



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 railways in Wales [Network Rail]

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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.

The Welsh Language Commissioner has now conducted standards investigations in relation to 209 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 bus and railway sector is in addition to that number, and forms the second investigation into sectors identified in Schedule 8 of the Measure. An investigation has already been conducted into qualifying persons who provide post office services to the public and water and sewerage undertakers. The Commissioner is also undertaking an investigation into the gas and electricity sectors.

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

2 Standards investigation in relation to qualifying persons who provide services related to railways in Wales

In accordance with section 62 of the Measure, an exploration notice was given on 7 March 2016 to persons who appeared to the Commissioner to belong to the following group of persons:

- 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.'

For the purposes of this standards investigation, the Commissioner decided to undertake an investigation into Network Rail as a company which provides the related services identified above.

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 Measure 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'.¹

Therefore, the investigation sought evidence on the activities listed as service delivery and record keeping standards in Schedule 9 of the Measure. Furthermore, previously published regulations were examined which included additional activities to those listed in Schedule 9.

This standards investigation commenced on 31 March 2016. It concluded on 30 June 2016.

As part of this standards investigation, information was gathered from Network Rail, via a completed questionnaire. Evidence was also gathered from the Welsh Language Commissioner's Advisory Panel and the public.

¹ [Explanatory memorandum to the Welsh Language \(Wales\) Measure](#)

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Two briefing sessions on the investigation's remit and terms of reference were also held for the sectors. One took place on 12 April at Conwy Business Centre and the other took place on 15 April at Cardiff City Hall.

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.

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 ensure 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 issue them with a compliance notice.

Step 4: Draft and final compliance notices

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.

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 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 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 the relevant person

This section outlines Network Rail's responses to the questionnaire sent to them.

1. General

How many staff members do you employ in Wales?

Network Rail noted that the Wales Route employs approximately 1400 staff. They emphasise that this route is responsible for rail infrastructure in the English borders and so a significant proportion of their workforce is based at sites outside Wales.

'The Wales route is a part of Network Rail Infrastructure Ltd and is not a separate business. However, the day to day operation of the route has been devolved to route level.'

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

Network Rail has not conducted a detailed audit of staff skills but they estimate that around 60 have Welsh language skills. This would correspond to 4.3% of the total number of staff identified above.

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

Network Rail noted that they engage a number of contractors ranging from the delivery of rail enhancements and renewals to communications and marketing activity and corporate services. No specific details were provided.

Do you award grants to a third party?

Network Rail does not award grants to a third party.

2. Welsh medium services

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

Network Rail does not operate a formal scheme or policy. However, they did note, as an increasingly devolved route, that they are positive about the Welsh language and are on a journey towards increasing bilingualism across the route.

Do you offer any Welsh language training to staff?

Network Rail noted that they offered weekly Welsh language classes at their headquarters in Cardiff.

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Correspondence

Network Rail explained that they only correspond with individuals in English, and when corresponding with several people at the same time e.g. via a newsletter or when bulk mailing. Their practice is to state on correspondence that a Welsh language version is available on request. They reply to correspondence received in Welsh in Welsh.

Phone Calls, Helpline and Call Centres

Network Rail's 24 hour, 7 day a week call centre is based in Kingston-upon-Hull. As a result, it is English medium only. They do note, however, that they have recently recruited a Welsh speaker to their community relations team who is able to communicate with those who prefer to correspond or converse in Welsh.

Meetings and public events

Network Rail noted that they conduct meetings with one or more members of the public in English only. In addition, public events were held in English only. However, in a further comment, Network Rail noted that, when holding public events, they do display some material e.g. project-related information on noticeboards etc. bilingually, but that not everything is available in Welsh. Furthermore, Network Rail noted that they always provide material in Welsh if requested.

Publicity, advertising and displaying material in public

In responding to this question, Network Rail noted that two of the activities (health and safety information, and notice of changes to timetables) were not applicable. Of the remaining two activities, they sent press releases in English only and posters were available bilingually or in Welsh only. The following comments were added in response to this question:

'We endeavour to provide that any Network Rail passenger communications around disruption and improvements (that are closely aligned to our lead operator Arriva Trains Wales) are fully bilingual, for example, station posters and leaflets distributed to passengers at stations that push out our 'check before you travel' messages. To give a recent example, our major advertising campaign around the closure of the Severn Tunnel this autumn is fully bilingual.

With regard to lineside-neighbour communications, all letters sent out from the route community relations team clearly state that we send correspondence in Welsh on request. However, there is some inconsistency as the route community relations team does not always have sight of all correspondence issued to lineside neighbours and some may be issued from outside the route. We are reviewing this and working towards improving our processes in this regard.

When we are holding drop-in events around project work, noticeboards and pop-ups are bilingual although not all materials are fully bilingual. This is an aspiration we are increasingly working towards, and we will always offer Welsh language versions on request.'

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Producing and publishing forms

Network Rail noted that producing complaints forms and lost property forms was not applicable. However, in the comments made in response to the question, they did note that they occasionally send forms to lineside neighbours:

'As you are aware, we do not provide rail services directly to the public.' However, Network Rail did acknowledge that they send forms to lineside neighbours making a claim for property damage. Generally speaking these forms are sent in English only. Network Rail notes that these forms are usually sent from offices outside Wales.

Websites, online and self service machines

Network Rail noted that they have a website and use social media (Twitter specifically) but that these activities are conducted in English only. They do not offer mobile apps therefore this was not applicable. In a further comment, it was explained that the Wales Route does not have a separate website but that it is part of Network Rail's wider website. The website is set to undergo a major overhaul and it is expected that there will be route specific areas. As a result, they hope that the Wales Route section will be bilingual.

Signage

Of the activities identified in this section, Network Rail noted that they did not provide train station signs, nor health and safety signs. The signs they install on the network are in 'English with some Welsh'. They note that much of the signage on the route is historic and therefore in English only. When new signage is installed in Wales, they say that they endeavour to provide bilingual signage and provide a specific example of a project to install overhead line equipment for electrification of the south Wales line.

It appears to the Commissioner that different companies are responsible for train station signs in Wales and recommends that the Welsh Government considers that when determining regulations.

Public address systems

The activity in this section did not apply to Network Rail based on their response.

Receiving visitors

Those activities relating to receiving visitors to sites open to the public, or information desks, did not apply to Network Rail – none of their offices in Wales are open to the public.

Courses

Network Rail does not provide courses which are open to the public.

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Brand and corporate identity

Network Rail's company brand and name are in English only. They do not have a brand for Wales-based activities but do note that they use a 'Network Rail Wales Cymru' letterhead for external communications.

Other services

Network Rail did not note that they offered any other services not listed in the questionnaire.

Making customers aware of Welsh medium services

No response was given to this question.

3. Record Keeping

Network Rail were asked to note if they kept a record of the following:

- staff language skills
- applications for Welsh medium services
- the Welsh language skills required for specific roles when recruiting
- any complaints you receive

Network Rail noted that all complaints are recorded via their caseload management system. They did not keep a record of staff skills nor applications for Welsh medium services.

4. Any further comments

Network Rail provided further clarification in relation to the use of Welsh at level crossings. This issue has attracted a number of complaints to the Commissioner in the past. According to Network Rail, there would need to be a significant shift in terms of staffing, and staff skills, in order to employ Welsh-speaking signallers who are able to communicate bilingually with level crossing users. They refer to the need for safety and accuracy in allowing the public to cross the railway along with the specific competencies required by signallers to fulfil the role. They note that they are implementing a scheme to close as many level crossings as possible over the coming years, along with using technology to remove the need for signallers completely. However, they do not expect this technology to be operational for many years.

5 Evidence received from members of the public

A total of 264 responses were received from members of the public to the standards investigations undertaken by the Welsh Language Commissioner in relation to persons within the scope of this standards report. 65 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.

A further 199 responses were received based on a template of a standard response published by Cymdeithas yr Iaith Gymraeg; in this case, all of the responses were the same.

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

The following table indicates from where the respondents came according to their geographical location.

Number of responses to the standards investigation by location²

Location	Number	Percentage (%)
Swansea	6	2.3
Blaenau Gwent	3	1.1
Vale of Glamorgan	6	2.3
Caerphilly	4	1.5
Newport	3	1.1
Neath Port Talbot	6	2.3
Ceredigion	22	8.3
Conwy	11	4.2
Cardiff	33	12.5
Gwynedd	84	31.8
Merthyr Tydfil	5	1.9

² These statistics include all the responses received via the questionnaire, and the template provided by Cymdeithas yr Iaith Gymraeg.

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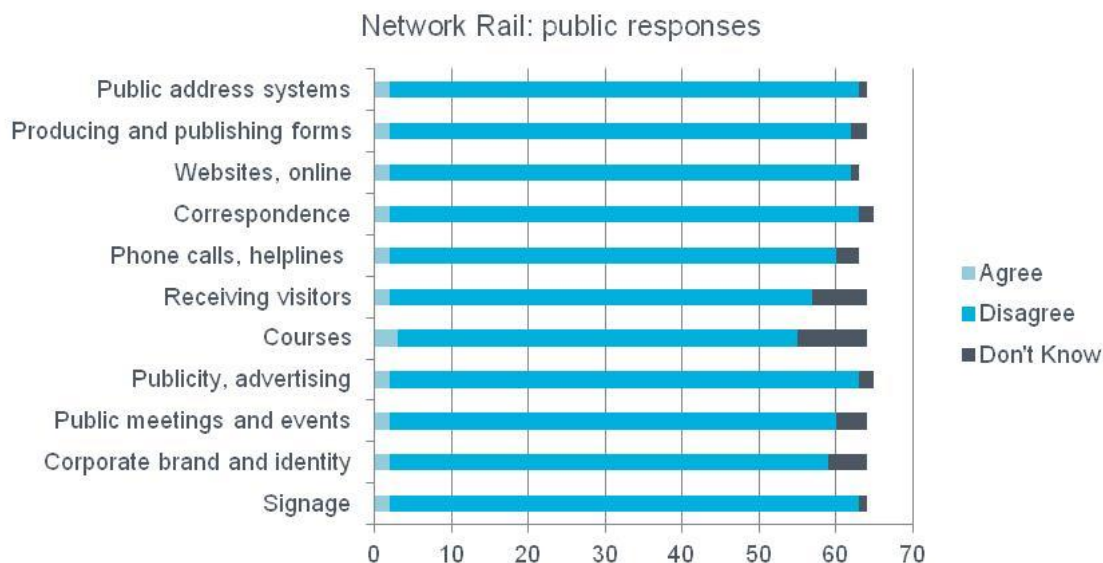
Location	Number	Percentage (%)
Bridgend	1	0.4
Powys	8	3.0
Rhondda Cynon Taf	7	2.7
Pembrokeshire	4	1.5
Denbighshire	5	1.9
Monmouthshire	2	0.8
Carmarthenshire	16	6.1
Flintshire	2	0.8
Torfaen	1	0.4
Wrexham	3	1.1
Isle of Anglesey	18	6.8
Outside Wales	11	4.2
Not answered	3	1.1
Total	264	100%

In the online questionnaire, the respondents were asked whether they agreed or disagreed that Network Rail should provide the services listed in Section 4 in Welsh. If they weren't sure they could choose the option 'don't know'. The question's exact wording was:

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

The following chart shows the responses received. As you can see, the majority agree that Network Rail should provide services through the medium of Welsh.

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As well as asking for agree/disagree/don't know responses, the questionnaire also allowed additional comments. A number of the responses made related to all three groups of persons and those main points also relating to Network Rail are summarised below.

- The pronunciation of Welsh place names, and the use of English place names, was one of the main issues raised by the public. A number felt that the standard of Welsh in platform and journey announcements was unacceptable.
- Also, generally speaking, several members of the public were unhappy with the lack of prominence given to the Welsh language with a number noting the need to use Welsh in relation to the following:
 - tickets
 - signage
 - posters and advertising
 - websites and social media
 - telephone services
 - self service machines
 - branding
- Staffing was an issue raised in a number of responses. Many felt that it was not possible for the customer to receive a Welsh medium service unless staff have a better basic understanding of Welsh. A number believed that companies should prioritise appointing Welsh speaking staff at ticket booths, for example, and that staff on trains and buses should have a basic understanding in order to meet simple requirements.
- Several also believed that publicly funded services should provide Welsh medium services.

Comments were received opposing the notion of language duties in general. The themes included:

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- the inconvenience of a Welsh medium service and options for those not wishing to receive it, for example, choosing a language when telephoning a company;
- concerns that bilingualism wastes paper;
- difficulty reading bilingual material if that means the text is smaller on screen or on paper;
- disagreement with the requirement for Welsh to appear first;
- the additional financial burden of meeting requirements on companies;
- and concern that the standards could be too complex and wide-ranging, placing too many requirements on individuals / practicality of providing Welsh medium services with the existing workforce.

Some comments were specific to Network Rail services, including the need to ensure that bilingual safety signs or warning posters are available on site. There were a number of comments relating to building and railway signage, suggesting that this is a priority for several respondents. In addition, there was a comment on public meetings held by Network Rail, and the need to provide information through the medium of Welsh in them.

One respondent noted that Network Rail had installed new English only information screens at Aberystwyth station, replacing ones which were previously bilingual. Cymdeithas yr Iaith Gymraeg provided a response as part of the investigation. They highlighted the language of signage at stations managed by Network Rail, referring specifically to an incident at Queen Street station in Cardiff.

Record keeping standards

One respondent commented that record keeping already formed part of the companies' work and that this activity was essential in securing compliance. For example, in order to identify the language skills of staff for service delivery purposes. One respondent questioned whether the records had to be kept in Welsh and another believed that the act of keeping records was more important than the language in which that is done.

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 Welsh Language Commissioner will have concerns, emphasis was placed on developing a common understanding of the requirements of the Measure; the legislation which led to these standards.

Similar to what was noted in relation to those persons subject to a previous standards investigation, 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.

In general, the Panel agreed that the services identified in the questionnaire should be offered in Welsh by the companies. The Panel believed that all franchises should include the requirement to offer a bilingual service and that all publicly funded bodies should undertake to do the same.

However, in relation to some services, Panel members were not in agreement or raised further questions. One member questioned the reasonableness of asking organisations to hold bilingual meetings with individuals. Another member of the Panel questioned whether a bilingual public address service was realistic for those companies in question whilst another believed that it was important to normalise multilingualism. One member also raised concerns about the financial implications of receiving visitors bilingually.

One member of the Panel noted that companies should be encouraged to offer Welsh language courses rather than forced to do so, whilst another believed that this was a worker's fundamental right.

A further comment involved giving priority to issues directly related to the day-to-day delivery of the service to the public, rather than an ad hoc public event or service provided to an individual. They believed that such action would encourage the development of the use of Welsh in a cost-effective manner.

7 Conclusions of the standards investigation

General comments

The following comments are based on evidence provided by Network Rail, the public and the Advisory Panel in response to the standards investigation. Network Rail does not operate a Welsh language scheme or policy of any kind, therefore it is not possible for the investigation to cross-reference any prior commitments made by them.

What follows are conclusions which examine activities currently undertaken by Network Rail, and the priorities identified by the public in their responses to the investigation.

The list is drawn from activities identified in Schedule 9 of the Welsh Language Measure, as well as those contained in previous regulations.

Since commencing this investigation, further regulations have been published in relation to the Welsh language. The Commissioner did not consider that these applied to this sector.

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 activity³, 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. These conclusions were reached due to the fact that the standards specified by the Welsh Government are interdependent within the scope of the activity.

Note also that the way in which a service is delivered under an activity may change in the future and that it would be necessary to adapt to reflect this 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, be it via evidence gathered as part of the standards investigation, or by other means, the Welsh Language Commissioner will conclude

³ Service delivery activity as defined in section 28 of the Welsh Language (Wales) Measure 2011

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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 reach a decision on the content of compliance notices issued to relevant persons under section 44 of the Measure.

Of those activities which formed the basis of the investigation, Network Rail stated that the following activities applied to them:

- correspondence sent by a body
- telephone calls made and received by a body
- a body holding meetings that are not open to the public
- a body arranging meetings that are open to the public
- public events organised or funded by a body
- publicity and advertising
- displaying material in public
- producing and publishing reports
- producing and publishing forms
- websites and online services
- use of social media
- signs on display
- making notices
- awarding contracts
- corporate identity

Of the above, Network Rail noted that they did not undertake many in Welsh. The Commissioner wishes to note the importance of differentiating between a person's commitments (what is expected of them) and performance (the extent to which they currently meet those expectations). The Commissioner believes that commitments should meet the needs of the Welsh language users that they serve. With a reasonable and prescribed timetable, any existing obstacles may be addressed, and the Commissioner will consider those obstacles when determining the contents of compliance notices issued under section 44 of the Measure.

In addition, Network Rail noted that they contract out services. The activities ranged from the delivery of rail enhancements and renewals to communications and marketing activity and corporate services.

Network Rail did not provide a direct response to the question regarding how they raised awareness about Welsh language services provided by them. However, based on their other responses, and in considering the aim and objectives of the body, the Commissioner concludes that this would be a relevant activity for them:

- raising awareness about Welsh language services provided by a body

Conclusion 1:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities

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below to be specifically applicable to Network Rail as a body which provides services related to railways in Wales:

- correspondence sent by a body
- telephone calls made and received by a body
- a body holding meetings that are not open to the public
- a body arranging meetings that are open to the public
- public events organized or funded by a body
- publicity and advertising
- displaying material in public
- producing and publishing reports
- producing and publishing forms
- websites and online services
- use of social media
- signs on display
- making notices
- awarding contracts
- corporate identity
- raising awareness about Welsh language services provided by a body

Looking at the above services, some specific services should be considered for inclusion under the existing headings. For example, one member of the public commented that English only display screens had replaced bilingual ones at one station. Another comment referred to the need to ensure that safety information is available in Welsh. It should be ensured that the regulations provide for such activities including, but not limited to:

- display screens at stations
- safety information

In addition, Network Rail commented on railway level crossings. This is one of the main functions of Network Rail in terms of public health and safety. At present, it is not possible for the public to be told in Welsh whether or not it is safe to cross the railway line. The Commissioner considers that this provision requires clarification and assurance.

Conclusion 2:

The Welsh Language Commissioner concludes that Welsh Ministers should consider the need for regulations to provide for service delivery standards to include the specific activity of controlling level crossings.

According to Network Rail, they do not currently undertake the following activities:

- public address systems
- welcoming visitors
- courses that are open to the public
- awarding grants

Conclusion 3:

The Welsh Language Commissioner concludes that Welsh Ministers should not ensure that regulations provide for service delivery standards in relation to the activities above to be specifically applicable to Network Rail as a body which provides services related to railways in Wales.

Record keeping standards

Based on the evidence received, the Welsh Language Commissioner concludes that Network Rail 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 4:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for record keeping standards to be specifically applicable to qualifying persons providing services related to railways in Wales.

In conducting this investigation, it became clear to the Commissioner that there may be changes in terms of the delivery of services related to railways in Wales in light of devolution. Network Rail are currently responsible for the Wales Route but this may change in the future.

Conclusion 5:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for any changes in qualifying persons providing services related to railways in Wales.

Standards which 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 6:

The Welsh Language 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 made specifically applicable to Network Rail.

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 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.'

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 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.

Appendix A - List of the respondents to the standards investigation

Below is a list of the relevant person(s) in respect of which a standards investigation was carried out, the Advisory Panel, together with the members of the public who were willing for us to publish their comments.

Relevant persons

- Network Rail

Members of the public

- Alaw Fôn Huws
- Ben Sulley
- Bethan Williams
- Clive Betts
- Clive James
- Curon Wyn Davies
- Councillor Jeff Smith
- Dafydd Lloyd
- David Subacchi
- Elan
- Elin Walker Jones
- Elwyn Vaughan
- Fred Jeffreys
- Gareth Clubb
- Gareth Popkins
- Gethin Rhys
- Helen Greenwood
- Huw Roberts
- Ieuan Parry
- Janice Rhisiart
- Judith Humphreys
- Liam Townsend
- Lowri Cunnington
- Lowri Price
- Lyn Williams
- Marc Evans
- Marged
- Meinir James
- Morgan Owen
- Nia Llwyd
- Paul Harley
- Phil Edwards
- Sali Burns
- Siôn Jobbins
- Sioned Williams
- Steffan Bryn
- Steffan Rees
- Stephen Rule
- Wiliam Rowlands

Organisations

- Cymdeithas yr Iaith Gymraeg

Advisory Panel to the Welsh Language Commissioner

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