting of the standards.'

[107] I ba raddau yr ydych yn cytuno y dylai'r Mesur arfaethedig hwn fod yn fwy pendant ynghylch sylwedd y safonau?

To what extent do you agree that the proposed Measure should be more explicit about the substance of standards?

[108] **Ms Huws:** Yr ydym, fel bwrdd, wedi mynegi'r angen i gael eglurder ynglŷn â safonau, ond nid ydym yn teimlo bod angen i'r eglurder hwnnw fod ym mola'r ddeddfwriaeth. Buaswn yn dweud bod y ddeddfwriaeth hon yn ddigon cymhleth fel y mae hi; efallai ei bod yn orgymhleth. Felly, byddai creu mwy o elfennau i'r ddeddfwriaeth yn arwain at gymhlethdodau.

**Ms Huws:** We, as a board, have expressed the need for clarity on standards, but we do not feel that there is a need for that clarity to be at the heart of the legislation. I would say that this legislation is sufficiently complex as it is; perhaps it is overcomplicated. Therefore, adding elements to the legislation will lead to complexities.

[109] **Gareth Jones:** Yn olaf, dywedodd y Gweinidog wrth y pwyllgor:

**Gareth Jones:** Finally, the Minister told the committee that:

[110] 'Yr ydym yn sôn am y dyletswyddau a osodir ar gyrff, sy'n cael eu disgrifio fel safonau yn y Mesur arfaethedig...dyna ddull cyfraith Prydain o roi hawliau i unigolion. Os

'We are talking about the duties placed on bodies, which are described as standards in the proposed Measure...that is the means by which British law gives rights to individuals.

oes dyletswydd, mae'r unigolyn yn gallu disgwyl y gwasanaeth hwnnw yn Gymraeg neu'n Saesneg yng Nghymru, ac felly, mae ganddo hawliau, oherwydd os nad yw'n cael y gwasanaeth yn ôl y diffiniad, mae ganddo hawl i apelio at y comisiynydd, sydd â dyletswydd i ymchwilio ac i gymryd y camau priodol.'

If there is a duty, the individual can expect to receive that service in Wales in Welsh or in English, and, therefore, has rights because if he or she does not receive the service according to the definition, he or she is entitled to appeal to the commissioner, who has a duty to investigate and to take appropriate steps.'

[111] Beth yw eich barn chi am y dehongliad hwn bod hawliau yn deillio o'r safonau? Yn fy marn i, mae hwn yn greiddiol i'r holl beth. Yr ydym wedi bod yn sôn am hawliau'r unigolyn, ond yn awr yr ydym yn sôn am drosglwyddo'r hawliau hynny i'r comisiynydd ar ran yr unigolyn. A oes gennych unrhyw sylwadau ar hynny, os gwelwch yn dda?

What is your view on this interpretation of rights being derived from the standards? For me, this is the root of the matter. We have discussed the rights of the individual, but we are now discussing the transfer of those rights to the commissioner on behalf of the individual. What are your thoughts on that, please?

[112] **Ms Huws:** Nid wyf yn gyfreithiwr, ond o'r hyn yr wyf yn ei ddeall, ac o'r cyngor yr ydym wedi ei dderbyn, nid yw'r naill yn arwain yn naturiol at y llall. Yr hyn a welwn ni, o ddarllen y Mesur arfaethedig, yw bod hyn yn creu dyletswyddau yn hytrach na hawliau i'r unigolyn. Nid yw'r gair 'hawl' yn ymddangos yn unman yn y ddeddfwriaeth ac felly credaf fod hwnnw'n lwybr troellog iawn i geisio cyflawni hawliau.

**Ms Huws:** I am not a solicitor, but from what I understand, and according to the advice that we have received, the one thing does not naturally lead to the other. From reading the proposed Measure, we feel that this creates duties rather than rights for individuals. The word 'right' does not appear anywhere in the legislation and I therefore think that that is a very circuitous route by which to try to achieve rights.

10.20 a.m.

[113] **Val Lloyd:** In paragraph 10 of your position paper, you note that the Welsh Language Act 1993 already imposes duties on public authorities in relation to the language, and in sequential paragraphs, you state

[114] 'that steps need to be taken to balance this duty to provide services with the right of the individual to receive such services'

[115] that

[116] 'the ground has been prepared for the next steps in terms of establishing specific language rights for individuals'

[117] and that:

[118] 'In some cases, it would be reasonable and practicable to establish some absolute linguistic rights.'

[119] In paragraph 15 of the paper, you noted an alternative approach where it was not reasonable or practicable to establish such rights. Therefore, the question arising from that is: in your view do the standards in the proposed Measure satisfy the conception of language rights as set out in your paper?

[120] **Ms Huws:** Gosodwyd ein gobeithion **Ms Huws:** We set out our hopes and

a'n disgwyliadau yn glir gennym yn 2006. Ni theimlwn bod y Mesur arfaethedig yn cyflawni'r hyn yr oeddwn yn ei obeithio iddo ei gyflawni. I ailddweud, nid oes unrhyw gyfeiriad at hawliau yn y ddeddfwriaeth hon. Yr hyn sydd gennych—eto, fel yn Neddf 1993—yw'r syniad o gryfhau'r elfen o ddyletswyddau nad ydynt yn arwain yn naturiol at hawliau absoliwt cyfreithiol.

aspirations clearly in 2006. We do not feel that the proposed Measure achieves what we hoped that it would. To reiterate, there is no mention of rights in this legislation. What you have—again, as was the case with the 1993 Act—is the idea of strengthening the element of duties, which do not lead naturally to absolute legal rights.

[121] **Mr M. Jones:** Credaf ein bod yn credu y gellid cynnwys rhai hawliau creiddiol mewn Mesur o'r fath. Byddai cynnig tri neu bedwar o hawliau eithaf sylfaenol yn gosod neges bwysig, a gellid adeiladu ar hynny mewn deddfwriaeth a allai ddod mewn degawd. Mae'r cysyniad bod siaradwyr Cymraeg yn ymwybodol o statws yr iaith yn mynd â ni yn ôl at gwestiwn y buom yn ei drafod ar y dechrau, sef ein bod yn gweld o'n holl waith ymchwil mai un o'r ffactorau mwyaf allweddol ynglŷn â defnyddio'r iaith Gymraeg yw siaradwyr yn teimlo bod gan yr iaith honno statws a hawl.

**Mr M. Jones:** I believe that we think that some crucial rights could be included in such a Measure. Offering three or four quite basic rights would send an important message, and that could be built upon within legislation a decade hence perhaps. The concept that Welsh speakers are aware of the status of the language brings us back to a question that we discussed at the outset, namely that we see from all of our research work that one of the most key factors with regard to the use of the Welsh language is the speaker feeling that that language has status and entitlement.

[122] **Val Lloyd:** You further tell us in your 2006 position paper that:

[123] 'The use of the Welsh language in all kinds of workplaces is essential for the long-term health and viability of the language'.

[124] You also claimed that:

[125] 'One of the major weaknesses of the current legislation is that it does not encompass the internal use of Welsh by public bodies.'

[126] Does the provision in the proposed Measure, and the standards in particular, sufficiently address these concerns? If not, how might the proposed Measure do so?

[127] **Ms Huws:** Hoffwn bwysleisio pwysigrwydd y gweithle. Yr ydym wedi sôn am effaith cynlluniau iaith. Dros y ddegawd ddiwethaf mae cynlluniau iaith wedi creu fwyfwy y gweithle dwyieithog lle gall rhywun arfer sgiliau, defnyddio'r Gymraeg, a rhoi gwerth i addysg gyfrwng Cymraeg. Mae'n rhaid cydnabod bod honno'n elfen bwysig iawn o'r patrwm ieithyddol yng Nghymru.

**Ms Huws:** I would like to emphasise the importance of the workplace. We have mentioned the impact of language schemes. Over the past decade, language schemes have increasingly created a bilingual workplace in which people can practice their skills, use the Welsh language, and make use of their Welsh-medium education. We must acknowledge that that is a very important element of the language pattern in Wales.

[128] Gallwn weld potensial safonau, ond eto mae angen mwy o eglurder ynglŷn â'r math o safonau. Gellid defnyddio'r safonau fel arf i osod disgwyliadau ar weithleoedd dwyieithog yn y dyfodol. Byddai hynny'n gam allweddol ymlaen ond y mae angen

We can see the potential of standards, but again we need more clarity as to the type of standards. Standards could be used as a tool to place expectations on bilingual workplaces in future. That would be a crucial step forward, but more work certainly needs to be



gwneud mwy o waith, yn sicr, ar yr elfen honno i sicrhau ein bod yn cyrraedd yr hyn a osodwyd gennym ym mhapur 2006.

[129] **Mr M. Jones:** Mae Deddf 1993 a'r Mesur arfaethedig hwn yn creu rhyw fath o *vacuum* gan fod disgwyl i gyrff ddarparu gwasanaethau Cymraeg i bobl sydd yn dymuno eu cael yn y Gymraeg, ond nid ydynt yn ymwneud o gwbl â'r broses fewnol o sicrhau bod hynny'n digwydd. Dywedant, 'Disgwyliwn gael hyn'. O'n profiad ni, er mwyn i hynny ddigwydd, mae'n rhaid i gorff, yn fewnol, gael y mecanwaith i ddatblygu'r sgiliau hyn. Nid ydynt yn ymddangos o unlle. Mae'r gyrff hynny sydd wedi mynd ati o ddifrif—ac y mae nifer o gyrff yn gwneud hynny—yn hybu ac yn gwella sgiliau yn y gweithle o safbwynt y Gymraeg.

[130] O ran cynllunio ieithyddol mewn cylch ehangach, gwelwn fod rhoi statws i iaith yn y gweithle yn cael dylanwad uniongyrchol ac yn rhoi teimlad o werth ymhlith siaradwyr tuag at yr iaith. Gwelwn nifer o enghreifftiau mewn gwledydd eraill lle bo'r hawl i ddefnyddio'r iaith yn y gweithle yn arwain yn uniongyrchol at gryfhau sefyllfa'r iaith a phobl yn trosglwyddo'r iaith i'w plant ac yn ei siarad mewn cyd-destun go iawn. Yr ydym yn creu llawer iawn o siaradwyr Cymraeg yng Nghymru—llawer ohonynt o gartrefi di-Gymraeg—ond mae creu'r cyfleoedd a'r cyd-destun iddynt siarad a defnyddio'r iaith yn anoddach. Teimlwn y byddai ymestyn hynny i'r gweithle o fantais sylweddol.

[131] **Gareth Jones:** Trof yn awr at Ran 5 y Mesur arfaethedig, sy'n ymwneud â gorfodi safonau. Yr ydym wedi cyfeirio at hyn i ryw raddau. Ym mharagraff 11 o'ch tystiolaeth ysgrifenedig, awgrymwyd fod y defnyddwyr ormod yn y cefndir. Ym mharagraff 13 o bapur safbwynt 2006, mewn perthynas â chreu hawliau ieithyddol penodol, cyfeiriwyd at allu hawliau o'r fath i ymbweru'r cyhoedd drwy alluogi iddynt hawlio gwasanaethau. Yn eich tyb chi, a yw'r fframwaith cyffredinol ar gyfer gorfodi safonau yn llwyddo i ymbweru'r cyhoedd, ac a yw'n rhoi digon o gyfle iddynt hawlio gwasanaethau?

done on that element to ensure that we achieve the points that we set out in the 2006 paper.

**Mr M. Jones:** The 1993 Act and this proposed Measure create some sort of vacuum in that bodies are expected to provide Welsh-language services to people who wish to have those services in the Welsh language, but they do not deal in any way with internal process of ensuring that that happens. They just say, 'We expect this'. From our experience, for that to happen, we know that an organisation must, internally, have the mechanism to develop these skills. They do not appear out of nowhere. Those organisations that have gone about this seriously—and a number of organisations are doing that—are promoting and improving Welsh-language skills within the workplace.

In terms of language planning in its broader sense, we see that giving a language status in the workplace has a direct impact and gives speakers a sense that the language has value. We have seen a number of examples in other countries where the right to use a particular language in the workplace has led directly to strengthening the position of the language and people transferring the language to their children and speaking it in real contexts. We generate many Welsh speakers in Wales—many of them from non-Welsh-speaking households—but giving them the opportunities and the context in which to speak and use the language is more difficult. We believe that extending that into the workplace would be of great advantage.

**Gareth Jones:** I now turn to Part 5 of the proposed Measure, which relates to the enforcement of standards. We have referred to this to some extent. In paragraph 11 of your written evidence, you suggest that service users are too much in the background. In paragraph 13 of your 2006 position paper, in reference to the creation of specific language rights, you refer to the ability of such rights to empower the public through allowing them to exercise their right to services. In your view, does the overall framework for the enforcement of standards meet the objective of empowering the public, and does it equip them sufficiently to exercise their right to services?

[132] **Ms Huws:** Yr wyf yn ailddweud fy hun i ryw raddau wrth ddweud hyn, ond nid yw'r safonau'n arwain at yr hawliau cyfreithiol hynny. Fel y dywedodd Meirion, mae elfen o ymbweru, sy'n wahanol, ond nid yw ymbweru ynddo'i hun yn rhoi pŵer cyfreithiol. Yr hyn y mae yn ei wneud efallai yw gwneud i rywun deimlo'n well wrth herio, er nad yw o reidrwydd yn cynnig y ffynhonnell i herio. Un peth yr ydym wedi'i nodi o ran y Mesur arfaethedig yw'r ffaith nad ydyw hyn yn rhoi grym i unigolyn fynd yn uniongyrchol i'r llys. Fel y dywedasoch, mae trosglwyddo o gyfrifoldeb. Nid yw hyn o reidrwydd felly'n ymbweru'r unigolyn yn gyfreithiol.

**Ms Huws:** I am repeating myself to some extent in saying this, but the standards do not lead to those legal rights. As Meirion said, there is an element of empowerment, which is different, but empowerment does not give a legal power in of itself. What it perhaps does is to make someone feel better in challenging, although it does not necessarily give them the means to challenge. One thing that we have noted with regard to the proposed Measure is that it does not give an individual the right to go directly to the courts. As you said, there is a transfer of responsibility. So, this does not necessarily legally empower the individual.

[133] **Lorraine Barrett:** In giving evidence to the committee, Mr Emyr Lewis and Professor Colin Williams were strongly of the opinion that Part 6 of the proposed Measure, on the freedom to use Welsh, is unnecessary as people are free to communicate in Welsh and a legal framework to protect such communications already exists. Do you wish to see Part 6 remain in the proposed Measure?

[134] **Mr M. Jones:** Yr ydym yn cytuno ag Emyr Lewis a Colin Williams yn y cyddestun hwn. Gallai'r comisiynydd bigo'r mater hwn i fyny drwy ei ddyletswyddau cyffredinol beth bynnag, felly efallai nad oes angen rhoi cymaint o sylw iddo mewn Mesur arfaethedig sy'n hirfaith yn barod.

**Mr M. Jones:** We agree with Emyr Lewis and Colin Williams in this context. The commissioner could pick up this matter through his or her general responsibilities in any case, therefore perhaps there is no need to give so much attention to it within what is an already lengthy proposed Measure.

[135] **Lorraine Barrett:** We have been talking about the use of Welsh in the workplace. Do you believe that the provisions of the proposed Measure on the freedom to use Welsh have the potential to respond to the concerns outlined in your 2006 position paper about difficulties in promoting the use of Welsh in the workplace?

[136] **Ms Huws:** Fel y cyfeiriodd Emyr Lewis ato yr wythnos diwethaf, prin iawn mae'r math hwnnw o achos yn codi. Mae hyn wedi codi'n uniongyrchol o'r achos yn ymwneud â Thomas Cook yn y gorffennol. Nid ydym yn sicr bod yr hyn sydd yn y Mesur arfaethedig yn mynd i ateb y gofynion hynny yn y dyfodol. Yn sicr, pan godir y math hwnnw o achos, mae'n cael sylw yn y wasg. Dyna sy'n newid y sefyllfa ac yn creu newid yn y gweithle. Nid wyf yn sicr a yw'r Mesur arfaethedig hwn yn ateb yr angen hwnnw yn uniongyrchol.

**Ms Huws:** As Emyr Lewis mentioned last week, this type of case seldom arises. This has arisen directly from the case relating to Thomas Cook in the past. We are not sure that what is contained within the proposed Measure will meet those requirements in future. Certainly, when this type of case arises, it gets attention in the media. That is what changes the situation and generates change in the workplace. I am not sure that this proposed Measure meets that requirement directly.

[137] **Lorraine Barrett:** We have heard evidence that there are concerns about the transition from schemes to standards and that the former may not be taken seriously while the latter are still to be developed. To what extent do you share these concerns?

[138] **Ms Huws:** Mae'n gonsŷrn byw ein bod yn newid sawl elfen o'r patrwm cynllunio ieithyddol yng Nghymru ar yr un pryd. Fel y soniodd y prif weithredwr, yr ydym yn newid y teclyn cynllunio ieithyddol a'r strwythur. Mae cyrff wedi cysylltu â ni yn barod i ofyn y cwestiwn sylfaenol canlynol: beth sy'n digwydd nesaf—oes pum mlynedd o *hiatus* yn mynd i fod, a beth y dylem fod yn ei wneud yn y cyfnod hwn? Mae angen sicrhau bod y Mesur arfaethedig hwn yn bont, yn hytrach nag yn ddyffryn mewn cynllunio ieithyddol i'r dyfodol, ac mae angen cynllunio er mwyn i hynny ddigwydd. Mae'n bosibl inni symud tuag at sefyllfa gryfach, ond rhaid inni beidio â cholli pum mlynedd yn ystod y broses. Gall safonau sectorol gryfhau'r sefyllfa yn y dyfodol, ond rhaid inni beidio â chael y gagendor hwnnw.

**Ms Huws:** It is a very real concern that we are changing several elements of the pattern of language planning in Wales at the same time. As the chief executive has mentioned, we are changing the language planning tool and the structure. Organisations have already been in touch with us to ask the following fundamental question: what happens next—is there going to be five years of hiatus, and what should we be doing in this period? We need to ensure that this proposed Measure is a bridge, rather than a gulf in linguistic planning for the future, and planning is required for that to happen. It is possible to move towards a stronger situation, but we must not lose five years in the process. Sectoral standards could strengthen the situation in the future, but let us not have that gulf.

10.30 a.m.

[139] **Lorraine Barrett:** Looking to preparations for the future, if the proposed Measure is passed, in line with your remit for 2010-11 from the Minister for Heritage, what groundwork has taken place in respect of implementing the proposed Measure? Have discussions taken place between the board and the Minister and his officials?

[140] **Ms Huws:** Mae'r llythyr cylch gorchwyl yn cyfeirio at y cydweithio fydd yn digwydd, gobeithio, rhwng y bwrdd a swyddogion y Llywodraeth. Efallai ein bod fel bwrdd yn teimlo ein bod yn dod i mewn i'r broses hon o drafod yn hwyr iawn. Dim ond ar ddiwedd y daith y gwelwom y Mesur arfaethedig. Serch hynny, hanes yw hynny. Sefydlwyd corff cydweithredol gan y bwrdd a'r Llywodraeth i drafod y materion hyn. Cynhelir cyfarfodydd rheolaidd gyda'r Gweinidog.

**Ms Huws:** The remit letter refers to the collaboration that will happen, hopefully, between the board and Government officials. Perhaps we as a board feel that we are coming into this process of discussion at a very late stage. We only saw the proposed Measure at the end of the process. However, that is history. A collaborative body has been established by the board and the Government in order to discuss these matters. Regular meetings are held with the Minister.

[141] **Lorraine Barrett:** I will leave it to you, Chair, to decide whether I have enough time for my last question.

[142] **Val Lloyd:** No, I think that we have managed quite nicely. I thank the witnesses and Members. This is an important subject and we have a lot of ground to cover. I thank the witnesses for their attendance today and for answering our questions. Is there anything else that you would like to say? I will allow you a minute or two.

[143] **Ms Huws:** Diolch am y cyfle hwn ac am eich gwrandawriad. Un peth y byddwn yn gofyn yw: a ydych yn cymryd tystiolaeth oddi wrth cyrff sydd yn gweithredu cynlluniau iaith? Os nad ydych, efallai y dylech, oherwydd byddai hynny'n fuddiol i'ch trafodaeth. Yr wyf yn siŵr eich bod wedi

**Ms Huws:** Thank you for this opportunity and for listening. One thing that I would ask you is: are you taking evidence from bodies that are implementing language schemes? If not, perhaps you should, as it would be beneficial to your discussion. I am sure that you have considered it, but I would

ystyried hynny, ond byddwn yn eich annog i'w wneud. Byddem yn ddigon parod i roi manylion ichi am gyrff sydd yn gweithredu cynlluniau iaith, ac sydd wedi bwydo i mewn i'r broses o'n rhan ni.

encourage you to do that. We would be more than happy to give you details of organisations that are implementing language schemes, and that have fed into the process from our part.

[144] **Val Lloyd:** Thank you, that is helpful. I know that you have given evidence in the Assembly before, but, for the record, you will be sent a draft transcript, within about seven days, for you to verify. Once again, thank you for attending and for your evidence. The committee will now take a short break. We will recommence promptly at 10.45 a.m..

*Gohiriwyd y cyfarfod rhwng 10.32 a.m. a 10.44 a.m.  
The meeting adjourned between 10.32 and 10.44 a.m.*

[145] **Val Lloyd:** Welcome back to this morning's meeting of Legislation Committee No. 2 which is considering the proposed Welsh Language (Wales) Measure. I welcome to the meeting Huw Roberts, director of Welsh affairs at the Royal Mail, and Stuart Taylor, head of external relations Wales at the Royal Mail. We have quite a lot of questions for you and I remind you that we have a fixed time for the end of the meeting, so we would appreciate it if you could focus your answers. I do not wish to cut off discussion, but ask for focused answers. I will ask the first two questions.

[146] Your evidence—for which we thank you—refers to a voluntary Welsh language scheme, although the Post Office has been under a statutory duty to prepare a scheme since 1996. Could you please clarify your obligations under the current legislation?

[147] **Mr Roberts:** Acknowledging, Chair, that we have about one minute 20 seconds per answer, I will try to keep this short by directing you to our website, which features comprehensive details on this. In essence, the scheme is there to ensure equal status for the language in our dealings with customers. In essence, that is what it seeks to do, at every point where we interact with customers.

[148] **Val Lloyd:** Do you agree with the intent of the proposed Measure?

[149] **Mr Roberts:** We share the Confederation of British Industry's view that the proper place for Welsh language policy to be developed is here in Cardiff, so, in as much as that is the basis of the proposed Measure, yes, we do.

[150] **Rhodri Morgan:** Good morning. In your written evidence you state that you would welcome

[151] 'increased usage by our customers of our current Welsh language services, which at present is disappointingly low'.

[152] You also referred to taking 1,000 calls a day at your Welsh-language contact centre at Llys Castan. If you call that 'disappointingly low', what would you call reasonable?

[153] **Mr Roberts:** I need to clarify that we have a UK-wide call-centre service. To ensure that we can fulfil our obligations under our scheme, one of those is based in Bangor, but it delivers a service across the UK—wherever you may be ringing from, calls are directed to the next available line. We should not just look at the number of calls to Bangor, because it arguably takes two or three times as many calls as it would if it were serving Wales alone. We split our year, for planning purposes, into periods of four or five weeks, and typically, across the UK—having chosen to print the chart before me in black and blue ink, I will have to look at it carefully—we have nearly a 0.25 million calls, of which we estimate, on a straight

population basis, about 14,000 would come from Wales. Of those 14,000, we identified 670 calls that asked for Welsh services, which is 4.8 per cent. Against a presumption that around one fifth of the population of Wales is able to speak Welsh, we would consider less than half of that to be a disappointingly low proportion.

[154] The figures for Wales are estimated. I have asked my colleagues to check those figures on a daily basis, but we do not maintain daily figures on a historical basis. Yesterday, for example, Bangor took 505 calls that our system tells us came from landlines in Wales. Of those, 25 asked to be dealt with in Welsh. That happens to be a bit higher, at 5.75 per cent, but you get a sense of where we are: 4 or 5 per cent, moving towards 6 per cent, against the figure of 20 per cent of the population or more who speak Welsh.

[155] **Rhodri Morgan:** As a matter of interest, the 1,000 calls a day is not 1,000 calls a day requesting services in the Welsh language.

[156] **Mr Roberts:** What you have there—and it is our error—are figures for the Bangor call centre. What I have now asked my team to do, and what I have now given you, are the figures relating to the calls that come from Wales to the Bangor call centre. The other, additional complexity is that people use mobiles now and you cannot tell where they are calling from, but on landline calls, there were 505 from Wales yesterday and, of which, 25 asked for Welsh services.

[157] **Rhodri Morgan:** Just to be absolutely clear, is there any reason to suppose that some of the calls to the Bangor call centre from outside Wales are requesting services in Welsh, because there are Welsh people living in England and Scotland?

[158] **Mr Roberts:** They would not know they were coming through to the Bangor call centre—they would just be ringing the Royal Mail number and getting routed through to Bangor. We promote a separate line for people who want to speak in Welsh, and those figures are included here.

[159] **Rhodri Morgan:** There might be Welsh ex-pats in Birmingham or Bristol or wherever who could, in theory, also add to the total.

[160] **Mr Roberts:** In theory, but it is pretty improbable, because we would not promote that service outside Wales.

[161] **Rhodri Morgan:** Could you give us any idea of the trend in demand for Welsh services? Is it static at around that 5 per cent mark, or has it risen or fallen?

10.50 a.m.

[162] **Mr Roberts:** We have not had that level of historic information that would enable me to give you the trend. What we can say is that, for example, when we drew attention to our scheme around its tenth anniversary, there was an upward trend because of the publicity that we had for it. Therefore, we do see that drawing attention to it, generally and slowly, increases its use. You expect the use of any such service to increase over time. Let us be brutally frank: no small number of people in Gwynedd have worked out that their calls are going to be answered more quickly if they use that line. Therefore, there are many reasons for adopting it.

[163] **Rhodri Morgan:** Do you have any idea what the barriers are that mean that relatively little use is made of the service as compared to the proportion of the population that speaks Welsh? If 18 per cent speak Welsh, but only 4.75 per cent use the Royal Mail service, do you have any idea what the barriers are and, if you have been able to identify them, is the

framework in the proposed Measure likely to remove those barriers?

[164] **Mr Taylor:** We have not done precise research into the number of people in Wales who claim to be able to speak or write Welsh. We are talking about a scheme that started some 13 years ago. I know that you took evidence from the Welsh Language Board and perhaps it has done more work in that area, to look at why that would be the case. As Huw mentioned, the promotion of any scheme has to be advantageous; we make that point in our submission. Our own small-scale example of that meant that we saw an increase in people using the service following that promotion around the tenth anniversary. In future, we hope that that would be a shared responsibility between companies such as ours that provide that service and other groups that promote it as a wider aspect in Wales.

[165] **Rhodri Morgan:** That is an interesting observation about your tenth anniversary promotional activities. You have said in your evidence that you support the view expressed by the CBI that it would be more appropriate for the Assembly Government to direct resources towards promotional activities, rather than think about introducing new legislation, so that there would be more use of the Llys Castan contact centre. However, counterpoised to that, Professor Colin Williams referred during last week's evidence session to the fact that what the Welsh language needed was for the providers of bilingual public services to provide an active offer, as distinct from a passive offer, which means that the service is there for people if they want to use it, but it is not promoted. Do you have any observations on that in the light of what you said about your tenth anniversary promotion?

[166] **Mr Roberts:** I looked at Professor Williams's evidence; it was interesting. However, we do not actively promote our English-language service. It is there, it is accessible, people know where to get it and we publicise it. People use the word 'promotion' in a fairly relaxed way. Do they mean that it should be actively publicised, or simply that people should be made to understand that it is available? If you engage in a discussion with Royal Mail by telephone in Wales, as soon as you call, you get offered a Welsh or English option. It is there right at the beginning. It is not true that we do not give it equal publicity in that sense.

[167] This is a difficult area. You are talking about the development of a cultural offer. As a company, we wish to ensure that our engagement with Welsh public life is as effective and broad as possible and that is why we have had this scheme. There is no point at which someone seeking to phone the Royal Mail Group Ltd from within Wales would not be aware of the Welsh service.

[168] **Rhodri Morgan:** On this psychology of voluntarism versus legislation, you have said in your written evidence that,

[169] 'it is easier to ensure our business units comply with the scheme if it is perceived by them as something we want to do rather than are compelled to do.'

[170] How does that relate to other business obligations that you have, whether they are health and safety or various other matters of compliance? Compliance is not unknown to the business community. You can see the opposite view that might be held, if you have to comply on all sorts of other areas. Is there any particular reason why you would find it difficult to comply with Welsh language requirements—or are you saying that the voluntary principle should apply to health and safety and a whole range of other current compliance areas?

[171] **Mr Roberts:** We would recognise the distinction between language policy, which is rooted in cultural aspirations, and something such as health and safety. There is provision identifying the size of organisation that has to comply, and whereas quite large organisations may have to comply, smaller organisations may well be free of that obligation. That is quite different from health and safety, which is universal; no-one can run an organisation and

operate health and safety legislation on a voluntary basis. Interestingly, if you look at our disability policy as the Royal Mail group, we seek to comply, with reasonable success, with the obligations under the Disability Discrimination Acts, which are quite specific. People within an organisation look at such Acts from a legalistic point of view—what does the legislation tell us to do? When organisations such as ours have that kind of responsibility, our approach is that there are benefits in being seen to engage with the community in question as fully as possible. I happen to be on Royal Mail’s leadership group for disability. We have legal obligations that we seek to comply with, but we also do far more voluntarily than we have to do under the legislation.

[172] **Rhodri Morgan:** Why would that not apply to the Welsh language? What is the difference? I absolutely agree with what you just said about disability—when a law comes in, there is initial reluctance followed, quite frequently, by an enthusiastic embrace afterwards. Why would that apply to disability, but not to the Welsh language?

[173] **Mr Roberts:** It is not that it does not apply. After all, there is already legislation in this area, and there will be new legislation in the shape of the proposed Measure. We recognise that there is a legislative framework in which we operate; the question is whether we have an absolutely compulsory scheme or whether we negotiate a scheme on a voluntary basis that we may well argue is more valuable and broader within the framework of the existing legislation. You will appreciate, Rhodri, that there was a time, in the 1960s and 1970s, when the post offices were seen as part of the problem by language activists, so we are very aware that this is a sensitive area of operation, and it is a sensitive offer that we make. We have every reason to show that we are as supportive as possible of this policy, but there has to be, in any organisation, a quite distinct style of operation between those who are seeking to maximise commercial benefit, and those who are seeking to minimise the cost for the organisation.

[174] **Mr Taylor:** I would like to add a point. If you were to look for an exemplar of an organisation that did not need compulsion to do what it felt was right with regard to the Welsh language, then we would be one of a small group of such organisations. The Welsh Language Board has, in the past, regularly pointed other organisations to us.

[175] **Rhodri Morgan:** That brings me on to my next point. Insofar as you have been ‘one of the good guys’ as regards voluntary and enthusiastic compliance, and going beyond mere compliance, can you nevertheless see that there might be a case for the extension of law and compliance in this area through a Measure—not because there is a need to do anything about the Royal Mail group, because you are already one of the good guys, but because of other providers of ‘public’ services that are lagging behind and have not embraced the idea as enthusiastically as you have?

[176] **Mr Roberts:** We wait to see what will happen, but our understanding is that some of our main competitors are unlikely to be faced with compulsion. I do not expect TNT or FedEx or DHL to be included, and they are all competitors of ours. That is one of the problems for us—our historical background as a public body is being taken into account in this, but our current commercial environment, which is so different—

[177] **Rhodri Morgan:** The level playing field problem.

[178] **Mr Roberts:** Yes. The situation is very different from what it was 13 years ago.

[179] **Brynle Williams:** Moving on, do you agree with the creation of the post of Welsh language commissioner and the abolition of the Welsh Language Board? If so, why?

11.00 a.m.

[180] **Mr Roberts:** To be frank, as an organisation operating in a corporate sense in Wales, we do not have a very strong opinion on this. We may have strong opinions as individuals, but, as an organisation, our view is that if that is what this body chooses, then we will work with it.

[181] **Brynle Williams:** In your view, could a Welsh language commissioner play any role in guaranteeing the 'level playing field' to which you have just alluded to and to which you refer in your written evidence?

[182] **Mr Roberts:** The playing field that we talk about is a level playing field among those who compete in our business, but also a levelling of the field between those of us who would face compulsion and those who choose simply to have a voluntary scheme. Whether it is the responsibility of the commissioner or the Assembly more generally, we and other members of the Confederation of British Industry believe that there ought to be acknowledgement in public procurement terms of those bodies that do things either voluntarily or through legislation that are in line with Assembly policy. So, when you are talking about levelling up, levelling could occur because we have an obligation, which carries a cost, which we happily accommodate, that some of our competitors do not. We genuinely believe in that. However, as I see it, it would not be for the commissioner, but the broader context in which the commissioner reports to the Assembly.

[183] **Mr Taylor:** I am sure that the point is not lost on this group and others that there would be a dichotomy here in relation to large public service contracts for postal services—be that for the Assembly or local government, or the national health service—if, within the overall tendering and procurement decision demonstrable ability in and support for the Welsh language was not a factor in making the ultimate decision. We would say that it should be considered as part of an overall package, whether that is through Value Wales or through another mechanism. It should be a factor when decisions are made with regard to spending large amounts of public money on postal services.

[184] **Brynle Williams:** We have received evidence that the promotional, and the regulatory and compliance functions of the commissioner should operate separately. To what extent do you agree that the functions should be split?

[185] **Mr Roberts:** In a sense, that falls in with the other comments: the way in which it is split is for you to decide. However, to make a personal comment, resource is the issue, particularly in the coming years. How much resource do you have? My suspicion, which is rooted in part in my experience, is that if you have an organisation with a legislative responsibility and a degree of resource that also has a promotional responsibility, the legislative responsibility, with its targets, will be funded ahead of the promotional responsibility and the promotional side will lose out. A frequent error in the public sector is to fail to appreciate the cost of promotion. So, you may find that a group that has both functions is likely, over time, to see its resource directed towards compliance rather than promotion. That is a personal view.

[186] **Gareth Jones:** A yw'r Llywodraeth **Gareth Jones:** Has the Government wedi ymgynghori gyda chi i drafod y cynigion sydd yn y Mesur arfaethedig? consulted you to discuss the proposals in the proposed Measure?

[187] **Mr Roberts:** Forgive me for having used the twenty-first century Welsh Not, but I understood most of the question regardless. We are an active member of the CBI and have played a part with it throughout this process. We have been to informal briefings and to more formal events. Today's attendance is evidence that we continue to engage in this. It is an important aspect of the environment in which we operate and we have undertaken quite a lot



of work on this internally.

[188] **Gareth Jones:** Symudaf ymlaen i drafod y safonau yn gyffredinol. A ydych yn credu y bydd y fframwaith safonau arfaethedig yn gwella'r system bresennol o gynlluniau iaith o ran darparu gwasanaethau drwy gyfrwng y Gymraeg?

**Gareth Jones:** I will move on to discuss the standards in general. Do you think that the standards framework proposed will improve on the current system of language schemes in providing services through the medium Welsh?

[189] **Mr Roberts:** It is difficult for us to say until it is clearer and we have had more engagement with the language board. I have not mentioned this yet, but you will know that we were advised that we would be transferred to a compulsory scheme under existing legislation quite some time ago. That appears not to be being taken forward actively, presumably because of the issues in this proposed Measure and because the greater picture is changing. It is an indication of my point about where you have to apply your resource. The language board has not taken that much further forward at the moment, but we are in discussion with it about it. We do not expect our scheme—which Stuart has already said is exemplary and which has been identified as such—to have to change significantly as a result of it becoming compulsory.

[190] **Gareth Jones:** Cafwyd tystiolaeth i awgrymu y dylai'r Mesur arfaethedig roi amlinelliad clir a manwl o sylwedd y safonau ac y dylai enghraifft o hyn fod wedi cael ei gyhoeddi gyda'r Mesur arfaethedig. Beth yw eich barn chi ar hyn?

**Gareth Jones:** We have had evidence to suggest that the proposed Measure should provide a clear and detailed outline of the substance of the standards and that an example of that should have been published with the proposed Measure. What is your opinion on this?

[191] **Mr Roberts:** Business likes clarity, simply put—the more we knew, the happier we would be.

[192] **Gareth Jones:** Pa mor hawdd i'w deall yw'r safonau a fydd yn berthnasol i'ch sefydliad chi? Derbyniaf nad ydynt yn eglur ar hyn o bryd.

**Gareth Jones:** How easy is it to understand the standards that will apply to your organisation? I accept that they are not clear at present.

[193] **Mr Roberts:** In a sense, you answered the question for me. Until we have greater discussion with the board, we cannot be clear about what is expected.

[194] **Gareth Jones:** Mae'n rhaid i mi ofyn y cwestiwn hwn—efallai ei fod yn gymhleth oherwydd mae'n sicr yn gymhleth i mi—o ran Atodlen 6 ac Atodlen 8. Mae cyfeiriad at y Post Brenhinol yn Atodlen 6 o'r Mesur arfaethedig fel corff sydd i gydymffurfio â'r safonau, ond yr ydych hefyd yn rhan o'r categori swyddfeydd a gwasanaethau post yn Atodlen 8. Beth yw'r goblygiadau o gael eich cynnwys yn narpariaethau perthnasol y naill Atodlen a'r llall?

**Gareth Jones:** I must ask this question—it is perhaps a complex one, because it is certainly complex in my mind—in terms of Schedule 6 and Schedule 8. There is a reference to the Royal Mail in Schedule 6 of the proposed Measure as a body required to comply with the standards, but you are also included in the post office and postal services category in Schedule 8. What are the implications of being included in the related provisions of both Schedules?

[195] **Mr Roberts:** It is complex and we are not clear about that yet either. However, there is one sensitive matter here that has to be thought about. I said earlier that the post office offers became an iconic matter in the struggle to increase accessibility to the language. The Royal Mail group is a large organisation and it is interesting that the significantly largest part

of our business is the letters business, but we interact with the public mostly through our post office network. As a large organisation, here we are, facing this discussion about what sort of scheme we might have. However, all along in the discussions, it has been signalled that small businesses need not have any concern. At least one member of this committee mentioned chip shops being unlikely to have to comply with the legislation. However, many of those chip shops will be next-door to post offices, which are small private businesses, run by individuals with whom we have an agency relationship. They are not formally our employees. It is a very sensitive and difficult area that we need to address, because we know that it is important to those committed, particularly, to the enhancement of the use of the language, but this needs to be discussed and talked about. We have done work on the number of our people, including our sub-postmasters and sub-postmistresses, who speak the language. There are some quite reassuring figures on that. We have just completed a survey and the figure is about a third across Wales, which is quite comforting—it is above the Wales average. However, we have not yet explored with the language board the implications for these small businesses, which are providing a crucial service, often in rural villages, and how they will face the obligations that will be placed on the organisation.

[196] **Gareth Jones:** Mae hwn hefyd yn faes heriol, ond byddai gennyf ddiddordeb yn eich ateb. Fel y byddwn yn symud o'r cynlluniau presennol gwirfoddol, neu sut bynnag yr ydych yn eu disgrifio, i'r safonau newydd, a ydych wedi ystyried sut y byddwch yn ymdrin â dwy ffrwd rheoleiddio?

**Gareth Jones:** This is also a challenging area, but I would be interested in your answer. As we move from the current voluntary schemes, or however you describe them, to the new standards, have you considered how you will deal with two regulatory streams?

[197] **Mr Roberts:** Not as separate schemes. We have been talking to the language board about the new one that we will put in place, because we would expect the scheme to enable us to fulfil our obligations to our customers across all sections of the business. So, it is very difficult for us to answer that question yet. We are very happy to come back to committee when we are clearer about that. However, we cannot comment yet. It does slightly reinforce my point that I will not be talking to our public affairs or marketing people about this, but to our lawyers about the difference between the two. I talk to a new group of people when we discuss a compulsory scheme, but we are not clear yet, I am afraid.

11.10 a.m.

[198] **Michael German:** May I take you to Part 5 of the proposed Measure and section 76, which is about enforcement? Can you give me your general view about the enforcement regime and the penalties that could be imposed on an organisation such as yours?

[199] **Mr Roberts:** In truth, we intend to comply fully, so we are not overly worried about what the enforcement regime is—we do not intend to go there. Willingness in our organisation at the moment is driven by business needs, namely the need to be seen to be an integral part of the community in which we operate, and we do not expect that to change. It is our intention to ensure that that remains the main driver. As a matter of interest, when we read about the enforcement details, we were not clear about whether the figure of £5,000 would be a one-off cost to an organisation for non-compliance. One needs to be careful that an organisation might not decide that it would be better off paying the fine rather than complying, unless it is a recurring, everyday cost. That is not clear at all in the proposed Measure, or at least we could not see it when we looked at it. So, if there is to be enforcement, we will comply with it, but we do not have a particularly strong view about whether it is a good or bad enforcement process.

[200] **Mr Taylor:** It is important that the section refers to an organisation's ability to get its

house in order through the complaints notice, which is akin to an improvement notice in a health and safety context, before getting into a formal system. It is helpful that that is there; I believe that it offers a six-month period in which the organisation would be expected to say what it will do and to put an action plan in place. As Huw said, we hope that that section will not bother us too much, because we feel that the scheme is comprehensive enough to avoid those situations, as long as what comes forward is in line with the scheme that we have now, with no significant, material extra demands on the organisation.

[201] **Michael German:** Do you think that there will be a general willingness among your business units to comply with this enforcement regime, or will it be necessary to invest some serious time, effort and money in your operation to do that?

[202] **Mr Taylor:** We do that now. While the group has a voluntary scheme from the point of view of the Welsh language's status, from our point of view, it is a compulsory scheme within the organisation. We follow the Welsh language policy that we have produced. So, conversations regularly happen with our colleagues in various parts of the UK to ensure that when they produce new material to support products and services, it is produced bilingually and in line with our policy. We do not predict that those conversations will change. In fact, in most cases in the company, as we discussed earlier, it is sometimes easier to get people to comply because they believe that this is something that the organisation sees as so important to do that we have a formal policy on it. We have never met opposition to that from the other groups in the organisation. I do not think that this will change that in any way.

[203] **Michael German:** I will now take you to the difficult and thorny issue that has been raised more than once already, namely that of a level playing field. It is mentioned in your evidence, because of the competitive environment in which you work. What changes would you make to the proposed Measure in this area in order to ensure that you get a level playing field?

[204] **Mr Roberts:** We suggested one option: you can level the playing field by improving the prospects of those who have to take on this additional responsibility. An alternative would be—

[205] **Michael German:** I am sorry to interrupt, but I am referring to changes in the legislation, as opposed to the general ambiance of political policy making, the allocation of budgets and so forth. In this legislation, how would you do it?

[206] **Mr Roberts:** The only way that we could see it happening for our mail business would be if our competitors faced the same obligations.

[207] **Michael German:** Do you think that that would be right, just and fair?

[208] **Mr Roberts:** We would think so. If we have to face an obligation that costs us money, keen as we are to fulfil it, those who are competing with us should face the same obligation.

[209] **Michael German:** How would you write that into the proposed Measure?

[210] **Mr Roberts:** That is more difficult for me to answer. I am no expert when it comes to legal drafting. I would be happy to converse with people about that, but I cannot offer a suggestion, other than to say that the aspiration should be to ensure that all comparable organisations should face comparable costs.

[211] **Michael German:** I turn now to the other point that you mentioned, about post offices being agencies of yours under an agency arrangement. Do you have any views on the

way that organisations will be issued with compliance notices? Should a threshold be set for the size of organisation, or should there be a variable process that takes into account the size of the operation, and whether it already has a voluntary scheme in place? Do you think that there should be some sort of measurement in that way?

[212] **Mr Roberts:** One thing that is not clear to us yet is whether, in the provision of post office services, it would be we or the sub-postmaster or sub-postmistress—the federation calls itself the National Federation of SubPostmasters—that would get the compliance notice. We are not crystal clear about that yet. We have sort of assumed—there is much in this proposed Measure about scale and size—that we would end up getting it, but that is not clear yet. You have to be careful that you are not using a sledgehammer to crack a nut, in the sense that a large organisation like ours could be faced with compliance obligations because an independent agent has not fully complied with some aspect of the proposed Measure.

[213] **Michael German:** Before I ask my final question, Chair, we have now had two questions raised by witnesses on the clarity of the proposed Measure. I wonder whether we could have a note from our legal advisers on those two issues.

[214] I now move on to the issue of the right to challenge. There is an appeals process in the proposed Measure. Are you satisfied with it? Is it fit for purpose?

[215] **Mr Roberts:** On this issue, we would follow the lines that we have followed so far. As there has to be a compliance procedure, we consider it to be acceptable. We are not unhappy with the compliance procedures. There are areas that are not clear, but we do not have a problem here. We do not see that any of the procedures are particularly onerous for the issues that are at stake.

[216] **Mr Taylor:** It is as you would expect; the factors in it are correct. There should be a period in which you have the right to appeal, and if you are not happy with how the appeal has been handled, there is recourse through the tribunal that is mentioned in the proposed Measure. It is right that it is there.

[217] **Gareth Jones:** Mae Rhan 6 o'r Mesur arfaethedig yn cyfeirio at y rhyddid i ddefnyddio'r Gymraeg. I ba raddau yr ydych chi'n fodlon bod fframwaith cyfreithiol addas yn bodoli eisoes parthed, er enghraifft, rhyddid mynegiant, gwaharddiadau ar gamwahaniaethu ac yn y blaen i ddiogelu gallu pobl i gyfathrebu â'i gilydd yn y Gymraeg? **Gareth Jones:** Part 6 of the proposed Measure refers to the freedom to use Welsh. To what extent are you satisfied that an appropriate legal framework already exists with regard to, for example, freedom of expression, the prohibition of discrimination and so forth to safeguard people's ability to communicate with each other in Welsh?

[218] **Mr Roberts:** That is a very interesting question, and one that we looked at, although that it is not an issue that we have ever faced in our organisation. People are absolutely entitled to use their language of choice in the workplace. We lean to the view held by the Confederation of British Industry, namely that this is rather a big weapon for a moderately small problem. In a sense, the fact that when an issue arises it becomes such a big new story so quickly demonstrates that point. Not only does it become a big news story fast, but as far as we can establish, nothing has ever occurred, other than that the ridiculous policy that created the problem in the first place is reversed. You then ask yourself why there is all this effort on legislation when this has never been a problem beyond the first event.

[219] **Mr Taylor:** The evidence of the few high-profile instances of this shows that the court of public opinion offers the first source of justice for that situation, and policies generally get changed because of it. We have never faced that, and common sense and

pragmatism in the workplace prevails.

[220] **Gareth Jones:** Yr wyf yn gwerthfawrogi'r ateb hwnnw. Fel y soniasoch, mae'r Post Brenhinol wedi bod yn ymwybodol o'r broblem ar hyd y blynyddoedd, ac wedi wynebu'r her honno. Yr wyf yn gwerthfawrogi hynny'n fawr. A fydddech felly'n cyd-fynd â'r barn a fynegwyd gan y cyfreithiwr Emyr Lewis, sef nad oes angen Rhan 6 yn y Mesur arfaethedig o gwbl?

**Gareth Jones:** I appreciate that answer. As you mentioned, the Royal Mail has been aware of the problem over the years, and has faced up to the challenge. I appreciate that greatly. Would you therefore agree with the view expressed by the lawyer Emyr Lewis, namely that we do not need Part 6 of the proposed Measure at all?

[221] **Mr Roberts:** We agree with that.

11.20 a.m.

[222] **Lorraine Barrett:** Are you content that the regulatory impact assessment makes a realistic assessment of the financial implications of the proposed Measure?

[223] **Mr Roberts:** That is an interesting question, and one that is wider than the issue of this proposed Measure. We share the view of the CBI that some of the regulatory assessments being undertaken here in the Assembly have become a bit of a box-ticking exercise. We enquire after the assessments, and are assured that they are going to be done, but they happen very late, and they are not what we would consider to be a proper assessment. We say what we want to do, but, 'Oh dear, we have not done a regulatory assessment', then—bang—it is done. That is not what we thought was intended, because what was intended was an engagement with business en route; we are told what would be expensive and what would not. We are therefore not confident about the regulatory assessment. Paradoxically, we are somewhat more confident that this is not going to be especially expensive for us because we have such a comprehensive scheme.

[224] **Lorraine Barrett:** You have covered a lot of this, but I wonder whether there is anything else that you would like to add; does the proposed Measure pose any financial or other implications for your organisation?

[225] **Mr Roberts:** We are certain that what you meant by this question is 'the costs for us'. We remind you that opportunities should come from these initiatives, and if the opportunity is to strengthen our hand in terms of open and fair competitive tendering—let us be clear that that can be an entirely fair element of a tender—then that can be of benefit to us. We offer such a comprehensive scheme, because we are in the business of communications, that we expect any changes to be modest. In that sense, there will not be a huge negative cost for us; that is our expectation at the moment.

[226] **Lorraine Barrett:** Do you think that the proposed Measure will affect competition in the marketplace?

[227] **Mr Roberts:** It could, if some of the things that we have talked about are not done, and if other organisations do not have to comply. I come back to the point that we are an integrated group. Stuart and I work at a group level, where we have the Post Office business, the Royal Mail letters business and Parcelforce Worldwide, and they all comply, but they are quite different in nature. We will have to check precisely how the proposed Measure impacts on our post offices, because nobody in this room needs to be reminded how difficult sustaining a viable post office is in rural villages today; it would not take much of an additional cost to alter the economics. Frankly, we are finding it tougher to find postmasters

and postmistresses as time goes on. One needs to think carefully about adding what some from outside would see as a burden on these post offices.

[228] **Lorraine Barrett:** Are there any potential barriers to implementing the provisions of the proposed Measure? If so, what might they be?

[229] **Mr Roberts:** Resource is the main barrier; if you put all your money and effort into one thing, you cannot put them into another. However, much of our evidence is predicated on our assumption that what we do now is so appreciated that we will not see a significant change in it.

[230] **Lorraine Barrett:** Have you any views on how the provisions in the proposed Measure will impact on your organisation in practical terms? You have covered a lot of this, but I wonder whether there are other things that you want to add.

[231] **Mr Taylor:** We want greater clarity on what exactly is required of us, and I am sure that we will not be the only organisation that appears before this committee and others to express that view. Let us have a bit more detail on what is expected of the organisation, and we will come back to the table and explain how we go about implementing it. The positive attitude that we have always had in the past will then remain in future.

[232] **Val Lloyd:** Gentlemen, we have come to the end of our questions. Is there anything that you would like to add that you did not have the opportunity to cover in your answers to our questions?

[233] **Mr Roberts:** Just in passing, we should mention that, although we certainly do not expect a legal obligation to increase the use of our language services, we are informally engaged in a rolling programme with the board and some of Wales's largest companies through the CBI to see what we can do to ensure full use of these services; we pay for them, and we want to see them being used. We are already doing that in an informal and practical way.

[234] **Val Lloyd:** I thank you both for the clarity and directness of your answers. We will send you a transcript of today's meeting for verification.

[235] **Rhodri Morgan:** By post. [*Laughter.*]

[236] **Val Lloyd:** What else?

[237] **Mr Roberts:** I hope that it is not TNT that delivers it to us. [*Laughter.*]

[238] **Val Lloyd:** You should get that within seven days. Thank you.

[239] I now welcome to the table Eifion Griffiths, senior analyst in network operations with Scottish Power, and Richard Tasker, head of direct debit operations at Scottish Power. You are very welcome, gentlemen. You are aware how to use the headsets—channel 1 is for the translation, and channel 0 is for the amplification. The microphones come on automatically. We will move, if we may, straight into questioning, and I will ask the first question. Do you agree with the intent of the proposed Measure?

[240] **Mr Griffiths:** Scottish Power welcomes the new proposed Measure in principle. We see it as a challenge and an opportunity to improve our service to customers in Wales. However, that is provided that there is clarity about the standards and that they are workable and achievable.

[241] **Val Lloyd:** Thank you for your written evidence. In paragraph 3, you note that your company already has a strong commitment to the provision of a Welsh language service, so the possibility of regulation may be beneficial in ensuring that your competitors have to offer similar standards. In paragraph 13, you refer to the benefits of some consistency within the sector in creating a more level playing field. Could you elaborate on those comments? In particular, do they imply that the provision of Welsh-medium services imposes costs or other competitive disadvantages?

[242] **Mr Griffiths:** For organisations such as ours, there are costs associated with providing Welsh language services, but equally, there are some benefits for Scottish Power in communicating with our customers in Welsh. On the network side—my side of the business—we find that we deal with many landowners in rural areas of Wales in Welsh, and the wayleave agreements that we come to with those customers are done bilingually. We have a lot of plant and equipment on their land, and we often need their goodwill to go to maintain or repair it.

[243] **Val Lloyd:** So, you would say that it was a positive issue rather than a negative, would you?

[244] **Mr Griffiths:** Yes.

[245] **Val Lloyd:** It has been suggested that the Government should concentrate its efforts on programmes and schemes that would encourage the use of the language to ensure a better take-up of those services. What is your view on that?

[246] **Mr Griffiths:** Our view for many years, through having a Welsh language scheme, has been that our customers should be able to conduct their business in the language of their choice. Scottish Power is happy to deliver those services for our customers. That is what we have done over the years, and we will continue to do so.

[247] **Brynle Williams:** Do you agree with the creation of a post of Welsh language commissioner and the abolition of the Welsh Language Board?

[248] **Mr Griffiths:** Scottish Power has worked closely and well with the Welsh Language Board over the years, and if we can continue to work in future with the commissioner's office, or whatever office the Assembly Government puts in place, I think that it would be a good thing, and it would move this forward.

11.30 a.m.

[249] **Brynle Williams:** We have received evidence that the promotional, regulatory and compliance functions of the commissioner should operate separately. To what extent do you agree that the functions should be split?

[250] **Mr Griffiths:** Broadly speaking, we believe that it is good practice for them to be separate. That is my only comment on that.

[251] **Rhodri Morgan:** Is saying that it would be good practice to split the functions based on the experience of your parent company, Iberdrola, in dealing with this matter in Catalonia, the Basque Country or Galicia?

[252] **Mr Tasker:** We know little of the overall experience in Europe, so we can currently comment only on the Welsh position. We do not have any personal knowledge of the issues with the Basque or Catalan languages in Spain, so we cannot provide you with any information on that.

[253] **Rhodri Morgan:** Given that you are Spanish owned, it would be fascinating for this committee to learn about the situation within the Iberdrola empire, because, presumably, it runs a similar business across Spain or in large parts of the country. It may think that these matters are better dealt with elsewhere, but learning of the Spanish experience from your head office would be absolutely riveting stuff for us. Could we request that you communicate with your head office so that we can pick up on some international aspects to this, especially given your view that you think that these matters would be better dealt with by splitting the regulatory and promotional functions?

[254] **Mr Griffiths:** We can certainly take that away today.

[255] **Rhodri Morgan:** That would be great for us. I hope that you do not think that request unreasonable, but you are the only witnesses to come before us so far who have the ability to supply us with an international comparison, particularly from Spain, which, in some ways, is regarded as the most similar country to the UK, with similarities then between Wales and the Basque Country, Catalonia and, to a lesser extent, Galicia. Would that be possible?

[256] **Mr Tasker:** We can certainly look to provide that information. It would also be useful for us to get a better understanding.

[257] **Rhodri Morgan:** Thank you. To put aside the potential for getting evidence from Spain on this, will the proposed standards framework be neutral, or will it improve or cause a deterioration in the present system of language schemes about providing services in Welsh?

[258] **Mr Griffiths:** Scottish Power has had a Welsh language scheme for the past 13 years, and we have been working to that framework. Whatever framework is put in place, I anticipate that we would work to that to the same standard.

[259] **Rhodri Morgan:** Similar to the previous witnesses from the Royal Mail, Scottish Power is in the position of having not a mandatory but a voluntary Welsh language scheme since 1997. Does the company have a corporate view on the fact that it could be required by law to meet standards under the new legislation? What is the Scottish Power view on that?

[260] **Mr Griffiths:** That depends on the details in the standards. As the Royal Mail said, we need greater clarity, and we are keen to work with the Welsh Assembly Government to get to that stage. So, consultation is vital.

[261] **Rhodri Morgan:** I now move on to the cost. You have gone out on a limb far more than the Royal Mail did in giving actual estimates of the cost of potential compliance, in paragraphs 17 and 23—under the energy retail business, not under the wayleave and wires business. You used an estimate of several hundreds of thousands of pounds under certain circumstances in paragraph 17, and then, in paragraph 23, an estimate of £1.5 million for the set-up costs and £0.5 million for the ongoing costs, which would have to be reflected in the tariffs—and the press has picked up on that quite a bit this morning. If the complexity of the scheme is such and such, what is the reason for the difference in the estimates in paragraphs 17 and 23? How easy would it be, in setting the standards, to minimise the impact of these costs without penalising, as it were, the promotion of equality for your customers who may wish to have services provided in Welsh?

[262] **Mr Tasker:** To give a broad high-level estimate of the cost, we considered what we already do to provide a Welsh-speaking service, which includes employing Welsh-speaking telephone operatives and sending out bilingual bills. We also have Welsh-speaking customer liaison officers, so that we can reply to correspondence and e-mails in Welsh, which we do in all those areas. Then, we looked at the areas in which we do not currently offer a Welsh



service and at the cost of offering a Welsh-language service to mirror the English-language service. Primarily, I have looked at setting up a fully functioning website in Welsh to ensure that all our marketing literature is fully bilingual or is produced in either Welsh or English. In addition, quite a large proportion of our standard letters, which are systems-generated, are currently available only in English. Although, on request, we can produce those in Welsh, they are not automatically generated in Welsh. So, that is where the costs have come from.

[263] **Rhodri Morgan:** On the Iberdrola parent company issues, that is where we would get the comparative costs from business, as I presume that your parent company conducts its business in Catalunya and the Basque Country as well, and maybe Galicia. So, it would be very useful if websites and suchlike are in use by Iberdrola when dealing with its customers in the three non-Castilian Spanish-speaking parts of Spain. It would be very useful to know whether that is regarded as a real pain in the backside for your Spanish opposite numbers under the umbrella of the Iberdrola group, and what costs they have found there. That real-time information from within the company, which I presume you could get, would be exceptionally useful.

[264] **Mr Tasker:** Yes, I could try to obtain comparative costs from my counterparts in Spain, but the cost analysis that I have done is on the cost that I have gathered over the last few weeks to make those changes based on our systems. Although we have some integration, we do not use the same systems in Spain and in the UK, and nor do our other companies around the world, so there may be different costs depending on the different system requirements.

[265] **Rhodri Morgan:** From the little understanding that I have of language legislation, certainly in Catalunya, I believe that it is quite heavy and burdensome on the private sector. Given that 90 per cent of the population of Catalunya speaks Catalan, that makes it very different from the situation in Wales, although not unlike parts of north Wales. However, if you are operating in the private sector, the group would certainly have some experience of that—unless Iberdrola does not operate in Catalunya—and so there would be some useful costings that you would be able to produce for us as evidence. We would find that enormously valuable.

[266] **Mr Tasker:** Yes. As we said before, we are happy to try to provide that. There is a slight complication in that, while we are in a deregulated market in the UK, the Spanish market is slowly moving from a regulated market—from the old gas and electricity boards—to a deregulated market, so different provisions are required in different areas of the business over there. However, we would be happy to look at the comparative costs.

[267] **Rhodri Morgan:** Some witnesses have told the committee that the proposed Measure should give clarity and a detailed outline of the substance of the standards, and that an example should have already been published with the proposed Measure. What are your views on that, as a potential to-be-included type of business?

[268] **Mr Tasker:** Scottish Power does not necessarily agree that that level of detail should have been provided initially, but if cost-benefit and impact assessments and so on were included as part of the consultation process on this, in which we would very much like to participate, that would enable us to get the degree of detail that we believe is needed.

[269] **Rhodri Morgan:** My last question is on the use of the expression ‘reasonable and proportionate’ in the proposed Measure, as being an overarching principle. Nothing shall be done that is unreasonable or disproportionate. Do you find a lot of comfort in that, or are you still quite fearful that the definition will be so attenuated that something that might be considered to be reasonable and proportionate by those making the laws could still be unreasonable and disproportionate to you as a major private sector company in Wales?

11.40 a.m.

[270] **Mr Tasker:** ‘Reasonable’ and ‘proportionate’ are general legal terms. I think that ‘reasonable’ goes back to ‘the man on the Clapham omnibus’; that is where the phrase comes from originally. The term ‘reasonable and proportionate’ was also used in relation to the compliance notices in the proposal, so we are comfortable that there will be a standard expectation of what is reasonable and proportionate, and that that will come out through the consultation process.

[271] **Rhodri Morgan:** That is fair enough, except that my reading of paragraph 23 of your evidence, where you give the set-up cost estimate of £1.5 million and £0.5 million for running costs, is that it the potential costs are based on scenario in which things get out of hand and certain things are done that are not reasonable or proportionate. However, if things are reasonable and proportionate, the cost might be an awful lot less than that; it might be more like the hundreds of thousands of pounds quoted in the opening sentence of your paragraph 17 rather than the £1.5 million and then £0.5 million for running costs. Is that a fair analysis?

[272] **Mr Tasker:** That is fair and I agree.

[273] **Gareth Jones:** Pa mor hawdd i’w deall yw’r safonau a fydd yn berthnasol i’ch sefydliad chi? **Gareth Jones:** How easy is it to understand the standards that will be applied to your organisation?

[274] **Mr Tasker:** As I alluded to earlier, until the details of the standards have gone through a consultation process and we understand what they are likely to be, it would be difficult to give anything other than the broad comments we have already made on the impact upon Scottish Power.

[275] **Gareth Jones:** Mae eich tystiolaeth yn datgan yr hoffech weld dau brif newid i’r Mesur arfaethedig: yn adrannau 25(1) a 38, ac yn adran 41. A allwch ymhelaethu ar hyn? **Gareth Jones:** Your evidence states that you would like to see two principal changes to the proposed Measure: in sections 25(1) and 38, and in section 41. Could you please expand on this?

[276] **Mr Tasker:** In relation to sections 25(1) and 38, we think that Welsh Ministers should have a statutory duty to consult those affected by the potential legislation before making regulations setting any standards or making them specifically applicable. That is why we have referred constantly to a consultation process, which we would want to be involved in. As part of that, the consultation should include a cost-benefit analysis of the proposal.

[277] **Gareth Jones:** Yr ydych wedi cyfeirio at fy mhwynt nesaf yn barod, ond gofynnaf ichi ymhelaethu ychydig yn rhagor. Wrth sôn am gost a budd, mewn modd ymarferol, sut y byddai hynny’n cynorthwyo i ddatblygu safonau a’u rhoi ar waith? Sut y byddai unrhyw gostau a buddion unrhyw safonau’n cael eu mesur? A oes gennych unrhyw syniadau am hynny ar hyn o bryd? **Gareth Jones:** You have already touched upon my next point, but I ask you to expand a little on what you have said. In discussing cost and benefit, how, in practical terms would that assist the development and implementation of standards? How would both the costs and benefits of any particular standards be measured? Do you have any ideas about that at this time?

[278] **Mr Tasker:** With any cost-benefit analysis, we would want to assess the costs that we would incur in providing the services proposed against the benefits to the customers, and the number of customers who would want to use them. So, through the consultation process, we would expect to gain better detail about what those costs may be and what benefits may be

derived. As my colleague has said, we have always worked in close association with the Welsh Language Board to develop benefits for the customer. As a customer-facing, customer-centric, competitive organisation, we want to do the best for our customers at all times.

[279] **Gareth Jones:** Diolch am yr ateb hwnnw. I ba raddau y mae Llywodraeth Cymru wedi ymgynghori â chi hyd yma mewn perthynas â'r cynigion sydd yn y Mesur arfaethedig? **Gareth Jones:** Thank you for that answer. To what extent has the Welsh Government consulted you so far in relation to the proposals in the proposed Measure?

[280] **Mr Tasker:** There has been none that we are aware of.

[281] **Michael German:** I would like to ask a question on enforcement, namely section 76 of the proposed Measure. Can you outline your general views about the enforcement machine and the penalties that could be imposed upon companies?

[282] **Mr Tasker:** From Scottish Power's point of view, we would hope that the enforcement machine would be academic for us because we would intend, at all times, to comply. So, we would never want to get into that situation. In general, we believe that the penalties should be set high enough to discourage companies from ignoring any legislation and ensure that they comply, but they should probably not be at such a high level that they put off some organisations from continuing to trade in Wales, which would be the case if they were set excessively high. They would also need to relate to the degree of seriousness of the breach. There should be some discussion about what is considered to be a breach, the quantum of breaches and their seriousness.

[283] **Michael German:** So you generally agree with the hierarchy in section 76?

[284] **Mr Tasker:** Yes.

[285] **Michael German:** Do you have any views on how enforcement should take place? Should enforcement vary according to an organisation's size and whether it already has a voluntary scheme in place?

[286] **Mr Tasker:** I hope that most companies would want to comply with legislation and that this would therefore be a later step in any process of consultation, perhaps with advice and persuasion from the commission if things were not quite right. Any formal compliance notices should be reserved for cases where a company is making what appears to be a deliberate effort not to comply or where there is a deliberate non-effort to comply. Breaches should be dealt with according to the quantum of those breaches and their seriousness. In relation to the size of the organisation, we have many hundreds of thousands of transactions a year with our customers, through bills, telephone conversations and so on, and although we would want to avoid any breaches, we would hope that one or two breaches out of hundreds of thousands of transactions would not lead to a formal compliance notice. For a small organisation with fewer transactions, the degree of breach might be different.

[287] **Michael German:** Let me take you back to something that you have already mentioned, namely the issue of a level playing field. Do you see any difficulties with the proposed Measure, and the requirements placed upon your company and others, in relation to a level playing field and your competitiveness compared with other organisations?

[288] **Mr Tasker:** Scottish Power believes that we are in a competitive marketplace. There are six major energy suppliers in the UK and a few smaller suppliers. As long as the same legislation is applied to all of us, there would be a level playing field, and so it should not cause any problems for competition.

[289] **Michael German:** Turning to the right to appeal, the right to challenge decisions taken by the commission, are you satisfied that there are sufficient rights of appeal, and a sufficient variety of ways to do so, in the legislation?

[290] **Mr Tasker:** In general, yes. As we discussed, the reasonable and proportionate side needs to be confirmed. I think that the consultation would lead to that to ensure that the process is correct. In general, we are in agreement with it.

[291] **Michael German:** I wish to move on to paragraph 25 of your written evidence, which is about exceptions and the exceptional circumstances in which there would be derogation for certain activities—you mention interruption in supply, inability to operate the Caernarfon call centre and so on. Can you explain how, in your view, exceptional events give rise to issues that involve a linguistic component? We understand it if the power lines are down and people cannot get to work in Caernarfon, but what is the linguistic component in this? How would it make things more difficult?

[292] **Mr Griffiths:** I can give you a couple of examples from the ‘why’ side of the business. Back in January 2007, there was a major storm in north Wales, and thousands of customers were left without power for three or four days. The volume of calls at that time was huge, and we could not cope with providing Welsh-language services to all the customers. It is critical for us as a business that we get information into the business as quickly as possible. In such circumstances, there will be customers out there who have critical safety information, because wires may be down across the highways and across cars and whatever. We will take that information in whatever language we can. Similarly, we may have a power outage tomorrow on the Llŷn peninsula that affects 5,000 customers instantly. A lot of those customers would want to get to through to us at the same time. Unfortunately, we do not have a sufficient number of Welsh speakers in the company to deal with that. So, that is where the linguistic side comes in. After the storms in 1997, we had to set up a storms bureau, and although more customers were affected in England than in Wales, we set it up in Wales so that we could provide a bilingual service, because we knew that customers who would come back to us and make claims would want to communicate with us in Welsh. We did that through the Welsh language policy framework.

11.50 a.m.

[293] **Michael German:** We are talking about a piece of legislation, and if you are going to put exceptions into legislation, you have to frame them in a way that can be written into legislation. Are there some general principles that you think should be in the legislation? That is, they cannot apply to one company; they have to be general. What might they be?

[294] **Mr Griffiths:** We need to have some tables of how many calls a company such as ours gets on average from day to day, and anything outside of that would be outside the scope of the legislation.

[295] **Mr Tasker:** It might be worth referring to the force majeure that we already have for the networks. That is, there is a general force majeure that we can declare in different areas if we go beyond our ability to cope when lines are down and so on. Something could be phrased along the lines that certain circumstances are so exceptional that it would have to be accepted that these conditions could not be met under them.

[296] **Michael German:** Can you give us a copy of your force majeure work? It would be very helpful.

[297] **Mr Griffiths:** Yes. We have three levels of emergency: level 3 is a state of

preparedness; level 2 is a higher level; and level 1 is where we know that customers will be cut off for more than 24 hours, and it is vital that we get staff down from Scotland, we send staff up to Scotland to help out there, or we get contractors in, whatever is needed. We can certainly give you a copy of that.

[298] **Val Lloyd:** Before we move onto Gareth's question, while responding to Mike's question, Mr Tasker, you referred to hoping to avoid compliance notices. The legal team has passed me a note stating that these are notices that impose standards. Did you mean 'decision notices' in your answer, which are part of the enforcement process?

[299] **Mr Tasker:** I meant 'decision notices' where we appear to be in breach and receive advice that we need to go through a period to get back to full compliance.

[300] **Val Lloyd:** Thank you very much; that is helpful.

[301] **Mr Tasker:** It is my fault for using the wrong terminology and I apologise.

[302] **Val Lloyd:** I did not pick it up, but our legal representative did.

[303] **Gareth Jones:** Trof at Ran 6 sydd yn ymwneud â'r rhyddid i ddefnyddio'r Gymraeg. Gwyddoch chi yn sicr, Eifion, fod enghreifftiau hanesyddol lle mae cyflogwyr neu fusnesau wedi ymyrryd yn yr hawl hwnnw. Enghraifft ddiweddar a gyfeiriwyd ato yn gynharach yw achos Thomas Cook. Mae enghreifftiau o hynny yn codi eu pennau o bryd i'w gilydd. Cyn imi ofyn am eich sylwadau, derbyniasom sylw gan Swalec ei fod yn hapus i sicrhau bod aelodau o'i staff yn cael defnyddio'r Gymraeg yn y gweithle ond y byddai'n bryderus

**Gareth Jones:** I turn to Part 6, which deals with the freedom to use Welsh. You will certainly be aware, Eifion, of historical examples in which employers or businesses have interfered with that right. A recent example, which was referred to earlier, is the Thomas Cook affair. Such examples crop up from time to time. Before I ask for your comments on that, we also received a comment from Swalec that it is happy to ensure that members of staff are allowed to use Welsh in the workplace, but that it would be concerned

[304] 'if an individual insisted...on the right to speak Welsh in a meeting which would entail bringing in interpreters/translation of document.'

[305] I ba raddau yr ydych chi'n fodlon bod fframwaith cyfreithiol addas eisoes yn bodoli, er enghraifft ar ryddid mynegiant, gwaharddiad ar wahaniaethu ac ati, i ddiogelu gallu pobl i gyfathrebu gyda'i gilydd yn Gymraeg?

To what extent are you satisfied that an adequate legal framework already exists covering, for example, freedom of expression, the prohibition of discrimination and so on to protect the ability of persons to communicate with each other in Welsh?

[306] **Mr Griffiths:** Scottish Power does not have a view on this. We do not see it as a problem, in that we are happy for our staff to speak to each other in the language of their choice. I know for a fact that on Anglesey, where 95 per cent of one team leader's workforce is Welsh speaking, all that team's briefings and meetings are conducted through the medium of Welsh. Everyone is happy with that; it does not cause a problem.

[307] **Gareth Jones:** Felly a fydddech yn mynd cyn belled â chytuno gyda'r cyfreithiwr, Emyr Lewis, a ddywedodd wrth y pwyllgor nad oes angen y Rhan hon o gwbl?

**Gareth Jones:** So, would you go as far as to agree with the lawyer, Emyr Lewis, who told the committee that there is no need for this Part at all?

[308] **Mr Griffiths:** Byddwn. **Mr Griffiths:** Yes.

[309] **Lorraine Barrett:** As a service provider that has an established scheme, has Scottish Power been consulted on the likely financial impact of the proposed Measure as it stands?

[310] **Mr Tasker:** No.

[311] **Lorraine Barrett:** Are you content that the regulatory impact assessment makes a realistic assessment of the financial implications of the proposed Measure?

[312] **Mr Tasker:** We believe that the RIA is a bit too broad-brush; it is applying the same approach to everyone, but our estimated costs, as I have outlined before, would be potentially considerably higher than the £200,000 that is proposed for a company of our size. So, once we get to the consultation on the standards, we can give a much better estimate of our costs, but we feel that that is not realistic at the moment.

[313] **Lorraine Barrett:** On my earlier question on being consulted on the likely financial impact, would you have expected to be consulted?

[314] **Mr Tasker:** At this stage of the process, until we have the standards more agreed and outlined, it will be difficult to give you an estimate of the financial impact. We have tried to help the process by coming along with some high-level estimates, to give an overall picture of what may be required, but unless we know what the standards will be, we cannot go into more detail than that.

[315] **Lorraine Barrett:** Okay, thanks. In paragraph 23 of your written evidence, you say that a significant extension of Welsh-language provision could have set-up costs of around £1.5 million as well as ongoing costs of £0.5 million each year, which would inevitably need to be reflected in the tariffs. What sort of significant extension do you contemplate for these cost estimates, what would be the components of the set-up costs, and would that result in higher charges for services in Wales?

[316] **Mr Tasker:** To take those points in turn, the extension to the service that we already offer would involve having a fully functional website in the Welsh language, setting up an automated voice-recognition phone service provided in English and mirrored in Welsh, sending out all marketing material in Welsh, and creating and maintaining the series of letters that we currently produce in English only, in Welsh.

[317] On the costs, taking the letters first, to make letter changes would be unbelievably expensive—it is madness, in my view. We are looking at £665,000 to make one-off changes to replicate every English letter in Welsh, and then an ongoing cost of £35,000 per year to maintain that. Any subsequent changes to letters would also have to happen to the Welsh versions as well as to the English versions and, based on previous changes, that would be an ongoing cost of £200,000 per year. That is according to the number of changes that we make currently.

[318] On the automated voice-recognition service, we estimate that there will be a one-off cost of £200,000 to mirror fully the English functionality that we provide and an ongoing maintenance cost of £100,000, which is directly proportionate to the cost of maintaining the English service.

[319] Marketing materials are difficult to consider because marketing budgets go up and down all the time. However, my colleagues in sales and marketing estimate a cost of around £100,000 per year if we were to recreate the similar marketing material that we use in English for the volume of our customers in Wales.

[320] Finally, for the website, there are two options. We have considered the full all-singing, all-dancing version, which would do everything that the current website does. On functionality, you would be looking at around £0.5 million. One option is that we could provide an information-only website, but that would not be fair, and we would want to ensure that we did the same in both languages. So that would be a full £0.5 million and around £100,000 a year to maintain.

[321] **Lorraine Barrett:** Do you believe that the proposed Measure will affect competition in the marketplace?

[322] **Mr Tasker:** As I said before, as long as the proposed Measure is applied equally and fairly across all competitive suppliers, it should not unduly affect competition. To answer your previous question of whether it would result in higher charges for services in Wales, our only income, as a business, is from charging customers for gas and electricity, so if we had higher costs, those would need to be passed on to our customer base. It would not be fair to say that we would only pass those on only to our Welsh customers; they would be spread across our entire customer base, but we would have to recover those costs through our tariffs.

[323] **Val Lloyd:** Are there any potential barriers to implementing the provisions of this proposed Measure? If so, could you elaborate on them, please?

[324] **Mr Tasker:** At the moment, the only barriers would be the cost and timescales of making those changes that we have outlined, but until we have more detail through the consultation, we cannot provide more detail on that.

12.00 p.m.

[325] **Val Lloyd:** Have you any other views on the practical impact of the provisions in the proposed Measure? You have outlined some for us.

[326] **Mr Tasker:** As my colleague said at the start, we broadly welcome the proposed Measure and are keen to be involved in the consultation process. To judge any further impact—and I hate to say this again—we would have to get to the consultation and find out exactly what the standards would be. However, we want to be involved in that process and contribute as much as possible to it.

[327] **Val Lloyd:** We have come to the end of our questions. Is there anything that we have not addressed that you would like to speak about?

[328] **Mr Tasker:** No, that is fine.

[329] **Val Lloyd:** Thank you again for your contributions. They were clear, direct and unambiguous, similar to those of previous witnesses. A transcript will be sent to you for verification, which should be with you in about a week's time. Thank you again for coming. I now declare the meeting closed.

*Daeth y cyfarfod i ben am 12.01 p.m.  
The meeting ended at 12.01 p.m.*