Comisiynydd y Gymraeg
Welsh Language Commissioner

Advice note to Welsh Ministers on extending Welsh language standards

July 2026

1 **Executive Summary:** Advice Note to Welsh Ministers: Extending the Welsh language standards regime

1.1 This note provides practical advice to Welsh Ministers on the steps that could be taken to extend the Welsh language standards regime to more public and private organisations. It identifies strategic priorities and proposes an approach based on evidence and operational experience.

1.2 This is particularly timely in the context of the commitment set out as part of the Government's first 100 days priorities, to begin work on bringing more organisations – particularly those currently operating under Welsh Language Schemes – subject to Welsh language standards.

Context and strategic challenge

1.3 Over the last decade 142 public organisations have become subject to the Welsh language standards regime, with an additional 33 organisations set to come under the standards regime by the end of March 2027.

1.4 Experience of implementing standards has shown that they provide a clear, consistent and enforceable framework for ensuring high-quality Welsh language services. Although the majority of the organisations named in the schedules of the Welsh Language (Wales) Measure 2011 are now subject to the standards regime, a number of key organisations remain outside it. These include non-devolved organisations that provide essential public services and continue to operate under the Welsh Language Act 1993.

1.5 This discrepancy limits opportunities to use the Welsh language and undermines the principle of equal provision. The Commissioner's monitoring evidence shows that the services of these organisations are not available in Welsh to the same extent as those provided by organisations that are subject to Welsh language standards. As a result, there is a discrepancy in the level and quality of Welsh language provision across the public sector, resulting in:

- significant discrepancy in user experience
- less clarity about language rights
- a higher risk of non-compliance.

Policy opportunity and strategic direction

1.6 There is a clear opportunity for Welsh Ministers to build on the current political commitment by adopting a clear programme of governance to extend the standards during the seventh term of the Senedd.

1.7 Drawing on over 10 years' experience of operating the regime, this note provides practical advice on:

- managing the matters relating to the consent of the Ministers of the Crown;
- prioritising the institutions and sectors where the greatest impact can be achieved; and
- establishing a coherent approach to the formulation of regulations.

1.8 In particular, the note contains an analysis of the organisations where, in our view, the consent of the Secretary of State would be required, based on independent legal advice (see Appendix 1 of the note). We also advise that when formulating regulations for non-devolved organisations, one set of general regulations should be developed and consulted as one.

1.9 This approach would involve:

- that action could be taken on the basis of a single clear policy guidance for Welsh Government lawyers, simplifying the drafting process and reducing complexity
- that one set of regulations would apply to all relevant institutions
- that provisions relating to Ministers of the Crown could be included, but that their inclusion in regulations submitted to the Wales Senedd for approval would be contingent upon obtaining consent.

Action that needs to be taken by Welsh Ministers

1.10 The programme for governance should prioritise the following institutions and sectors, in the order of prioritisation outlined below:

Priority Areas	Categories or Person	Commentary
Priority 1	Ministers of the Crown	These include ministerial departments, many of which already operate Welsh Language Schemes (e.g. DWP), as well as those responsible for cross-government digital services (e.g. GDS). Ministers of the Crown are named in Schedule 6 of the Measure, and the consent of a Secretary of State would be required for inclusion in regulations.
Priority 1	Non-ministerial departments and executive agencies of the UK Government	These include organisations that provide important services to the people of Wales, for example HM Revenue and Customs (HMRC), the Driver and Vehicle Licensing Agency (DVLA), the Disclosure and Barring Service (DBS) and HM Prison and Probation Services.

Priority 2	Sectors already listed in the Schedules of the Measure, but not yet included	This mainly includes the organisations listed in Schedule 8 of the Measure that provide public or essential services, but are usually part of the private sector, are regulated or commercial organisations. These include public transport providers, the communications and utility sectors, as well as postal services.
Priority 3	Sectors not currently included in the Schedules of the Measure, including banks, car parks and supermarkets.	Please note that the Welsh Language (Wales) Measure 2011 would need to be amended to include these within the regime. There are implications for the Government's legal resources and legislative timetable here.

1.11 It should be noted that extending the standards regime to a higher number of organisations will have significant resource implications. As more organisations become subject to the regulatory framework, it will be necessary to ensure that sufficient capacity is available to support the effective implementation, monitoring and enforcement of the standards.

1.12 Welsh Ministers will therefore need to consider the additional resources needed – including regulatory, legal and operational resources – to ensure that the regime remains effective, proportionate and sustainable as it expands.

2 **The full advice:** extending the Welsh language standards regime

2.1 Section 4 of the Welsh Language (Wales) Measure 2011 imposes a duty on me to offer advice and assistance to the Welsh Ministers on any matter which relates to the functions of the Commissioner, or which relates to the promotion and facilitation of the use of the Welsh language. Under this provision, I am introducing this statutory advice note to outline the steps that could be taken to extend the Welsh language standards regime to more public and private organisations.

3 **Priority 1:** Prioritising non-devolved organisations in extending the standards regime

Our Vision

3.1 A person's ability to use the Welsh language should not depend on which government happens to provide a particular service. Where the Welsh language has official status, this status should be consistently reflected across public services in Wales, particularly those services on which the public relies most.

3.2 Our aim therefore is to move from a situation where Welsh language provision varies by organisation, to one where language rights are provided on a more consistent basis across public services regardless of which government is responsible for the service.

Why prioritize non-devolved organizations?

3.3 While most of the organisations named in the Schedules of the Measure are now subject to the standards, a number of key non-devolved organisations, particularly UK Government departments and Crown bodies, remain outside the regime. These are:

- providing core and essential public services for the people of Wales
- are regularly used on a day-to-day basis by the public
- and continue to implement Welsh Language Schemes under the Welsh Language Act 1993.

3.4 The weakness of the Welsh Language Schemes system is highlighted by the Commissioner's monitoring surveys which have consistently shown that the services of non-devolved organisations that continue to implement Welsh Language Schemes under the Act are not available in Welsh to the same extent as the services of organisations implementing the standards. This means that an individual is likely to experience less consistent or lower quality Welsh provision when engaging with

organisations that implement Welsh Language Schemes. This may limit their ability to access services in Welsh or to discuss essential issues through the medium of Welsh.

3.5 As can be seen from the table below, there is a significant difference between the provision of Welsh language services offered by those subject to Welsh Language Schemes compared to those subject to the standards.

	Welsh language schemes	Welsh language standards
Telephone services: deal with the call in full in Welsh	36%	63%
Welsh Correspondence: Welsh response	72%	90%
Websites: pages available in Welsh	50%	92%
Social media (Facebook and X): post available in Welsh	20%	95%
Documents available in Welsh	41%	93%
Forms available in Welsh	52%	88%
Corporate identity in Welsh	41%	95%
Job adverts available in Welsh	26%	90%

3.6 In practice, this means:

- user experience varies significantly between service providers
- language rights are not equally fulfilled
- that the language scheme regime does not provide the same level of certainty or coercion.

Limitations of the current regime

3.7 This distinction derives directly from the characteristics of the Welsh language scheme regime, namely:

- self-appointed commitments by organisations, rather than consistent requirements
- lack of effective enforcement powers
- lack of suitability for modern service patterns, particularly digital services.

3.8 This has meant that the process of drafting and approving Welsh language schemes with some organisations can be slow and complex, with too much reliance on the will, priorities and timescales of the organisations involved. This can lead to delays and inconsistencies in the way they are developed and implemented.

3.9 In addition, the Welsh language schemes regime does not contain equivalent provisions to the operational standards, which now impose clear and consistent duties on organisations in relation to their internal practices, including the use of Welsh in the workplace and corresponding rights for employees. As a result, there is a lack of a systematic framework for the rooting of the Welsh language within the internal functioning of organisations respectively.

3.10 In contrast, the standards imposition process takes place within a more structured framework and under the more direct control of the Commissioner, enabling a more consistent and effective approach to imposing duties on public bodies in a timely manner.

3.11 As a result, the Welsh language schemes regime no longer provides a sufficiently robust or consistent basis for ensuring continuous improvement in Welsh provision.

Action that needs to be taken by Welsh Ministers

3.12 A person's ability to use the Welsh language should not depend on which government happens to provide a particular service. Where the Welsh language has official status, this status should be consistently reflected across public services in Wales, particularly those services on which the public relies most.

3.13 Rather than following an organisation by organisation process, it is recommended to adopt an integrated policy approach for extending the standards regime to non-devolved organisations.

3.14 A key principle that should guide the work is the development of a single general set of regulations that would, in principle, apply to all relevant categories of persons

within the scope of the Welsh Language (Wales) Measure 2011, including those where consent is required, and those where it is not.

Step 1: Define scope on the basis of statutory categories (not lists of organisations)

3.15 It is recommended that the scope of the regulations should be defined on the basis of the categories of persons set out in Schedule 6, rather than listing individual organisations. In particular:

- Ministers of the Crown
- Government Departments
- Persons exercising functions on behalf of the Crown.

3.16 This approach is consistent with the approach previously taken in relation to Special Health Authorities, and proposes:

- increased policy flexibility
- reduction in the administrative burden of updating lists
- and a more sustainable framework as functions move between organisations over time.

Step 2: Develop regulations based on a single policy direction

3.17 One clear policy direction should be provided to Welsh Government lawyers for the formulation of the regulations. This guidance should provide that the regulations:

- apply to all relevant categories of persons
- include provisions that could be applied in whole or in part, depending on the status of consent
- be designed as a consistent package rather than a series of separate statutory instruments.

Step 3: Approach to consensus: negotiate on the basis of a policy package, not per organisation

3.18 Given that the Bill does not prescribe a formal process for consent, it is recommended to adopt a more strategic approach to engaging with the UK Government. Rather than seeking consent for individual organisations, it should:

- present the proposed regulations as a coherent policy package
- discuss their scope and impact at a principled level
- securing consent in relation to the relevant category as a whole (i.e. Ministers of the Crown).

3.19 This approach would need to be supported by structured intergovernmental engagement. In practice, this would likely involve discussions between Welsh Government officials and their UK Government counterparts in order to reach agreement on the content and impact of the proposed standards. In order to facilitate these discussions – and in particular with regard to a number of Crown bodies – it is recommended that a Memorandum of Understanding be developed and agreed with UK Government officials. This would help:

- avoid repetitive discussions with each department
- ensuring greater clarity for stakeholders
- and support a more proactive and timely approach.

3.20 The requirement to obtain consent from the relevant Secretary of State before imposing standards on Ministers of the Crown presents an important procedural and strategic consideration in terms of implementation. In practice, this means that the process of extending the standards regime to that category of bodies is likely to be sector-specific and multi-layered, involving engagement with a number of individual Secretaries of State, possibly across different policy areas. This could lead to variation in timelines, level of engagement, and the likelihood of obtaining consensus, depending on the priorities and perspectives of the relevant departments. Early intergovernmental engagement by the Cabinet Secretary for Education and the Welsh Language and her officials with relevant UK Government officials will be essential. It will enable the Welsh Government to promote its position and policy and the reasons for bringing these bodies within the scope of the standards with officials who will be responsible for securing the consent of the relevant Secretary of State. That will enable us to step forward in the preparation of the appropriate regulations.

Step 4: Conditional action planning

3.21 The regulations should be drawn up on the basis that they could:

- be fully applicable to organisations where consent is not required
- come into force in relation to Ministers of the Crown subject to obtaining consent.

3.22 Implementing such an approach would enable policy progress without undue delay, while respecting the relevant statutory requirements. Once the regulations were approved, the normal statutory operating mechanisms would enable the Commissioner to set and enforce the standards.

4 **Priority 2:** Extend the standards of the Welsh language to the sectors already listed in Schedule 8 of the Measure, but not yet included

4.1 In relation to the organisations already listed in the Schedules of the Measure (with the exception of Ministers of the Crown), the current statutory framework provides a clear basis for Welsh Ministers to act in order to include them within the standards regime. Since the consent of a Secretary of State is not required for these categories of bodies, the legislative capacity already exists. Therefore, the main considerations are to prioritize policy, design the regime, and ensure its effective practical operation.

4.2 This is particularly relevant in sectors listed in Schedule 8 of the Measure, such as transport and utilities, where there is frequent and regular interaction between the public and service providers. In the case of transport, a policy commitment has already been made by the Welsh Government to bring the sector into the standards regime, and preparatory work has been undertaken to support that. As a result, the emphasis is now on formulating regulations that fit the current operational landscape, rather than on the question of implementation itself.

4.3 Particular consideration needs to be given to the position of Transport for Wales, which is already subject to duties under the existing standards regulations (Regulations No. 1). In any new arrangement, it should be ensured that changes to the regulatory framework do not undermine existing duties or the level of Welsh language provision that has already been secured. In line with the principles of the Measure, any new regulations should ensure the continuation or strengthening of the duty, not weaken it.

4.4 Similarly, in the utilities sector, certain providers – particularly in the water and sewerage sector – are already included within the standards regime. The experience of this sector shows that Welsh language standards in the field of essential services can be implemented in a relatively smooth and effective way. However, it should be noted that water companies have historically operated under statutory Welsh language schemes, and therefore already have a level of organisational maturity and experience of discharging language duties. That is not necessarily the case across other private sectors.

4.5 We note that services such as gas and electricity providers, and the telecoms sector are familiar with operating under regulatory frameworks, including significant duties and robust enforcement regimes in other areas. In addition, there are already

examples of providers offering Welsh language services on a voluntary basis. In this context, it is not unreasonable, as a matter of principle, to extend statutory duties relating to the Welsh language to these sectors.

4.6 When considering extending the regime to private sectors, detailed policy work will be required to ensure that the requirements imposed by regulations are reasonable and proportionate to the circumstances of those providers. This is particularly important in order to maintain the credibility and effectiveness of the standard-setting process, which has so far been relatively stable and has avoided a high number of challenges before the Welsh Language Tribunal. Efforts should therefore be made to mitigate the risk of creating disproportionate requirements that could undermine that regime.

4.7 In addition, we advise Welsh Ministers to consider the possibility of implementing the process in stages, prioritising those sectors where there is the most direct interaction with the public or where the potential impact on Welsh speakers' rights is most significant. Such a gradual approach could assist in facilitating the effective functioning of the standards regime, reducing the risk of legal or operational challenges.

4.8 In general, therefore, while the legislative path is clearly available to Welsh Ministers in relation to these institutions, the success of any further extension of the standards regime will depend on the careful and considerate planning of the regulations.

5 **Priority 3:** Extend Welsh language standards to the private sector and bodies not named in the schedules of the Measure.

5.1 The Welsh Language Commissioner welcomes the commitment set out in the Government's first 100 days plan to extend the scope of Welsh language standards to other organisations providing key services in Wales, including supermarkets, banks and car parks. This commitment reflects the importance of ensuring that the ability to use Welsh extends to key service areas beyond the traditional public sector, strengthening citizens' experience of using Welsh in their daily lives.

5.2 However, the above sectors are not currently included within the schedules of the Measure, and therefore the current ability of Welsh Ministers to set standards in relation to them is limited. In order to extend the standards regime to these sectors, primary legislation would need to be amended and included in the Senedd's legislative programme.

5.3 In this context, careful consideration would be required for the scope and content of any amendments to the Measure, including the appropriate timetable for legislating and implementation. Should the amendment of primary legislation be pursued, the Welsh Language Commissioner would have further advice to give to Welsh Ministers

on wider changes to the operation of the Measure, to ensure that the overall framework remains effective, coherent and fit for purpose.

5.4 As noted above, some institutions within the private sector (such as banks) are familiar with operating under robust statutory regulatory frameworks. And similarly, there are already examples of providers offering Welsh language services on a voluntary basis with some having received recognition of the Welsh Language Offer by the Commissioner. It is therefore considered again that it is not unreasonable, as a matter of principle, to extend statutory duties relating to the Welsh language to these sectors.

5.5 Nevertheless, careful consideration will need to be given to whether the enforcement powers currently provided in the Measure are sufficiently robust and fit for purpose, particularly in terms of their ability to ensure and trigger effective and timely compliance by providers of services of this type.

6 Ensure appropriate resources to support the expansion and extension of Welsh language standards

6.1 While the Commissioner welcomes the commitment to broaden the scope of the standards, it is essential to recognise the significant implications in terms of regulatory resources and capacity. The inclusion of a wider range of bodies and sectors within the standards regime would significantly increase the size and complexity of the work involved in setting standards, monitoring and enforcing standards. This would include drafting new compliance notices, engaging with new sectors, and ensuring effective understanding and compliance across a wider range of service providers.

6.2 As a result, careful consideration would need to be given to the appropriate level of additional resources and organisational capacity required by the Commissioner to carry out these duties effectively. Without a corresponding investment in resources, there is a risk that the ability to regulate, monitor and enforce compliance could be undermined, reducing the impact of the intended policy. Therefore, these issues should be considered alongside any proposals to extend the scope of the standards, to ensure that the regime remains robust, effective and sustainable in the longer term.

7 Appendix 1: Classification of institutions according to the requirement for the Secretary of State's consent under the standards regime

7.1 The table below shows a selection of bodies of different types, distinguishing between those that would be subject to the requirement for the Secretary of State's consent and those that would not require such consent.

7.2 This analysis is based on independent legal advice received from the Commissioner. The list of bodies is not entirely inclusive or intentionally comprehensive, but it does include examples of some of the main organisations we are currently working with under the language schemes regime, to illustrate how the relevant categories could be applied in practice.

7.3 However, the specific arrangements of each body would need to be considered in order to confirm its status in any individual case.

7.4 On that basis, the Commissioner's understanding is:

- paragraph 1 of Schedule 6 to the Welsh Language (Wales) Measure 2011 states that the record relating to government departments or those exercising functions on behalf of the Crown is to be treated separately from Ministers of the Crown; and
- "Ministers of the Crown" should be construed in accordance with the interpretation given to that term in section 8(1) of the Ministers of the Crown Act 1975 – that is, "Minister of the Crown" means a holder of an office in Her Majesty's Government of the United Kingdom, including the Treasury, the Board of Trade and the Defence Council).

7.5 On that basis, the Commissioner's position is that while the Secretary of State's consent is required to make the Minister of the Crown and his ministerial departments (only) subject to Welsh language standards, the consent is not required for government departments (including executive agencies) or those exercising functions on behalf of the Crown.

Body	Minister for the Crown Requires the Secretary of State's consent	Ministers of the Crown's executive agency It is the Commissioner's view that the Secretary of State's consent would not be required. Nor would it be necessary to name the body specifically in Schedule 6 of the Measure as it is a government department	Non-ministerial department of the UK Government The Secretary of State's consent would not be required. Nor would it be necessary to name the body specifically in Schedule 6 of the Measure as it is a government department	A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure The Secretary of State's consent would not be required. Nor would it be necessary to name the body specifically in Schedule 6 of the Measure as it is a government department.	A non-departmental executive public body As such bodies are not normally regarded as a "department of government", it may be necessary to add the body to schedule 6 of the Measure by regulations to enable the Welsh Ministers to bring the bodies under the standards (if they are not already included)	Other The ability of the Welsh Ministers to include such a body in Schedule 6 (and therefore to bring these bodies under the standards regime) will depend precisely on the status of the body and whether they are considered a "public authority" for the purpose of schedule 5 of the Measure
Cabinet Office	✓					
UK Statistics Authority			✓ Please note that the Statistics Board is already included in Schedule 6 of the Measure			

Body	**Minister for the Crown**	**Ministers of the Crown's executive agency**	**Non-ministerial department of the UK Government**	**A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure**	**A non-departmental executive public body**	**Other**
Office for National Statistics			✓			
Department for Business and Trade	✓					
Companies House		✓				
Post Office						✓
Department for Culture, Media and Sport	✓					
Charity Commission			✓ Please note that the Charity Commission is already included in Schedule 6 to the Measure.			

Body	**Minister for the Crown**	**Ministers of the Crown's executive agency**	**Non-ministerial department of the UK Government**	**A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure**	**A non-departmental executive public body**	**Other**
Gaming Commission					✓ Please note that the Gambling Commission is already included in Schedule 6 of the Measure	
Department of Energy Security and Net Zero	✓					
OFGEM			✓			
Department of Agriculture, Food and Rural Affairs	✓					
OFWAT			✓			
Animal and Plant Health Agency		✓				

Body	Minister for the Crown	Ministers of the Crown's executive agency	Non-ministerial department of the UK Government	A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure	A non-departmental executive public body	Other
Rural Payments Agency		✓				
Agriculture and Horticulture Development Board					✓	
Consumer Council for Water					✓ Please note that the Consumer Council for Water is already included in Schedule 6 of the Measure	
British Wool Marketing Board						✓ Please note that the British Wool Marketing Board is already included in Schedule 6 of the Measure.

Body	Minister for the Crown	Ministers of the Crown's executive agency	Non-ministerial department of the UK Government	A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure	A non-departmental executive public body	Other
Department for Science, Innovation and Technology	✓					
UK Intellectual Property Office		✓				
Ordnance Survey						✓
Department for Transport	✓					
Driver and Vehicle Licensing Agency		✓				
Driver and Vehicle Standards Agency		✓				
UK Traffic Commissioners						✓

Department for Work and Pensions	✓					
Body	**Minister for the Crown**	**Ministers of the Crown's executive agency**	**Non-ministerial department of the UK Government**	**A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure**	**A non-departmental executive public body**	**Other**
Health and Safety Executive				✓ Note that the Health and Safety Executive exercises its functions on behalf of the Crown – see section 10 of the Health and Safety at Work Act etc. 1974		
Money and Pensions Service					✓	
Pensions Regulator					✓ Please note that the Pensions Regulator is already included in	

					Schedule 6 to the Measure.	
Body	**Minister for the Crown**	**Crown Minister's executive agency**	**Non-ministerial department of the UK Government**	**A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure**	**A non-departmental executive public body**	**Other**
Pensions Ombudsman						✓ Please note that the Pensions Ombudsman is already included in Schedule 6 of the Measure.
Department of Health and Social Care	✓					
Home Office	✓					
Disclosure and Barring Service					✓	
Safeguarding Industry Authority					✓ Please note that the Protection Industry Authority is already included	

					in Schedule 6 of the Measure.	
Body	**Minister for the Crown**	**Ministers of the Crown's executive agency**	**Non-ministerial department of the UK Government**	**A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure**	**A non-departmental executive public body**	**Other**
Ministry of Defence	✓					
Housing, Communities and Local Government Administration	✓					
HM Land Registry			✓			
Ministry of Justice	✓					
Criminal Injuries Compensation Authority		✓ Please note that the Criminal Injuries Compensation Authority is already included in Schedule 6 of the Measure.				

Body	**Minister for the Crown**	**Ministers of the Crown's executive agency**	**Non-ministerial department of the UK Government**	**A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure**	**A non-departmental executive public body**	**Other**
HM Courts and Tribunals Service		✓				
HM Prison and Probation Service		✓				
Legal Aid Agency		✓				
Office of the Public Guardian		✓				
Judicial Appointments Commission					✓	
Legal Services Board					✓	
The Parole Board					✓	

Body	Minister for the Crown	Ministers of the Crown's executive agency	Non-ministerial department of the UK Government	A body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure	A non-departmental executive public body	Other
Youth Justice Board					✓	
HM Inspectorate of Probation						✓
Legal Ombudsman						✓
Wales Office	✓					
Crown Prosecution Service			✓			
Food Standards Agency			✓			
HM Revenue and Customs (including the Valuation Office Agency since April 2026)			✓			
National Savings and Investments (NS&I)		✓			✓	