

THIS IS A TRANSLATION OF A LETTER ISSUED IN WELSH



Llywodraeth Cymru
Welsh Government

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Cyfarwyddwr Cyffredinol • Director General
Yr Adran Addysg a Sgiliau
Department for Education and Skills
Our Ref/Your Ref:

Meri Huws
Welsh Language Commissioner
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd
CF10 1AT

Date: 10 August 2012

Dear Meri

Welsh language standards

Following our recent conversations, and specifically on 27 July, we agreed it would be useful for me to respond in principle on behalf of the Government to your non-statutory consultation document: *Standards and the Welsh Language: What Are your Views?*

With regard to Welsh language standards, we believe that the following issues are key. They reflect the commitments made by the previous Government to the National Assembly for Wales during the passage of the Measure:

any duties imposed on persons in accordance with Welsh language standards must be reasonable and proportionate;

the system by which standards are imposed, monitored and enforced should be as simple as possible and should keep bureaucracy to a minimum. Doing so should help organisations focus on improving Welsh language services, rather than focusing on bureaucratic processes;

the system for introducing and imposing Welsh language standards should follow the system provided by the Measure;

it will be important to ensure that the standards are as clear as possible in terms of what organisations will need to do on a practical level to ensure they comply, in terms of what the public can expect from these organisations, and in terms of facilitating the Commissioner's work in enforcing the standards;

any consultation on draft standards should be accompanied, whenever appropriate, by the publication of the accompanying draft codes of practice. Without standards that are as clear as possible, and without the related codes of practice, it could be difficult for organisations to understand what will be expected of them as they respond to a consultation and to judge whether the draft standards will lead to duties that are reasonable and proportionate;

publishing your draft compliance policy in conjunction with your consultation on draft standards will make it clear to organisations what is likely to happen once they have

failed to comply with a standard. This will provide them with a fuller picture of the impact of the standards.

I enclose a flow chart which was submitted to Legislation Committee 2 during the passage of the Measure. This sets out the process to be followed in developing and making standards, and which forms the basis for the implementation of the Measure.

The flow chart notes the expectation that the Welsh Language Commissioner should carry out a standards investigation (the letter refers to Section 60 of the draft Measure, which is now included as Section 61 of the final Measure). In addition to this, prior to being able to issue a compliance order to any person, you must have consulted with that person in accordance with Section 47 of the Measure.

The Regulations making standards will need to be accompanied by a Regulatory Impact Assessment, setting out the impact the standards will have on the public, private and third sectors. Much of the information required to prepare the assessment could be sought during a standards investigation undertaken in accordance with Chapter 8 of the Measure. The Welsh Language Division would be happy to advise you further.

I hope that the above will be of assistance to you in developing standards. Caroline Turner's team is happy to discuss further if you require.

Yours sincerely

Emyr Roberts