

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 the public with bus services

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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 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 train sector is in addition to that number. This is the second investigation into the 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 the public with bus services

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 bus services

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

The purpose of this standards investigation was to determine:

- which standards (if any) should be specifically applicable to persons (whether or not the standards are already specified by the Welsh Ministers under section 26(1)).

The explanatory memorandum to the Welsh Language (Wales) Measure 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.

This is the Commissioner's second investigation into persons within Schedules 7 and 8 of the Measure. An investigation was conducted into qualifying persons who provide post office services to the public and water and sewerage undertakers between 26 May and 16 August 2015.

Prior to that, the Commissioner conducted standards investigations into 209 bodies identified in the Measure and 26 bodies now operate standards in relation to the Welsh language.

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

As part of this standards investigation, information was collected from bus companies operating in Wales. That was done via a completed questionnaire.

¹ Explanatory memorandum to the Welsh Language (Wales) Measure

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Evidence was also gathered from the Welsh Language Commissioner's Advisory Panel and the public.

Two briefing sessions on the investigation's remit and terms of reference were also held for the bus and train companies. One took place on 12 April 2016 at Conwy Business Centre and the other on 15 April 2016 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 secure that regulations provide for service delivery standards to be specifically applicable to a person in relation to an activity specified in Schedule 9 if, or to the extent that:

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

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

Step 3: Voting on the draft regulations in the Senedd

A debate and vote on approval of the draft regulations will take place in the National Assembly's plenary session. A vote to approve the regulations will make the standards specifically applicable to the organisation or sector, and will allow the Commissioner to 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 Welsh Language Commissioner will give a final compliance notice to a person. The failure of a person to participate in a consultation does not prevent the Commissioner from giving the person a compliance notice.

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

The Welsh Language Commissioner's criteria

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

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

4 Evidence received from the relevant persons

Bus Sector investigation

Standards investigations have thus far been conducted into organisations identified in the Welsh Language Measure's schedules. No individual organisations are identified within the bus sector. Instead, 'persons who provide the public with bus services' are identified in Schedule 8 of the Measure and therefore this investigation is conducted into the sector in its entirety.

As a result, this report does not identify individual companies and every effort is made to ensure that companies cannot be identified based on their responses. Evidence was received from 42 companies operating bus services. This evidence included responses to 26 questions within a questionnaire, alongside further evidence provided following subsequent enquiries.

In order to map the sector, we consulted with the Traffic Commissioner for Wales, Nick Jones, CPT (Confederation of Passenger Transport) officers in Wales, Traveline Cymru and Bus Users Cymru. We also asked for their support in seeking to engage with the sector. The Traffic Commissioner for Wales attended our information session in Cardiff and CPT officers attended the two information sessions. We produced an article informing bus providers of the investigation and encouraging them to respond to the investigation for CPT members. Recognising that not all bus providers are CPT members, the Traffic Commissioner contacted all registered bus providers in Wales encouraging them to participate in the investigation.

A list of all bus providers titled *Bus Registrations Wales* was accessed via data.gov.uk. The list includes all registered bus services in Wales as identified in the Operator Licensing Business System (OLBS). This list contained 125 companies, and each was contacted individually to inform them of the standards investigation into bus providers and inviting them to participate in the investigation via a questionnaire. As a result, responses were received from 42 out of the 125 bus providers contacted, which is 33.6% of registered bus providers in Wales.

In the absence of any draft standards or standards approved by the Welsh Ministers relevant to this particular sector, the questionnaire did not ask the organisations to evaluate their ability to operate in accordance with any particular standard. So the questionnaire was based on activities in Schedule 9 of the Measure, namely 'activities in relation to which service delivery standards must be specified'. This list contains 16 activities such as correspondence; forms; publications; and websites. In preparing the report, we sought to clarify all these services and provide examples. We also sought to consider the specific type of activities undertaken by bus providers in each category.

A summary of the evidence received from the respondents is provided in section 4 of this report. The evidence submitted included information on the nature and structure

of the companies in question, what activities they carry out and which of those are currently carried out through the medium of Welsh.

“Bus services” (“gwasanaethau bysiau”) means scheduled services, by public service vehicle (within the meaning of section 1 of the Public Passenger Vehicles Act 1981), for the carriage of passengers at separate fares, other than a service-

- a) For which the whole capacity of the vehicle has been purchased by a charterer for the charterer's own use or for resale;
- b) Which is a journey or trip organised privately by any person acting independently of the vehicle operator; or
- c) On which the passengers travel together on a journey, with or without breaks and whether or not on the same day, from one or more places to one or more places and back.”

Therefore, the above excludes some bus services, such as leisure trips.

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

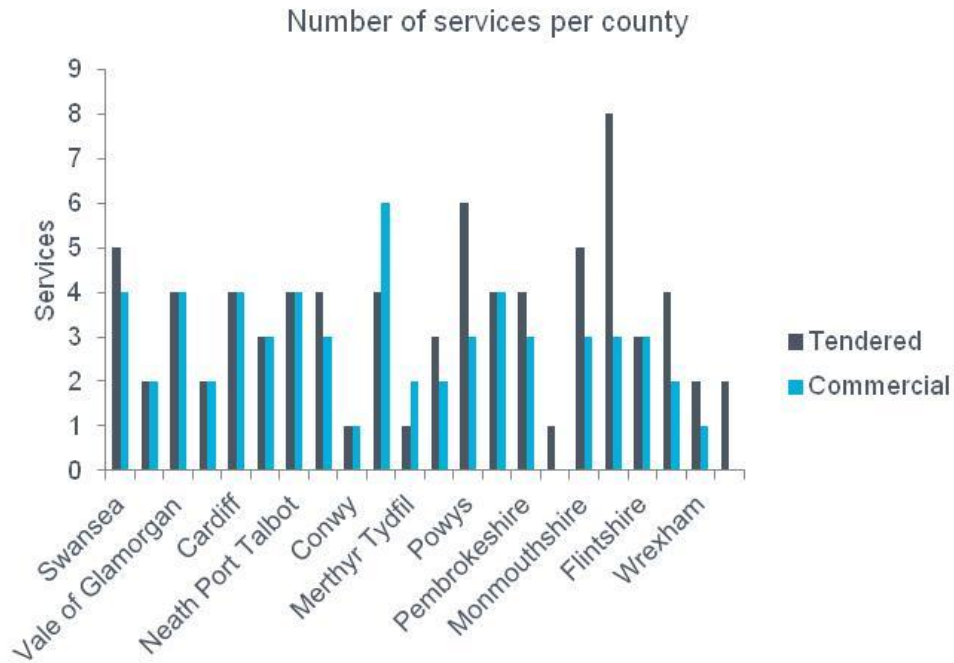
Part 1: General Information

42 responses were received from individual bus companies.

In which counties do the companies operate services?

Based on the responses received, the following table shows the number of tendered or commercial bus services operated in each county across Wales.

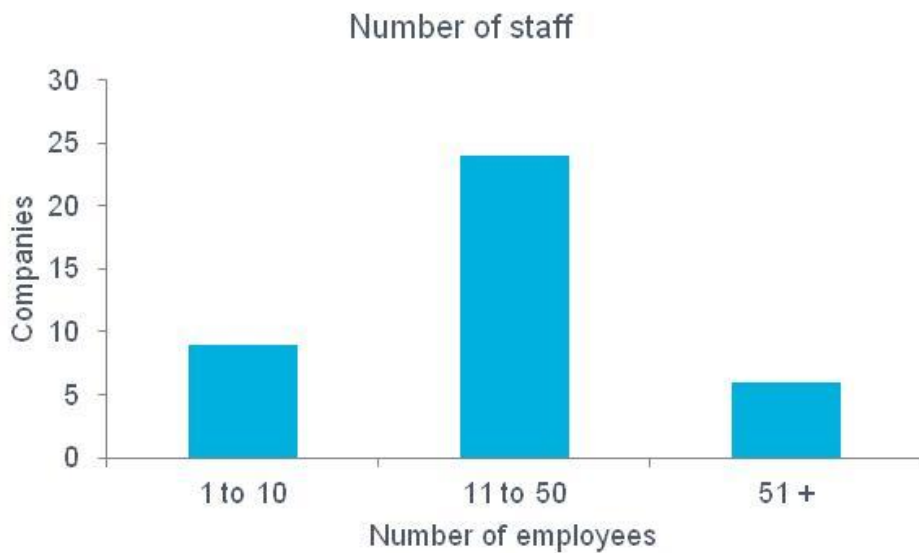
There are a total of 76 bus services operating on a tendered contract. Sixty bus services are operated on a commercial basis. This indicated that some companies operate more than one bus service.



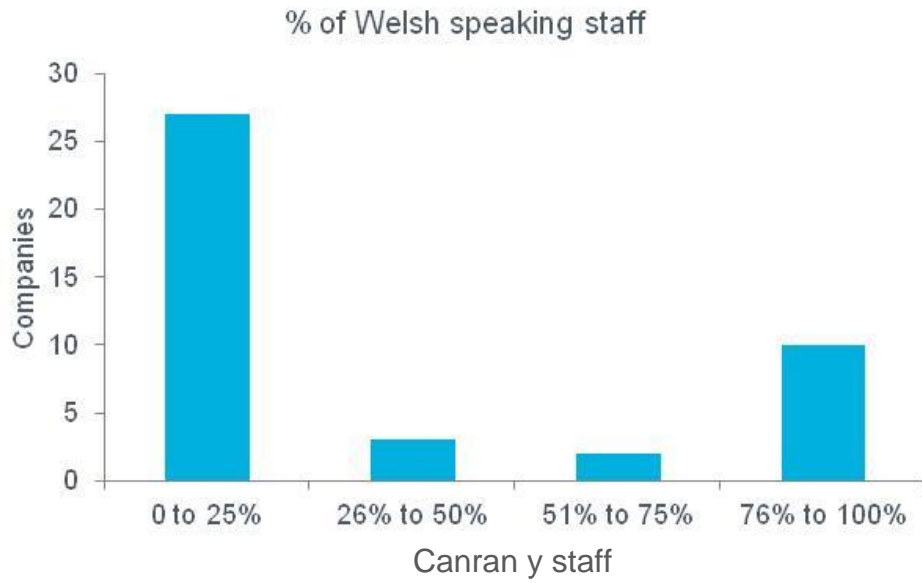
A series of general questions were asked about the companies' workforce, and the kinds of services provided by them.

Number of staff employed

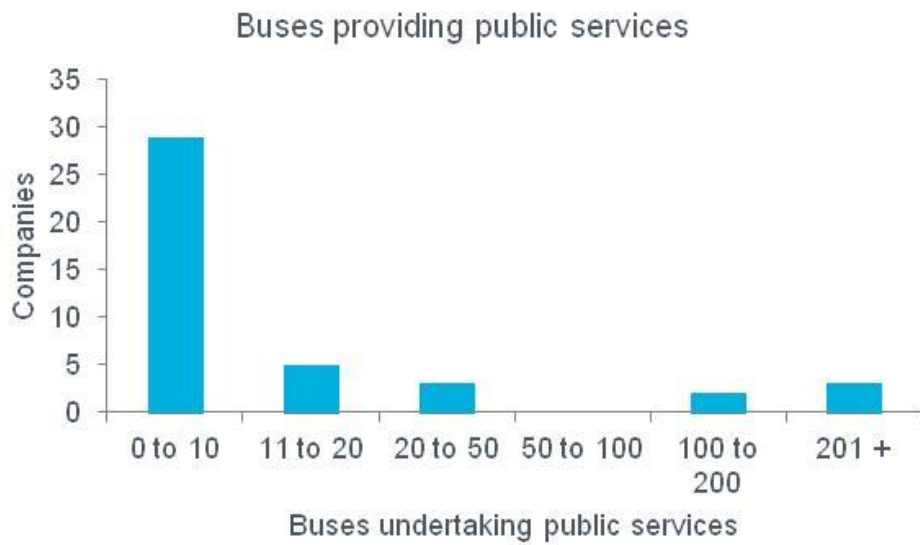
The numbers indicate full time equivalent staff members.



Of those, how many staff members have Welsh language skills?

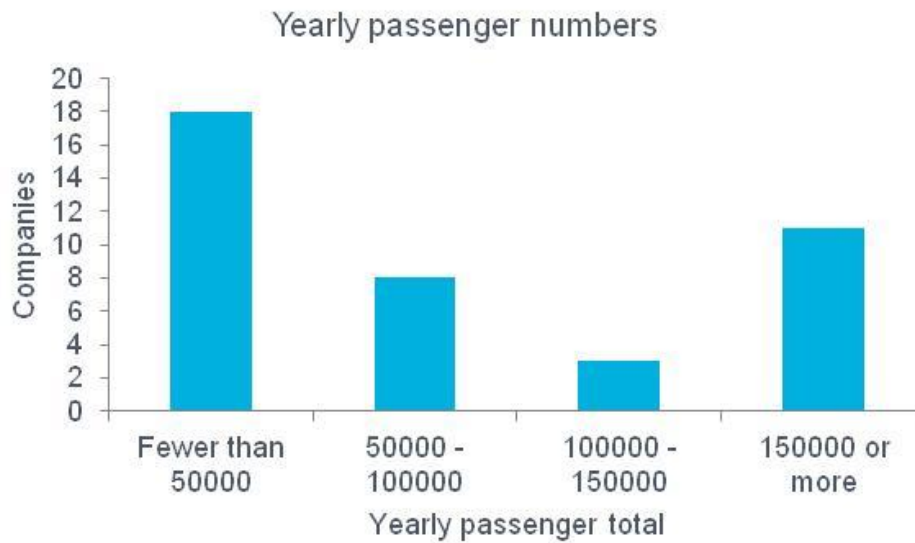


Number of buses providing public services (as identified in the Measure)



Number of annual passengers

This question offered a range of options.



How many companies have sub-contracted services in the past year?

32 out of 42 companies reported that they had not sub-contracted any services. Of the 8 who did sub-contract, several referred to advertising services provided on their behalf by external companies.

Number of companies that award grants to a third party

None of the 42 companies who responded to the questionnaire awarded grants to third parties.

Part 2: Welsh medium services

How many companies currently operate a Welsh language scheme or policy of any kind?

10 of the 42 companies currently operate a Welsh language scheme or policy.

How many companies offer language training to staff?

None of the companies reported that language training was available to staff.

Activity 1: Correspondence sent by a body

The question on correspondence was divided into three parts:

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

Here are the responses received:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Sending correspondence direct to an individual	4	8	24	2
Responding to Welsh language correspondence received	15	1	11	12
Sending correspondence to several people at the same time	4	2	17	16

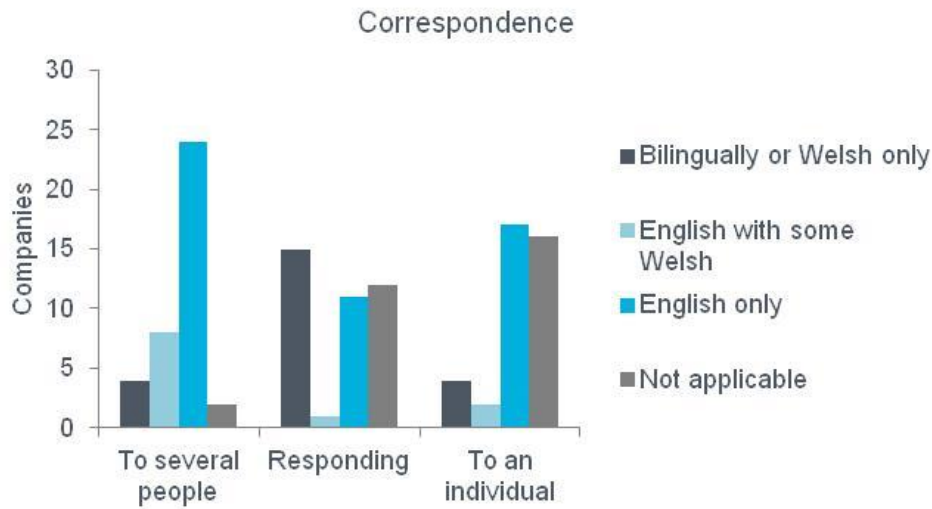
Twelve companies claimed that the question on responding to Welsh language correspondence received did not apply to them, and three companies noted that they have never received correspondence in Welsh. This does not necessarily mean that they cannot respond to Welsh language correspondence in Welsh as the following comment notes:

‘Never received any [Welsh language correspondence] but could be responded to in Welsh. We have one Welsh speaker in our organisation.’

Four of the 42 companies send correspondence directly to an individual bilingually or in Welsh only, 15 companies note that they respond bilingually or in Welsh only to

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Welsh language correspondence received. Four companies note that they send correspondence to several people at the same time bilingually or in Welsh only.



Activity 2.4: Phone calls, helpline and call centres

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

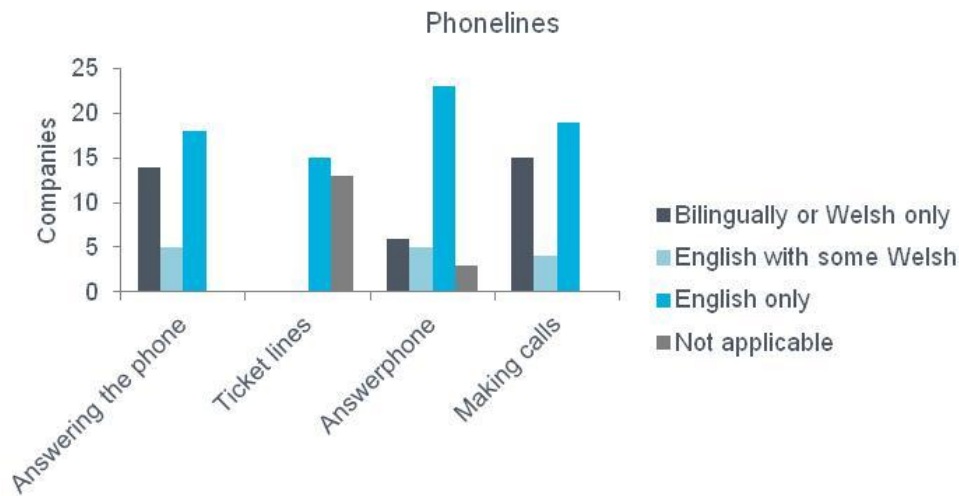
- answering general phone enquiries
- ticket lines
- answer phone messages
- making phone calls

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Answering general phone enquiries	14	5	18	0
Ticket lines	0	0	15	13
Answer phone messages	6	5	23	3
Making phone calls	15	4	19	0

The table above shows that a total of 19 companies answer the phone using some Welsh or in Welsh only. Ticket lines were not applicable to 13 companies. A total of 19 companies made phone calls bilingually, in Welsh only or in English with some Welsh. A total of 19 companies made phone calls in English only. One respondent noted that only they made and received phone calls. This suggests that staff do not

necessarily share responsibility for answering and making calls and that the language of the call depends on which language is spoken by the individual in that role.



Activity 2.5: Meetings and public events

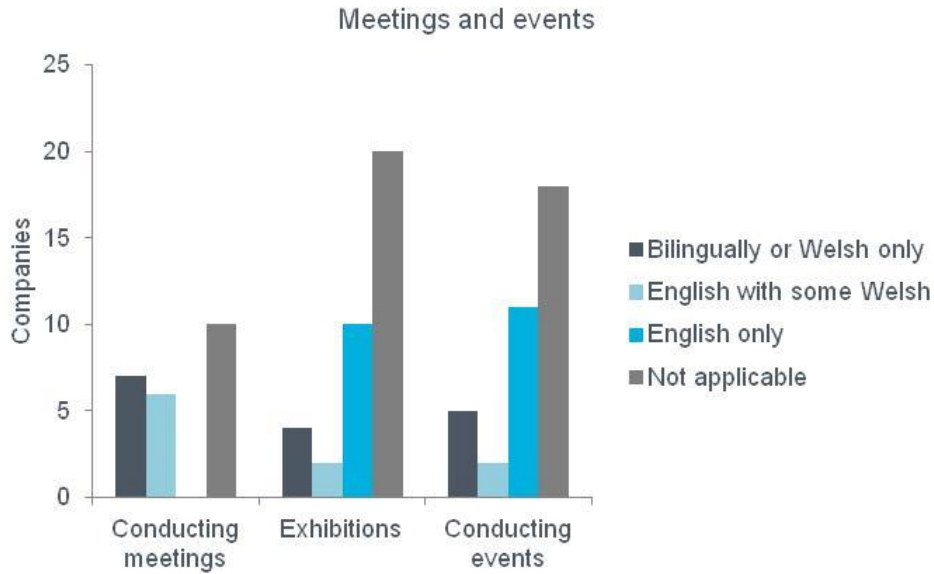
The section on meetings and public events was divided into three parts:

- conducting meetings with more than one member of the public
- conducting events that are open to the public
- public exhibitions

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Conducting meetings with more than one member of the public	7	6	15	10
Conducting events that are open to the public	4	2	10	20
Public exhibitions	5	2	11	18

Holding events was not an applicable activity to a number of companies, especially public events and exhibitions. Of those companies who noted that they conduct meetings with more than one member of the public, 13 noted that they could provide some kind of Welsh language service but 15 noted that they only provided the service in English.



Activity 2.6: Publicity, advertising and displaying material in public

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

- timetables
- tickets
- travel cards / passes
- posters
- press releases
- health and safety information
- travel rules/ transport conditions
- notice of changes to routes or timetables
- other publications

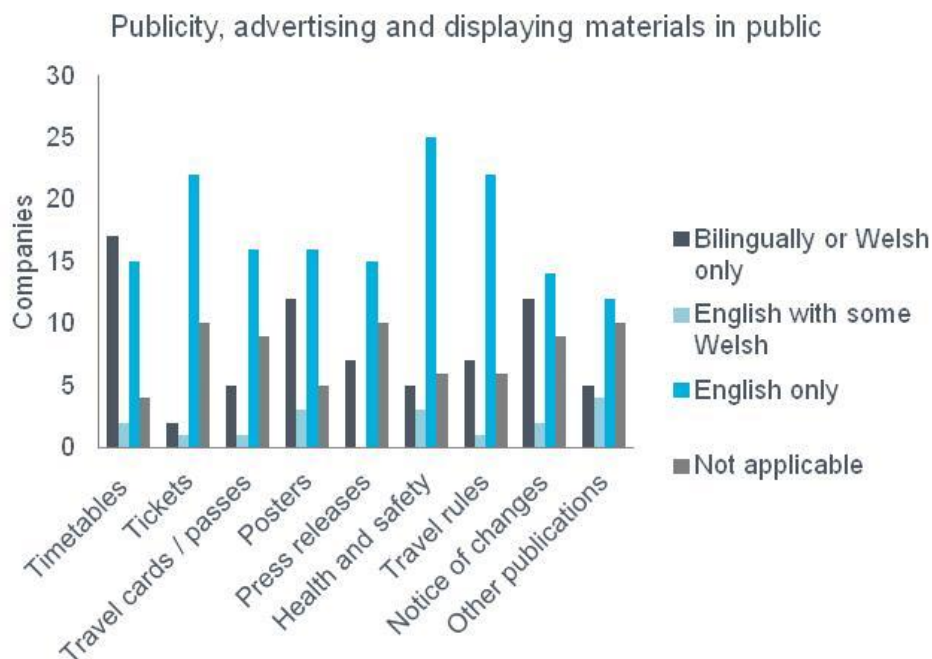
Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Timetables	17	2	15	4
Tickets	2	1	22	10
Travel cards / passes	5	1	16	9
Posters	12	3	16	5
Press releases	7	0	15	10

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	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Health and safety information	5	3	25	6
Travel rules/ transport conditions	7	1	22	6
Notice of changes to routes or timetables	12	2	14	9
Other publications	5	4	12	10

The majority of companies published, advertised and displayed material in public in English only. However, a number of services were displayed, published or advertised bilingually or in Welsh only and in English with some Welsh. With services such as timetables, posters and notices of changes to routes or timetables in particular, the number displaying these services bilingually or in Welsh only was not significantly lower than the number of companies which displayed in English only. Half of the companies who provided timetables published them in Welsh or bilingually.



Activity 2.7: Producing and publishing forms

The section on producing and publishing forms was divided into three parts:

- complaint forms
- lost property forms
- registration forms

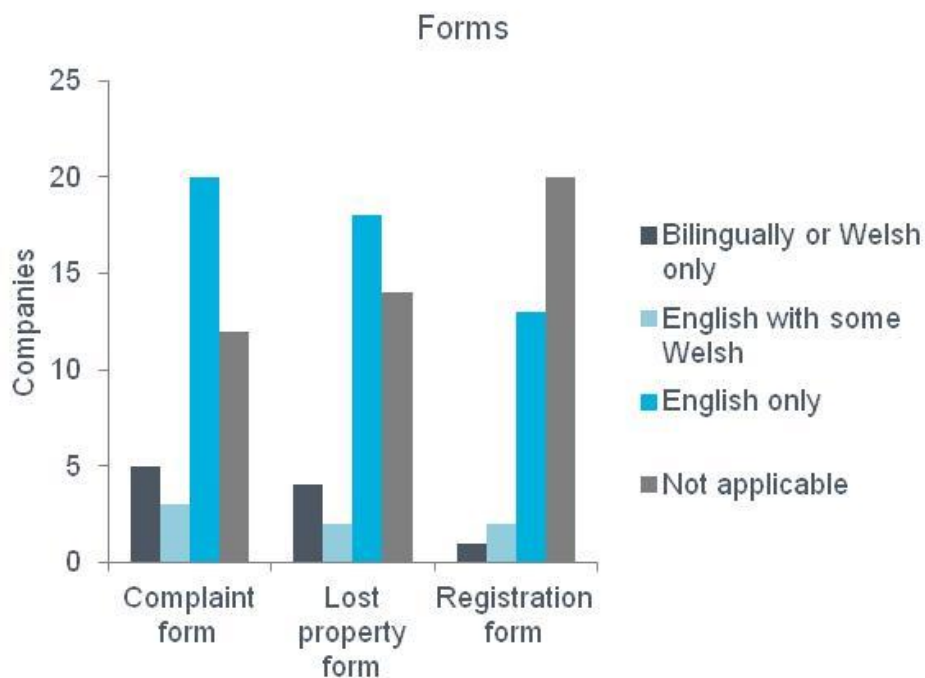
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Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Complaint forms	5	3	20	12
Lost property forms	4	2	18	14
Registration forms	1	2	13	20

The majority of companies produced and published forms in English only. An English only complaint form was produced by 20 companies. 12 companies noted that those forms did not apply to them. One respondent noted that lost property forms are for office use only and not available to the public.

Although the vast majority of companies noted that they provided forms, over half of respondents noted that registration forms did not apply to them.



Activity 2.8: Websites, online and self service machines

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

- website
- social media e.g. Facebook or Twitter

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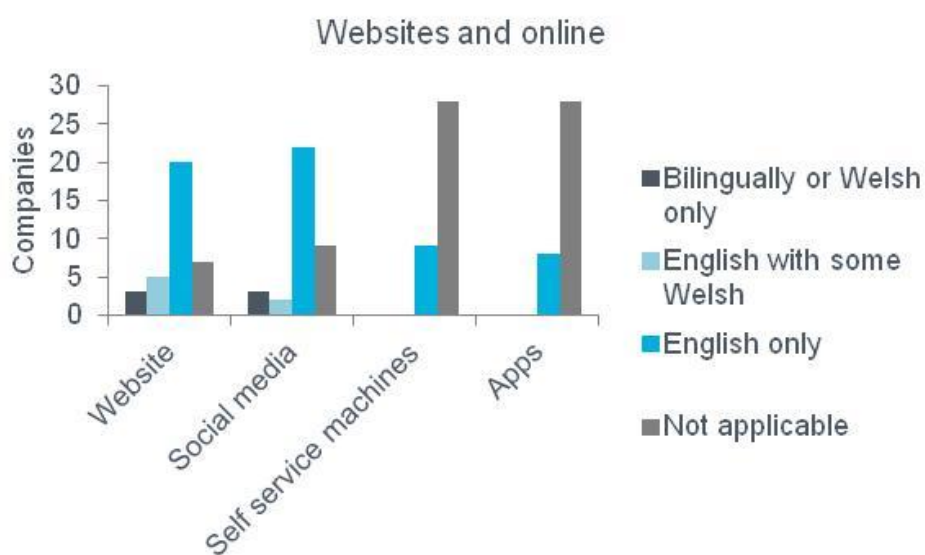
- self service machines e.g. ticket machines
- apps e.g. for phones

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Website	3	5	20	7
Social media	3	2	22	9
Self service machines	0	0	9	28
Apps	0	0	8	28

One company noted that they used Traveline Cymru to provide bilingual information on timetables and journey planning to customers, noting that their website was in English only:

‘...we direct our customers to Traveline Cymru who can advise required timetable and fare information in English or Welsh.’

These services are currently provided in English only by the vast majority of companies. However, three providers have a bilingual or Welsh only website and three providers also use the Welsh language on social media. 28 providers noted that self service machines did not apply to them but 9 noted that they did make use of them which suggests that it is a relevant technology. The same is true of apps, although 28 providers noted that they did not have an app, eight providers made use of the technology for their services.



Activity 2.9: Placing timetables in bus stops and stations

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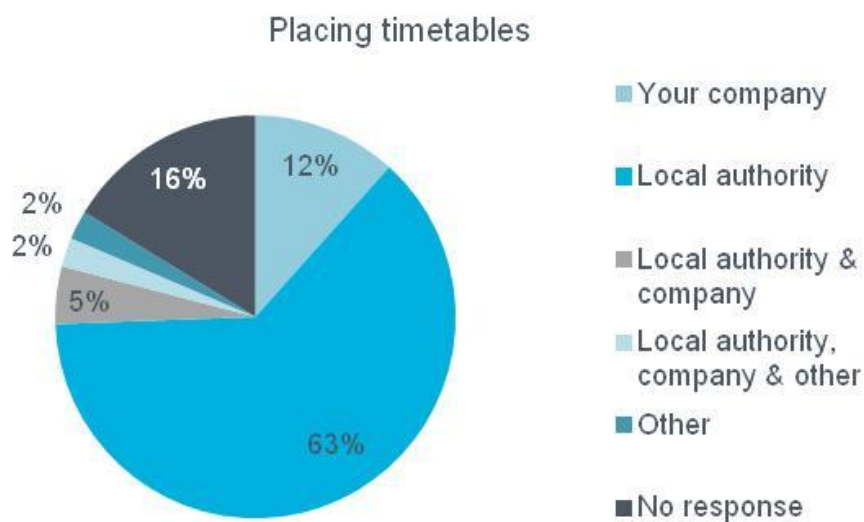
Respondents were asked to identify who was responsible for placing timetables in bus stops and stations. This was a multiple choice question and they were asked to choose the relevant answers from the following list:

- your company
- local authority
- other bus company
- other. Note

Your company	5
Local authority	27
Local authority and company	2
Local authority, company and other company	1
Other	1 (no details given)
No response	7

Local authorities are mainly responsible for placing timetables for the majority of companies. The responses above show that the local authority has a role in placing timetables in 30 cases as indicated in the chart below.

It appears that the local authority has a central role in this activity which could mean that, on the whole, the activity does not fall within the remit of the bus companies themselves.



Activity 2.10: Signage

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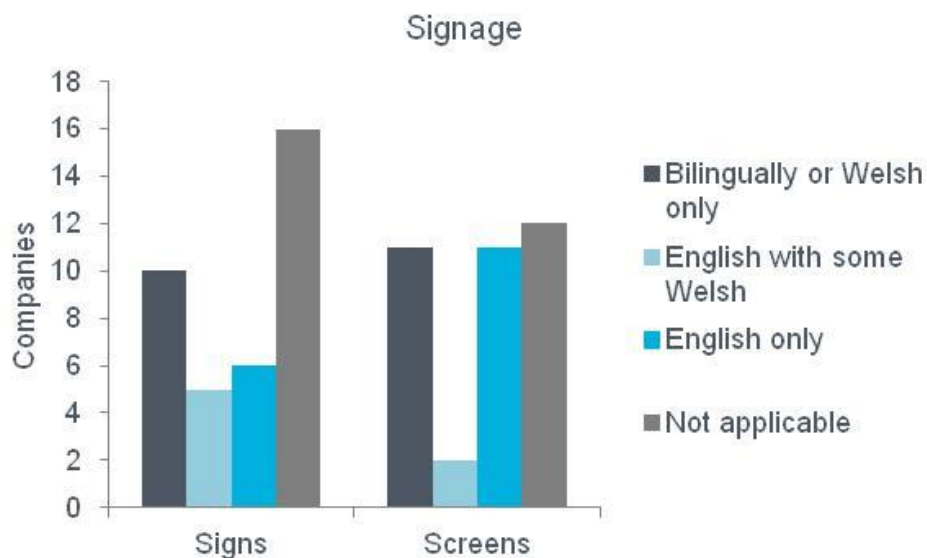
The section on signage was divided into two parts:

- signs
- display

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Signs	10	5	6	16
Display	11	2	11	12

What is meant by 'display' here is an electronic screen or device which displays information such as the next stop or timetable. Fifteen companies displayed signs in Welsh or bilingually; or in English with some Welsh. Eleven companies noted that their displays were in English only, but 13 companies noted that their displays were bilingual, in Welsh only or in English with some Welsh.



Activity 2.11: Public address systems

For this activity, the respondents were asked to identify their linguistic practice in two specific areas:

- announcements in bus stops or stations
- announcements on the bus e.g. next stop

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	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Announcements in bus stops or stations	2	0	3	31
Announcements on the bus	4	0	4	28

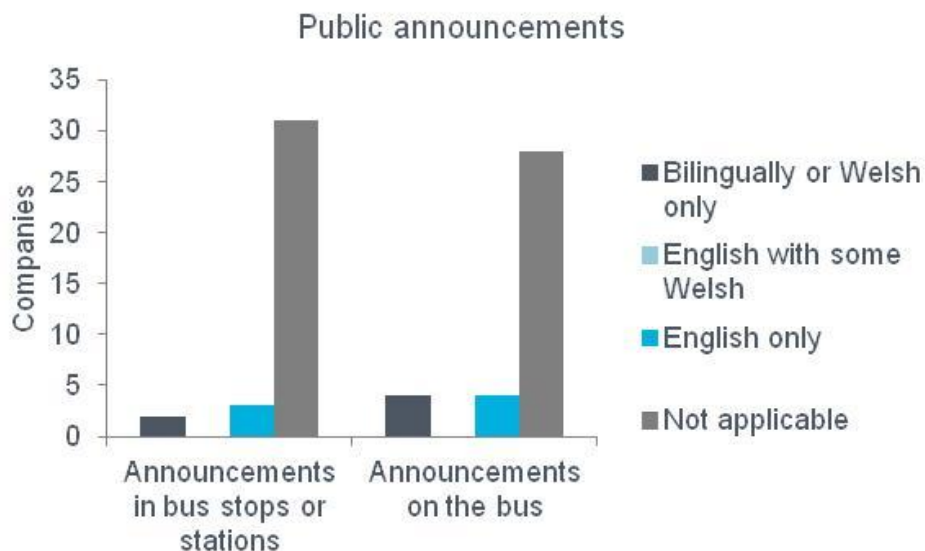
The majority of companies noted that these activities did not apply to them. Of those that did provide these services, two could offer announcements in bus stops or stations in Welsh, and four could make announcements on the bus in Welsh. Of those, one noted:

‘[On one service] Welsh Government provides the Welsh language input for the bus audio visual system.’

This suggests that Government input is a factor in the bilingual provision of at least one company. As a result, Welsh language provision could be available on one tendered route, but not on other routes provided by that company.

One respondent who currently only provides the service in English explained:

‘We have some vehicles fitted with next stop verbal announcements. Our concern...is that if we were to give next stop info in English and Welsh the distance between city bus stops would mean that may not be beneficial.’



Activity 2.12: Receiving Visitors

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Receiving visitors	11	3	16	7
Information desks	7	0	12	17
Ticket sales desk	4	0	11	22

Thirty companies noted that they received visitors and 16 noted that they currently did so in English only, which means that almost half greet visitors with some Welsh. Over half of the respondents, namely 22, noted that they do not use ticket sales desks and 17 note that they do not have information desks.



Activity 2.13: Courses open to the public

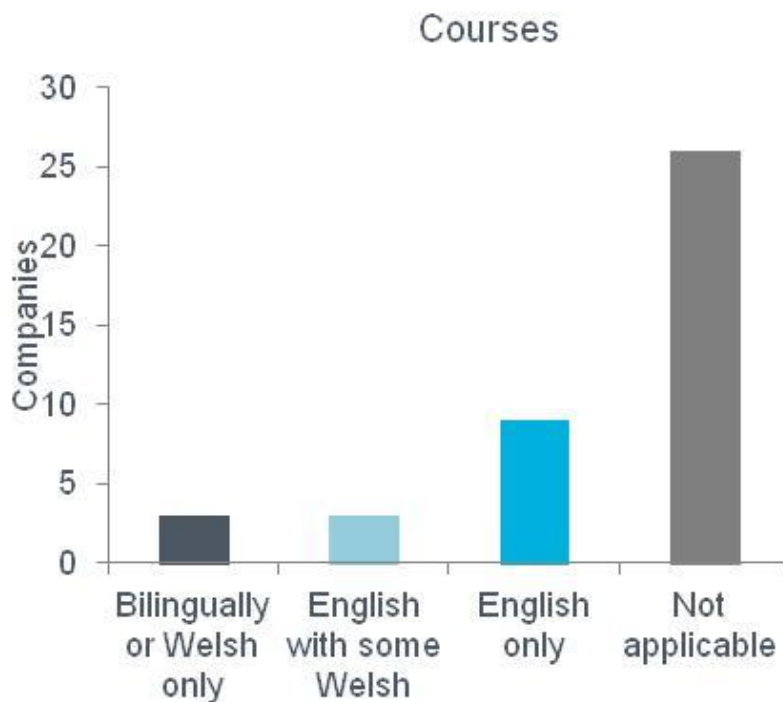
The companies were asked about training courses provided by them that are open to the public.

Here is a summary of the responses:

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	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Courses	3	3	9	26

Of the companies who responded to this question, 26 did not believe that they undertook the activity. However, it was an activity applicable to a small number of companies. Three companies noted that courses would be provided in Welsh or bilingually only whilst nine companies noted that their courses would be provided in English only.



Activity 2.14: Brand and corporate identity

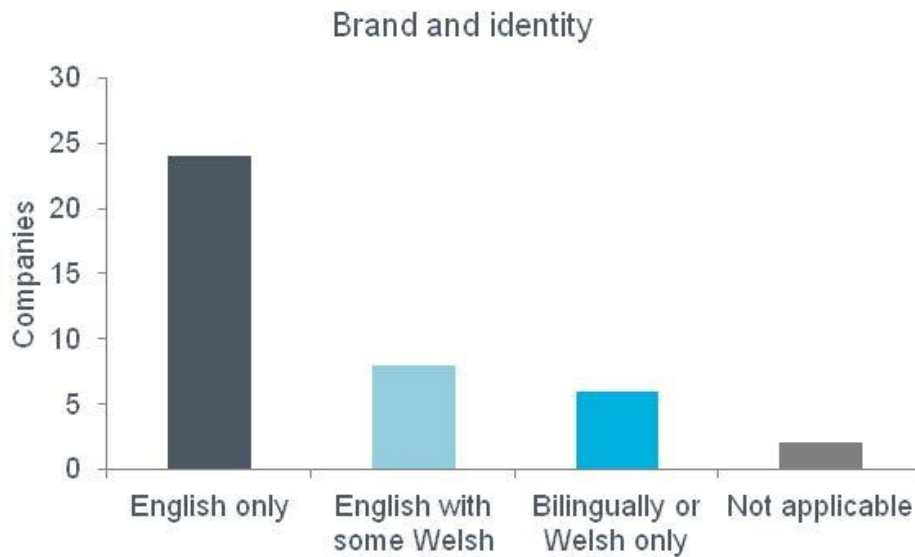
The companies were asked to note their linguistic practice in terms of their brand and identity.

Here is a summary of the responses:

	Bilingually or Welsh only	English with some Welsh	English only	Not applicable
Company brand and name	6	8	24	2

The majority - 24 out of the 40 – who answered this question believed that their companies' brand and corporate identity was in English only. Two respondents did

not believe this applied to them. Fourteen companies noted that their companies' brand and corporate identity was bilingual or in Welsh only, or in English with some Welsh.

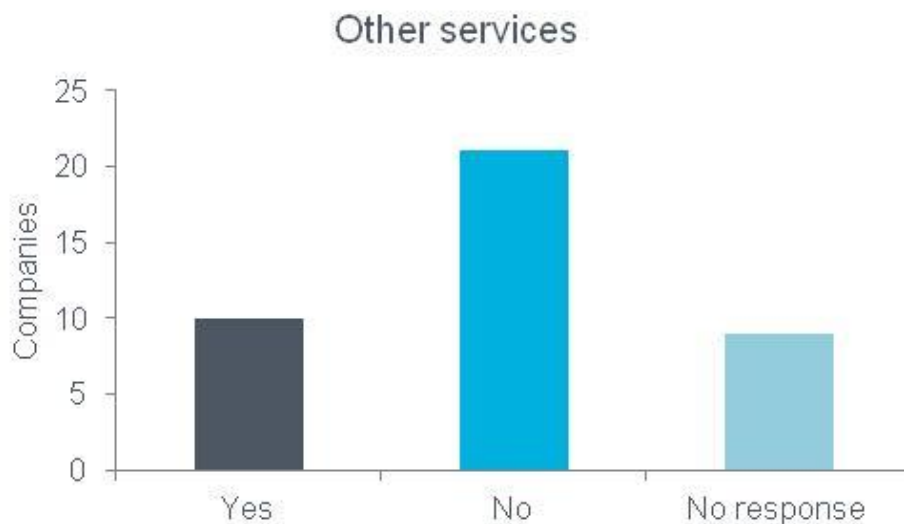


Activity 2.15: Other services

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

Here is a summary of the responses:

	Yes	No	No answer
Other services	10	21	11



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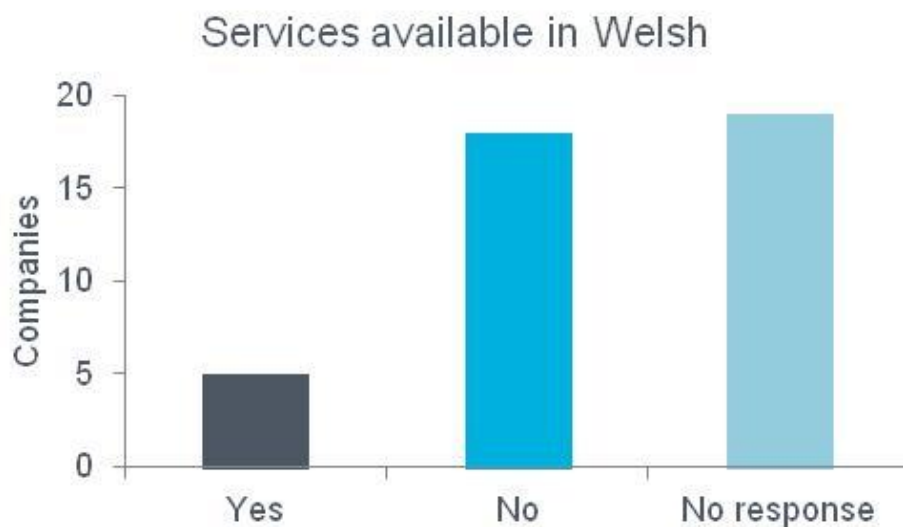
Seven of the ten companies clarified the additional services as follows:

- private vehicle hire
- school or college transport
- bus maintenance
- training department
- operating a different kind of bus service

Activity 2.16: Do you provide those services in Welsh?

	Yes	No	No answer
Services available in Welsh	5	18	19

Half of the companies providing additional services noted that they were available in Welsh. They were not asked to detail which services were available in Welsh.



Activity 3: Record Keeping

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

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

Here is a summary of the responses:

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	Record Keeping
Complaints you receive	20
Language skills	4
The Welsh language skills required for specific roles when recruiting	4
Applications for Welsh medium services	1

The vast majority of companies who responded to the question, 20 in total, keep records of any complaints received. Only a small number store information on Welsh language skills and only one company keeps records of applications for Welsh medium services. Also, only four companies keep records of the skills required for specific roles when recruiting.



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. A questionnaire was placed online and advertised through various media. This received 65 responses.

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
Bridgend	1	0.4

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

Location	Number	Percentage (%)
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%

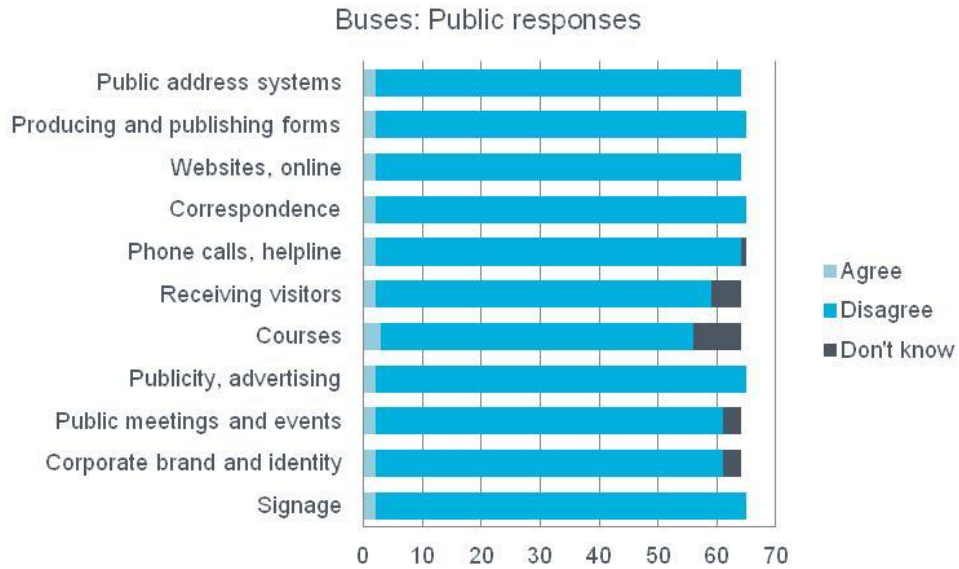
Service delivery standards

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

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

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

The following table shows the variety of the responses received:



Record keeping standards

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

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

Of the 66 who responded via the questionnaire on the Welsh Language Commissioner’s website, 97% had answered this question. Of the 64 that responded, 87% (56) agreed that this duty should be imposed on the relevant persons in question.

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



Further Comments

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

Of the 66 who responded via the questionnaire on the Commissioner's website, 27% (18) provided additional comments to be considered as part of the standards investigation.

The responses received were generally supportive of the concept of specifying standards, to ensure that Welsh speakers have clear rights in relation to the Welsh languages services provided by bus companies.

The public once again expressed considerable desire to ensure that the specified standards are clear, robust and coherent for ordinary people. What the public sees and hears when using bus services was considered the main priority.

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

- the need to ensure that every company provides a default Welsh language service to passengers and is supportive of passengers' language choice
- the need to ensure that standards in relation to public-facing services go beyond the main reception areas and meetings
- ensure that the entire process of buying, receiving and checking tickets can be undertaken in Welsh
- the need for online Welsh language services and self service machines which operate in Welsh
- ensure that what is seen and heard by the public when using bus services is bilingual, with the Welsh first, and that this includes station car parks

Most of the responses from the public were in favour of making standards specifically applicable. The main themes of the responses received against making the standards specifically applicable are outlined below:

- the need to make a public announcement in English first if there is a sudden change in services
- disagreement with the requirement to keep records on the Welsh language
- disagreement with conducting meetings and courses bilingually. Wanted them to take place separately; in Welsh and English according to demand

On the whole, the vast majority of responses received from the public agreed that bus companies should be subject to the service delivery standards. Cymdeithas yr

Iaith's Grwp Hawliau responded via a report and 199 responses via template email were received by Cymdeithas members. The report and questionnaires received by Cymdeithas members emphasised the need to ensure that bus providers are subject to all of the standards in the Service Delivery Standards group.

The vast majority of responses believed that bus companies should have to correspond with the public in Welsh in Wales. Those companies that do correspond in Welsh already were praised but a number expressed their disappointment with those companies that do not already use Welsh.

One respondent noted that it was a basic linguistic right in Wales to receive correspondence in Welsh and another respondent reiterated that all correspondence in Wales should be in Welsh or bilingual from transport companies. However, one respondent was not supportive of receiving bilingual correspondence but thought that it was fair that correspondence received in Welsh by the companies was answered in Welsh.

In examining standards relating to phone calls, helpline and call centres a vast number of respondents believed that these services should be available in Welsh. One respondent was adamant that help lines should offer a language choice. The respondent anticipated that ensuring that Welsh speakers were in post to deal with phone calls would be an issue, as they are not currently expected to provide a bilingual service. They believed that training, which could be costly to small bus companies, would be required but they also believed that the smaller bus companies usually had Welsh speakers.

Another respondent claimed that the big companies at least should ensure that phone calls could be handled in Welsh. One respondent added: 'The standard of those existing services that are bilingual also needs to be improved.' Another respondent suggested that bilingual help lines needed to be monitored in order to ensure that they are operational.

One respondent agreed that Welsh speakers should be able to converse in Welsh on the phone, but would be unhappy having to choose in which language to proceed with the call: '[...]but I would be unhappy if I had to put up with bilingual greetings, or had 'Press 1 for English, 2 for Welsh' options to negotiate.' A comment made by another respondent (in Welsh) offered a solution:

'Call centres should stop using 1 for Welsh and 2 for English, and instead employ bilingual staff who can handle calls in both languages naturally. This is what happened when setting up Traveline in Penrhyndeudraeth, and as a result the number of calls received in Welsh grew overnight.'

The vast majority of respondents believed that meetings and public events should take place bilingually or in Welsh only. One respondent noted: 'Public meetings should be English only, as they would otherwise drag on for twice the time. Private meetings should be in the language of the person's choice.' Another individual noted that it is much easier for a person to express their self in their mother tongue.

Once again, the vast majority of respondents believed that publicity, advertising and displaying material in public should be undertaken bilingually or in Welsh only. There was much criticism that this did not already happen, with a number of comments such as 'this isn't difficult at all' and 'it should' supporting the general consensus.

A number of concerns were received regarding tickets. The majority believed that tickets should be bilingual or in Welsh only. A number also believed that the public should be able to buy their tickets over the counter in Welsh. Another respondent went on to say, 'I can see big problems if staff, e.g. selling tickets, cannot speak Welsh.' Another request made by a number of respondents was for place names to be noted in Welsh on the ticket. One respondent wanted to see place names outside Wales being displayed in Welsh: 'e.g. Caer/ Amwythig'. More than one respondent noted that they felt they had been degraded and treated with contempt when trying to buy a ticket in Welsh.

One respondent believed that notices, timetables and passes should be produced separately as bilingual printouts were 'heavy work to read'. However, one respondent commenting in Welsh believed that the use of Welsh in relation to publicity, advertising and displaying material in public was hugely beneficial to those with learning difficulties.

A number believed that forms should be produced and published bilingually or in Welsh only. One respondent noted that Welsh and English forms should be available separately as bilingual forms were a waste of paper and difficult to understand. Cymdeithas yr Iaith noted that information leaflets and booklets should also be available bilingually, and that Welsh language versions should be available by default.

In examining the websites and online services of bus companies, there was strong support for bilingual or Welsh only versions of these. There were a number of further comments on purchasing tickets online and from self service machines which insisted that these services should be available in Welsh. The main issue highlighted by the respondents was that websites and self service machines did not recognise Welsh place names or different kinds of tickets. At present, it is not possible to buy tickets online nor from a self service machine in Welsh as a result.

Two respondents noted the importance of social media and the use of Welsh on them by bus companies. One believed that social media was more important, if anything, than the corporate website. The other respondent believed that the companies should ensure that they use Welsh when offering support and advice on social media.

In examining the standards relating to signs, a vast number believed that signs and screens should be bilingual, with the Welsh displayed first. A number noted that the accuracy of Welsh place names and the use of accessible Welsh needed to be guaranteed. One respondent noted that English place names could cause 'confusion'.

One respondent believed that place name signs outside Wales should be in Welsh 'e.g. Caer/ Amwythig'. One respondent also believed that the destination of the bus

journey should be in Welsh or bilingual on the front, inside, side and back of the bus. On the other hand, one respondent believed that the English should come first on screens and signs as English was the main language spoken in the country.

In their report, Cymdeithas yr Iaith noted that every sign should be bilingual, including those in bus stops and on the buses themselves. They also noted that the standards involving signs should refer to every sign and not just new ones. Furthermore, they noted that standards involving signs should include electronic displays on vehicles, electronic displays in bus stops and signs on and the design of vehicles (inside and outside buses).

The vast majority of respondents believed that public address systems should be bilingual or in Welsh only. A large number of the respondents were concerned about the standard of existing public address systems and their pronunciations. Several respondents expressed their disappointment at the companies' current pronunciations. Cymdeithas yr Iaith also noted that place names needed to be pronounced correctly as well as ensuring that announcements on buses also had to be in Welsh.

Another respondent expressed their surprise that audio announcements were not being made in Welsh in those areas with a high percentage of Welsh speakers. Another respondent believed that Welsh language announcements would enrich the experience of travelling across the country.

One respondent wanted bus companies to stop translating place names which have Welsh only names and another respondent wanted to see companies stop direct and slavish translation from English to Welsh. Another respondent noted that it was important that a fluent Welsh speaker records public address system announcements. One suggested that a qualified local individual needed to review and update local place names on a regular basis in order to ensure that the correct ones were being used. On the other hand, one respondent believed that the announcements should be made in English first. They went on to say that English should be used if there is a last minute change in order to ensure that the majority understand the next steps at once.

The majority believed that visitors should be received bilingually or in Welsh only. One respondent believed that visitors should be greeted in Welsh first in the Welsh speaking heartlands. Another respondent noted that bus drivers and ticket collectors across Wales should be able to greet passengers using simple Welsh phrases.

The majority of respondents believed that courses should be offered in Welsh. But a small number of respondents disagreed and some didn't know. One respondent strongly disagreed with courses being held bilingually but wouldn't mind if Welsh courses were conducted separately:

'I would walk out of such courses if I found them being presented bilingually. I don't mind having separate Welsh courses.'

The vast number of respondents believed that bus companies' brand and identity should be bilingual or in Welsh. The respondents tended to believe that a company's

identity, slogans and marketing material should be available in Welsh and that it didn't matter if the company's name was not in Welsh. On the other hand, two respondents believed that the name should be in Welsh which expressed their Welshness, whilst another respondent believed that the standards should impose changing the existing brand name. One also noted that Welsh speaking staff should present their selves in Welsh and should also wear the Working Welsh badges to reflect that they can deliver services through the medium of Welsh.

Cymdeithas yr Iaith did not believe that the current standards addressed the situation and that public-facing Welsh language service standards needed to be reinforced for this purpose. They also believed that these organisations needed to plan their workforce in order to offer a Welsh language service. They call for the reorganisation of standards so that a standard on recruitment is included with the Service Delivery Standards.

Record keeping standards

Some comments were received which supported the need for organisations to keep records, in order to monitor compliance. However, some respondents believed that record keeping placed a burden on the companies and was unnecessary.

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 Welsh Language (Wales) Measure 2011.

The responses received from the Panel supported the purpose of the regulations, namely to achieve the basic objectives of the Welsh Language (Wales) Measure 2011; 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 Welsh Language (Wales) Measure 2011; the Legislation which led to these standards.

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

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 and 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 be 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 occasional 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 conclusions were reached on the basis of the evidence received from the relevant persons, the Advisory Panel and the public on the subject matter of the standards investigation, along with independent evidence collected by the Welsh Language Commissioner.

The activities forming the basis of the investigation are drawn from the list found 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. 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 Commissioner will conclude that standards in relation to that activity should not be specifically applicable to them, unless there are valid reasons for doing so.

³ Service delivery activity as defined in section 28 of the Measure

The 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.

Once again, the Commissioner wishes to note the importance of clearly differentiating between a person's commitments (what is expected of them) and performance (the extent to which they currently comply with those expectations).

Performance, as well as the extent to which a person can comply with a standard at a particular time, is a practical matter. The extent to which they can do so may improve, deteriorate or remain the same. The Commissioner believes that commitments should meet the needs of the Welsh language users they serve, with a reasonable timetable specified for dealing with any existing obstacles. The Commissioner will consider those obstacles when determining the contents of compliance notices issued under section 44 of the Measure in future.

It is acknowledged that the companies identified potential challenges and obstacles in terms of ensuring full compliance with some of the service delivery standards. However, the Commissioner believes that commitments proportional to the needs of Welsh language users could be achieved with a reasonable timescale for action and dealing with any challenges.

The Commissioner will consider those inconsistencies further when determining the contents of individual compliance notices issued under section 44 of the Measure.

Conclusion 1:

Having considered the responses of those providing the public with bus services, as well as the responses of the public to the standards investigation, the Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations providing for service delivery standards in relation to the activities below are specifically applicable to qualifying persons providing the public with bus services:

- correspondence sent by a body to several people
- correspondence sent by a body to an individual or company
- responding to Welsh language correspondence received by a body
- telephone calls made and received by a body
- meetings arranged by a body that are open to the public
- a body's publicity and advertising
- a body displaying material in public
- a body producing and publishing documents
- a body producing and publishing forms
- a body's websites and on-line services
- a body's use of social media
- self service machines
- apps
- signs displayed by a body
- notices made by a body
- raising awareness about Welsh language services provided by a body

- a body's corporate identity
- public address systems used by a body
- training courses
- brand and corporate identity
- a body receiving visitors at its buildings
- a body awarding contracts

Conclusion 2:

Based on the evidence received, it does not appear to the Commissioner that any bus provider questioned awards grants. Therefore, the Commissioner does not believe it reasonable or proportionate for Welsh Ministers to determine regulations regarding the awarding of grants to persons providing the public with bus services.

Record Keeping

Based on the evidence, the Commissioner concludes that those providing the public with bus services should keep a record of the way in which they uphold the standards they are expected to comply with, as well as a record of complaints.

Conclusion 3:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for record keeping standards to be specifically applicable to those providing the public with bus services.

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, has a role to play in meeting statutory requirements.

Conclusion 4:

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 specifically applicable to those providing the public with bus services.

Other issues – operational standards

The Commissioner can't impose operational standards on Schedule 8 organisations. However, some operational activities such as training and recruitment are relevant to the success of service delivery standards.

Conclusion 5:

The Welsh Language Commissioner concludes that Welsh Ministers should consider how to ensure that standards on training and recruitment are included in draft regulations.

Further conclusions

In conducting the investigation into this sector, it became apparent that there are a number of factors at play which should be considered further in reaching conclusions on the next steps. To that end, the Commissioner conducted further research and held meetings with experts in the field in order to develop a wider understanding of the sector. This section provides an overview of the main relevant factors in the Commissioner's opinion, when considering introducing regulations to qualifying persons who provide the public with bus services.

Registering and Maintaining Local Bus Services

The Schedule 8 interpretation notes refer to the Public Passenger Vehicles Act 1981 and offer a definition of the kind of provision open to compliance with standards. The Commissioner concludes that in addition to this, Welsh Ministers should consider the requirements of the Transport Act 1985. Section 2 of the act defines what is meant by 'local bus services'.⁴ Section 6 of this Act details the expectations on bus companies in registering local bus services.⁵

According to the evidence collected by the Commissioner, the 1985 Act places a number of requirements on bus companies and we recommend that Welsh Ministers consider these requirements when determining regulations.

Comprehensive information is provided in guidance produced by the Office of the Traffic Commissioner which identifies the following requirements on providers who wish to operate local bus services:

“To operate a local service, operators must meet the requirements of the Transport Act 1985, Transport Act 2000 and the Public Service Vehicles (Registration of Local Services) Regulations 1986 and hold either an unconditional PSV operator's licence or a section 22 permit.”⁶

In order to receive the operating licence (PSV licence) identified above, referred to as a 'PG' number, the company must provide evidence of financial stability as well as other factors. Then, each company may register 'discs' which correspond to the vehicles they may operate, i.e. if a company has 20 discs, they may operate 20 vehicles. The number of vehicles which the company may run will depend on their capital.

⁴ <http://www.legislation.gov.uk/cy/ukpga/1985/67/part//crossheading/meaning-of-local-service>

⁵ <http://www.legislation.gov.uk/cy/ukpga/1985/67/section/6>

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/542918/local-psv-service-registration.pdf

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The Traffic Commissioner for the relevant area is responsible for approving licences and discs for companies.

Furthermore, a company must register the routes they wish to operate with the Traffic Commissioner, identifying timetable, route, fare etc.

The guidance identified above notes that there are four types of local bus service. The Welsh Language Commissioner believes that three of the categories are relevant to the requirements identified in the Measure, Schedule 2 Interpretation 2:

- standard
- frequent
- flexible

The routes above may be ones which the companies provide independently – on a commercial basis – or they may be ones which the local authority has decided are essential for different reasons and are tender-based. Tender-based services may be part-funded or fully-funded by the relevant authority. All services, be they commercial or tendered, must be registered with the Traffic Commissioner.

The Welsh Language Commissioner concludes that the criteria identified above for registering bus services offer a potential model for ensuring that any standards imposed on the sector are reasonable and proportionate and that Welsh Ministers should give further consideration to the above requirements when determining regulations.

8 Next Steps

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

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

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

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 submitting the relevant evidence on the positive and negative effects of such interventions for the purposes of scrutinizing that evidence.

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

Appendix A - List of the respondents to the standards investigation

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

Members of the public

- 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
- Sion 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