



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Investigation under Section 17 of the Welsh Language Act 1993

## **Driver and Vehicle Standards Agency (DVSA)**

The Welsh Language Commissioner's report and recommendations issued  
under section 19 of the Welsh Language Act 1993

Reference Number 062



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# Background

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales by imposing standards on organisations and reviewing and investigating compliance with the Measure and the Welsh Language Act 1993. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so

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# Foreword

This investigation report is issued by the Welsh Language Commissioner (the Commissioner) in accordance with section 19 of the Welsh Language Act 1993 (the Act) following the transferral of relevant functions under the Act to the Commissioner through a series of statutory instruments.

## Part II Welsh Language Act 1993

### ○ Compliance with schemes – Investigations

An investigation is held into the possible failure of a public body to implement its language scheme under section 17 of the Act:

*17. – (1) Where it appears to the Board<sup>1</sup>, whether on a complaint made to it under section 18 below or otherwise, that a public body may have failed to carry out a scheme approved by the Board, the Board may conduct an investigation in order to ascertain whether there has been a failure.*

*(2) The procedure for conducting an investigation under this section shall be such as the Board considers appropriate in the circumstances of the case, and in particular an investigation may be conducted in private.*

### ○ Compliance with schemes – Complaints of non-compliance

Section 18 of the Act applies when an individual submits a complaint regarding a public body's failure to implement its language scheme:

*18. – (1) This section applies where –*

*(a) a written complaint is made to the Board by a person who claims to have been directly affected by a failure of a public body to carry out a scheme approved by the Board,*

*(b) the complaint is made within the period of twelve months beginning with the day on which the complainant first knew of the matters alleged in the complaint, and*

*(c) the Board is satisfied that the complainant has brought the matter complained of to the notice of the public body concerned and that that body has had a reasonable opportunity to consider it and to respond.*

*(2) Where this section applies, the Board shall either investigate that complaint under section 17 above or shall send to the complainant a statement of its reasons for not doing so.*

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<sup>1</sup> The Welsh Language Board was abolished on 31 March 2012 and investigatory power was transferred to the Welsh Language Commissioner on 1 April 2012. Any reference to the Board in this foreword equates to a reference to the Commissioner.

## ○ Compliance with schemes – Reports on investigations

A report is to be produced under section 19 of the Act based on the findings of the investigation:

*19. – (1) Where the Board undertakes an investigation under section 17, above, it shall send a report of the results of the investigation to the public body concerned, to the Secretary of State<sup>2</sup> and, where the investigation is conducted on a complaint made under section 18 above, to the complainant.*

*(2) Where the Board considers that it would be appropriate for a report of the results of an investigation to be published, either in the form of the report made under subsection (1) above or in some other form, the Board may arrange for publication in such manner as it thinks fit.*

*(3) Where on completing an investigation the Board is satisfied that the public body concerned has failed to carry out the scheme, the Board may include in its report recommendations as to action to be taken by the public body in order to remedy the failure or to avoid future failures.*

## ○ Compliance with schemes – Directions by Secretary of State

If, following the publication of a report, the Commissioner believes that a public body has failed to implement the actions recommended by him, he may refer the matter to the Minister responsible for the Welsh language:

*20. – (1) If at any time it appears to the Board that a public body has failed to take any action recommended in a report under section 19 above, the Board may refer the matter to the Secretary of State.*

*(2) If on a reference under this section the Secretary of State is satisfied, after considering any representations made to him by the Board and by the public body concerned, that the body has failed to take any action recommended in the report, he may give such directions to the public body as he considers appropriate.*

*(3) Any directions given by the Secretary of State under subsection (2) above shall be enforceable, on an application made by him, by mandamus.*

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<sup>2</sup> Following the establishment of the National Assembly for Wales in 1999, reports under section 19 of the Act are sent to the Welsh Government Minister responsible for the Welsh language.

# 1 Context

- 1.1 The Driver and Vehicle Standards Agency (DVSA) has a Welsh language scheme prepared under section 21 of the Welsh Language Act 1993 (the Act). The language scheme was approved on 10 January 2018.
- 1.2 The language scheme states that the Driver and Vehicle Standards Agency (DVSA) has adopted the principle that in the conduct of its public business in Wales it will treat the English and Welsh languages on a basis of equality. The scheme identifies how the Driver and Vehicle Standards Agency (DVSA) will achieve that principle in delivering public services.
- 1.3 This report's main objective is to draw conclusions, based on the evidence gathered, on the Driver and Vehicle Standards Agency's (DVSA) compliance with specific clauses of its language scheme. The report does not draw conclusions regarding the Driver and Vehicle Standards Agency's (DVSA) general performance with regard to compliance with its language scheme.

## 2 Basis of the investigation

- 2.1 On 25 September 2019 a number of messages on social websites in relation to concerns about the availability of driving tests through the medium of Welsh came to my attention.
- 2.2 The messages claimed that driving tests to be conducted through the medium of Welsh in various test centres across Wales had been cancelled and rescheduled with the new test date weeks if not months after the original date. The messages received press and social media attention.
- 2.3 These messages referred to postponing Welsh-medium tests at the last minute without the offer of another test date in Welsh for two months for a test in Bala. Similarly, a test was postponed for two months at the centre in Pwllheli. Other members of the public referred to arranging tests in English due to having to wait such a long time for tests through the medium of Welsh. Another mentioned arranging a Welsh-medium test at the centre in Aberystwyth although the waiting list was longer for tests in Welsh. The individuals affected by these situations described the process of organising Welsh-medium driving tests as "unfair", "disheartening" and "unacceptable".
- 2.4 A letter was sent to the DVSA on 26 September 2019 requesting information and evidence in relation to these suspected failings by 10 October 2019.
- 2.5 I received an email from the DVSA on 26 September 2019 acknowledging receipt of the letter and indicating that it would deal with the request as a Freedom of Information Request. In response to that email, an email was sent to the DVSA indicating that I as Welsh Language Commissioner have statutory powers to ensure that the DVSA complies with its Welsh language scheme and that if we do not receive a response by the date indicated, we will proceed to consider how best to deal with the matter.
- 2.6 A response to the letter requesting information and evidence was received from the DVSA on 11 October 2019. The letter included a response to some of the questions asked but the DVSA had not provided a response to the majority of the questions on the basis of the alleged time it would take to gather the information. The DVSA states in its response,

*"In order to provide the requested information, we would have to manually review 3303 test records, which we estimate would take approximately 5 minutes per record. 3303 cancelled test records at 5 minutes per record would take 16,515 minutes to locate and combine the requested information, equivalent to 275 hours 15 minutes; or one full-time member of staff working 37 days. The cost limit for central government is £600. This equates to one member of staff working for 3.5 days at £25 per hour, or a total of 24 hours. 275 hours 15 minutes would exceed the cost limit set for central government."*

- 2.7 The DVSA appears to have handled the request for information as a Freedom of Information Request and not as a request for information from a regulator. As a result, it did not provide a full response to the questions asked and did not provide me with sufficient information to assure me that it is either complying with the relevant clauses or taking steps to ensure that it will comply in the future.

- 2.8 The DVSA was reluctant to release and share information with me generally in response to requests for information following receipt of complaints which leads to a suspicion of failure to comply with the DVSA's language scheme.
- 2.9 Given the DVSA's reluctance to provide information, I considered that conducting an investigation was the only way to obtain the necessary information. By conducting an investigation it would be possible to establish whether or not the DVSA complies with the relevant clauses of its Welsh language scheme in relation to driving tests through the medium of Welsh in order to resolve this issue.
- 2.10 At the end of the informal correspondence the DVSA had failed to provide me with sufficient assurance that it is complying with its Welsh language scheme.



## 3 The investigation

- 3.1 I decided to exercise my powers under section 17 of the Act in order to conduct an investigation to ascertain whether the DVSA had failed to comply with the Welsh language scheme. The DVSA's chief executive was notified of this on 4 November 2019.
- 3.2 On 4 November 2019 a letter was sent to the DVSA explaining the subject and structure of the investigation and asking questions for the purpose of gathering information. It was explained that the investigation would consider compliance with the following clauses of the Welsh language scheme:

- *We treat the English and Welsh languages equally when conducting public business in Wales.*

- **Service delivery**

*Tests in Welsh are available at every theory and practical test centre in Wales, as well as those outside Wales whose catchment area includes part of Wales. The standard and quality of our services are consistent throughout Wales.*

*Candidates can choose to take a practical test in Welsh at the time of booking and a Welsh speaking Examiner will be provided.*

- 3.3 It was noted that the investigation would be conducted in private by the Commissioner's Investigation and Enforcement team, and that it would include the following steps:
1. Receive information and evidence from the DVSA by 2/12/2019.
  2. Undertake a desktop analysis of the information received and consider whether any further information is required, for example by meeting with DVSA officers.
  3. Prepare a draft report on the investigation's findings and give the DVSA an opportunity to check the facts.
  4. Send a copy of the final report to the DVSA and the Minister responsible for the Welsh language.
  5. Publish the final report.

This report considers DVSA compliance with specific clauses in its Welsh language scheme. It is based on information and evidence received from the DVSA.

- 3.4 During the period of the investigation I received correspondence from a member of the public regarding the difficulties her daughter had experienced in trying to arrange a practical driving test through the medium of Welsh. It was explained to the DVSA that its response to that correspondence would also be considered as part of this investigation as the subject matter was relevant.
- 3.5 We also looked at the experiences of individuals who attended discussion groups organised by my staff over the last two years.

# 4 The evidence

## Consideration 1: Introduction

It was suspected that the Agency had failed to implement the following clause in the introductory section of its language scheme:

We treat the English and Welsh languages equally when conducting public business in Wales.

- 4.1 Concerns on social media referred to Welsh-medium driving tests being postponed with offers of rescheduling tests in Welsh on dates in the distant future.
- 4.2 Some individuals referred to waiting two or three months for re-arranged tests that were to be held at test centres in Bala and Pwllheli in September and October 2019.
- 4.3 One person mentioned the opportunity to rearrange a test in English much earlier than a date for a test in Welsh.
- 4.4 Another person mentioned undertaking a driving test in May 2019 in Aberystwyth in Welsh. This individual was successful in arranging a test with a Welsh speaking examiner but explained that there was a longer wait for a Welsh-medium test than for a test in English.
- 4.5 To ascertain whether the DVSA had complied with the clause above we asked a number of questions about the number of applications for Welsh-medium tests it had received and how many of the Welsh-medium tests had been conducted, how many Welsh-medium tests had been cancelled, how long it was necessary to wait to reschedule a test and how many of those whose tests were cancelled had re-arranged them in English. The corresponding data for driving tests in English was also requested.
- 4.6 My staff also looked at the DVSA's approach to offering a driving test in Welsh.
- 4.7 A response was received from the DVSA on 29 November 2019. In its response the DVSA explained that it supports and provides services in Welsh wherever possible. It was explained that it provides theory and practical driving tests in Welsh with Welsh-speaking examiners available on request when booking. It was also explained that it works with its Operations Department to support and encourage staff to learn Welsh where necessary.
- 4.8 According to the DVSA's written response all calls relating to DVSA business are answered by the customer service centres in Swansea and Newcastle. It was explained that it welcomes telephone enquiries in English or Welsh.
- 4.9 The DVSA submitted data for the period 1 September 2018 to 30 June 2019 as the data was not available after 30 June 2019 at the time. A summary of the data can be found in the table below:

<b>Test Centre</b>	<b>Number of applications for tests in Welsh</b>	<b>Percentage of applications for tests in Welsh</b>	<b>Number of applications for tests in English</b>	<b>Percentage of applications for tests in English</b>
<b>Abergavenny</b>	0	0	3663	100
<b>Aberystwyth</b>	20	2.08	941	97.92
<b>Bala</b>	48	7.1	627	92.9
<b>Bangor</b>	171	3.5	4691	96.5
<b>Barry</b>	0	0	2347	100
<b>Brecon</b>	0	0	1165	100
<b>Bridgend</b>	1	0.22	4556	99.98
<b>Caernarfon (LGV)</b>	0	0	835	100
<b>Cardiff (Llanishen)</b>	0	0	10574	100
<b>Cardigan</b>	0	0	976	100
<b>Carmarthen</b>	55	3.64	1454	96.36
<b>Lampeter</b>	24	3.19	729	96.81
<b>Llandrindod Wells</b>	0	0	674	100
<b>Llanelli</b>	15	0.45	3327	99.55
<b>Llantrisant</b>	40	0.71	5609	99.29
<b>Merthyr Tydfil</b>	3	0.06	4667	99.94
<b>Monmouth</b>	0	0	2557	100
<b>Newport</b>	0	0	8320	100
<b>Newport (LGV)</b>	0	0	741	100
<b>Newtown</b>	38	2.97	1241	97.03
<b>Pembroke Dock</b>	0	0	2538	100

<b>Pwllheli</b>	54	6.68	754	93.32
<b>Rhyl</b>	17	0.43	3909	99.57
<b>Swansea</b>	3	0.03	8887	99.97
<b>Wrexham</b>	0	0	4414	100
<b>Wrexham (LGV)</b>	0	0	1297	100
<b>TOTAL</b>	<b>491</b>	<b>0.6</b>	<b>81493</b>	<b>99.4</b>

- 4.10 In its written response the DVSA states that some tests are booked in English but may be carried out in Welsh if a Welsh speaking examiner conducts the driving test. It was also explained that Welsh speaking examiners can be used in other test centres if there is an increasing demand for Welsh language tests.
- 4.11 There are significant differences between the percentage who speak Welsh in the areas where the centres are located and the percentage of Welsh tests booked. For example the percentage who speak Welsh in the Meirionnydd area where the Bala testing centre is located is 59.4% while the percentage who applied for a practical driving test through the medium of Welsh was 7.1%. The percentage speaking Welsh in Bangor is 36.4% and in the rest of Arfon is 77% but only 3.5% of the applications were for driving tests through the medium of Welsh. Similarly the percentage for Welsh speakers in Ceredigion is 47.3% but only 2.08% of applications for driving tests in Aberystwyth were for a Welsh medium driving test and only 3.19% in Lampeter.
- 4.12 Only 0.6% of applications throughout Wales were for driving tests in Welsh. This percentage is very low and I consider that there is a need to look further at the method by which the DVSA offers a language choice for tests.
- 4.13 The DVSA explained that it was unable to answer the question on how long there is between the date a test is cancelled and the rescheduling of another test. Nor is it able to explain how long applicants have to wait for an English-medium driving test. It explained that waiting times will vary between different centres and will be dependent on the time of year.
- 4.14 The DVSA was asked for further information regarding cancelled tests and on 28/2/2020 the DVSA provided information on Welsh language tests cancelled between 1 September 2018 and 31 August 2019. According to the DVSA 47 tests were cancelled during this period. 44 were cancelled due to an Agency problem and three due to bad weather. The DVSA provided detailed details on the cancelled tests.
- 4.15 There were several examples of tests being delayed for periods of one to two months. The DVSA explained that English-medium tests were also postponed from time to time and that it could not submit the corresponding English data to see why these tests were delayed due to the volume of data.

**Number and percentage of Welsh-medium tests that the DVSA had to cancel due to Agency problems and for other reasons e.g. bad weather between 1/07/2018 and 30/06/2019 according to each centre**

Centre	Applications for driving tests in Welsh between 1/7/18 and 30/6/19	Tests conducted in Welsh between 1/7/18 and 30/6/19	Test cancelled by DVSA (number and percentages)		Test cancelled for other reasons e.g. bad weather (number)
Aberystwyth	20	0	1	5%	0
Bala	48	46	4	8.33%	1
Bangor	171	159	18	10.53%	2
Bridgend	1	0	No information		No information
Carmarthen	55	55	5	9.09%	0
Chevron (Fflint)	2	2	No information		No information
Lampeter	24	1	1	4.17%	0
Llanelli	15	14	No information		No information
Llantrisant	40	39	8	20%	0
Merthyr Tydfil	3	3	No information		No information
Newtown	38	25	2	5.26%	0
Pwllheli	54	53	2	3.70%	0
Rhyl	17	17	5	29.41%	0
Swansea	3	3	No information		No information

**Number and percentage of English-medium tests that the DVSA had to cancel due to Agency problems and for other reasons e.g. bad weather between 1/07/2018 and 30/06/2019 according to each centre**

	Applications for driving tests in English between	Test cancelled by DVSA (number and percentages)	Test cancelled for other reasons e.g.
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	1/7/18 and 30/6/19			bad weather (number)
Abergavenny	3663	143	3.9%	6
Aberystwyth	941	1	0.11%	0
Bala	627	43	6.86%	10
Bangor	4691	302	6.44%	94
Barry	2347	26	1.11%	7
Caernarfon LGV	835	57	6.83%	5
Cardiff (Llanishen)	10574	678	6.41%	30
Cardigan	976	4	0.41%	0
Carmarthen	1454	16	1.10%	0
Lampeter	729	4	0.55%	6
Llandrindod Wells	674	59	8.75%	2
Llantrisant	5609	387	6.90%	25
Llanelli	3327	53	1.59%	4
Merthyr Tydfil	4667	234	5.01%	37
Monmouth	2557	56	2.19%	21
Newport	8320	398	4.78%	44
Newport LGV	741	3	0.40%	1
Newtown	1241	72	5.80%	4
Pembroke Dock	2538	5	0.20%	3
Pwllheli	754	26	3.45%	0
Rhyl	3909	103	2.63%	15
Swansea	8887	202	2.27%	57
Wrexham	4414	115	2.61%	32
Wrexham LGV	1297	77	5.94%	35

- 4.16 Looking at the percentages of tests cancelled by the DVSA it is difficult to compare on every occasion as the numbers for Welsh tests are small. However, some centres have clearly cancelled a higher percentage of Welsh-medium tests than English-medium tests. For example the DVSA cancelled 20% of Welsh-medium tests in Llantrisant and only 6.90% of English ones. 2.63% of English-medium tests were cancelled in Rhyl, but for the same period 29.41% of Welsh-medium tests were cancelled.
- 4.17 The DVSA did not provide an explanation as to why fewer tests had been carried out in Welsh than had been arranged. 20 applications for driving tests in Welsh were received for this period at the Aberystwyth centre but no driving test was carried out through the medium of Welsh. Similarly 24 tests were arranged in Welsh at the Lampeter centre but only 1 was conducted in Welsh. 20 fewer tests were carried out in Welsh in Bangor than the number arranged in Welsh.
- 4.18 According to the DVSA's letter of 11 October 2019 the DVSA cancelled 46 out of 491 Welsh-medium driving tests between 1 July 2018 and 30 June 2019 which is 9.37% of the Welsh tests booked. The DVSA cancelled 3010 out of 87397 English-medium tests during the same period, which is 3.44%. The percentage throughout Wales of Welsh-medium tests cancelled was therefore almost three times greater than the percentage of English tests cancelled.
- 4.19 I am very disappointed by the numbers of driving tests carried out through the medium of Welsh. There is a significant difference between the percentage of Welsh speakers in some areas of Wales and the number of Welsh-medium tests being conducted. Between 1 July 2018 and 30 June 2019, 87,888 practical driving tests were booked in Wales, only 491 of which were booked in Welsh, a figure of 0.56%.
- 4.20 Research suggests that Welsh speakers are less likely to use Welsh language services if they believe that this will lead to any delay, unpleasantness or difficulty.
- 4.21 In my Assurance Report for 2018-2019 I reported that there are examples of people having much less choice in terms of the time and location of appointments such as driving tests if they wish to use Welsh. Discussion group attendees reported that they had chosen to arrange a driving test in Welsh but the examiner did not speak Welsh. In another case another attendee had not been able to secure a practical driving test in Welsh as there was no examiner in the area who spoke Welsh. Other attendees did not know that the test could be taken in Welsh.
- 4.22 The DVSA provided information on the number of Welsh speaking examiners working in driving test centres. The Agency explained that it encouraged and supported staff to learn Welsh where necessary and confirmed that it is in the process of recruiting examiners who can speak Welsh. It is clear from the information received below that there are a number of driving test centres without Welsh speaking examiners and it is likely that this directly affects the number of practical Welsh driving tests offered.

#### **Number of Welsh speaking examiners according to each centre**

<b>Centre</b>	<b>Number of Welsh speaking examiners</b>
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Aberystwyth	1
Bangor	4
Carmarthen	1
Llanelli	2
Llantrisant	1
Merthyr Tydfil	1
Newtown	1
Rhyl	1
Swansea	1
Wrexham LGV	1
ADI Enforcement Team	2

- 4.23 The DVSA explained that it would not know whether someone would have booked an English-medium test rather than waiting for a Welsh-medium test.
- 4.24 The DVSA further explained that it was unable to move a Welsh examiner from another centre in a situation where a Welsh speaking examiner is absent due to illness because the examiners in the other centres would already be committed to conducting tests in their own centres.



## Consideration 2: Service delivery (provision)

It was suspected that the Agency had failed to implement the following clause of the Service Delivery section of its Language Scheme:

*Tests in Welsh are available at every theory and practical test centre in Wales, as well as those outside Wales whose catchment area includes part of Wales. The standard and quality of our services are consistent throughout Wales.*

- 4.25 To ascertain whether the DVSA had complied with the clause above the Agency was asked to check an allegation by a complainant who had contacted the Commissioner to complain about a personal experience, and explain to me why the choice given to the candidate was to wait over 5 weeks longer for a Welsh test than an English test.
- 4.26 The details I received from a member of the public regarding the difficulties her daughter had faced in trying to arrange a Welsh-medium driving test at the Rhyl centre raised further doubt about the DVSA's compliance with the above clause. The experiences of individuals who had expressed their dissatisfaction on social media had raised doubt about the implementation of the above clause, and the experience of this individual is another example.
- 4.27 In order to comply with the above clause the service through the medium of Welsh offered at the local centre needed to be of the same standard and quality as the English language service offered. The wording of language scheme clauses states how an organisation will uphold the principle of treating the Welsh and English languages equally when providing a service to the public in Wales.
- 4.28 The complainant explained that her daughter had been informed two days before the driving test that a Welsh examiner would not be available. The family were disappointed with this and with the DVSA's offer to continue with an English examiner or wait over five weeks for a Welsh examiner.
- 4.29 The parent described how her daughter went on the DVSA website in early December 2019 to try to book a practical test in Rhyl. Whilst it was possible to book an English test during January 2020 no test was available in Welsh throughout 2020 when trying to book on the website. On 17 December 2019 the parent called the DVSA to try to arrange a Welsh-medium test. The staff member confirmed over the telephone that it was not possible to book a Welsh-medium test. The member of staff asked if the applicant would be willing to accept a test through the medium of English as this would be possible in January 2020.
- 4.30 The parent explained that her daughter's language of choice is Welsh and that she considers that accessing services in Welsh is a fundamental right. The staff member explained that she could arrange a test in January 2020 and noted in the "special needs" box that a Welsh examiner was needed. The parent described this response as "totally offensive".
- 4.31 The parent contacted the DVSA in writing to ask them to confirm that a Welsh examiner would be available to carry out the test. She received a response from the DVSA setting out the following:

“As you indicate in your email, you can choose to take a practical test in Welsh when booking. We ask whether test candidates have any special requirements. You are correct, you tell us at this point whether you would like a Welsh-speaking examiner. This is not insulting in any way, we do this to support our customers.”

- 4.32 The DVSA also explained to her that it is in the process of recruiting examiners who can speak Welsh. The member of the public again contacted the DVSA to seek confirmation that a Welsh examiner would carry out the test. Two days before the test date the DVSA contacted her to explain that a Welsh examiner would not be available on the date of the test. The DVSA proposed a new date for a Welsh language test. The date of the Welsh-medium test was over five weeks later than date offered for the test in English.
- 4.33 The individual had to undertake the test in English as they did not want to wait 5 weeks for a practical driving test in Welsh.
- 4.34 I asked further questions specifically to the DVSA regarding this case. According to the DVSA the individual concerned had booked an English test online and it had explained over the telephone that a Welsh-medium test was not available throughout January and that the first available date in February was 27 February. It was recorded on the DVSA system that the candidate was happy to undertake an English test but that the applicant's first language is Welsh. The DVSA further explained:-
- “We do not currently have any Welsh speaking examiners who are permanently based in Rhyl. But we are committed to providing tests in Welsh when customers ask for them... When a candidate asks for a test in Welsh, we need to send an examiner there from a different centre.”
- 4.35 The DVSA explained in their letter of 11 February 2020 that the next dates for English and Welsh tests in Rhyl are 27 February 2020. The DVSA was asked to submit screenshots of when Welsh and English tests may be ordered in Rhyl for the first 3 months of 2020. This information was not provided.
- 4.36 The average age for passing a practical driving test in Wales is 21<sup>3</sup>. In order to compare figures in terms of the number of young people choosing Welsh language services usually, we looked at the number choosing to study through the medium of Welsh when that option is available. In the Higher Education sector 5.4% of students in Wales choose to study some of their course through the medium of Welsh and 6% of full-time students at Universities in Wales have studied at least some of their course through the medium of Welsh. These figures, although low, are ten times greater than those booking a driving test through the medium of Welsh<sup>4</sup>.

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<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5547/dsa-ia0031112a.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5547/dsa-ia0031112a.pdf)

<sup>4</sup> Welsh-medium and bilingual provision in Further and Higher Education 2017 and Statistics for Wales – Statistical Bulletin 2017-18

### Consideration 3: Service delivery (language choice)

It was suspected that the Agency had failed to implement the following clause of the Service Delivery section of its Language Scheme:

*Candidates can choose to take a practical test in Welsh at the time of booking and a Welsh speaking Examiner will be provided.*

- 4.37 In order to find out more information on exactly how the Welsh practical test booking process worked the Commissioner's officers undertook desk top work to see how the tests were offered. Desk top work showed that the DVSA website provides an option to choose to take a practical driving test in Welsh but that this choice is not an equal choice between Welsh and English. Rather than providing an equal choice between the two languages you must note that you have "special requirements" in order to be able to choose "Requirement for an examiner who can speak Welsh". The wording of the question is "Do you have any special requirements?"
- 4.38 It is impossible to know what impact that offering the choice in this way has on individuals booking a test. This may lead to individuals choosing to take a test in English as this is the default offer. The offer of having a test through the medium of Welsh is neither an equal offer nor an active offer. Therefore although the applicant can choose to apply for a Welsh language test, a Welsh language test is a "special requirement" rather than an equal choice.
- 4.39 The DVSA was asked for details of how this offer is worded. This response was received on 11/02/2020:
- "When booking a test, we ask applicants to tell us if they have any special requirements, including whether they want a test in Welsh. Special requirements include protected characteristics under the Equality Act 2010. Although the Welsh language is not covered by the Equality Act 2010, we treat a request for a Welsh examiner as if it were a protected characteristic. We are therefore confident that we provide equal language choice as required by the Welsh Language Act 1993 and have complied with our obligations in this case."*
- 4.40 The DVSA explained that the Agency "supports and provides services in Welsh wherever possible". One of the examples given by the DVSA of this is that it "provides theory tests and practical driving tests in Welsh with Welsh-speaking examiners available on request when booking".
- 4.41 Screenshots of how a practical Welsh language driving test is offered to applicants can be found below.

Manylion y drwydded - Car

Rhif trwydded yrru

[Beth yw hwn?](#)

Ydych chi wedi cael gorchymyn gan y lloys i gymryd prawf estynedig?

[Sut bodddech chi'n swydd?](#)

- Na
- Ie

A oes gennych unrhyw ofynion arbennig?

Anafledd neu amodau eraill, bectiohgwyrdd, arholwr tydd yn siarad Cymraeg

- Na
- Ie

[Manylion bellach ynghyd â'r anghenion arbennig](#)

Rhowch fanylion eich ofynion arbennig neu'ch anafledd os gwelwch yn dda.

Ticlwch bob un sy'n berthnasol.

[Manylion bellach ynghyd â'r anghenion arbennig](#)

Rhowch fanylion eich ofynion arbennig neu'ch anafledd os gwelwch yn dda.

Ticlwch bob un sy'n berthnasol.

Dywedwch wrthyf os oes

- Gofynnad ar gyfer gael arholwr sy'n medru siarad Gymraeg
- Hoffech chi i'ch archwiler galw enw gwahanol arnoch chi
- Rydych chi yn feichlog

A oes gennych

- Anghwydeb sy'n cyfyngu a'r symudiad yn eich breichiau, coesau neu gorff
- Dyslecsia
- Epilepsi
- Aelodau ar goll
- Paraplegia
- Anghenion dysgu neu addysgol arbennig
- Anghwydeb nad yw'n cyfyngu ar symudiad yn eich breichiau, coesau neu gorff

Ydych chi'n

- Traffio clyw
- Holiol fyddar - gallwch drefnu i ddehonglar taith Anwyddion Prydain (BSL) ddod gyda chi

[Yn y blaen](#)

## 5 Conclusions

- 5.1 This report comes to a view on the DVSA's compliance with its language scheme. Based on the evidence available, I conclude that the DVSA has failed to comply with clauses in its Welsh language scheme.

### Conclusion 1: Introduction

It was suspected that the Agency had failed to implement the following clause in the introductory section of its language scheme:

We treat the English and Welsh languages equally when conducting public business in Wales.

In this case, cases of practical Welsh-medium driving tests being cancelled have been brought to my attention. Information submitted to me by the DVSA showed that the percentage of Welsh language tests cancelled over a period of one year was almost three times greater than the percentage of English-medium tests cancelled. The situation in some individual centres was considerably worse than the situation nationally. If more Welsh-medium tests are cancelled than English-medium tests, individuals will have no faith in this service and therefore it is no surprise that individuals will decide to arrange tests in English.

On the basis of the above I consider that Driver and Vehicle Standards Agency failed to implement a clause in the introduction to its language scheme.

### Conclusion 2: Service delivery (provision)

It was suspected that the Agency had failed to implement the following clause of the Service Delivery section of its Language Scheme:

*Tests are available in Welsh at all theory and practical testing centres in Wales, as well as those outside Wales their catchment area includes part of Wales. The standard and quality of our services is consistent across Wales.*

A member of the public contacted me to explain that she had to choose between taking a practical driving test through in English or waiting over five weeks for a driving test in Welsh. As a practical Welsh-medium driving test was not available in the same way as a

practical test in English, I am of the view that the DVSA has failed to comply with this clause.

On the basis of the above I am of the view that the Driver and Vehicle Standards Agency failed to implement a clause in the 'service delivery (provision)' section of its language scheme.

### Conclusion 3: Service delivery (language choice)

It was suspected that the Agency had failed to implement the following clause of the Service Delivery section of its Language Scheme:

*Candidates can choose to take a practical test in Welsh at the time of booking and a Welsh speaking Examiner will be provided.*

In order to comply with the above clause the DVSA needed to ensure that applicants were offered a language choice when booking a practical driving test. The information gathered as part of this investigation has shown that language choice is not offered in a proactive or equal manner. Currently if an applicant wants a practical driving test in Welsh a special request needs to be made noting that you have "special requirements".

The DVSA has referred to the low demand for Welsh language tests on more than one occasion when corresponding with the Commissioner (26/02/2019 and 26/03/2019). The lack of take up of Welsh-medium tests should not be blamed on users. In order for individuals to choose to use Welsh with the DVSA the DVSA needs to make this as easy as possible and give applicants equality of choice.

A person wishing to take their test in Welsh should not face unnecessary barriers in doing so, and should not have to take action that a person wishing to take a test in English would not have to take. Organisations must offer Welsh language services that are of good quality and as a default or proactively.

On the basis of the above I am of the view that the Driver and Vehicle Standards Agency failed to implement a clause in the 'service delivery (language choice)' section of its language scheme.

## 6 Recommendations

- 6.1 Based on the findings of this investigation, I recommend that the Driver and Vehicle Standards Agency act in accordance with the following recommendations provided under section 19 of the Act:

### Recommendation 1

I recommend that the Driver and Vehicle Standards Agency undertake a review of the way in which Welsh-medium tests are offered and prepare an action plan to ensure that changes are made to the way in which it offers language choice when practical driving tests are booked online to ensure that Welsh language practical driving tests are offered proactively and equally. DVSA should share the findings of its review and action plan with the Commissioner before it commences action on them so that the Commissioner may advise as necessary.

*Evidence of this should be provided by 21 January 2022*

### Recommendation 2

I recommend that the Driver and Vehicle Standards Agency make arrangements to ensure that it will be able to report on the statistics, on which it is currently unable to report, in relation to the cancellation of tests, and to report on what happens to applications for Welsh-medium tests that are not conducted in Welsh.

*Evidence of this should be provided by 21 January 2022*

### Recommendation 3

I recommend that the Driver and Vehicle Standards Agency prepare a strategy for recruiting examiners who can provide practical driving tests through the medium of Welsh.

*Evidence of this should be provided by 21 January 2022*

### Recommendation 4

I recommend that the Driver and Vehicle Standards Agency prepare a strategy to ensure that existing Welsh speaking examiners can move between centers to meet demand, and that they should prioritize driving tests in Welsh.

*Evidence of this should be provided by 21 January 2022*

## Recommendation 5

I recommend that the Driver and Vehicle Standards Agency draw up a procedure to report specifically to an internal scrutiny committee on the delivery of the language scheme and on Welsh-medium tests.

*Evidence of this should be provided by 21 January 2022*