



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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

### Schedule 8: Qualifying persons who provide services related to gas and electricity in Wales

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# 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 organisations. 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.

Thus far, the Welsh Language Commissioner has conducted standards investigations in relation to 256 organisations. The Measure refers to 'persons liable to be required to comply with standards'. A 'person' in this context refers to organisations and sectors belonging to the category of persons specified in Schedules 5 and 6, or Schedules 7 and 8.

This investigation into the gas and electricity sector is in addition to that number. This is the fourth investigation into sectors identified in Schedule 8 of the Measure. An investigation has already been conducted into qualifying persons who provide the public with post offices, water and sewerage undertakers and those who provide the public with bus and railway services.

The Commissioner has used the activities identified in Schedule 9 of the Measure as the basis for this investigation.

## 2. Standards investigation in relation to qualifying persons who provide related services to the public for gas and electricity suppliers

In accordance with section 62 of the Measure, an exploration notice was given on 24 June 2016 to persons who appeared to the Commissioner to belong to the following group of persons:

- Schedule 8: Qualifying persons who provide services related to gas and electricity companies

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 (organisation), at least 14 days before beginning the investigation.

The purpose of this standards investigation was to determine:

- 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 explanatory memorandum to the Welsh Language (Wales) Measure 2011 states that 'duties that are capable of being imposed upon those persons listed in Schedule 8 - and who fall within Schedule 7 - of the proposed Measure are limited to duties falling within two classes of standard only: service delivery and record keeping'.<sup>1</sup>

Therefore, the investigation sought evidence on the activities listed as service delivery and record keeping standards in Schedule 9 of the Welsh Language Measure.

The period of this standards investigation began on 16 July and concluded on 6 November 2016.

As part of this standards investigation, information was collected from companies who provide related services to gas and electricity providers in Wales. This was done by means of a completed questionnaire. Evidence was also gathered from the Welsh Language Commissioner's Advisory Panel and the public.

A briefing session on the investigation's remit and terms of reference for companies who are energy providers or related services providers was held on 27 July 2016 at Yr Hen Lyfrgell in Cardiff.

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<sup>1</sup> [Explanatory memorandum to the Proposed Welsh Language \(Wales\) Measure 2010](#)

### 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. Reasonableness and proportionality were considered in producing this standards report and they will continue to be considered throughout the following steps.

#### Step 1: Standards investigation

The production of a standards report following consultation with the sector concludes the first step of the process.

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, and
- c) if the Commissioner decides that service delivery standards are specifically applicable to a person, it must also be concluded that the relevant record keeping standards are specifically applicable.

#### Step 2: presenting regulations

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.

### **Step 3: Voting on the draft regulations in the Senedd**

A debate and vote on approval of the draft regulations will take place in the National Assembly's plenary session. A vote to approve the regulations will make the standards specifically applicable to the organisation or sector, and will allow the Commissioner to give them a compliance notice.

### **Step 4: Draft and final compliance notices**

By making regulations under this Measure exercisable by statutory instrument, the Welsh Language 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.
- c) if the Commissioner decides that service delivery standards are specifically applicable to a person, it must also be concluded that the relevant record keeping standards are specifically applicable.

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 Commissioner will consult with a person on the content of a draft compliance notice. This will provide an opportunity to consider the reasonableness and proportionality of any specific requirements within the notice and will allow the organisation to submit further evidence in that respect.

Based on that consultation, the Welsh Language Commissioner will give a final compliance notice to a person. The failure of a person to participate in a consultation does not prevent the Commissioner from giving the 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 7 and also within Schedule 8?
- Is the class of standard (service delivery; record keeping) applicable to the relevant person?
- Does the relevant person carry out the activity 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 or policy?
- 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?
- Does the majority of other relevant persons within the same sector provide services in Welsh, or carry out the activity?
- Are there any other reasons, for or against, making the standard specifically applicable to the relevant person?

## 4. Evidence received from relevant persons

The Measure does not name companies who provide related services individually. Instead, those providing related services are referred to as follows in Schedule 7 and Schedule 8 of the Measure:

Schedule 7: (9) 'Qualifying persons who provide the public with services which relate to any primary service'.

Schedule 8: 'Qualifying persons who provide the public with services (the "related services") which relate to a service that is within column (2) of any of the preceding entries in this table (the "primary service"), whether or not they are the persons providing the primary service.'

'Primary services' are defined as follows:

"primary service' (*'gwasanaeth sylfaenol'*) means a service within paragraph (a) in column (3) of any of rows (1) to (8) in the table'

For the purposes of this investigation, companies managing the gas and electricity distribution network were considered. In order to identify the companies to be included in the investigation, a list on the EnergyNetwork.org website of companies operating in Wales was used. Ofgem and Energy UK were also consulted.

This report does not name individual companies when presenting responses and analysing evidence, apart from National Grid. No response was received from National Grid to the questionnaire before the closing date.

In the absence of any draft standards or standards approved by the Welsh Ministers relevant to this particular sector, the questionnaire did not ask the organisations to evaluate their ability to operate in accordance with any particular standard. Therefore, the questionnaire was based on activities in Schedule 9 of the Measure, namely 'activities in relation to which service delivery standards must be specified'. This list contains a range of activities such as correspondence; forms; publications; and websites. In preparing the report, we sought to clarify all these services and provide examples. We also sought to consider the type of specific activities offered by related services providers in each category and the questionnaire was revised to reflect this.

A summary of the evidence received from respondents is provided in section 4 of this report. The evidence submitted included information on the nature and structure of the companies in question, their activities and activities that are currently offered through the medium of Welsh.

Here is a section by section summary of the companies' responses to the questionnaire.



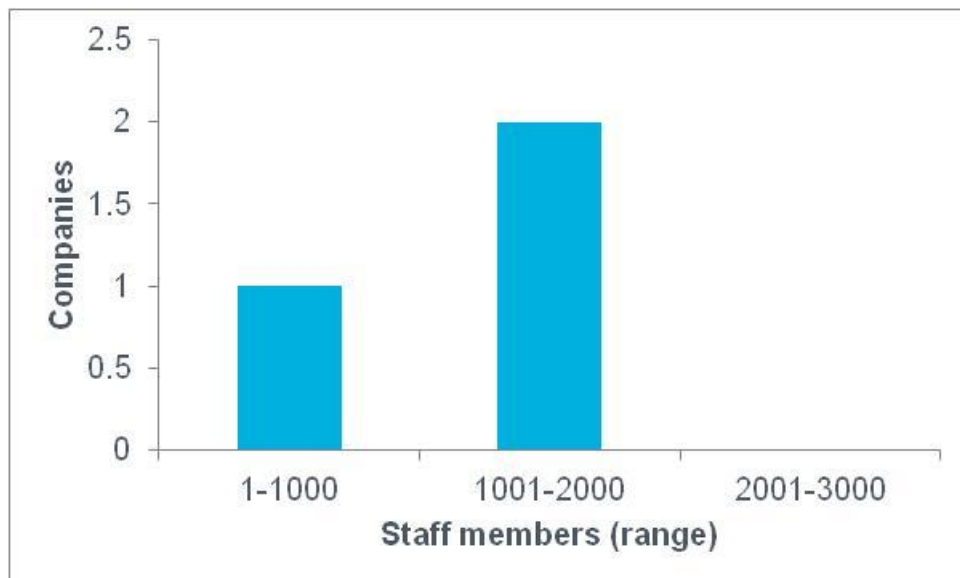
## Part 1 of the questionnaire: General information

Responses were received from three of the four companies who provide related services. National Grid's response was not received before the specified closing date and therefore it has not been included in this report.

It is important to note that Section 63 (4) of the Welsh Language Measure explains: "The failure of a person to participate in the Commissioner's consultation does not prevent the Commissioner from carrying out the standards investigation."

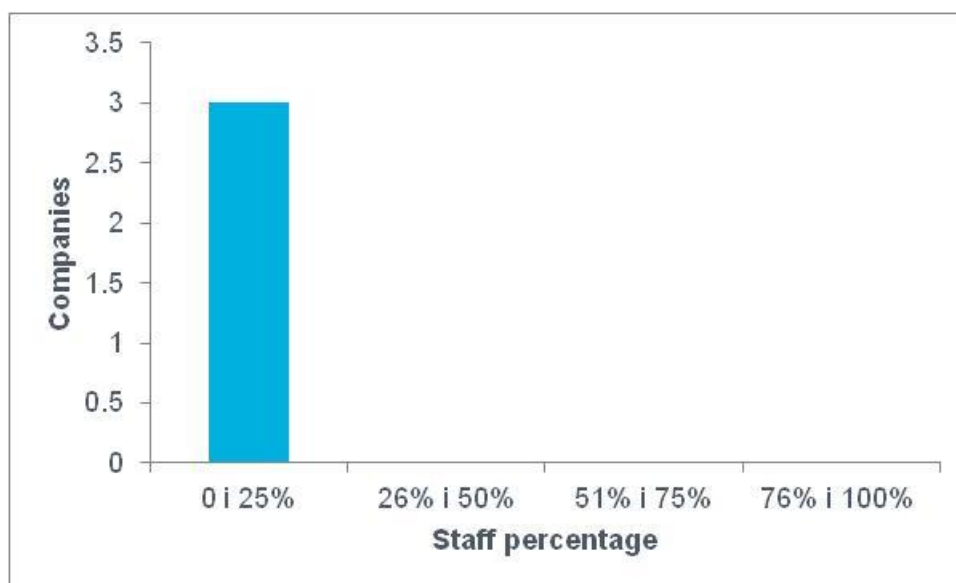
### 1.1 How many staff members do you employ in Wales?

Full time equivalent staff are identified here.



### 1.2 Are you aware of how many of your staff members have Welsh language skills? If so, please note how many.

Here is a summary of the responses.



### 1.3 Is anyone contracted to provide services on your behalf? If so, please explain.

All three companies stated that they subcontract services. Those respondents who subcontracted referred to services such as cable installation, cable repairs and pipe replacement as well as building maintenance, security services and meter installation and maintenance.

### 1.4 Do you award grants to a third party?

One of the three companies allocated grants to third parties in order to fund registered charities and anonymous organisations to improve education, protect the environment, tackle or eradicate poverty and provide support for disabled and disadvantaged people. The company also provides support for people living in fuel poverty.

## Part 2 of the questionnaire: Welsh medium services

### 2.1. Do you currently operate a Welsh language scheme or policy of any kind?

Two of the three companies currently operate a formal Welsh language policy. The company without a formal language policy stated that it is policy to respond in Welsh to correspondence, or verbal requests for information on request, or if the individual makes initial contact in Welsh.

### 2.2. Do you offer any Welsh language training to staff?

All three companies stated that they provide language training to staff. One company stated that they provide language training to staff internally and that they also offer reimbursement to staff for training, as well as access to an external course at a discounted price.

### 2.3 Correspondence sent by a body

We divided the question on correspondence into three parts:

- sending correspondence direct to an individual
- Responding to Welsh language correspondence received
- sending correspondence to several people at the same time.

Here are the responses received:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Sending correspondence direct to an individual	0	2	0	1
Responding to Welsh language correspondence received	1	1	1	0
Sending correspondence to several people at the same time	2	1	0	0

One company stated that they send bilingual bills and transaction letters to one specific area in Wales and that it is possible to send bilingual versions of these to other customers in Wales on request. The same company also stated that 24 of their

most common letters are translated as well as customer pamphlets explaining bills, service standards and check-lists and that all these are available bilingually online along with the terms and conditions. Another company stated that they respond in Welsh to correspondence received in Welsh. This company also provides bilingual correspondence to customers in Wales informing them of planned maintenance work on the electricity service. Another company stated that they recognise the need to provide a bilingual service to the public living in Welsh-speaking strongholds.

## 2.4 Phone calls, helplines and call centres

The section on phone calls, helpline and call centres was divided into four parts:

- answering general phone enquiries
- call centre(s)
- answerphone messages
- making phone calls

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Answering general phone enquiries	0	1	1	1
Call centre(s)	0	1	2	0
Answerphone messages	0	1	2	0
Making phone calls	0	2	1	0

The table above shows that two of the related services companies make phone calls in English using some Welsh. It is also seen that some of them answer phone calls in English with some Welsh and also use some Welsh in answerphone messages and in their call centres. However, two companies had English only answerphone messages. One company has a Welsh language phone line.

Although one company stated that all of their phone services are in English only due to customer safety, if a customer contacted them in Welsh or asked to discuss a matter in Welsh with an employee, they would provide that service. Another company also stated that the emergency phone service must be in English only to

ensure customer safety. However, this company also provided a Welsh telephone service to customers contacting their depots.

## 2.5 Public meetings and events

The section on meetings and public events was divided into two parts:

- conducting meetings with one or more members of the public
- conducting events that are open to the public

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Conducting meetings with one or more members of the public	0	3	0	0
Conducting events that are open to the public	0	3	0	0

Three of the four companies conducted meetings with one or more members of the public and conducted events that are open to the public in English with some Welsh. One company stated that they strive to provide Welsh speakers for events held in Welsh-speaking strongholds. This is not always possible in meetings with more than one member of the public if a specific expert is required who can only speak English. Another company stated that they conduct events and meetings in Welsh on request. This means that all three companies can organise bilingual meetings and public events on request.

## 2.6 Publicity, advertising and displaying material in public

The section on publicity, advertising and displaying material in public was divided into four parts:

- posters
- press releases
- health and safety information
- notices e.g. maintenance work

Here is a summary of the responses:

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	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Posters	1	1	1	0
Press releases	0	2	1	0
Health and safety information	0	2	1	0
Notices of e.g. maintenance work	2	2	0	0

One respondent replied that they already produce posters bilingually or in Welsh only and that another company produces posters in English with some Welsh. Two companies also produce maintenance notices bilingually or in Welsh only. Two of the companies also display health and safety information and maintenance notices in English with some Welsh.

### 2.7 Producing and publishing forms

There was one section on producing and publishing forms:

- Complaint forms

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Complaint forms	0	0	1	2

Although two companies stated that producing and publishing complaint forms was not applicable to them, both companies in a further comment stated that they deal with complaints routinely and that they do not need a form. One of the two companies stated that they deal with complaints by contacting customers locally but that complaints can also be submitted bilingually on their website. Another company stated that they produce and publish complaint forms in English only.

## 2.8. Websites and online services

For this activity, the question was divided into five parts:

- website
- online payment system
- social media e.g. Facebook or Twitter
- live chat facilities e.g. on website
- apps e.g. for phones

Here is a summary of the responses:.

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Website	2	1	0	0
Online payment system	0	0	2	1
Social media e.g. Facebook or Twitter	0	3	0	0
Live chat facilities e.g. on website	0	1	0	2
Apps e.g. for phones	0	0	2	1

Two companies stated that their websites are available bilingually or in Welsh only. One company stated that they respond in Welsh to those contacting them in Welsh via social websites and their live chat facilities. Although two companies stated that their apps are available in English only, one of the two companies stated that publicity materials for their apps and download instructions were available bilingually.

## 2.9 Signage

For this activity, the question was divided into two parts:

- site signage
- safety signage

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable

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Site signage	1	2	0	0
Safety signage	1	2	0	0

One company stated that most of their signs are in English but that they strive to display bilingual signs in Welsh-speaking strongholds. One company stated that their signs are bilingual or in Welsh only. Furthermore, this company stated that their temporary signs are also bilingual or in Welsh only.

### 2.10 Receiving visitors

The section on receiving visitors was divided into two parts:

- receiving visitors to a site open to the public e.g. reception
- information desks

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Receiving visitors to a site open to the public e.g. reception	0	2	0	1
Information desks	0	0	0	3

Three companies stated that information desks were not applicable to them. Of the two companies who received visitors to sites open to the public such as reception areas, both companies did so in English with some Welsh. One company also stated that members of the public can make prior arrangements to speak with a Welsh speaking employee during a site visit.

### 2.11 Courses

There was one section on courses:

- training courses

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable



## Welsh Language Commissioner’s Standards Report – Providers of related services to the public for gas and electricity suppliers

Courses	0	0	0	3
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Providing training courses was not applicable to any of the three companies.

### 2.12 Brand and corporate identity

There was one section for brand and corporate identity:

- brand and corporate identity

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Company brand and name	1	1	1	0

Only one company stated that they have a bilingual or Welsh only brand and company name. Another company noted that their brand and company name are in English with some Welsh. Another company stated that their brand and company name are in English only.

### 2.13 Other services

Respondents were given the opportunity to explain whether they provided any other services and to what extent they did so in Welsh.

Here is a summary of the responses:

	Yes	No	Not applicable
Other services	2	0	1

One company stated that they provide additional support to those who need it via their Community Link Officers. It was also noted that these individuals are bilingual if they work in Wales. Another company stated that they support the National Eisteddfod and Eisteddfod yr Urdd when they are held in the company's operating areas. The company has also supported a safety education pamphlet for children. One company stated that they also provide bilingual business cards for staff working in Wales.

## 2.14 Do you provide those services in Welsh?

	Yes	No	Not applicable
Services available in Welsh	2	0	1

Two of the companies providing other services stated that these are available in Welsh.

## 3 Record Keeping

The companies were asked to what extent do they keep records of the following:

- any complaints received
- the workforce’s language skills
- the skills required for specific roles when recruiting
- applications for Welsh medium services

Here is a summary of the responses:

	Record Keeping
Any complaints received	3
Language skills	1
The skills required for specific roles when recruiting	0
Applications for Welsh medium services	2

It is seen that three companies keep records of any complaints received by them. Two companies also keep records of applications for Welsh medium services. One company stated that they already keep records of staff language skills. None of the companies kept records of the skills required for specific roles when recruiting. In further comments, one company stated that they have bilingual staff working in Welsh-speaking strongholds because most of their employees are local people.



## 5. Evidence received from members of the public

A total of 21 responses were received from members of the public to the standards investigations undertaken by the Commissioner in relation to persons within the scope of this standards report. Twenty responses to the investigation were received from individuals who chose to complete the questionnaire provided for them by the Welsh Language Commissioner on the website.

Another response in the form of a report was received from Cymdeithas yr Iaith (Welsh Language Society). The report answered the questionnaire fully but in paragraph form rather than in the form of tables and further comments.

A full list of respondents who were willing for their responses to be published can be seen in Appendix A.

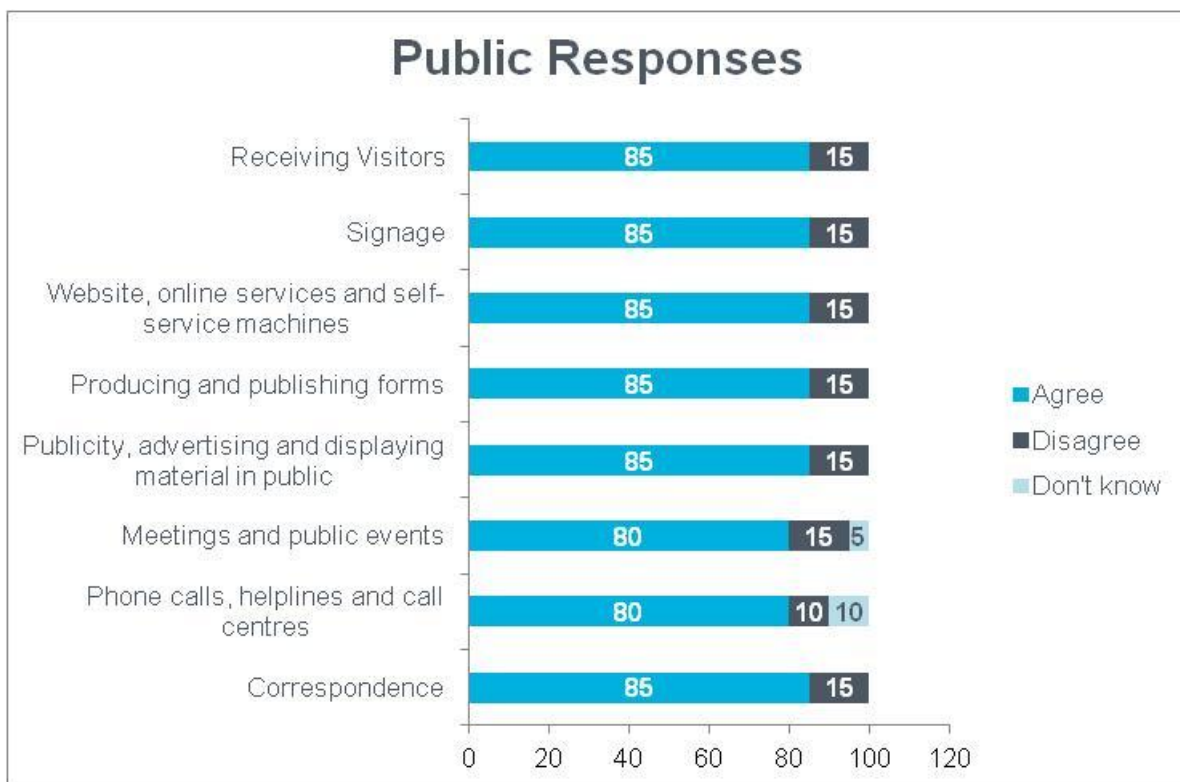
### Service delivery standards

In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the service delivery standards, they were asked to respond to the following question in the questionnaire:

'Do you agree or disagree that the services which fall under the above categories should be offered in Welsh by the companies below?'

In answering this question, the public were given the opportunity to respond per activity within the scope of the service delivery standards.

The following table shows the variety of responses received:



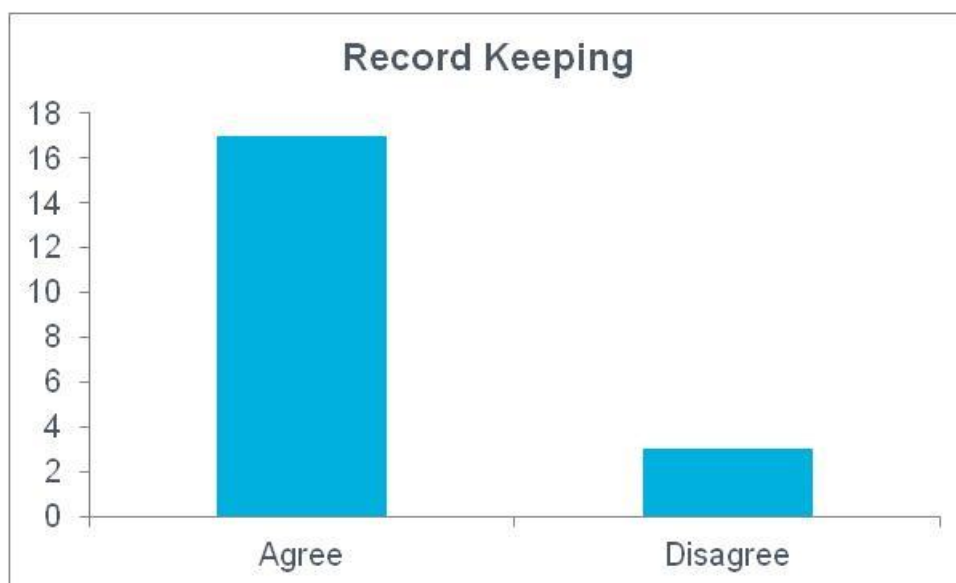
## Record keeping standards

In seeking the public's opinion regarding the reasonableness of the requirements attached to the record keeping standards, they were asked to respond to the following question in the questionnaire:

'Do you agree or disagree that the services which fall under the above categories should be offered in Welsh by the companies below?'

Of the 20 who responded via the questionnaire on the Welsh Language Commissioner’s website, 100% had answered this question. Of the 20 that responded, 85% agreed that this duty should be imposed on the relevant persons in question.

The table below indicates how members of the public responded to this question:



## Further Comments

As well as providing responses to specific questions on the subject of the standards investigation, the public were given the opportunity to note any additional standards they believed should be specified and made specifically applicable to the relevant persons in question, together with any further comments relevant to this standards investigation.

Of the 20 who responded via the questionnaire on the Commissioner's website, 60% (12) provided additional comments to be considered by the Welsh Language Commissioner as part of the standards investigation. The majority of responses received were very supportive of the concept of specifying standards, to ensure that Welsh speakers have clear rights in relation to the Welsh languages services provided by providers of related services to the public for gas and electricity suppliers.

The public stated that the specified standards should ensure that they receive a fully bilingual service as default. The public expressed the need to ensure that the specified standards will impact the everyday life of the average person.

Outlined below are the main themes of the responses received in favour of making the standards specifically applicable:

- the need to ensure that every company provides a full bilingual service as default to all customers, with Welsh first at all times.
- the need to ensure that Welsh language online services, apps and new developments are equally as current as English ones
- the Welsh language becomes part of companies' internal culture rather than a supplementary service transferred to external agencies
- the need to ensure that Welsh language services are not lost when receiving face to face services.

In general, we did not find opposition from the public towards language duties. Outlined below are the main themes of the responses received from the public against making the standards specifically applicable:

- one respondent believed that customers should be given a language choice at the start rather than providing bilingual services to everyone.
- although the respondent agrees in principle with imposing standards to ensure Welsh language services, they believe that consideration should be given to the additional costs and who will repay those costs.

The vast majority of responses received from the public via the website agreed that companies who provide related services should be subject to the service delivery standards. A report-based response was provided by Cymdeithas yr Iaith's Rights Group who agreed unanimously that standards should be imposed on companies providing related services in Wales.

Further comments were received via the questionnaire on the website as well as Cymdeithas yr Iaith's report asking companies to go a step further than proposed in the questionnaire. It was proposed that companies need to recognise the official status of the Welsh language in Wales as well as recognise the rights of their workers and customers to receive Welsh language services. There is a need to offer Welsh language services proactively to customers and ensure that the language is at the core of companies' services.

The vast majority of respondents believed that companies should have to correspond bilingually with the public in Wales, with the Welsh language first. A number of respondents believed that providing all information bilingually is the best way of ensuring that both languages are treated equally. One respondent disagreed and felt that companies should ask for the customer's language choice at the outset and provide the customer with Welsh only or English only correspondence in accordance with their wishes. It was also noted that it is important to use Welsh addresses when corresponding with customers in Welsh and that this applies to Welsh street and town names.

Cymdeithas yr Iaith believe that it is crucial that sending correspondence in Welsh does not cause more delay before a response is received. Also noted is the need to ensure that all methods of correspondence are included in the standards, such as e-mails, text messages, newsletters, bills and statements, both in paper and electronic formats.

Once again, the vast majority of the public agreed that websites and online services should be available in Welsh. The majority of the additional comments received regarding websites and online services highlighted the need to ensure consistency in terms of the information available in both languages. It should be possible to find information in Welsh or English by following the same steps, the only difference being the language. A request was also made to ensure that 'Smart Meters' and company apps are included under the standards.

Cymdeithas yr Iaith believe that providing a full Welsh language service online is crucial in order to normalise and increase use of the Welsh language. They also

believe that there is a need to ensure that the Welsh language is treated no less favourably on social media and that there is a standard in place to ensure that staff can respond to Welsh language enquiries online in an appropriate way.

The majority of respondents stated that signage should be in Welsh. Cymdeithas yr Iaith agreed too. They felt that there are too many signs where the Welsh language is absent or treated less favourably than English. They believe that all signs, regardless of age, should be in Welsh whether they are temporary signs, permanent signs or meter signage.

The majority agreed that companies' brand and corporate identity should be in Welsh. One respondent went so far as to say that companies should ensure that they have Welsh names for their activities in Wales and that all uniforms, vehicles and marketing material are displayed in Welsh. Cymdeithas yr Iaith shared this view. Another respondent also agreed that the Welsh language should appear first or above the English. The respondent stated clearly that no corporate identity should include a form of acronym of English origin only.

The respondents agreed that meetings and public events should be conducted in Welsh. One respondent stated that individuals should be able to discuss any matter in Welsh with a service representative without having to use a translator. Another respondent agreed and believed that individuals should have the right to receive a Welsh language service when dealing with companies and that the Commissioner should include call-outs as an activity for which standards could be created. Cymdeithas yr Iaith shared the same vision. They believe that meetings or public events should be conducted in Welsh, with the aid of translation facilities if needed, regardless of how many people speak Welsh.

The majority agreed that phone calls and call centres should offer Welsh language services. One respondent stated that all greetings or initial responses should be bilingual with the Welsh language first. Several respondents stated that there should be a specific phone number for Welsh-speaking callers and that no Welsh-speaking customer should have to speak English during their call. Great emphasis was also placed on ensuring that phone numbers for Welsh language helplines are correct and advertised adequately on websites, bills and all of the companies' correspondence.

Cymdeithas yr Iaith stated that the Welsh language helpline should be available during the same hours as the English line and that it should not cost more to use. They also suggested that companies should keep a record of customers' language choice and that when a company contacts a customer over the phone, they should do so in the customer's preferred language.

Eighty five per cent of respondents agreed that there is a need to produce and publish forms in Welsh. One respondent stated that direct debit payment forms should be available in Welsh as well as practical material and information to use pre-paid cards in designated meters. Cymdeithas yr Iaith stated that all of the companies' public material and forms, including registration and complaint forms, should be in Welsh. The public and Cymdeithas yr Iaith agreed that the same was true for the companies' publicity material.



A number of respondents agreed that courses should be offered in Welsh. Cymdeithas yr Iaith also agreed that courses should be offered in Welsh, as well as seminars and internal and external workshops.

The public and Cymdeithas yr Iaith agreed that visitors should be received in Welsh. Cymdeithas yr Iaith asked the Commissioner to strengthen earlier versions of the standards to ensure that the Welsh language is an integral part of face to face services.

Cymdeithas yr Iaith believe that companies' recruitment policies need to be addressed in order to increase the use of Welsh. They believe that weaknesses in companies' recruitment policies are responsible in a number of cases where there is a lack of Welsh language services. Cymdeithas yr Iaith recommend that it is important to move Standards, such as Standards 136-140 regarding staff recruitment and Standard 98 on developing policy on internal use of Welsh, into the 'Service Delivery Standards' category so that they apply to energy companies.

### Record keeping standards

Eighty five per cent were supportive of the need for organisations to keep records in order to be able to monitor and examine compliance with the other standards. One respondent believed that keeping language skills records was crucial. Cymdeithas yr Iaith believe that record keeping is important to map the workforce in order to increase internal use of Welsh.

## 6. Evidence received from 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 Measure.

The responses received from the panel supported the purpose of the regulations, namely to achieve the basic objectives of the Measure; that the Welsh language has official status in Wales and should be treated no less favourably than the English language.

Recognising that those regulated by the Commissioner will have concerns, emphasis was placed on developing a common understanding of the requirements of the Measure.

As noted in response to previous investigations, the panel believed that the 'reasonableness and proportionality' of some of the standards should be considered in setting the requirements in compliance notices under section 44 of the Measure.

Every panel member agreed that service delivery standards should be proposed in Welsh. Three additional comments were received from the panel regarding service delivery standards. It was suggested that a database of customers' language choice should be kept in order to contact and communicate effectively with everyone. They also emphasised that signs must be bilingual for safety reasons rather than purely linguistic reasons. The panel also felt that providing translation facilities in public meetings was crucial.

The panel believes that companies have a duty to do everything reasonably practicable to recruit bilingual staff in order to provide a full service. Similarly, they believe that modern technology should be maximized to ensure a fully bilingual service accepting that fluency in Welsh and English is a specific skill in serving modern Wales.

## 7. Conclusions of the standards investigation

### General comments

The following conclusions are based on evidence provided by the companies, the public and the Advisory Panel in response to the standards investigation. What follows are conclusions which examine activities currently undertaken by the companies who provide services related to gas and electricity, and the priorities identified by the public in their responses to the investigation.

The Explanatory Memorandum to the Welsh Language Measure (Wales) 2011 states that one of the main objectives of the legislation was to modernise and build on 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 secure improved consistency between persons, especially those within the same sector, in terms of providing Welsh language services. The list is drawn from activities identified in Schedule 9 of the Measure, as well as those contained in previous regulations.

Since commencing this investigation, further regulations have been published in relation to the Welsh language. Draft Welsh Language Standards (Water and Sewerage Undertakers) Regulations were published on 25 November 2016. This is the first set of regulations prepared in relation to a group of persons specified in Schedule 8 of the Measure. Therefore, we have considered the draft standards issued for water and sewerage undertakers in our conclusions on the investigation into those supplying services related to gas and electricity.

During the course of this investigation, consideration was given to the extent to which those providing the public with related services for gas and electricity suppliers provide related services to the public in accordance with Column 2 Specified service(s) in Schedule 8. The questionnaire asked specific questions regarding contact with the public. From the responses, it was concluded that the organisations provide related services to the public in relation to a number of services specified under Schedule 9. It should be noted that the Measure states the following in addressing Schedule 8:

Schedule 8 (2) References to the provision of a service to the public include (but are not limited to) –

- (a) Provision of the service to the public in general or to particular members of the public, and
- (b) Provision of the service for any purpose (whether it is a domestic, business or other purpose)

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 of 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 identifies that a person or group of persons carries or carry out the activity,<sup>2</sup> be that to a lesser or a greater extent, 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 specified by the Welsh Government are interdependent within the scope of the activity.

It is also noted that the way in which a service is delivered in relation to an activity may 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.

However, where evidence exists that a person or group of persons does not or do not carry out an activity at all, whether through evidence gathered 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.

No response to this standards investigation was received from National Grid. According to the Energy Networks Association, National Grid is one of four related services providers operating in Wales.

As noted when analysing evidence received from relevant persons, the failure of a body to participate in the Commissioner's consultation does not prevent the Commissioner from carrying out the standards investigation.

Although no specific response was received from National Grid to the investigation, wider evidence gathered by the Commissioner in consultation with organisations such as Ofgem, Energy UK and the Energy Networks Association indicates that National Grid's functions correspond in essence with the functions of other providers operating in Wales who participated in this standards investigation.

## Conclusion 1

**The Welsh Language Commissioner concludes that those providing related services to the public for gas and electricity suppliers provide related services to the public in accordance with Schedule 7 and also within Schedule 8.**

The Commissioner considers the evidence provided in order to reach a conclusion on the content of compliance notices issued to relevant persons under section 44 of the Measure.

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<sup>2</sup> Service delivery activity as defined in section 28 of the Welsh Language (Wales) Measure 2011

Of the activities which formed the basis of the investigation, all of the following were applicable to one or more of the providers of related services to the public for gas and electricity suppliers:

- sending correspondence to several people at the same time
- sending correspondence direct to an individual or company
- responding to Welsh language correspondence received
- answering general phone enquiries
- call centre(s)
- answerphone messages
- making phone calls
- conducting meetings with one or more members of the public
- conducting events that are open to the public
- posters
- press releases
- health and safety information
- complaint forms
- website
- social media
- online chat facilities
- apps
- site signage
- maintenance signage
- safety signage
- receiving visitors
- brand and corporate identity
- other services

It is also noted that a number of companies use third parties to deliver some services on their behalf.

Of the above list, services that are 'Bilingual – Welsh and English' or 'English with some Welsh' are applicable to between one and three companies of the three respondents.

The list of services identified above was cross-referenced with the service delivery standards specified in the draft regulations for Water and Sewerage Undertakers. Nearly all of the proposed standards are applicable to those who provide related services to the public for related services providers.

## 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 suppliers providing services related to gas and electricity. The following list is based on the service delivery standards in the draft Welsh language standards (Water and Sewerage Undertakers) regulations**

- 1. Standards relating to correspondence sent by a body
  - (1) When a body replies to correspondence
  - (2) When a body initiates correspondence
  - (3) General standards relating to correspondence
- 2. Standards relating to telephone calls made by a body
  - (1) Telephone calls made to a body's main contact number and to any helplines or call centres
  - (2) A body dealing with telephone calls using an automated system
- 3. Standards relating to a body holding meetings that are not open to the general public
  - (1) Meetings between a body and one other invited person
  - (2) Meetings between a body and more than one invited person
- 4. Standards relating to meetings arranged by a body that are open to the public
- 5. Standards relating to public events organised or funded by a body
- 6. Standards relating to a body's publicity and advertising
- 7. Standards relating to a body displaying material in public
- 8. Standards relating to a body producing documents
- 9. Standards relating to a body producing and publishing forms
- 10. Standards relating to a body's websites and on-line services
  - (1) Websites published by a body
  - (2) Apps published by a body
  - (3) Online chat facility
- 11. Standards relating to a body's use of social media
- 13. Standards relating to signs displayed by a body
- 14. Standards relating to a body receiving visitors at its buildings
- 15. Standards relating to notices made by a body
- 16. Standards relating to a body awarding grants
- 17. Standards for raising awareness about Welsh language services provided by a body
- 18. Standard relating to a body's corporate identity

Some standards have been omitted intentionally.

## Further Conclusions

The Welsh Government's introduction to the Welsh Language Standards (Water and Sewerage Undertakers) Regulations consultation document addresses a number of matters applicable to the comments gathered from those providing related services to the public for related services providers, the advisory panel and the public during the course of this investigation.

Section '2.3 Telephone Calls' of the consultation document refers to the Government's desire to focus on the use made of customer helplines. This is consistent with some of the comments provided by companies providing related services.

Section '2.4 Publications' refers to the Government's desire to find a way of ensuring that appropriate documents are published in Welsh where the subject matter and/or

anticipated audience suggests that they should be published in Welsh. The comments provided by some companies express the same message. Having said that, it should be noted that not every company has the expertise or experience in providing Welsh language publications. It should also be noted that some members of the public asked for a fully bilingual service as default.

Section '2.5 Websites' refers to the Government's desire to allow the Commissioner to vary duties. This could range from ensuring that every new page is available in Welsh, to having a Welsh language homepage and/or interface. Feedback gathered by the Commissioner refers to demands from some related services providers to put such arrangements in place. Once again, there must be a balance between companies' demands and the demand from some members of the public for fully bilingual services.

Section '2.6 Online chat facilities' refers to the need to consider the range of ways that customers can contact companies. These considerations also apply to related services providers for gas and electricity suppliers.

Section '2.7 Other matters' refers to the need to consider that some companies have offices in England and Wales and the need to limit the standards relating to receiving visitors to apply only to reception areas in Wales. This point is consistent with information gathered by the Commissioner in feedback from suppliers of related services for gas and electricity suppliers.

## Record keeping standards

Based on the evidence received, the Commissioner concludes that those providing related services to the public for gas and electricity suppliers that are specifically applicable to implementing service delivery standards, should keep a record of how they meet the standards they are expected to comply with. The Commissioner also concludes that they should keep a record of all complaints.

## Conclusion 3

**The Commissioner concludes that Welsh Ministers should ensure that regulations applicable to those providing related services to the public for gas and electricity suppliers in Wales should also provide that record keeping standards are applicable to them too. The Commissioner also concludes that they should keep a record of all complaints.**

## Standards that deal with supplementary matters

There are provisions in the Measure regarding monitoring arrangements and reporting requirements for the standards system (Section 27 – Supplementary Provisions). The purpose of the standards is to facilitate the reporting and monitoring of organisations' compliance and put in place measures to publish information on their performance against the statutory requirements. This recognises the fundamental principles of regulation which note that the organisation as well as the inspecting or regulating body, have a role to play in meeting statutory requirements.

## **Conclusion 4**

**The Commissioner concludes that Welsh Ministers should ensure that regulations provide for standards relating to supplementary matters in relation to service delivery and record keeping standards to be specifically applicable to those providing related services to the public for gas and electricity suppliers.**



## 8. 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
- all persons who participated in the Commissioner's consultation in accordance with section 63
- Welsh Ministers.

Alongside the Welsh Language Commissioner's standards investigations, Welsh Ministers are expected to carry out regulatory impact assessments in respect of relevant subordinate legislation they intend to create, using their own subordinate 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.<sup>14</sup>

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

- a process to help the Welsh Ministers consider the impact of proposed regulation on the interests of individuals, groups, organisations etc
- a tool to enable Welsh Ministers to weigh the costs and benefits of all options available to them before implementing a policy; and
- a means of presenting for scrutiny the relevant evidence on the positive and negative effects of such interventions.

Welsh Ministers will be expected to consider the evidence they collected for the purposes of the regulatory impact assessment, alongside the 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.

## Appendix A - List of the respondents to the standards investigation

Below is a list of the members of the Advisory Panel, together with the members of the public who were willing for us to publish their comments.

### Members of the public

- Emyr Gruffydd
- Huw Roberts
- Stephen Evans
- Leslie Iarsen
- Sion Wyn Ifans
- Peter Keelan
- D James and A James
- Gwyn M Lloyd
- Owen Watkin
- Sian Elen Tomos
- D Clift
- Anwen Gwyndaf
- Anthony Caradog Evans
- Ruth Williams
- Elwyn Vaughan
- Tom Sugg

### Organisations

- Cymdeithas yr Iaith Gymraeg

### Advisory Panel to the Welsh Language Commissioner

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