



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Investigation report and recommendations:

Royal Mail Group Ltd

Reference: YCI001

Date: 14 May 2024

This report is published under the Welsh Language Commissioner's powers to investigate under Section 19 of the Welsh Language Act 1993.

This investigation was undertaken under section 19 of the Welsh Language Act 1993.

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# 1 Executive summary

- 1.1 A complaint was received from a member of the public regarding English-only information materials he received over a period of months from the Royal Mail Group Ltd (Royal Mail).
- 1.2 It appears that the leaflets and forms covered by the investigation contravene clauses 8.1, 9.6, 12.1, 12.3, 2.2 and 15.2 of the Welsh language scheme.
- 1.3 Evidence of the information materials was provided by the complainant.

The Clause in the Welsh language scheme	Commissioner's Findings	Recommendations
8.1	Failure	It is recommended that Royal Mail Group take steps to review the arrangements that are in place to ensure that leaflets and forms, which are produced for members of the public to complete, for distribution in Wales (excluding commercial materials) are published and distributed in Welsh.
9.6	No failure	No recommendation
12.1	No failure	No recommendation
12.3	No failure	No recommendation
2.2 15.2	Failure	<p>a) It is recommended that the Royal Mail Group conduct a review of its arrangements and processes when making commercial decisions to ensure that the Welsh language, the needs of Welsh speakers and the commitments of the language scheme are fully assessed and considered.</p> <p>b) It is recommended that Royal Mail Group keeps a record of assessments and considerations about the Welsh language when making commercial decisions.</p>

## 2 Basis of the investigation

- 2.1 This investigation was opened on the Commissioner's initiative. An enquiry was received from a member of the public on 17 May 2023, who questioned the compliance of Royal Mail Group Ltd with its language scheme.
- 2.2 The enquiry related to the following English only information materials received by the person:
- 1 'Hassle Free Deliveries – A Walk In The Park'
  - 2 'Use up your non-barcoded, regular stamps by 31 Jan 2023'
  - 3 'Save Time and Money When You Buy Your Christmas Postage Online'
  - 4 'It's time to use up your non-barcoded stamps'
  - 5 'Our sincere apologies' (this item included information about a damaged parcel). (See Appendix 1)
- 2.3 Another member of the public contacted the Commissioner on 9 May 2023 following a response from Royal Mail stating that the company did not normally produce bilingual versions of national 'door drops' marketing materials. The person was not happy with the response received.
- 2.4 On the basis of the above, the investigation considered whether Royal Mail had failed to comply with the following clauses of its Welsh language scheme:

### **Forms and Leaflets**

8.1 *In Wales we will produce bilingual or Welsh versions of Royal Mail Group Ltd leaflets and all forms which we produce for members of the public to complete.*

### **Signs, Identity and Notices**

9.6 *The same principle of equality in design in respect of size, quality, legibility and prominence will apply to all our publications, materials or notices produced in Welsh. Where a place-name occurs within Welsh text, the official Welsh form will be used. These bilingual requirements for Wales will be incorporated in our design guidelines.*

### **Product advertising**

12.1 *Any advertising promotions we produce aimed solely at Welsh customers will be bilingual, or have a Welsh language version.*

12.3 *Where we produce advertising material aimed at promoting sales rather than providing public information, we shall consider in each case the need for production of a bilingual or Welsh language version for Wales, having regard to the size and nature of the target audience, and commercial considerations.*

### ***About this scheme***

2.2 *We will adhere to the policies and uphold the standards set out in this scheme, and plan all new services with reference to the commitments given in it. Implementing and monitoring this Scheme sets out our framework for managing and monitoring our progress in fulfilling our commitments.*

### ***Implementing and monitoring this scheme***

15.2 *The planning of all Royal Mail Group Ltd products and services for the public will take account of the need in Wales for equality between the Welsh and English languages and the commitments given in this scheme. New policies and initiatives must be consistent with the scheme, and must not undermine it.*

## 3 Summary of evidence

### Complainant's evidence

3.1 The complainant provided photographs of the materials in question (Appendix 1)

### Royal Mail Group's evidence

- 3.2 The Royal Mail provided the information below in response to the Commissioner's correspondence.
- 3.3 Royal Mail confirms that materials 1 and 3 Appendix 1 are marketing materials. It also notes that the 'door drop' campaigns are relatively new and have recently been produced.
- 3.4 Royal Mail explained that the relevant teams were considering the language scheme, but as a result of financial restrictions, a commercial decision was made to produce the materials in English only. It is noted that the relevant team will continue to review this issue, and will consider it carefully with future practices. It was explained that the Covid19 pandemic had a serious impact on the letter delivery service.
- 3.5 In terms of materials 2 and 4 Appendix 1, it noted that the language scheme had been considered during the whole communication campaign. The response includes figures which estimated the number of similar applications from Wales, with a percentage of those wanting contact in Welsh only. It noted that with commercial consideration once again, the campaign was started in English only.
- 3.6 The response notes that if a number of enquiries or complaints relating to the lack of Welsh had been received, it would have been able to explore putting into a place a Welsh customer journey. As no enquiries or complaints were received, this did not happen.
- 3.7 In relation to item 5 Appendix 1, the response confirms that a Welsh version of this note is available.

## 4 Considerations and Findings

### Consideration 1: Forms and Leaflets, Signs, Identity and Notices

There were grounds to believe that Royal Mail had failed to comply with the following clauses in its Welsh language scheme:

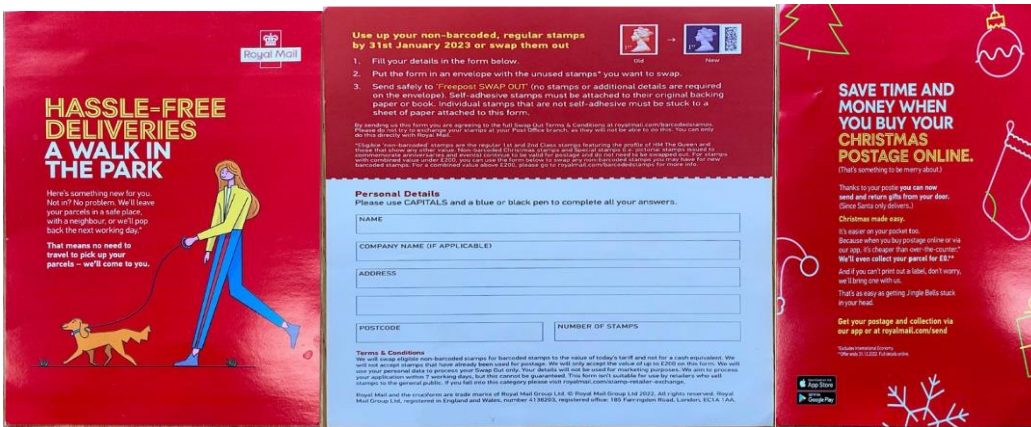
#### **Forms and Leaflets**

8.1 *In Wales we will produce bilingual or Welsh versions of Royal Mail Group Ltd leaflets and all forms which we produce for members of the public to complete.*

#### **Signs, Identity and Notices**

9.6 *The same principle of equality in design in respect of size, quality, legibility and prominence will apply to all our publications, materials or notices produced in Welsh. Where a place-name occurs within Welsh text, the official Welsh form will be used. These bilingual requirements for Wales will be incorporated in our design guidelines.*

- 4.1 In this case, my attention was drawn to the cases of English only leaflets issued by Royal Mail.
- 4.2 In its evidence, the Royal Mail stated that it is 'entitled' to consider commercial comments when drawing up leaflets and forms. Items number 1 and 3 are not relevant to this investigation as the items did not include elements that would be completed by customers. However, the nature of forms 2 and 4 require the customer to complete them and therefore I considered them to be relevant.
- 4.3 In its evidence, Royal Mail stated that the reason for publishing the items in English only is due to the cost associated with producing Welsh language versions, and the fact that they are of the opinion that the demand and use of the Welsh versions does not justify the cost due to financial restrictions. It was said the campaigns listed below have already ended.



- 4.4 I accept that all organisations have financial limitations. Nevertheless it appears that the evidence of the inquirer and the comments of the Royal Mail state contrary to the requirements of the above clauses of the language scheme. That is because the clauses do not contain any exception based on financial constraints or commercial consideration.
- 4.5 In relation to item 3, it noted that the benefits of producing a Welsh language version were assessed using a prediction of the number of Welsh users of the barcode programme. It said it was forecasted that [REDACTED] applications to swap non-barcoded stamps would be made in the UK ([REDACTED]) and [REDACTED] of those may be from Wales. This equates to an estimated [REDACTED] applications from Wales, with a [REDACTED] of those wishing to transact in Welsh only (this was based on their experience from previous engagement).
- 4.6 It was added, that although the campaign started in English only, and in order to ensure that customers wishing to transact in Welsh would have an available channel to do so, the Welsh customer service team was made aware of the programme in order to be able to provide assistance to customers in relation to the programme in Welsh.
- 4.7 It was confirmed that item 4, Appendix 1 is available in Welsh and is used for customers in Wales on a regular basis. It was stated in an email dated 30 June 2023 that the note in item 5, Appendix 1 is available bilingually. Royal mail failed to ascertain what happened in the case raised by the customer in Flint, but said there was a possibility that the item was not delivered by the local delivery office, or that it had been repackaged elsewhere.
- 4.8 It stated that the teams monitor any requirements that arise, and that they have a procedure in place to respond to the customers seeking information in Welsh. Following monitoring, the customer experience was considered and it was concluded that no inquiries or complaints were received directly by Royal Mail and therefore, no changes were made.
- 4.9 Royal Mail Group should not rely on complaints before modifying the forms and leaflets in question. The duties placed on the organisation are clear in the Welsh language scheme, and it was aware that in making the decision to produce the documents in English only, that this was in breach of clauses in the language scheme.
- 4.10 The result of publishing such leaflets in English only is that members of the public in Wales will lose trust that a Welsh language service is available from the Royal Mail.



- 4.11 I quote from the guidance document 'Welsh Language Schemes' (1.16) which states: *"the starting point for all schemes will be the principle of equality laid down in the Act. Organisations preparing a scheme should strive towards giving full effect to that principle so far as is appropriate in the circumstances and reasonably practicable. These qualifying phrases apply to individual schemes and measures, and not to the underlying principle itself"*.
- 4.12 The guidance explains that the question of considering whether the measures within any organisation's scheme implement the principle of equality *"so far as is both appropriate in the circumstances and reasonably practicable"* is central to the Commissioner's task in considering each scheme submitted for approval. This must always be considered objectively. The guidance states *"It will not be acceptable for those preparing schemes to adopt a highly subjective and restricted view of what is appropriate in their circumstances or reasonably practicable"*.
- 4.13 The Welsh Language Act 1993 established the principle that in the conduct of public business in Wales the English and Welsh languages should be treated on a basis of equality. As a result, I believe that the clause cannot be re-interpreted in light of certain circumstances such as the pandemic. If the Commissioner concludes that a specified activity by a body represents a failure to comply with a clause within the language scheme, the fact that the 1993 Act states that the Welsh and English languages should be treated on the basis of equality *"so far as is both appropriate in the circumstances and reasonably practicable"* does not change that.
- 4.14 I considered that the Royal Mail accepted that the service did not meet their standards and communications relating to the barcoded stamp swap out scheme (items 2 and 4).
- 4.15 When considering the leaflets/forms in question in relation to the above clauses of the language scheme, clause 8.1 refers to the production of bilingual or Welsh versions of leaflets and forms that the public need to fill out. leaflets 1, 3 and 5 are therefore excluded as the public do not need to complete them. However leaflets 2 and 4 apply here. I am of the opinion that they are not promotional materials as they have a further function of informing the public of changes to arrangements and the need to take action. I therefore conclude that clause 8.1 applies to these materials.
- 4.16 As clause 9.6 relates to publications that have been produced in Welsh, it appears that it is not relevant to this investigation as the materials have been produced solely in English.

## **Findings 1:**

### **Clause 8.1**

I conclude that Royal Mail has failed to comply with clause 8.1 in its Welsh language scheme, on the basis that bilingual or Welsh versions of forms 2 and 4 were not produced.

### **Clause 9.6**

I conclude that Royal Mail has not failed to comply with clause 9.6 of its Welsh language scheme, on the basis that the forms / leaflets in question were not produced in Welsh.

## Consideration 2: Product advertising

There were grounds to believe that Royal Mail had failed to comply with the following clauses in its Welsh language scheme:

### ***Product advertising***

*12.1 Any advertising promotions we produce aimed solely at Welsh customers will be bilingual, or have a Welsh language version.*

*12.3 Where we produce advertising material aimed at promoting sales rather than providing public information, we shall consider in each case the need for production of a bilingual or Welsh language version for Wales, having regard to the size and nature of the target audience, and commercial considerations.*

- 4.17 Royal Mail noted that the relevant teams were aware of the language scheme and Policy. They will take them into account when designing products, leaflets and other public communications and when distributing them to Welsh customers as appropriate.
- 4.18 Clause 12.1 relates to campaigns aimed “solely” at customers in Wales. It was said that the materials in question were distributed throughout the United Kingdom, and not only to customers in Wales. As a result, it appears that the leaflets are exempt from complying with clause 12.1 here.
- 4.19 It was stated that consideration is given to whether the communication is classified as “service communications” or marketing mail in each case. It was added that they were weighing up the cost of supplying the materials to the customer in Welsh against the benefits in doing so, taking into account the number of homes in Wales that would receive the leaflets.
- 4.20 I considered that leaflets 1 and 3 share information in order to promote a service, and therefore that clause 12.3 is not relevant as they explain that commercial considerations have been a factor in making the decision to produce them in English only.
- 4.21 I considered that items 2 and 4 do not advertise a product, however I gather that the forms provide information to the public regarding changes to Royal Mail arrangements and services. It must also be recognized that the nature and manner in which public organisations provide services to the public has developed enormously since 2011, when the Royal Mail language scheme was approved. This case therefore highlights the importance and the need to review and amend language schemes in order to ensure that they reflect current services available to the public in Wales.

4.22 Royal Mail said that Delivery Offices and Customer Service Points use bilingual materials for customers in Wales, with examples including the damaged items notice referred to above and the P739 (“something for you”) form, as well as various information posters (please see Appendix 1 for copies of the leaflets/posters).

4.23 It was added that Royal Mail is *“aware of and remains committed to the scheme”*. However, it was added that the question of *“whether marketing campaigns are produced in Welsh includes commercial considerations, as discussed above”*.

4.24 According to the latest census (March 2021) 17.8% of the population of Wales speaks Welsh. In producing and distributing leaflets in English only, Royal Mail has deprived this cohort of receiving the documents in their chosen language, even if the clause in the language scheme gives them the discretion to *“having regard to the size and nature of the target audience, and commercial considerations.”*

## **Findings 2:**

### **Clause 12.1**

I conclude that Royal Mail has not failed to comply with the following clause in its Welsh language scheme, on the basis that the leaflets were not aimed solely at Welsh customers.

### **Clause 12.3**

I conclude that Royal Mail has not failed to comply with the following clause in its Welsh language scheme, on the basis that leaflets 2, and 4 do not advertise a product, and that items 1, 3 and 5 are exempt as they are not marketing materials.

## **Consideration 3: About this scheme, and Implementing and monitoring this scheme**

There were grounds to believe that Royal Mail had failed to comply with the following clauses in its Welsh language scheme:

### ***About this scheme***

*2.2 We will adhere to the policies and uphold the standards set out in this scheme, and plan all new services with reference to the commitments given in it. Implementing and monitoring this Scheme sets out our framework for managing and monitoring our progress in fulfilling our commitments.*

### ***Implementing and monitoring this scheme***

*15.2 The planning of all Royal Mail Group Ltd products and services for the public will take account of the need in Wales for equality between the Welsh and English languages and the commitments given in this scheme. New policies and initiatives must be consistent with the scheme, and must not undermine it.*

- 4.25 Royal Mail confirmed that it had been in contact with the Customer Operations Manager at the Flint Delivery Office (the closest delivery office to the enquirer). It was confirmed that only bilingual notices are used by the Flint Delivery Office when a damaged item is received there which needs to be delivered. Royal Mail said that they have not been able to determine the reason for sending the note in English, but it was explained that there was a possibility that the item was not delivered by the local delivery office, or that there was a possibility that it had been repackaged in another location.
- 4.26 In response to the question ‘can it be guaranteed that leaflets that share information relevant to the residents of Wales will be published in Welsh or bilingually in the future?’. The Royal Mail replied that it was committed to the language scheme. It explained that it was necessary to balance the principle of treating Welsh and English equally against the need to ensure the financial sustainability of the business, and said that included the cost involved compared to the number of customers who would benefit from the service.
- 4.27 I considered the Royal Mail stating that they are committed to giving consideration to all new services for equality between the Welsh and English languages. It is therefore a matter of concern that the decision not to publish leaflets in Welsh is based on financial savings, and goes against the requirements of the language scheme.
- 4.28 Royal Mail has also not proposed any changes to its arrangements, or any promise that future forms and leaflets will be published in Welsh. Instead, it noted that it will decide whether it is proportionate to provide Welsh language versions when assessing each case.
- 4.29 In its evidence, it noted that it was “*delighted*” to serve Welsh customers. Whilst that is to be welcomed in principle, I must remind you that it is also a statutory duty on the Royal Mail to provide these services in Welsh in accordance with its language scheme. It also notes that only [REDACTED] of enquiries submitted to the Royal Mail each month are submitted in Welsh. I have already stated my opinion that failure to provide services in Welsh has a detrimental effect on the credibility of that service and the public’s trust that services are available in Welsh. The standard of services and ensuring that a Welsh language service is available is vitally important if we are to see those services being used. I therefore propose that the fact that Royal Mail fails to operate in accordance with its language scheme is a factor leading to the low numbers mentioned.
- 4.30 I note that bilingual notices are used by the Flint Delivery Office when an item has been damaged, although it was not possible to find out what went wrong on this occasion.
- 4.31 I take into account that some of the above documents are available in Welsh, however, by not providing a Welsh version of leaflets 2 and 4 in the case of the complainant, the Royal Mail has failed to act in accordance with the commitment of his language scheme to treat the Welsh language and the English language on the basis that they are equal.

4.32 Royal Mail notes that it takes the Welsh language scheme seriously. However, the failures that have been highlighted through this investigation show that the experience of Welsh service users is not always of the same standard as the English service.

### **Findings 3:**

#### **Clauses 2.2 and 15.2**

I conclude that Royal Mail has failed to comply with clauses 2.2 and 15.2 in its Welsh language scheme, on the basis that it failed to refer to the commitments of the language scheme when planning the forms in question and treating Welsh and English equally.

## 5 Recommendations

5.1 Based on the findings of this investigation, I am of the opinion that Royal Mail should act in accordance with the following recommendations provided under section 19 of the Act:

### Recommendation 1

It is recommended that Royal Mail Group take steps to review the arrangements that are in place to ensure that leaflets and forms, which are produced for members of the public to complete, for distribution in Wales (excluding commercial materials) are published and distributed in Welsh.

*Evidence of this should be provided within 3 months of the date of publication of the final report*

### Recommendation 2

- c) It is recommended that the Royal Mail Group conduct a review of its arrangements and processes when making commercial decisions to ensure that the Welsh language, the needs of Welsh speakers and the commitments of the language scheme are fully assessed and considered.
- d) It is recommended that Royal Mail Group keeps a record of assessments and considerations about the Welsh language when making commercial decisions.

*Evidence of this should be provided within 3 months of the date of publication of the final report.*

## 6 Index of appendices<sup>i</sup>

Appendix 1 Leaflets and posters which form the basis of the investigation

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Documentation is attached in the language in which it was presented or published.

# Appendix 1

1.



2.

**Use up your non-barcoded, regular stamps by 31st January 2023 or swap them out**

1. Fill your details in the form below.

2. Put the form in an envelope with the unused stamps\* you want to swap.

3. Send safely to Freepost SWAP OUT (no stamps or additional details are required on the envelope). Self-adhesive stamps must be attached to their original backing paper or book. Individual stamps that are not self-adhesive must be stuck to a sheet of paper attached to this form.

By sending us this form you are agreeing to the full Swap Out Terms & Conditions at [royalmail.com/barcodedstamps](https://royalmail.com/barcodedstamps). Please do not try to exchange your stamps at your Post Office branch, as they will not be able to do this. You can only do this directly with Royal Mail.

\*Eligible 'non-barcoded' stamps are the regular 1st and 2nd Class stamps featuring the profile of HM The Queen and those that show any other value. Non-barcoded Christmas stamps and Special stamps (e.g. special stamps issued to commemorate anniversaries and events) continue to be valid for postage and do not need to be swapped out. For stamps with combined value under £200, you can use this form to swap out non-barcoded stamps you may have for new barcoded stamps. For a combined value above £200, please go to [royalmail.com/barcodedstamps](https://royalmail.com/barcodedstamps) for more info.

**Personal Details**  
Please use CAPITALS and a blue or black pen to complete all your answers.

NAME

COMPANY NAME (IF APPLICABLE)

ADDRESS

POSTCODE  NUMBER OF STAMPS

**Terms & Conditions**  
We will swap eligible non-barcoded stamps for barcoded stamps to the value of today's tariff and not for a cash equivalent. We will not accept stamps that have already been used for postage. We will only accept the value of up to £200 on this form. We will use your personal data to process your Swap Out only. Your details will not be used for marketing purposes. We aim to process your application within 7 working days, but this cannot be guaranteed. This form isn't suitable for use by retailers who sell stamps to the general public. If you fall into this category please visit [royalmail.com/stamp-retailer-exchange](https://royalmail.com/stamp-retailer-exchange).

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3.



**SAVE TIME AND MONEY WHEN YOU BUY YOUR CHRISTMAS POSTAGE ONLINE.**  
(That's something to be merry about.)

Thanks to your postie **you can now send and return gifts from your door.**  
(Since Santa only delivers.)

**Christmas made easy.**  
It's easier on your pocket too. Because when you buy postage online or via our app, it's cheaper than over-the-counter. **We'll even collect your parcel for £0.\*\***

And if you can't print out a label, don't worry, we'll bring one with us.  
That's as easy as getting Jingle Bells stuck in your head.

**Get your postage and collection via our app or at [royalmail.com/send](https://royalmail.com/send)**

\*Excludes International Economy.  
\*\*Offer ends 31.12.2023. Full details online.

Download on the App Store  
GET IT ON Google Play

4.

**It's time to use up your old non-barcoded stamps\*.**

Regular stamps without a barcode will no longer be valid after 31 July 2023 and the recipient may have to pay additional charges. You must use your old regular stamps before 31 July 2023, or swap them for new barcoded ones. Don't worry, you can continue to swap your old stamps for new ones after this date.

**Swap your non-barcoded stamps in three easy steps:**

1. Fill out the form below, or print out a form from [royalmail.com/barcodedstamps](https://royalmail.com/barcodedstamps).
2. Complete your form and include it with the unused stamps in an envelope. Self-adhesive stamps must be attached to their original backing paper or book. Individual stamps that are not self-adhesive must be stuck to a sheet of paper and attached to your completed form.
3. Send safely and free of charge to "Freepost SWAP OUT" (no stamps or additional details are required on the envelope).

By sending us this form you are agreeing to the full Swap Out Terms & Conditions at [royalmail.com/barcodedstamps](https://royalmail.com/barcodedstamps). Please do not try to exchange your stamps at your Post Office branch, as they will not be able to do this. You can only do this directly with Royal Mail.

\*Note: This Swap Out scheme is to swap out non-barcoded regular stamps that feature Her Late Majesty the Queen for barcoded ones. Stamps that have a barcode and that feature the Queen or the King, Special Stamps with pictures on and Christmas Stamps without a barcode will continue to be valid and don't need to be swapped.

**Personal Details**  
Please use CAPITALS and a blue or black pen to complete all your answers.

NAME

COMPANY NAME (IF APPLICABLE)

ADDRESS

POSTCODE  NUMBER OF STAMPS  VALUE OF STAMPS

1st Class Stamp = £1.10  
2nd Class Stamps = £0.75

**Terms & Conditions**  
We will swap eligible non-barcoded stamps for barcoded stamps to the value of today's tariff and not for a cash equivalent. We will not accept stamps that have already been used for postage. We will only accept the value of up to £200 on this form. Forms for swap out of stamps with value over £200 can be found at [royalmail.com/barcodedstamps](https://royalmail.com/barcodedstamps). We will use your personal data to process your Swap Out only. Your details will not be used for marketing purposes.  
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5.

## Our sincere apologies

We're very sorry the enclosed item has reached you in this condition.

If the contents are damaged or anything is missing you may be able to claim for your loss. Please keep all packaging/contents and go to [royalmail.com/claims](https://royalmail.com/claims) to see if you're eligible to claim. Alternatively, please contact our Customer Service Team on 03457 740 740.

Please accept our apologies for any inconvenience or upset this incident might have caused.



**WARNING**  
PLASTIC BAGS CAN BE DANGEROUS - TO AVOID  
DANGER OF SUFFOCATION KEEP THIS WRAPPER  
AWAY FROM BABIES AND CHILDREN

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