



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Welsh Language Commissioner's Standards Report – Section 64 Welsh Language (Wales) Measure 2011

Schedule 5(8): Persons who consent to being specified in Schedule 6.

(Community Housing Cymru Group)

[Ref: 20151030ASAt5(8) - 1]

Contents

1	Background and context	1
2	Standards investigation in relation to Community Housing Cymru Group	2
3	Reasonableness and proportionality	3
	The Welsh Language Commissioner's criteria	4
4	Evidence received from the relevant person	5
5	Evidence received from members of the public	16
6	Evidence received by the Welsh Language Commissioner's Advisory Panel	17
7	Conclusions of the standards investigation	18
8	The next steps	28
	Appendix A – List of the respondents to the standards investigations	29

1 Background and context

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

Two principles will underpin the Commissioner's 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.

On 24 March 2015, the Welsh Language Standards (No.1) Regulations 2015¹ were approved in the National Assembly for Wales' Plenary Session. These standards were developed to impose duties upon county councils and county borough councils in Wales, national park authorities and Welsh Ministers. All references to standards in this standards report refer to the standards specified in the above regulations.

On introducing the regulations, the following was noted by the Welsh Government:

*This is a landmark piece of legislation that will put the language on a firm footing within the organisations required to comply with them. It will encourage more use of Welsh in everyday situations, be it in receiving public services or as an employee of one of the organisations.*²

The Welsh Language Commissioner's standards investigations and the Welsh Government's evidence gathering exercise for composing their regulatory impact assessment are based upon the regulations that were approved on 24 March 2015.

The Welsh Language Standards (No. 1) Regulations 2015 came into force on 31 March 2015, following a debate and vote at a Plenary Meeting of the National Assembly for Wales.

¹ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/data.pdf>

² <http://gov.wales/about/cabinet/cabinetstatements/2015/welshlangstandards/?skip=1&lang=en>

2 Standards investigation in relation to Community Housing Cymru Group

In accordance with section 62 of the Measure, an exploration notice was presented on 5 May 2015 for the attention of persons whom appear to the Commissioner to be members of the following groups of persons:

- Persons who consent to being specified in Schedule 6.

The relevant person that falls within the *‘Persons who consent to being specified in Schedule 6’* group in this standards report is:

- Community Housing Cymru Group

An exploration notice is a notice in writing stating the Welsh Language Commissioner’s intention to carry out a standards investigation, and which specifies the subject matter of the standards investigation. The Commissioner may not carry out a standards investigation unless she has given an exploration notice to each relevant person (organization), at least 14 days before beginning the investigation.

The subject matter of this standards investigation was to determine:

- whether the persons should be liable to be required to comply with standards;
- if the persons come within Schedule 6, determine which standards (if any) should be potentially applicable to each relevant person within the group;
- which standards (if any) should be specifically applicable to persons (whether or not the standards are already specified by the Welsh Ministers under section 26(1)).

The period of this standards investigation began on 26 May 2015. It ended on 18 August 2015.

As part of this standards investigation, information was collected from Community Housing Cymru Group. This was by means of a completed questionnaire. Evidence was also collected from the Advisory Panel and the public.

3 Reasonableness and proportionality

In accordance with section 63(1) of the Measure, the Commissioner must have regard to the need to secure that requirements for persons to comply with standards by virtue of section 25(1) are not unreasonable or disproportionate.

In carrying out a standards investigation, the Commissioner must consider the following:

- (a) whether, in respect of each of the activities specified in Schedule 9 which a person carries out, it is reasonable and proportionate for service delivery standards to be specifically applicable to a person, and
- (b) as respects each such activity, if it is reasonable and proportionate for service delivery standards to be specifically applicable to a person, conclude that service delivery standards should be specifically applicable to a person in relation to that activity.

In considering the question of reasonableness and proportionality, it should be noted that the Measure places a duty upon Welsh Ministers to secure that regulations provide for service delivery standards relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

But Welsh Ministers need not secure that regulations provide for service delivery standards to be specifically applicable to a person in relation to an activity specified in Schedule 9 if, or to the extent that:

- (a) a standards report under section 64 indicates that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity, or
- (b) Welsh Ministers think it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity.

This does not prevent regulations from providing for other service delivery standards to be specifically applicable to a person.

By making regulations under this Measure exercisable by statutory instrument, the Commissioner is authorised to give a compliance notice to a person.

A compliance notice is a notice given to a person by the Commissioner, which:

- (a) sets out, or refers to, one or more standards specified by the Welsh Ministers under section 26(1), and
- (b) requires a person to comply with the standard or standards set out or referred to.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

The Welsh Language Commissioner will consider the evidence provided in reaching a decision on the content of a compliance notice given to a person.

The fact that a standard is made specifically applicable to a person does not mean that there is a duty to comply with that standard. A duty to comply with a standard will only be in force if the Commissioner gives a compliance notice to the person, and that notice makes it a requirement to comply with the standard on an imposition day.

The Welsh Language Commissioner will consult with the person before giving the person a compliance notice. The failure of a person to participate in a consultation will not prevent the Commissioner from giving that person a compliance notice.

After the Welsh Language Commissioner has given a compliance notice to a person, that person may apply to the Commissioner asking her to determine whether or not the requirement to comply with that standard, or to comply with it in that respect, is unreasonable or disproportionate. Should the Commissioner inform the person that the requirement to comply with the standard is not unreasonable or disproportionate, they have the right under the Measure to appeal to the Tribunal for determination.

The Welsh Language Commissioner's criteria

In reaching a conclusion on the subject of this standards investigation, in accordance with the requirements outlined in Part 4, Chapter 8 of the Measure, the following criteria were considered alongside the evidence received as part of the standards investigation. Each criterion need not be considered in each case, and no criterion is of more importance than any other.

- Is the relevant person liable to be required to comply with standards – does the relevant person come within Schedule 5 and also within Schedule 6, or do they come within Schedule 7 and also within Schedule 8?
- Is the class of standard (service delivery; policy making; operational; record keeping; promotion) potentially applicable to the relevant person?
- Does the relevant person carry out the activity³ in question?
- Has the relevant person already undertaken to provide the activity or action in question, in part or in full, via their Welsh language scheme?
- Does the relevant person already provide the service in Welsh (whether this corresponds exactly to the requirements included in the standard or not), or carry out the activity in accordance with the standard?
- Do the vast majority of other relevant persons within the same sector provide the service in Welsh, or carry out the activity?
- Are there any other reasons, for or against, making the standard specifically applicable to the relevant person?

³ This criterion will be considered in respect of service delivery standards only.

4 Evidence received from the relevant person

Evidence was received from Community Housing Cymru Group. This evidence included responses to 199 questions in a questionnaire as well as further evidence provided following subsequent enquiries.

The Welsh Language Commissioner's officers held regular meetings to analyse the evidence received from the Community Housing Cymru Group as part of the standards investigation, together with the commitments of their current Welsh language scheme.

This section provides information regarding the commitments given in the Welsh language scheme of the relevant person, which correspond to the standards (whether they correspond entirely or partly to the standards' requirements) for each activity.

When analysing the current commitments in their Welsh language scheme against the standards, it should be noted that it was not possible to correspond a number of the standards in relation to service delivery, due to the detailed nature of the regulations published by the Welsh Government. In some circumstances, it is possible that the relevant person in question is committed to or complies with the requirement, but this has not been explicitly stated in their Welsh language scheme.

A summary of the evidence received from the Community Housing Cymru Group is given in section 4 of this report. The evidence submitted included information regarding which activities are carried out by the persons in question, which activities they carry out through the medium of Welsh and to what extent they can comply with the standards.

Community Housing Cymru Group

Activity 1: Correspondence sent by a body

Standards regarding correspondence sent by a body [1-7]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to 86% of the standards regarding correspondence sent by a body.

The Community Housing Cymru Group noted that they considered it reasonable and proportionate to make these standards specifically applicable to them due to the fact that they already complied with a number of them. It was noted, however, that they do not note on their correspondence or publications that they welcome correspondence in Welsh, due to the fact that they correspond bilingually and see that as an indicator of the welcome.

Activity 2: Telephone calls made and received by a body

Standards relating to telephone calls made and received by a body [8-22]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 67% of the standards regarding telephone calls made and received by a body.

The Community Housing Cymru Group noted that they did not consider it reasonable or proportionate to make two of these standards specifically applicable to them, namely standards 9 and 21. It was stated that their current arrangements for answering the telephone complied on the whole with the standards in relation to telephone calls. However, concern was expressed regarding these two standards as they could not guarantee that Welsh speakers were always available to assist the caller at present.

Activity 3: Meetings held by a body that are not open to the general public

Standards relating to meetings held by a body that are not open to the general public [23-29]

The Community Housing Cymru Group noted that they carried out the activity in question, but that they didn't do so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards regarding meetings held that are not open to the general public.

The Community Housing Cymru Group noted that they do not have an adequate number of staff with Welsh language skills to be able to guarantee holding such meetings without a simultaneous translation service. However, it was noted that they offer to procure that service when arranging to meet an individual or organization whom they are aware favours using the Welsh language.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

The Community Housing Cymru Group stated that they considered making these standards specifically applicable to them unreasonable and disproportionate due to the fact that they do not offer services directly to the public as such (that is, their service users are providers of social housing) and due to the fact that they cannot guarantee holding such meetings without a simultaneous translation service.

Activity 4: Meetings arranged by a body that are open to the public Standards relating to meetings arranged by a body that are open to the public [30-34]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 80% of the standards regarding meetings arranged by a body that are open to the public.

The Community Housing Cymru Group stated that they considered it reasonable and proportionate to make these standards specifically applicable to them due to the fact that they already complied with them.

Activity 5: Public events organized or funded by a body Standards relating to public events organized or funded by a body [35-36]

The Community Housing Cymru Group noted that they did not carry out the activity in question. However, a response was given to the remainder of the questions in the section from the questionnaire referring to their arrangements for the Welsh language in holding events and public meetings.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards regarding public events organized or funded by a body.

The Community Housing Cymru Group stated that public meetings are held quite rarely but that they ensure that all the materials in them are bilingual, that a simultaneous translation service is available and that Welsh speaking staff are present if possible. The Community Housing Cymru Group confirmed that they would use the Welsh language in promoting any public event. Therefore, the Community Housing Cymru Group noted that they considered it reasonable and proportionate to make these standards specifically applicable to them.

Activity 6: A body's publicity and advertising Standards relating to a body's publicity and advertising [37]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to the standard relating to publicity and advertising by a body.

The Community Housing Cymru Group noted that they were already complying with this standard and thus considered it reasonable and proportionate to make it specifically applicable to them.

Activity 7: A body displaying material in public

Standards relating to a body displaying material in public [38-39]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards regarding a body displaying material in public.

The Community Housing Cymru Group noted that they were already complying with these standards and thus considered it reasonable and proportionate to make them specifically applicable to them.

Activity 8: A body producing and publishing documents

Standards relating to a body producing and publishing documents [40-49]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to each one of the standards relating to a body producing and publishing documents.

The Community Housing Cymru Group confirmed that a number of the requirements attached to these standards were already their current practice as they already published new documents bilingually, whether as one document or as two separate versions. Although they noted that they produce some specialist documents in English only and with a bilingual summary, they considered it reasonable and proportionate to make these standards specifically applicable to them.

Activity 9: A body producing and publishing forms

Standards relating to a body producing and publishing forms [50-51]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards relating to a body producing and publishing forms.

The Community Housing Cymru Group noted that they aimed to produce each form bilingually, whether as one document or separate versions. Therefore, they considered it reasonable and proportionate to make these standards specifically applicable to them.

Activity 10: A body's websites and on-line services

Standards in relation to a body's websites and on-line services [52-57]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards relating to a body's websites and on-line services.

The Community Housing Cymru Group confirmed that the websites of all Group members were already bilingual, although some aspects were available in English only at present, and they considered it reasonable and proportionate to make these standards specifically applicable to them.

Activity 11: A body's use of social media **Standards relating to a body's use of social media [58-59]**

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards relating to a body's use of social media.

Though they noted that they tried to issue messages in Welsh at the same time as English messages were issued on their official accounts, the Community Housing Cymru Group noted that not all members of staff making the announcements could speak Welsh at present and therefore it would not be possible for them to guarantee compliance with standard 58 at all times. However, it was noted that they would respond in Welsh to any Welsh messages received, in accordance with standard 59.

Activity 12: Self-service machines **Standards relating to self-service machines [60]**

The Community Housing Cymru Group noted that they did not carry out the activity in question.

In analysing the current Welsh language scheme commitments of the person in question, commitments corresponded, whether partly or in full, to the standard relating to self-service machines.

Activity 13: Signs displayed by a body **Standards relating to signs displayed by a body [61-63]**

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 68% of the standards relating to signs displayed by a body.

The Community Housing Cymru Group confirmed that all signs were already bilingual and that they considered it reasonable and proportionate to make these standards specifically applicable to them.

Activity 14: A body receiving visitors at its buildings **Standards relating to a body receiving visitors at its buildings [64-68]**

The Community Housing Cymru Group noted that they do not carry out the activity in question as they do not receive members of the public to their offices.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the standards relating to a body receiving visitors at its buildings.

Activity 15: Official notices made by a body

Standards relating to official notices made by a body [69-70]

The Community Housing Cymru Group noted that they did not carry out the activity in question.

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 50% of the standards relating to official notices made a body.

Activity 16: A body awarding grants

Standards relating to a body awarding grants [71-75]

The Community Housing Cymru Group noted that they did not carry out the activity in question.

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to 83% of the standards relating to a body awarding grants.

Activity 17: A body awarding contracts

Standards in relation to a body awarding contracts [76-80]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 83% of the standards relating to a body awarding contracts.

The Community Housing Wales Group confirmed that they invited some tenders to be submitted through the medium of Welsh but that this was not currently the practice throughout. They were of the opinion that it would be possible for them to deal with a tender if it was submitted in Welsh but that arranging a translation service for a subsequent interview was not a priority for them at present due to the costs involved.

Activity 18: Raising awareness of Welsh language services provided by a body

Standards for raising awareness of Welsh language services provided by a body [81-82]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the standards for raising awareness of Welsh language services provided by a body.

The Community Housing Cymru Group confirmed that they already raised awareness of some of the Welsh language services they provided. Therefore, they considered it to reasonable and proportionate to make these standards specifically applicable to them.

Activity 19: A body's corporate identity

Standards relating to a body's corporate identity [83]

The Community Housing Cymru Group noted that they carried out the activity in question, and that they did so through the medium of Welsh.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to the standard in relation to a body's corporate identity.

The Community Housing Cymru Group emphasized that they provided a bilingual version of all their corporate material including their logo and headed paper. Therefore, they considered it reasonable and proportionate to make these standards specifically applicable to them.

Activity 20: Courses offered by a body

Standards relating to courses offered by a body [84-86]

The Community Housing Cymru Group noted that they do not carry out the activity in question as they do not provide educational courses that are open to the public.

In analysing the current Welsh language scheme commitments of the person in question, the commitments corresponded, whether partly or in full, to each one of the standards relating to courses offered by a body.

Activity 21: Public address systems used by a body

Standards relating to public address systems used by a body [87]

The Community Housing Cymru Group noted that they did not carry out the activity in question.

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the standards relating to public address systems used by a body.

Standards that deal with supplementary matters in relation to the service delivery standards [155-160]

The Community Housing Cymru Group emphasized that they were a small organization that concentrated on their members and that they believed in promoting use of the Welsh language and encouraged their members to use Welsh in dealing with them. However, they did not consider that these standards were reasonable and proportionate, noting that the level of compliance involved in their execution was disproportionate to the size and nature of the organization. Those concerns were expressed by reference to the need to produce reports in accordance with standards 157 – 159 specifically.

Policy making standards

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the policy making standards.

The Community Housing Cymru Group stated that most of their work involved responding to policy development (such as by the Welsh Government or local authorities) which affected their members and, as such, they do not create a large number of policies. However, it was confirmed that the Welsh language is a consideration in policy-making but that they do not consult on any policy decisions and neither do they possess a policy on awarding grants.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

The Community Housing Cymru Group stated that they did not consider it reasonable and proportionate to make these standards specifically applicable to them due to the fact that they do not create policies that affect the public in their view.

Standards that deal with supplementary matters in relation to the policy making standards [Reference should be made to standards 161-166]

The Community Housing Cymru Group did not consider it reasonable and proportionate to make these standards specifically applicable to them.

Operating standards [98-144]

Standards relating to the use of the Welsh language within a body's internal administration [98-111]

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 7% of the standards relating to the use of the Welsh language within a body's internal administration.

Considering the requirements of standard 98, the Community Housing Cymru Group confirmed that they did operate a policy on use of the Welsh language internally at present. However, it was noted that the policy in question had not been published on the intranet, but rather, on the Group's websites.

The Community Housing Cymru Group stated that all the documents noted in standards 99-111 were not currently provided in Welsh. It was explained that the reason for that was the lack of demand from staff for Welsh versions of the materials in question. However, they went on to confirm that they did not ask employees whether they would wish to receive the internal documents in question in Welsh.

Standards relating to complaints made by a member of a body's staff [112-115]

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the standards relating to complaints made by a member of a body's staff.

The Community Housing Cymru Group confirmed that they did not allow members of staff to make complaints in Welsh nor were they allowed to respond in Welsh to any complaint relating to them as an individual.

Similarly, it was noted that it was not current practice to hold meetings regarding complaints in Welsh or to provide a simultaneous translation service in them. It was noted that the reason for this was because staff had not asked the organization for that provision in the past.

In addition, it was noted that the organization did not inform a member of staff through the medium of Welsh what their decision was following a complaint.

Standards relating to a body disciplining staff [116-119]

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the standards relating to a body disciplining staff.

In considering the requirements attached to standards 116-119, the Community Housing Cymru Group noted that it did not allow members of staff to respond in Welsh to allegations made against them through the internal disciplinary process.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

When the Group arranges a meeting regarding disciplinary action against a member of staff, it was noted that they do not ask staff whether they would prefer to hold the meeting in Welsh, nor do they ask the member of staff whether he/she would like to use the Welsh language at the meeting. It was also noted that they do not hold internal disciplinary meetings through the medium of Welsh nor did they currently use a simultaneous translation service.

Furthermore, it was noted that the Community Housing Cymru Group do not inform members of staff in Welsh of their decision following disciplinary action against them.

It was emphasized that the Community Housing Cymru Group do not conduct any internal procedures bilingually. It was noted that implementing procedures to provide a Welsh language service to staff was not a priority for them at present.

Standards relating to information technology and support materials provided by a body, and relating to the intranet [120-126]

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to 14% of the standards relating to information technology and support materials provided by a body, and relating to the intranet.

The Community Housing Cymru Group noted that it was current practice for them to provide computer software to check Welsh language spelling and grammar and that they also provided Welsh language software interfaces for employees and workers.

It was noted that the Community Housing Cymru group operated an intranet system, but that neither the pages, the interface nor the menus were currently available in Welsh. It was stated that translating all the internal documentation and discussions on the internet into Welsh was not a priority for them, as doing so would cause implications in terms of resources and substantial costs, as well as causing the organization's internal processes to slow down in their view.

Standards relating to a body developing Welsh language skills through planning and training its workforce [127-135]

In analysing the current Welsh language scheme commitments of the person in question, on average, the commitments corresponded, whether partly or in full, to 44% of the standards relating to a body developing Welsh language skills through planning and training its workforce.

The Community Housing Cymru Group confirmed that they currently assess the Welsh language skills of their employees.

In responding to the requirements associated with standard 128-129, the Community Housing Cymru Group noted that it was not current practice for them to provide Welsh language training in the areas in question.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

Considering the requirements associated with standard 130-131, it was noted that it was current practice for the Community Housing Cymru Group to provide opportunities for staff to obtain basic Welsh lessons. It was also confirmed that they enabled staff to obtain further free training in order to develop their skills in the language. However, it was confirmed that they do not currently provide opportunities during working hours for employees to receive training on using the Welsh language in their role as managers.

The Group noted that they do not currently provide training courses for staff to develop awareness of the Welsh language or training in order for them to develop an understanding of the requirements upon the organization to implement their Welsh language scheme, or the way in which Welsh could be used in the workplace.

It was confirmed that they do not provide wording or a logo for the e-mail messages of employees and/or workers in order to enable them to denote whether they speak Welsh fluently or that they are learning the language. However, it was noted that staff contact details in e-mail messages were in Welsh.

Standards relating to recruiting and appointing [136-140]

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to 75% of the standards relating to recruiting and appointing.

The Community Housing Cymru group noted that they conducted an assessment of the need for Welsh language skills in relation to all new posts or vacant posts.

In relation to standard 137A, it was explained that application forms for posts, job descriptions as well as any other relevant materials, are published bilingually. However, it was noted that it was not current practice for them to inform the public that applications for posts could be submitted in Welsh.

Although the Community Housing Cymru Group did not currently comply with the requirements of standard 138, it was noted that they would, if an application for a post were received through the medium of Welsh, inform the applicant of their decision in Welsh.

Standards relating to signs displayed in a body's workplace [141-143]

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to 67% of the standards relating to signs displayed in a body's workplace.

The Community Housing Cymru Group confirmed that they display signs within the organization's buildings in Welsh and that the Welsh text is positioned so that it is likely to be read first.

Standards relating to audio announcements and messages in a body's workplace [144]

In analysing the current Welsh language scheme commitments of the person in question, the commitments did not correspond to the standard relating to audio announcements and messages in a body's workplace.

The Community Housing Cymru Group noted that no announcements were currently made over an audio system within the organisation's workplace.

Standards that deal with supplementary matters in relation to operating standards [167-172]

The Community Housing Cymru Group did not consider that it would be reasonable and proportionate to make the standards relating to supplementary matters in relation to operational standards specifically applicable to them. This was due to the fact that they were of the opinion that they did not have the resources to implement them.

Promotion standards [145-146]

The Community Housing Cymru Group did not wish to consent to promotion standards being potentially applicable to them.

Record keeping standards [147-154]

In analysing the current Welsh language scheme commitments of the person in question, on average the commitments corresponded, whether partly or in full, to 75% of the standards relating to record keeping by a body.

The Community Housing Cymru Group explained that they would have to develop a special procedure to deal with complaints about compliance with the standards as they do not have one in force at present. It was also confirmed that the information relating to standards 151 - 154 was already kept by their human resources department.

However, the Community Housing Cymru Group did not consider it reasonable and proportionate to make these standards specifically applicable to them. It should be noted that they stated in response to a question regarding the standards that deal with supplementary matters in relation to the record keeping standards, that it would be possible for them to comply with all the standards except standards 150 and 152.

Standards that deal with supplementary matters in relation to record keeping standards [175-176]

The Community Housing Cymru Group noted that they considered it would be reasonable and proportionate to make these standards specifically applicable to them.

5 Evidence received from members of the public

No evidence was collected from members of the public in relation to Community Housing Cymru Group, because they are a person who consents to being specified in Schedule 6 Welsh Language (Wales) Measure 2011.

6 Evidence received by the Welsh Language Commissioner's Advisory Panel

Evidence was received from the Advisory Panel in accordance with the requirements outlined in section 63(3) of the Welsh Language (Wales) Measure 2011.

The responses received from the Panel showed support for the purpose of the regulations, namely to realise the fundamental objectives of the Welsh Language (Wales) Measure 2011: that Welsh is an official language in Wales and that it should not be treated less favourably than English.

Recognising the concerns which will exist amongst those regulated by the Welsh Language Commissioner, emphasis was placed on ensuring that everyone understands the requirements of the Welsh Language (Wales) Measure 2011; the Legislation which gave rise to these standards.

Similar to that noted in relation to those persons subject to a standards investigation in round 2, the Panel believe that consideration should be given to how certain standards will be implemented in a 'reasonable and proportionate' manner when setting the requirements in compliance notices under section 44 of the Measure. That was supported, noting that reasonableness and proportionality could be considered in one of two ways, namely: setting different standards for persons in different parts of Wales reflecting the linguistic nature of relevant areas or setting common standards across Wales, with different imposition dates for complying with a standard or standards e.g. when an element of staff training is needed in order to comply with a standard, allowing more time for compliance compared to those where appropriate staff resources are available.

Some Panel members believe that standards should be implemented in accordance with different areas' language patterns. UK Government bodies were mentioned specifically here. Once again, emphasis was placed on ensuring that any requirements imposed on similar persons should identify those circumstances where they will be expected to comply with a standard or standards.

In considering the activities related to service delivery standards, specific reference was made to education courses offered to the public, noting that they believe that there should be a needs assessment, examining any content-related gaps, before requiring a person to meet the requirement.

7 Conclusions of the standards investigation

General Comments

The following conclusions were reached on the basis of the evidence received from the relevant person and the Advisory Panel on the subject matter of the standards investigation, along with independent evidence collated by the Welsh Language Commissioner in the context of the relevant person's language scheme.

It is noted in the Explanatory Memorandum on the Welsh Language (Wales) Measure 2011 that one of the main objectives of the Legislation was to modernize and build upon the system of Welsh language schemes created under the 1993 Act. Similarly, it is noted that the aim of the Welsh Government in legislating was to ensure better consistency between persons, especially between persons in the same sector, in terms of providing Welsh language services.

Similarly, it is noted that section 42 of the Measure imposes a duty on Welsh Ministers to ensure that regulations provide for service delivery standards relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

However, it should be noted that they do not have to do so if the Commissioner indicates in a standards report, or if Welsh Ministers are of the opinion, that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity. It should be noted that this section in the Measure does not prevent regulations under section 39 from providing for other service delivery standards to be specifically applicable to a person.

In accordance with the above, if the standards investigation shows that a person undertakes the activity⁴, be that to a lesser or a greater degree, the Welsh Language Commissioner will conclude that all standards relating to that activity should be made specifically applicable to them. These conclusions were reached due to the fact that the standards introduced by the Welsh Government are interdependent on each other within the scope of the activity.

This was reinforced in the Welsh Ministers' response to the Welsh Language Commissioner's reports and conclusions in relation to the second round of standards investigations, which was published in October 2015 and noted the following:

The Commissioner also concludes that if at least one organisation within a sector has identified that they undertake an activity, the draft standards relating to that activity should be made specifically applicable to all organisations within that sector. The Welsh Ministers support this approach as it follows a precedent established in the first set of Regulations, which made the same standards specifically applicable to organisations within the same sector.⁵

It is also noted that the way in which a service is provided in relation to an activity can change in the future and that it would be necessary to adjust to reflect that by varying the compliance notice, rather than going back to regulations.

⁴ Service delivery activity as defined in section 28 of the Welsh Language (Wales) Measure 2011.

⁵ <http://gov.wales/docs/dcells/publications/151019-second-standards-investigations-en.pdf>

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

However, where evidence exists that a person does not carry out an activity at all, whether by means of evidence acquired as part of the standards investigation, or by other means, the Welsh Language Commissioner will conclude that standards in relation to that activity should not be specifically applicable to them, unless there are valid reasons for doing so.

The Welsh Language Commissioner will consider the evidence provided in order to make a decision on the content of compliance notices given to relevant persons under section 44 of the Welsh Language (Wales) Measure 2011.

It was explained in section 2 of this report that the subject matter of this standards investigation was to determine:

- whether the persons should be liable to be required to comply with standards;
- if the persons come within Schedule 6, determine which standards (if any) should be potentially applicable to each relevant person within the group;
- which standards (if any) should be specifically applicable to persons (whether or not the standards are already specified by the Welsh Ministers under section 26(1)).

Based on the evidence received, and taking the objectives of the Measure as outlined above into consideration, the Welsh Language Commissioner concludes that the person who consents to be specified in Schedule 6 of the Measure that comes within this standards report – namely the Community Housing Cymru Group – should be liable to comply with standards.

The Commissioner's opinion, based on the evidence received, and with the intention of ensuring consistency with other persons identified as those relating to the same sector as the relevant persons, namely the social housing providers, is that the following standards should be potentially applicable to the Community Housing Cymru Group:

- Service delivery standards;
- Policy making standards;
- Operational standards;
- Record keeping standards.

Standards that should be made specifically applicable to persons who consent to be specified in Schedule 6

Service delivery standards

Having undertaken this standards investigation, and on the basis of the evidence received, the Commissioner concludes that Community Housing Cymru Group should be able to deliver services in respect of the relevant activities.

Once again, the Commissioner wishes to note the importance of clearly differentiation between the commitments of the organization (what is expected of them) and performance (to what extent they currently comply with those expectations). All Welsh language schemes carry the full authority of the organization in agreeing upon their content. Not specifying equal standards, and making them specifically applicable to the persons in question would be a step back, and would be contrary to the intention of the Welsh Language (Wales) Measure 2011.

It is noted that performance, together with the degree to which an organization can comply with a standard at a specific period in time, are practical matters. Those degrees may improve, deteriorate or remain the same. The Welsh Language Commissioner is of the opinion that commitments should meet the needs of the Welsh language users they serve, with a reasonable timetable specified for dealing with any existing obstacles. The Welsh Language Commissioner will consider those obstacles when determining the content of compliance notices issued under section 44, Welsh Language (Wales) Measure 2011.

Although some examples of lack of compliance, or concerns regarding some requirements attached to the service delivery standards were received, the Community Housing Cymru Group on the whole considered that it would be reasonable and proportionate to make the standards specifically applicable to them.

Conclusion 1: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Community Housing Cymru Group:

- correspondence sent by a body
- telephone calls made and received by a body
- meetings held by a body that are not open to the general public
- meetings arranged by a body that are open to the public
- a body's publicity and advertising
- a body displaying material in public
- a body producing and publishing documents
- a body producing and publishing forms
- a body's websites and on-line services
- a body's use of social media
- signs displayed by a body
- a body awarding contracts
- raising awareness about Welsh language services provided by a body
- a body's corporate identity.

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

Although the Community Housing Cymru Group noted that they did not organize nor fund public events, the evidence they submitted as part of this standards investigation referred specifically to events and public meetings that they did so through the medium of Welsh.

Conclusion 2: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Community Housing Cymru Group:

- public events organized or funded by a body.

The Community Housing Cymru Group explained that they do not currently receive members of the public at their offices. However, it should be noted that the standards for this activity are not restricted just to visitors who are members of the public. Bearing this in mind and considering the evidence received from the relevant person as part of the standards investigation, the Welsh Language Commissioner is of the opinion that this activity could be relevant to the Community Housing Cymru Group.

Conclusion 3: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Community Housing Cymru Group:

- a body receiving visitors at its buildings.

The Community Housing Cymru Group noted that they do not currently issue nor display official notices. However, it should be noted that Part 3, Schedule 1, Welsh Language Standards Regulations (Number 1) 2015, defines an official notice

“...any notice issued by a body in order to inform persons of service delivery activities, or changes to the body's service delivery activities, but not including official notices prescribed in legislation.”

Considering the above definition, the Welsh Language Commissioner concludes that this may be a relevant activity for the Community Housing Cymru Group. Due attention will be given to individual cases in determining the content of compliance notices issued under section 44, Welsh Language (Wales) Measure 2011.

Conclusion 4: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to the Community Housing Cymru Group:

- a body making official notices.

The Community Housing Cymru Group confirmed that they do not award grants. However, there were partial or full commitments corresponding to the standards for a body awarding grants in the Welsh language scheme of this relevant person.

Conclusion 5: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Community Housing Cymru Group: to the degree that they have the power and function to do so:

- a body awarding grants.

The Community Housing Cymru Group noted that they do not provide courses for the public. However, it should be noted that Part 3, Schedule 1, Welsh Language Standards Regulations (Number 1) 2015, refers to educational courses and defines them as:

“...any seminar, training, workshop or similar provision that is provided to educate or improve the skills of members of the public...”

Considering the above definition, a wide range of the person's activity could be relevant. Considering the above, the Welsh Language Commissioner concludes that this may be a relevant activity for the Community Housing Cymru Group.

Conclusion 6: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Community Housing Cymru Group:

- courses provided by a body.

The Community Housing Cymru Group noted that they did not currently announce messages over a public address system. However, the Welsh language Commissioner is of the opinion that the person may undertake other service delivery activities that are likely to have public address systems associated with them: for example, meetings that are open to the public or public events. Therefore, the Welsh Language Commissioner concludes that this may be a relevant activity for the Community Housing Cymru Group. It should be noted that flexibility is granted under section 44 of the Measure to the Welsh Language Commissioner to note the circumstances in which persons will be expected to comply with the standard.

Conclusion 7: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Community Housing Cymru Group:

- public address systems used by a body.

Policy making standards

The Commissioner believes that organizations that operate in Wales should consider the effect their policies may have on the Welsh language and how policies can be created that aspire towards the aim of securing one or more of the following outcomes as noted in the Welsh Language (Wales) Measure 2011:

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

That the person making the policy decision considers what effects, if any, (whether positive or adverse) the policy decision would have on —

- (a) opportunities for other persons to use the Welsh language, or*
- (b) treating the Welsh language no less favourably than the English language.*

The second of those results is that the person making the policy decision considers how the decision could be made so that the decision has positive effects, or increased positive effects, on —

- (a) opportunities for other persons to use the Welsh language, or*
- (b) treating the Welsh language no less favourably than the English language.*

The third of those results is that the person making the policy decision considers how the decision could be made so that the decision does not have adverse effects, or has decreased adverse effects, on —

- (a) opportunities for other persons to use the Welsh language, or*
- (b) treating the Welsh language no less favourably than the English language.⁶*

Having conducted this standards investigation, and based on the evidence received, the Welsh Language Commissioner concludes that policy decisions of the Community Housing Cymru Group should enhance the opportunities available for persons to use the Welsh language and ensure that Welsh is not treated less favourably than English.

The Commissioner's reasons for reaching this conclusion are that organizations are already expected to assess the linguistic implications of new policies and initiatives during the process of creating and reviewing them. The required measures that are a basis for the content of Welsh language schemes can be seen in the form of statutory guidelines approved before the House of Commons (Guidelines for the Form and Content of Language Schemes were approved by the UK Parliament on 19 July 1995). Those guidelines note that organisations should be required to specify the measures they propose to take when assessing the impact of new policies, strategies and initiatives and the fact that they implement them.

The Community Housing Cymru Group stated that they did not consider that it would be reasonable and proportionate to make these standards specifically applicable to them due to the fact that they do not create policies that affect the public in their view and that they do not publish many policies directly. The Commissioner emphasizes that a policy decision includes, amongst other things, (and as appropriate to the body), decisions regarding —

- a) the content of legislation;
- b) exercising statutory powers;
- c) the content of policy statements;
- ch) strategies or strategic plans;
- d) internal structures.⁷

To this end, it is vital to consider the effect on the Welsh language in undertaking any one of these policy decisions.

⁶ Section 29 Welsh Language (Wales) Measure 2011.

⁷ Part 2, Schedule 2, Welsh Language Standards Regulations (Number 1) 2015

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

It is acknowledged that matters have been highlighted regarding the relevant person's ability to comply with all the requirements of the policy making standards. Similarly, the Community Housing Cymru Group noted that they do not possess a policy on awarding grants. The Welsh Language Commissioner will give further consideration to these circumstances when determining the content of compliance notices under section 44, Welsh Language (Wales) Measure 2011.

Conclusion 8: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for policy making standards to be specifically applicable to Community Housing Cymru Group.

Operational standards

Section 30 Welsh Language (Wales) Measure 2011, notes that the meaning of operational standard is: a standard that is intended to promote or facilitate use of the Welsh language

- (i) by A in carrying out A's relevant activities,
- (ii) by A and another person in dealings between them in connection with A's relevant activities, or
- (iii) by a person other than A in carrying out activities for the purposes of, or in connection with, A's relevant activities.

As noted in a written statement by the First Minister of Wales in imposing Welsh Language Standards Regulations (Number 1) 2015 in relation to organizations in Round 1, standards will play a key role in setting up a framework that ensures people can be confident in the services they receive in Welsh, and that they know what to expect.⁸ The Commissioner believes that this principle is as true for employees who undertake their relevant activities as it is for members of the public.

It is stated in the policy statement 'A living language: a language for living – Moving forward' that the standards will be 'an important catalyst for improving the way organizations consider developing the Welsh language skills of their workforce.'⁹ Not making the operational standards specifically applicable to the Community Housing Cymru Group would limit the rights of their employees, inhibit the use of the Welsh language within that workplace, and would be contrary to the main objectives of the Welsh Language (Wales) Measure 2011 together with the aims outlined in the Welsh Government's strategy for the Welsh language: 'A living language: a language for living (Welsh Language Strategy 2012-2017)'.¹⁰

The Welsh Language Commissioner acknowledges that some elements associated with the operational standards are new to the Community Housing Cymru Group. In the same vein, some examples were received where no arrangements currently exist to ensure full compliance with the requirements. The Welsh Language Commissioner will give further consideration to this when determining the content of compliance notices under section 44, Welsh Language (Wales) Measure 2011.

In relation to those elements that have not been embedded in their Welsh language scheme, or those that are not currently operational, the Welsh language Commissioner concludes that allowing them sufficient time to achieve this new policy aim, as well as to

⁸ <http://gov.wales/about/cabinet/cabinetstatements/2015/welshlangstandards/?lang=en>

⁹ <http://gov.wales/topics/welshlanguage/policy/living/moving-forward/?lang=en>

¹⁰ <http://gov.wales/topics/welshlanguage/publications/wlstrategy2012/?lang=en>

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

include other mitigating measures in compliance notices, where appropriate, would be reasonable and proportionate.

Despite this, it should be noted that a number of the requirements are things which the Community Housing Cymru Group are expected to carry out under their Welsh language scheme. In analysing their current commitments, it is highlighted that they already undertake, either partly or in full, to provide in accordance with five of the eight relevant activities that come under the operational standards. These include dealing with linguistic matters in the areas of recruitment and appointment as well as developing skills in the Welsh language by planning and training the workforce. It is therefore concluded that it is reasonable for them to have to comply with requirements that correspond to the present provision.

If the Community Housing Cymru Group carries out any relevant activity found in the operational standards, be that in Welsh or in English only at present, it is concluded that the standards associated with those activities should be specifically applicable to them.

To this end, and based on the evidence received, the Commissioner concludes that it is reasonable and proportionate for the Community Housing Cymru Group to enable their workforce to carry out their relevant activities through the medium of Welsh.

Conclusion 9: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for operational standards in relation to the matters below to be specifically applicable to Community Housing Cymru Group:

- standards relating to the use of the Welsh language within a body's internal administration
- standards relating to complaints made by a member of a body's staff
- standards regarding a body disciplining staff
- standards regarding information technology and support materials provided by a body, and regarding the intranet
- standards relating to a body developing Welsh language skills through planning and training its workforce
- standards relating to a body recruiting staff
- standards relating to signs displayed in a body's workplace

The Community Housing Cymru Group noted that they did not make any audio announcements and messages in the workplace at present. This was reinforced by analysing commitments in their current Welsh language scheme. It has already been noted that the way in which a service is provided in relation to an activity can change in the future and that adjusting to reflect that by varying the compliance notice would be a more appropriate method than going back to regulations.

Considering the above, together with the nature of the relevant activity in question, the Welsh Language Commissioner concludes that this may be a relevant activity which the Community Housing Cymru Group may undertake in the future. The Welsh Language Commissioner will consider the degrees to which they make audio announcements and messages in the workplace, together with the degrees to which the Group should make them in Welsh in deciding on the content of compliance notices under section 44 Welsh Language (Wales) Measure 2011.

Conclusion 10: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for the operational standard in relation to the matter below be specifically applicable to Community Housing Cymru Group, should Welsh Ministers be of the opinion that it is an activity which the Group could undertake currently or in the future:

- standard relating to audio announcements and messages in a body's workplace

Record keeping standards

Having undertaken this standards investigation, and on the basis of the evidence received, the Welsh Language Commissioner concludes that the Community Housing Cymru Group should keep a record of how they adhere to the standards they are expected to comply with, along with complaints. Under Welsh language schemes, the organisations in question are required to stipulate the action to be taken in terms of publishing information on performance against statutory requirements. The evidence received confirmed this, with the relevant person, noting that the record keeping standards, in principle, and operational to a considerable extent, were current practice.

Conclusion 11: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for record keeping standards to be specifically applicable to Community Housing Cymru Group.

Standards that deal with supplementary matters

Other provisions in the Measure concern the monitoring arrangements and reporting requirements for the standards regime (Section 27 - Supplementary Provisions). Following approval of the 'Welsh Language Standards Regulations (Number 1) 2015'¹¹ at a Plenary Session of the National Assembly for Wales on 24 March 2015, standards that deal with supplementary matters were specified under section 26 of the Measure.

The Welsh Language Commissioner notes that it is a requirement under Welsh language schemes to specify actions to be taken to publish information on the performance of the organization against the statutory requirements.

The Welsh Government's policy document, 'Inspection, Audit and Regulation'¹² explains that the role of inspectors is to 'independently verify, using professional expertise and legal power'. This is supported by the Crerar Report on inspection in Scotland which states that the role of external inspectors is to secure independent assurance that services are well managed and fit for purpose. According to Crerar, the five main principles of inspection are the need to focus on the public; independence; proportionality; transparency and accountability. Crerar's proposals are consistent with the Hampton principles which state that inspection should be based on risk; that inspections should not be conducted without reason and that regulators should be able to provide accessible and authoritative advice.

¹¹ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/welsh/data.pdf>

¹² <http://gov.wales/docs/dpsp/publications/inspectionpolicystatement/090930inspstatementcy.pdf>

Welsh Language Commissioner Standards Report – Schedule 5(8): Persons who consent to being specified in Schedule 6 (Community Housing Cymru Group)

Similarly, it is also recognized that inspection bodies cannot supervise everything service providers do. That is, service providers are increasingly expected to have robust internal audit and scrutiny arrangements in place. Furthermore, self-assessment plays an increasingly important part in external inspection arrangements.

Conclusion 12: The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for standards that deal with supplementary matters to be specifically applicable to Community Housing Cymru Group.

8 The next steps

In preparing this standards report, the Welsh Language Commissioner has considered all the responses submitted to the standards investigation. This report will be submitted to the following in accordance with section 64(4) of the Measure:

- all relevant persons
- Advisory Panel to the Welsh Language Commissioner
- Welsh Ministers.

Alongside the standards investigations of the Welsh Language Commissioner, Welsh Ministers are expected to carry out regulatory impact assessments in respect of relevant secondary legislation they intend to create, using their own secondary legislation powers.

The Government of Wales Act 2006 notes that a regulatory impact assessment is as follows:

A regulatory impact assessment is an assessment as to the likely costs and benefits of complying with relevant Welsh subordinate legislation.¹³

In this respect, a regulatory impact assessment may be considered:

- a process to help Welsh Ministers to consider the effect of the proposed regulation on the interests of individuals, groups, organizations etc
- a means of enabling Welsh Ministers to weigh up the costs and benefits of all the options available to them before implementing a policy; and
- a means of submitting the relevant evidence on the positive and negative effects of such interventions for the purposes of scrutinizing that evidence.¹⁴

Welsh Ministers will be expected to consider the evidence they collected for the purposes of the regulatory impact assessment, alongside the Welsh Language Commissioner's conclusions in a standards report in deciding whether or not to exercise the powers granted to them under Part 4 of the Measure.

The Rt Hon. Carwyn Jones AM, First Minister of Wales confirmed in a Plenary Meeting of the National Assembly for Wales on 20 October 2015 that it would not be possible to develop the third round of regulations before the end of this Assembly term, and therefore that would be a matter for the next Assembly.

As a result, there is no timetable for introducing regulations in relation to the person(s) that fall within this standards report.

¹³ Section 76(2)(a) Government of Wales Act 2006.

¹⁴ <http://gov.wales/docs/legislation/guidance/091020riacodeen.doc>

Appendix A – List of the respondents to the standards investigations

Below is a list of the relevant person in respect of which a standards investigation was carried out, together with members of the Advisory Panel.

Relevant person

- Community Housing Cymru Group

Advisory Panel to the Welsh Language Commissioner

- Bethan Jones Parry
- Carl Cooper
- Dr Heledd Iago
- Meinir Davies
- Nick Speed