



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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

Schedule 8: Qualifying persons who are licensed  
gas suppliers

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# 1 Background and context

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011 ('the Measure'), is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the Commissioner's work:

- in Wales, the Welsh language should be treated no less favourably than the English language
- persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

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

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

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

## 2 Standards investigation in relation to qualifying persons who are licensed gas suppliers

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

- Schedule 8: 'Qualifying persons who are licensed gas suppliers'

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 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'.<sup>1</sup>

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

This standards investigation commenced on 14 July 2016 and concluded on 6 October 2016.

As part of this standards investigation, information was gathered from companies who are licensed gas suppliers, via a completed questionnaire. Evidence was also gathered from the Welsh Language Commissioner's Advisory Panel and the public.

A briefing session on the investigation's remit and terms of reference was also held on 27 July 2016 at Yr Hen Lyfrgell in Cardiff.

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

### 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 and record keeping 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, and record keeping standards, relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

But Welsh Ministers need not secure that regulations provide for service delivery standards to be specifically applicable to a person in relation to an activity specified in Schedule 9 if, or to the extent that:

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

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

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

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

## Step 4: Draft and final compliance notices

By making regulations under this Measure exercisable by statutory instrument, the 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 Welsh Ministers under section 26(1), and
- b) requires a person to comply with the standard or standards set out or referred to,
- c) if the Commissioner decides that service delivery standards are specifically applicable to a person, it must also be concluded that the relevant record keeping standards are specifically applicable.

The Commissioner will consider the evidence provided in reaching a decision on the content of a compliance notice given to a person.

The fact that a standard is made specifically applicable to a person does not mean that there is a duty to comply with that standard. A duty to comply with a standard will only be in force if the Commissioner gives a compliance notice to the person, and that notice makes it a requirement to comply with the standard on an imposition day.

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

Based on that consultation, the Commissioner will give a final compliance notice to a person. The failure of a person to participate in a consultation does not prevent the Commissioner from giving the person a compliance notice.

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

## The Welsh Language Commissioner's criteria

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

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

## 4 Evidence received from relevant persons

The Measure does not name gas companies who are licensed gas suppliers individually. Instead, gas suppliers are referred to as a group or sector. As a result, this report does not name individual companies when presenting responses and analysing evidence.

In order to identify the companies to be included in the investigation, Ofgem provided a list of operational companies with relevant gas licences. Schedule 8 states that

"relevant gas licence" ("trwydded nwy berthnasol") means a licence under section 7A of the Gas Act 1986.'

In order to map the sector, we consulted with Ofgem and Energy UK.

Evidence was received from 22 companies who supply gas. This evidence included responses to the questionnaire, alongside further evidence provided following subsequent enquiries.

In the absence of any draft standards or standards approved by the Welsh Ministers relevant to this particular sector, the questionnaire did not ask the organisations to evaluate their ability to operate in accordance with any particular standard. Therefore, the questionnaire was based on activities in Schedule 9 of the Measure, namely 'activities in relation to which service delivery standards must be specified'. This list contains 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 type of specific activities undertaken by gas providers in each category.

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

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



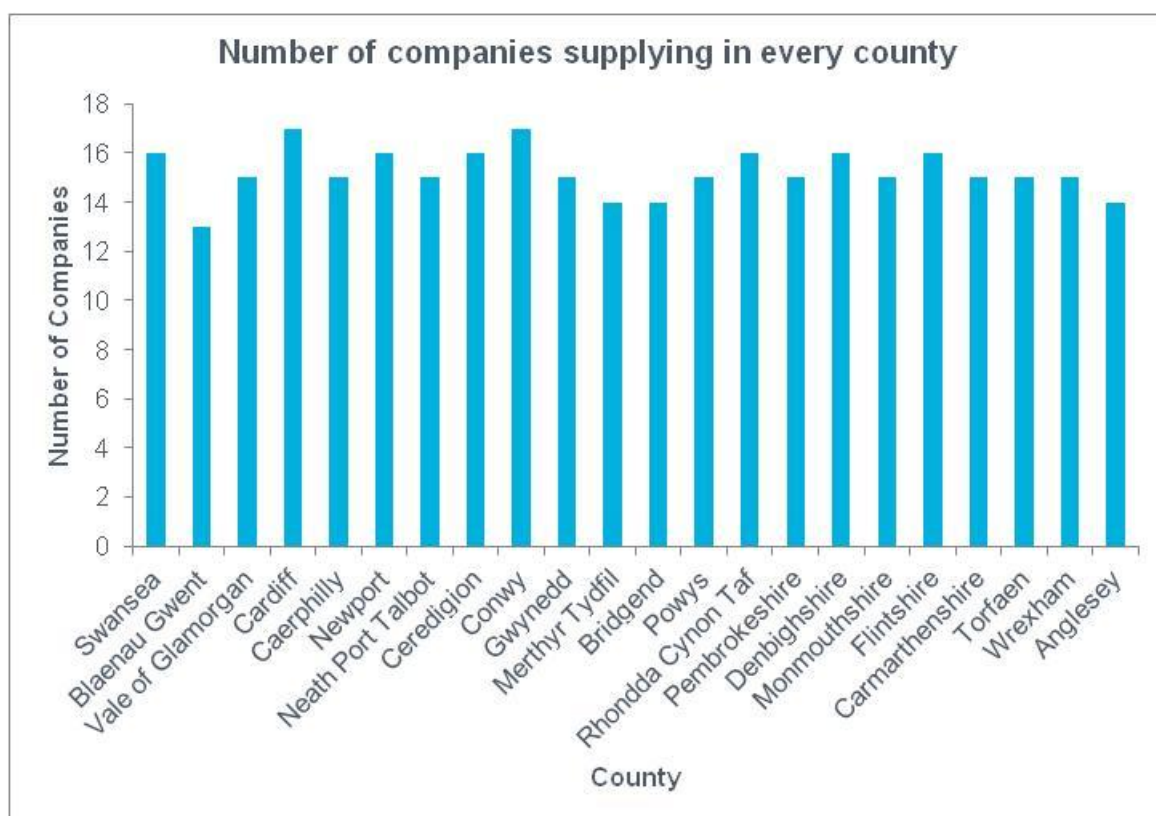
## Section 1: Welsh medium services

### 1.1 Do you supply gas to customers in Wales?

Seventeen of the 22 companies supplied gas to customers in Wales. Of the five who do not currently supply gas in Wales, two replied that they intended to supply gas in Wales in future.

### 1.2 In what counties in Wales do you supply gas?

The majority of companies supply gas to all counties in Wales. The following table shows the breakdown in greater detail.



### 1.3 How many customers do you have in Wales?

There was variation in the way companies reported their customer numbers. Some provided a general figure for gas and electricity customers in Wales, others provided figures for domestic and business customers and some offered figures for dual fuel customers. As a result, it is difficult to compare different companies' customer numbers.

As previously noted, not every company supplied customers in Wales. Of those who did, numbers varied from single figures to hundreds of thousands.

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

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Of the 22 companies who responded, 18 did not employ staff in Wales. The number of staff employed by the others varied from around 75 to more than 1500.

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

Awareness of staff members' Welsh language skills varied, with a small number of respondents stating that they have a formal process for recording staff language skills. Eighteen of the 22 stated that they were not aware or that they did not keep a record of staff's Welsh language skills. One company provided a specific figure for the number of staff with Welsh language skills across the general workforce in Wales. But, on the whole, the other companies only kept records within teams responsible for dealing with Welsh language enquiries, and not the general workforce. One company had a voluntary system allowing staff to identify any languages spoken by them in addition to English and 10 members of staff across Britain had stated that they have Welsh language skills. Two companies had individuals, or a dedicated team, responsible for dealing with Welsh language enquiries. Companies kept a detailed record of individual language skills for these teams, but not for the general workforce.

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

Sixteen of the 22 companies stated that services are provided on their behalf. The main services provided on behalf of companies are those relating to household meters. Others stated that they have contracts in place for debt management, marketing, design and advertising, translation, cleaning, security, reception and sales.

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

Three of the 22 companies stated that they award grants to third parties. Two of these companies provided further details on the nature of the grants. This included funding third parties and projects relating to matters such as fuel poverty, the environment, social development, education and disadvantaged people.

## 2. Welsh medium services

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

Three of the 22 companies replied that they have a language policy or scheme. Two companies provided details on the implementation of their schemes, with one of them providing an annual report.

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

Two of the 22 companies offered language training to staff. This ranges from online modules, to language awareness training and bespoke training to improve language skills. One respondent referred to suspending the provision pending the outcome of this investigation in order to ascertain the skills needed by staff to meet any requirements.

## Services

In order to understand what services are offered by the companies, a series of multiple choice questions were asked giving them the opportunity to identify whether or not those services were available in Welsh.

### 2.3 Correspondence

We divided the question on correspondence into six parts:

- sending correspondence direct to an individual
- responding to Welsh language correspondence received
- sending correspondence to several people at the same time
- gas supply agreements / contracts
- bills / statements
- correspondence regarding tariff comparison / switching

Here is a summary of the responses:

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Sending correspondence to several people at the same time	1	1	13	6
Sending correspondence direct to an individual	1	1	17	0

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	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Correspondence regarding tariff switching	1	1	20	1
Responding to Welsh language correspondence received	3	2	5	11
Bills / statements	1	2	16	1
Gas supply agreements / contracts	0	1	18	0

Detailed answers were provided by those companies who could provide bilingual correspondence on their offering. Several companies stated that they send a wide range of letters and correspondence to customers and that the scale of correspondence makes it impossible to provide every item bilingually. However, some prioritized specific types of correspondence to be distributed bilingually and identified them in the response. Some had systems in place allowing them to record customers' language choice and subsequently correspond with them in Welsh.

One company had a specific e-mail address for Welsh language contacts. Some companies stated that they had never received a request for Welsh language correspondence but that they would be willing to consider responding in Welsh if such a request was made.

### 2.4 Phone Calls, Helplines and Call Centres

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

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

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Here is a summary of the responses:

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Answering general phone enquiries	1	1	16	5
Call centre(s)	1	1	14	6
Answerphone messages	1	1	16	4
Making phone calls	1	0	18	3

Companies were asked to list the types of phone services provided by them. Here are the types identified:

- call centre(s)
- general enquiries
- automated meter-reading phone line
- customer services
- complaints

Two companies had a specific phone line or team dealing with Welsh language calls. A number of companies stated that not all elements of a customer's dealings with the company would be undertaken by the same individual or team and that it would be difficult to ensure that there are Welsh speakers in every team. Some companies quoted figures regarding the use of their Welsh language services, stating that demand is low. One company had a directory of staff language skills that could be used if someone requested a Welsh language service but they could not guarantee that service. Another company used automated systems to deal with initial calls from customers and refer them to the relevant department. This system was not available in Welsh. One company proposed that they could use a system similar to 'Language Line' to deal with Welsh calls if necessary.

No one offered Welsh medium services to business customers.

### 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
- exhibitions

Here is a summary of the responses:

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	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Conducting meetings with more than one member of the public	0	3	11	8
Conducting events that are open to the public	0	3	11	8
Exhibitions	0	2	11	9

Companies who stated that they can hold events and meetings in English with some Welsh provided further details with some stating that they can hold specific events and meetings bilingually using simultaneous translation. No one could provide Welsh language meetings as default.

Several companies stated that they did not hold events in Wales and others stated that their offices were not open to the public.

### 2.6 Publicity, advertising and displaying material in public

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

- notices of e.g. meter readings or maintenance work
- adverts
- marketing initiatives
- posters
- press releases
- health and safety information
- other publications

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Here is a summary of the responses:

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Notices	0	1	15	6
Adverts	0	0	14	8
Marketing initiatives	0	0	15	7
Posters	1	1	13	8
Press releases	0	2	14	4
Health and safety information	0	2	14	5
Other publications	0	1	9	10

Not many further comments were received in response to this question. One company stated that it assessed the need to prepare documents bilingually on a document by document basis. It was also noted that marketing initiatives take place across the whole of Britain and are therefore not planned bilingually. This is in keeping with the figures above that demonstrate that no company provides bilingual adverts or marketing initiatives.

### 2.7 Producing and publishing forms

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

- payment forms
- complaint forms
- registration forms

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Here is a summary of the responses:

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Complaint forms	0	0	19	3
Payment forms	1	0	17	4
Registration forms	0	1	18	3

One company stated that they operate entirely online and that this activity is therefore not applicable to it. Another company stated that they had never received a request for a Welsh form. One company stated that they would strive to address a complaint if a customer wished to do so.

No company provided bilingual complaint forms, only one company provided bilingual payment forms and another company could provide a registration form that included some Welsh language content.

### 2.8 Website and online services

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

- website
- online payment system
- self-service machines e.g. ticket machines
- social media e.g. facebook and twitter
- online chat facilities e.g. on website
- apps e.g. for phones

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Website	0	3	17	1
Online payment system	0	0	15	6
Social media	0	2	18	2



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	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Online chat facilities	0	1	8	13
Apps	0	0	10	11

One company stated that their website had a Welsh language page outlining the Welsh language services available. The same company stated that the social media team operates across Britain which means that it is not possible to undertake the activity in Welsh routinely. However, they strived to respond if a customer communicated with them in Welsh. The same company said that providing the website and social media in Welsh would incur substantial costs.

Fifteen companies had an online payment system but none offered a Welsh language service.

No further details were provided on online chat facilities or apps. The responses suggest that one company can provide some level of Welsh language service on their live online chat system. None of the companies provided Welsh medium apps.

### 2.9 Signage

The section on signage was divided into four parts:

- site signage
- maintenance signage
- meters
- safety signage

Here is a summary of the responses:

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Site signage	2	1	12	8
Maintenance signage	0	0	12	9
Meters	0	0	14	7
Safety signage	1	1	12	8

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Many of the companies did not have a presence in Wales and therefore their signage was not available bilingually. One company stated that site signage in Wales, as well as temporary signage for maintenance work, is bilingual.

One company expressed specific concerns about meters. The government has ordered energy companies to install smart meters in every household in Britain by 2020. The meters are not required to be bilingual and the company claims that this is impractical and would add significant costs to the meter installation programme. Another company stated that the company was not responsible for specifying the information displayed on meters.

### 2.10 Receiving visitors

This question was divided into two parts:

- receiving visitors
- information desks

Here is a summary of the responses:

	Bilingual – Welsh and English	English with some Welsh	English only	Not applicable
Receiving visitors	1	1	15	5
Information desks	0	0	9	13

Several companies stated that they did not have offices in Wales. Of the two companies with a presence in Wales, both noted that their sites were not open to the general public. Both could provide Welsh speakers in accordance with customers' wishes. No one could provide a Welsh language service on information desks.

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### 2.11 Courses

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

Here is a summary of the responses:

	Courses
Bilingual	0
English with some Welsh	0
English only	5
Not applicable	17

None of the companies provided courses in Welsh. This activity was not applicable to the majority of them.

### 2.12 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:

	Brand and identity
Bilingual	0
English with some Welsh	1
English only	18
Not applicable	3

Only one respondent had an element of Welsh in the company's brand and identity. No further details were provided.

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### 2.13 Other services

Three companies stated that they provide other services, with 11 stating that they did not do anything extra. Amongst the other services provided by the companies were:

- maintenance services e.g. boilers – by additional providers
- community support to vulnerable customers
- annual reports

Only one company could offer these additional services due to the ability of officers working in the community to speak Welsh. One company stated that the additional activities were beyond what could be expected from energy companies.

### 2.14 Making customers aware of Welsh medium services

One company stated that staff use Working Welsh goods to raise awareness of Welsh language services. Two companies referred to using the 'Language Line' service as a means of translating for customers wishing to use a language other than English. One company ensured that bills for customers with Welsh post codes include both languages and highlight Welsh medium phone numbers. Another company stated that customers receive information about Welsh language services through correspondence, the website and staff.

## 3. Record Keeping

Staff language skills	8
Complaints	16
Applications for Welsh medium services	6
Skills when recruiting	5

Sixteen of the 22 companies kept a record of complaints received. One stated that complaints about their Welsh medium services are addressed by a manager and another company stated that those complaints follow the same system as every other complaint; there was no special process for Welsh complaints.

## 4. Any further comments

A number of companies provided detailed further comments. Several of them expressed concern about the potential additional cost of any statutory requirements to use Welsh. They felt that it would inevitably lead to transferring the additional cost to customers in Wales, with one company estimating that the initial cost of providing

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bilingual services would be around £2.5m. More than one respondent stated that they would not be able to operate in Wales if standards were imposed on them, emphasising the adverse effect this would have on customers in Wales. However, in accordance with condition 22 of the gas supply licence, a company is required to provide energy to anyone that makes such a request. Therefore, not operating in Wales would not be an option for those companies.

Some of the companies who already provide Welsh language services for customers stated that usage levels were low. They felt that the current provision is sufficient and that additional requirements would create unnecessary barriers to working in Wales. One company undertook research into customers' attitudes towards Welsh language services provided by energy companies. The responses did not indicate a strong desire amongst customers to receive Welsh medium services, compared with other aspects of energy companies' provision. Having said that, more than a third of respondents noted that phone services and receiving Welsh language bills and correspondence would be most important to them in dealing with an energy company.

Several companies stated that they do not provide Welsh language services to their business customers. Energy companies divide their customers into three categories: domestic, small and medium enterprises (SMEs), and industrial or commercial (I&C). Essentially, companies group their customers into domestic (households) and non-domestic (small and medium enterprises and commercial or industrial businesses) categories. The Measure defines the activity of 'supplying gas to the public' as follows:

Schedule 8 (Interpretation) 2(b) – 'provision of the service for any purpose (whether it is a domestic, business or other purpose).'

It makes no distinction, therefore, between domestic and non-domestic customers. However, the same services are not currently available to both groups of customers and this should be considered when drawing conclusions on which standards could be specifically applicable to companies.

The landscape of the energy sector is changing all the time and one factor impacting on this currently is the government's scheme to install smart meters in every household in Britain by 2020. The energy companies are responsible for installing the meters. The technical specification issued by the UK Government for the meters does not include a language requirement. Installing meters is a matter of high priority to energy companies due to the schedule imposed by the Government.

Although 14 companies state that installing meters is an activity applicable to them, none of them provide any element of Welsh in their service. It should be noted that a number of companies subcontract meter installation work to third parties. It should also be noted that it is the Commissioner's understanding, from discussions with Smart Energy GB, that there are meters on the market which offer multilingual options for display screens.

For many years now, customers have been encouraged to consider switching energy suppliers in order to ensure competitive energy prices. The Competition and

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Markets Authority has published a review of the energy sector which reveals that a substantial number of customers have never switched energy supplier or tariff.<sup>2</sup> Customers in Wales were less likely to have switched suppliers, with 29% of customers having been with their supplier for over 10 years. As a result, customers are considered to be at a disadvantage in a competitive market due to their failure to maximise opportunities to secure a cheaper energy supply. Some respondents expressed concerns that additional requirements in relation to the Welsh language would be transferred to customers and discourage companies from operating in Wales. It was noted that customers in Wales already pay more for their energy than a number of other areas in Britain due to transportation implications etc.

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/531157/Energy-final-report-summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531157/Energy-final-report-summary.pdf)

## 5 Evidence received from members of the public

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

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

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

### Service delivery standards

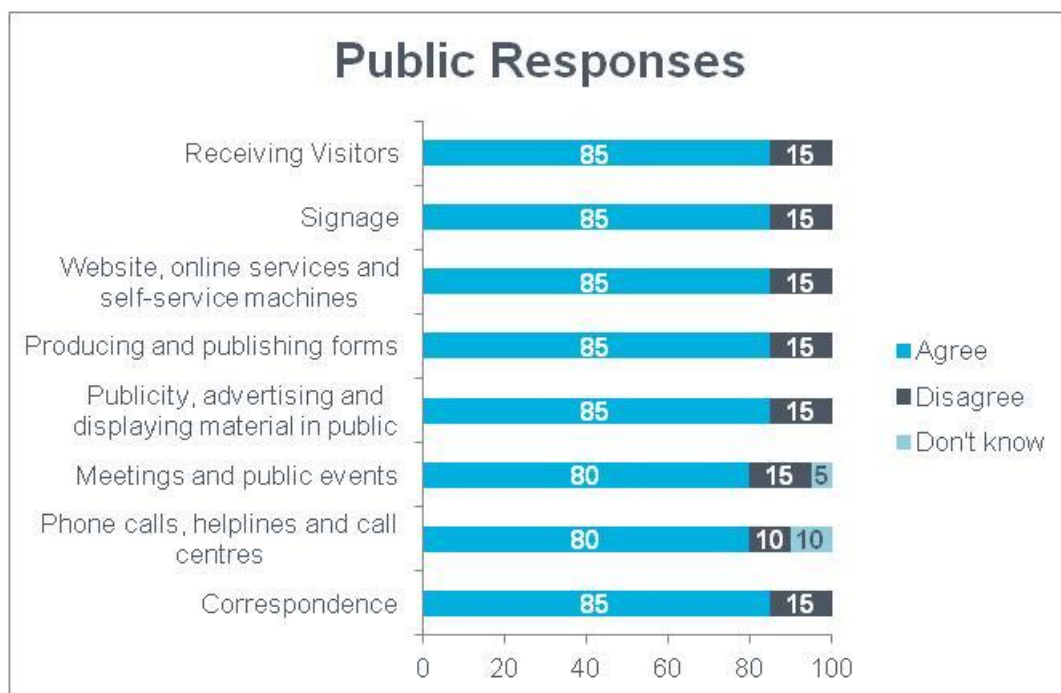
In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the service delivery standards, they were asked to respond to the following question in the questionnaire:

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

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

The following table shows the variety of responses received:

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## Record keeping standards

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

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

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

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



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### Further Comments

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

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

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

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

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

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

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

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

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

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

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

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

Cymdeithas yr Iaith believe that providing a full Welsh language service online is crucial in order to normalise and increase use of the Welsh language. They also believe that there is a need to ensure that the Welsh language is treated no less favourably on social media and that there is a standard in place to ensure that staff can respond to Welsh language enquiries online in an appropriate way.

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

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

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

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

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

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

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

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

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

### Record keeping standards

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

## 6 Evidence received from the Welsh Language Commissioner's Advisory Panel

Evidence was received from the advisory panel in accordance with the requirements outlined in section 63(3) of the Measure.

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

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

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

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

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

## 7 Conclusions of the standards investigation

### General comments

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

The Explanatory Memorandum to the Welsh Language Measure (Wales) 2011 states that one of the main objectives of the legislation was to modernise and build on the system of Welsh language schemes created under the 1993 Act. Similarly, it is noted that the aim of the Welsh Government in Legislating was to ensure better consistency between persons, especially between persons in the same sector, in terms of providing Welsh language services. The list is drawn from activities identified in Schedule 9 of the Measure, as well as those contained in previous regulations.

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

It is noted that section 42 of the Measure imposes a duty on Welsh Ministers to ensure that regulations provide for service delivery standards relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

However, it should be noted that they do not have to do so if the Commissioner indicates in a standards report, or if Welsh Ministers are of the opinion, that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity. It should be noted that this section of the Measure does not prevent regulations under section 39 from providing for other service delivery standards to be specifically applicable to a person.

In accordance with the above, if the standards investigation identifies that a person or group of persons carries or carry out the activity,<sup>3</sup> be that to a lesser or a greater extent, the Commissioner will conclude that all standards relating to that activity should be made specifically applicable to them. These conclusions were reached

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

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due to the fact that the standards specified by the Welsh Government are interdependent within the scope of the activity.

It is also noted that the way in which a service is delivered in relation to an activity may change in the future and that it would be necessary to adjust to reflect that by varying the compliance notice, rather than going back to regulations.

However, where evidence exists that a person or group of persons does not or do not carry out an activity at all, whether through evidence gathered as part of the standards investigation or by other means, the 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.

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

Of the activities which formed the basis of the investigation, all of the following were applicable to one or more gas companies:

- sending correspondence to several people at the same time
- sending correspondence direct to an individual or company
- correspondence regarding tariff switching
- responding to Welsh language correspondence received
- bills / statements
- gas supply agreements / contracts
- answering general phone enquiries
- call centre(s)
- answerphone messages
- making phone calls
- conducting meetings with one or more members of the public
- conducting events that are open to the public
- exhibitions
- notices
- adverts
- marketing initiatives
- posters
- press releases
- health and safety information
- other publications
- complaint forms
- payment forms
- registration forms
- website
- social media
- online chat facilities
- apps
- site signage
- maintenance signage
- meters

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- safety signage
- receiving visitors
- information desks
- courses
- brand and corporate identity

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

Of the above list, services that are 'Bilingual – Welsh and English' or 'English with some Welsh' are only applicable to between one and five companies of the 22 respondents.

Of those companies offering Welsh language services, it should be noted that they did not provide Welsh language services for business customers.

The list of services identified above was cross-referenced with the service delivery standards specified in the draft regulations for Water and Sewerage Undertakers. Nearly all of the proposed standards are applicable to the licensed gas suppliers as well as some additional services. See Conclusion 1 for a list of these services.

### Conclusion 1:

**The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to licensed gas suppliers. The following list is based on the service delivery standards in the draft Welsh language standards (Water and Sewerage Undertakers) regulations**

- **1. Standards relating to correspondence sent by a body**
  - (1) When a body replies to correspondence
  - (2) When a body initiates correspondence
  - (3) General standards relating to correspondence
- **2. Standards relating to telephone calls made by a body**
  - (1) Telephone calls made to a body's main contact number and to any helplines or call centres
  - (2) A body dealing with telephone calls using an automated system
- **3. Standards relating to a body holding meetings that are not open to the general public**
  - (1) Meetings between a body and one other invited person
  - (2) Meetings between a body and more than one invited person
- **4. Standards relating to meetings arranged by a body that are open to the public**
- **5. Standards relating to public events organised or funded by a body**
- **6. Standard relating to a body's publicity and advertising**
- **7. Standards relating to a body displaying material in public**



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- 8. Standards relating to a body producing documents
- 9. Standards relating to a body producing and publishing forms
- 10. Standards relating to a body's websites and on-line services
  - (1) Websites published by a body
  - (2) Apps published by a body
  - (3) Online chat facility
- 11. Standards relating to a body's use of social media
- 13. Standards relating to signs displayed by a body
- 14. Standards relating to a body receiving visitors at its buildings
- 15. Standards relating to notices made by a body
- 16. Standards relating to a body awarding grants
- 17. Standards for raising awareness about Welsh language services provided by a body
- 18. Standard relating to a body's corporate identity
- 19. Standards relating to courses offered by a body

### Further Conclusions

The Welsh Government's introduction to the Welsh Language Standards (Water and Sewerage Undertakers) Regulations consultation document<sup>4</sup> addresses a number of matters applicable to the comments gathered from gas companies, the advisory panel and the public during this investigation into licensed gas suppliers.

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

Section '2.4 Publications' refers to the Government's desire to find a way of ensuring that appropriate documents are published in Welsh where the subject matter and/or anticipated audience suggests that they should be published in Welsh. The comments provided by some gas companies express the same message. Having said that, it should be noted that not every gas company has the expertise or experience in providing Welsh language publications. It should also be noted that some members of the public asked for a fully bilingual service as default.

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

Section '2.6 Online chat facilities' refers to the need to consider the range of ways that customers can contact companies. These considerations also apply to gas companies.

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<sup>4</sup> [The Welsh Language Standards \(Water and Sewerage\) Regulations 2017](#)

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

In considering the services highlighted to the Commissioner that are applicable to gas companies and cross-referencing them with the draft regulations for water and sewerage undertakers, it is seen that companies offer some additional services. It should be ensured that regulations provide for these additional activities.

### Conclusion 2:

**The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for standards in relation to the additional matters identified below:**

- **Smart meters**

## The use of thresholds in the energy sector

Evidence gathered during the course of this investigation indicates significant variation between gas companies in terms of the Welsh language services provision currently available to customers in Wales. There is clear variation between the biggest and smallest companies. Variation was also seen in the provision of the larger companies, the so-called 'big six energy suppliers'. It was also seen that not all suppliers currently provide services in Wales.

The purpose of standards is:

- to clarify organisations' duties in relation to the Welsh language
- to provide Welsh speakers with more clarity on the services that they can expect to receive in Welsh
- to ensure greater consistency in terms of Welsh language services and improve quality

There must be a balance between introducing standards fulfilling the above purpose and the need to not interfere in the energy market's open competition and offer users the opportunity to pick and choose between a wide range of providers. The programmes already implemented by Ofgem in introducing environmental and social programmes on behalf of the UK Government could be a regime to consider in introducing regulations:

### **Ofgem's environmental and social programmes**

Gas and electricity companies are regulated by Ofgem. Ofgem's main duty is to safeguard users' interests.

One element of Ofgem's responsibilities is to ensure that energy suppliers operate in accordance with the conditions of the supply licence. Gas suppliers operate under a 'gas supply standard licence'. The licence contains various definitions applicable to

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the sector that are used to administer a range of programmes and impose requirements on companies. One example of this is differentiating between 'large' and 'small' companies using thresholds. According to the licence definition:

'Small Energy Supplier means an Energy Supplier which supplied (whether with electricity, or gas, or both) fewer than 250,000 (two hundred and fifty thousand) Domestic Energy Premises on 15 February 2015.'

This threshold is referenced in the regulations for the 'Warm Home Discount' legislation. Companies supplying more than 250,000 customers are required to implement the 'Warm Home Discount', the UK Government's scheme to tackle fuel poverty.

The licence contains another threshold for 50,000 customers. This refers to offering a range of payment options to customers.

Evidence gathered during the course of this investigation demonstrates the variation in the scale and provision of gas companies in Britain. This is partly due to the efforts of authorities such as Ofgem over recent years to increase competition and make it easier for companies to access the market and become energy suppliers. As a result, the number of companies supplying gas has increased from the 'big six' to double figures as barriers to the market are broken down. This is why thresholds such as those mentioned above exist; in order to allow small companies to grow before having to commit to any environmental or social schemes that could impede early growth.

Any requirements in relation to the Welsh language could follow this precedent.

### Conclusion 3:

**The Welsh Language Commissioner concludes that Welsh Ministers should consider the need to include a threshold or thresholds in relation to introducing Welsh language standards regulations for licensed gas suppliers. This can be done by considering the thresholds currently in place under the standard supply licence.**

### Record keeping standards

Based on the evidence received, the Commissioner concludes that gas suppliers that are specifically applicable to implementing service delivery standards, should keep records of their compliance with those standards. The Commissioner also concludes that they should keep a record of complaints.

### Conclusion 4:

**The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for record keeping standards to be specifically applicable to those supplying gas to the public.**

## Standards that deal with supplementary matters

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

### Conclusion 5:

**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 relevant gas suppliers.**

## 8 Next Steps

In preparing this standards report, the Welsh Language Commissioner has considered all the responses submitted to the standards investigation. This report will be submitted to the following in accordance with section 64(4) of the Measure:

- all relevant persons
- Advisory Panel to the Welsh Language Commissioner
- all persons who participated in the Commissioner's consultation in accordance with section 63
- Welsh Ministers.

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

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

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

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

- a process to help 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.

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

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

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

### Relevant persons

- Licensed gas suppliers

### Members of the public

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

### Organisations

- Cymdeithas yr Iaith Gymraeg

### Advisory Panel to the Welsh Language Commissioner

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