



Llywodraeth Cymru
Welsh Government

Number: WG47814

Welsh Government
Consultation – summary of response

Welsh Language Standards (Water and Sewerage Undertakers) Regulations 2023

A consultation was held on draft Regulations to make Welsh language standards applicable to water and sewerage undertakers between 15 February and 5 April 2023.

June 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Overview

The consultation sought views on draft Regulations to specify Welsh language standards for water and sewerage undertakers for the whole or any part of Wales. If made, the Regulations will enable the Welsh Language Commissioner to place duties in relation to the Welsh language on companies who provide the public with water services. This report provides a summary of the responses received to the consultation.

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: [Welsh Language Standards \(Water and Sewerage Undertakers\) Regulations 2023 \[HTML\] | GOV.WALES](#)

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1. Introduction

This document provides an overview of the responses to the consultation on a draft version of the Welsh Language Standards (Water and Sewerage Undertakers) Regulations 2023. The purpose of the consultation was to seek views on the draft Regulations which will bring water and sewerage undertakers who provide services to members of the public in Wales under Welsh language standards.

2. The consultation

Views on the draft Regulations were invited during a seven-week consultation period which began on 15 February 2023 and ended on 5 April 2023. As this was the second consultation on draft standards for water and sewerage undertakers, we consulted for a shorter than usual period of 7 weeks.

The consultation was published on the consultation pages of the Welsh Government's website. Respondents were able to submit their views and comments on paper, by email or online, and in Welsh or English. A link to the consultation was emailed to a range of stakeholders including water companies, wider stakeholders from the water sector, and Welsh language policy stakeholders. They were told that they were welcome to contact the Welsh Government if they wanted to discuss the deadline for receiving responses.

3. Who responded to the consultation?

The consultation received a total of 17 responses. All the responses have been considered and analysed. The responses came from the following interest groups:

Category of Respondent	Number
Members of the public	13
Water Companies: <ul style="list-style-type: none">• Dŵr Cymru• Hafren Dyfrdwy / Severn Dee	2
Welsh language policy stakeholders <ul style="list-style-type: none">• Comisiynydd y Gymraeg / Welsh Language Commissioner• Cymdeithas yr Iaith	2

14 responses were received through the online form accessed through the Welsh Government's website, and 3 responses were received by e-mail. The names of the members of public who responded have been withheld.

4. Summary of Responses

This document aims to present the broad views and themes that were provided in responses to the consultation, rather than to summarise every individual response.

How the Welsh Government has responded to the views of respondents is outlined section 5, below.

The responses have been summarised according to the following categories: Members of the public, Water companies, Welsh language policy stakeholders.

Question 1

Do you have any comments on the service delivery standards proposed in the regulations?

Members of the public (13)

4 members of the public did not respond to this question, and 1 respondent noted a general view that the charge for water in Wales was too high. This did not appear directly relevant to this consultation.

1 respondent noted that they were content with the standards as they were.

4 respondents submitted comments which objected to the general principle of Welsh language standards and offering services in Welsh.

3 respondents submitted comments on the content of the regulations, offering suggestions mainly of how the scope of the standards could be expanded to give more rights to members of the public. These suggestions included extending the duties relating to dealing with correspondence, phone calls, forms, and receiving visitors. It was also suggested that some standards relating to meetings between a body and more than one invited person should be omitted to only leave the standard where a translation service must be provided if 10% of the invited attendees have informed the organiser that they wish to use the Welsh language at the meeting.

Water companies

Dŵr Cymru noted that they had reviewed the regulations and believed that the standards were reasonable and proportionate. They also said that, as a company serving most of Wales, they have a strong commitment to the Welsh language and a history of offering customers Welsh language services.

Hafren Dyfrdwy did not respond on the consultation response form therefore did not answer the questions directly. They addressed matters concerning the draft Regulations in their response to the Regulatory Impact Assessment data collection exercise. Their response expressed that it's important that all customers can communicate with them in their language of choice. They noted that they have had a Welsh Language Scheme since the business was launched in July 2018, and that they believed Welsh language standards could boost inclusion by allowing them to engage more effectively with customers that can speak Welsh.

However, whilst not objecting to any standards themselves, Hafren Dyfrdwy did note that their main area of concern was how the standards would be implemented and any impact that would have on outgoings which would have to be reflected in

customer bills. Any additional costs incurred as a result of the standards would be passed on to their customers via their bills, so they noted that they were keen to minimise the financial impact of complying with standards especially with the current cost of living crisis. Matters concerning implementation of the standards can be discussed between Hafren Dyfrdwy and the Commissioner when the Commissioner consults with the company on a draft compliance notice.

Welsh language policy stakeholders

Both the Welsh Language Commissioner and Cymdeithas yr Iaith noted that many standards which had been included in previous standards regulations had been excluded from these Regulations. Standards referred to by one or both of the respondents included: some standards relating to correspondence, telephone calls, documents, standards relating to awarding contracts; standards which imposed duties on bodies to issue badges to allow Welsh speakers to identify themselves; and standards which related to linguistic accuracy.

The Welsh language Commissioner requested a new standard which would allow her to impose a duty on companies to issue Welsh version of a form if they were not aware if the person receiving the form wanted a Welsh version. This recommendation resulted from her experience of imposing standards on the bodies already under the standards system. Some of those bodies had noted difficulties in recording the language choice of customers on their systems.

Both respondents expressed concerns regarding the standards relating to producing documents, specifically that the standards would not result in the companies being under duties to produce more documents in Welsh than what they currently do under their Welsh language schemes.

Cymdeithas yr Iaith expressed a concern that some of the standards relating to reception areas could lead to a delay in dealing with a Welsh language query. Cymdeithas yr Iaith also expressed a concern that there were no standards in the Regulations to deal with the rights of workers, recruitment and training. However, as these Regulations apply to categories of companies that come under Schedule 7 and 8 to the Measure, only service delivery standards, record keeping standards and supplementary standards can be made specifically applicable to them. Unlike previous Regulations passed in the Senedd, these draft Regulations cannot include policy-making, operational, or promotion standards.

The Welsh language Commissioner welcomed the new standards prepared for on-line chat facilities and noted that this was a positive step which reflected the changing ways bodies are choosing to communicate with their customers. Similarly, Cymdeithas yr Iaith welcomed the standards relating to apps, and noted that the standards can contribute towards normalising the Welsh language in technological developments.

Question 2

Part 3 of Schedule 1 to the Regulations includes interpretations for some of the service delivery standards. Do you have any comments on the interpretation of standards as set out in Part 3?

Members of the public

7 respondents did not respond to this question. 1 respondent repeated the response to other questions which noted a general view that the charge for water in Wales was too high which did not appear directly relevant to this consultation.

3 respondents submitted comments which objected to the general principle of Welsh language standards.

1 respondent suggested a that a wider definition of “reception areas” should be used.

1 respondent suggested several alternative definitions, and suggestions for additional standards to cover services not included in the draft Regulations such as publishing press releases, public address systems, and distribution of “laith Gwaith” badges.

Water companies

Dŵr Cymru noted in their response that the Regulations were reasonable and proportionate. They noted that they welcomed paragraph 27 of Part 3 of Schedule 1 which outlined conditions where companies would not have to comply with the standards if there is an emergency.

Hafren Dyfrdwy did not make any comments which were relevant to this question.

Welsh language policy stakeholders

The Welsh Language Commissioner noted that an example of an emergency situation in relation to paragraph 27 of Part 3 of Schedule 1 would be useful. The Commissioner also noted that she believed that there was a risk of companies taking a wide interpretation of the term “short notice meeting” in paragraph 32, and that an example would also be useful in that context.

The Commissioner and Cymdeithas yr Iaith expressed concerns regarding the definition of correspondence in paragraph 29, for the purposes of standards 2 and 4, and suggested a wider definition that would extend the duty beyond “system generated correspondence”.

Cymdeithas yr Iaith did not agree with paragraphs 38(a) and 41 which notes that standards relating to websites, and on-line chat facilities respectively, do not apply to linked documents, advertising, or video and audio clips.

Question 3

Do you have any comments on the record keeping standards and standards dealing with supplementary matters proposed in the regulations?

Members of the public (13)

7 respondents did not respond to this question. 1 respondent repeated the response to other questions which noted a general view that the charge for water in Wales was too high.

3 respondents submitted comments which objected to the general principle of Welsh language standards.

1 response noted that all records should be kept in English only, however it should be noted that record-keeping standards are not about in which language records are kept.

1 response asked for the record-keeping standards to be extended so that duties could be imposed on water companies to establish systems to monitor and promote the services they offer in Welsh, and also to create a duty for companies to publish details of complaints received in their Annual Reports.

Water companies

Dŵr Cymru responded to note that they regarded the record keeping standards and standards dealing with supplementary matters to be reasonable and proportionate, and that they already publish an Annual Report on their compliance with the existing Welsh language scheme.

Hafren Dyfrdwy made no comments on the record keeping standards and standards dealing with supplementary matters.

Welsh language policy stakeholders

The Welsh Language Commissioner noted suggestions to prepare additional standards to require bodies to establish systems to promote Welsh language services, and to train staff in how to deal with complaints.

Question 4

We would like to know your views on the effects that the Welsh Language Standards (Water and Sewerage Undertakers) Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Members of the public

4 respondents did not respond to this question. 1 respondent repeated the response to other questions which noted a general view that the charge for water in Wales was too high.

6 respondents submitted comments which objected to the general principle of Welsh language standards.

1 respondent expressed concern that the standards would increase the outgoings of water companies, but also noted a belief that the standards had the potential to raise awareness of the fact that Wales is a country with its own language.

1 respondent noted a potential for standards to help the environment if customers had the option to receive documentation in one language only.

Water companies

Dŵr Cymru noted that implementing the standards will give them an opportunity to strengthen their commitment towards the Welsh language and to offer greater clarity to their customers of what services they can expect to receive in Welsh. They believe that this could increase the confidence of customers to access Welsh language services.

Hafren Dyfrdwy noted that visible support of the Welsh Language would enhance their standing with Welsh speakers in the community and would boost inclusion by allowing them to engage more effectively with customers are able to speak Welsh.

Welsh language policy stakeholders

Neither the Welsh Language Commissioner or Cymdeithas yr Iaith answered this question directly. However both responses welcomed the Regulations in principle and welcomed the opportunities standards would give for Welsh speakers to access Welsh language services.

Question 5

Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Members of the public

5 respondents did not respond to this question. 1 respondent repeated the response to other questions which noted a general view that the charge for water in Wales was too high.

1 respondent noted the potential of the standards to create employment opportunities for Welsh speakers.

6 respondents submitted comments which objected to the general principle of Welsh language standards, with 1 of them making particular reference to there being a lack of evidence regarding the current demand around Welsh language services.

Water companies

Dŵr Cymru noted in their response that they recognised the importance of setting an example in terms of Welsh language use as one of Wales' largest employers and one of the Welsh Government's anchor companies. They view adopting and implementing the Standards as another opportunity to demonstrate how a large organisation can successfully offer a Welsh language service and ensure that Welsh is not treated less favourably than English.

Hafren Dyfrdwy noted in their response that they currently have 15 customers registered as Welsh speakers on their records. However, with Welsh Language standards in place, they expect the number of customers specifying Welsh as their language of choice to grow.

Welsh language policy stakeholders

Neither the Welsh Language Commissioner nor Cymdeithas yr Iaith answered this question directly. However, both responses welcomed the Regulations in principle and welcomed the opportunities standards would give for Welsh speakers to access Welsh language services.

5. Welsh Government Response

The Welsh Government is grateful to everyone who has submitted a response. As a summary document, not all issues outlined in responses may have been reflected fully, but each response has been considered carefully. The absence of specific issues or suggestions in this summary does not mean they have been disregarded.

Since the consultation, the following changes have been made to the Welsh Language Standards (Water and Sewerage Undertakers) Regulations 2023 (now called the Welsh Language Standards (No.9) Regulations 2023):

- Standards relating to telephone calls: 2 new standards have been included in the Welsh Language Standards (No.9) Regulations 2023 (standards 9 and 10). Standard 9 places a body under a duty to deal with a call to their account enquiry helpline in Welsh, but only until it is necessary to transfer the call to a member of staff who does not speak Welsh. Standard 10 places a body under a duty to deal with a call to their service helpline in Welsh in its entirety if that is a member of public's wish. Including these standards gives the Commissioner a wider range of standards to choose from when imposing standard on different companies.
- Some service delivery standards have been amended to state "*where the anticipated audience **includes** members of the public in Wales*", as opposed to "*where the anticipated audience **are** members of the public in Wales*". This makes it clear that the whole intended audience does not need to be members of the public in Wales for the standards to apply. A standard could apply if part of the intended audience is in Wales, and part in another country.

- Standards relating to a body producing and publishing forms: a new standard has been included (standard 33) which places bodies under a duty to send a Welsh language form if they don't know whether the member of the public wishes to receive a Welsh language version.
- Standards relating to signs displayed by a body: the word "new" was removed from standard 47 as it was deemed unnecessary.
- Paragraph 32 of Part 3 of the Regulations has been amended to include "*a body conducting door to door enquiries*" as an example of when standards 16-17C would not apply.

6. Next Steps

The Welsh Language Standards (No.9) Regulations 2023 will be laid at the Senedd and must be approved in a Plenary vote. The Regulations, if they come into force, will not have a direct effect on bodies and they will not, by themselves, create rights for members of the public. The Regulations will enable the Welsh Language Commissioner to require bodies to comply with the standards.

It will be for the Commissioner to choose which standards to impose on bodies by way of a Compliance Notice. The Regulations set the range of standards which could be imposed on a body. A body may have to comply with the standard only in some circumstances and not in others – depending on what is stated in their Compliance Notice. The Compliance Notice will also set the date by which the body is required to comply with a standard.