



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION

Welsh Language Standards (Water and Sewerage Undertakers) Regulations 2023

We want your views on draft regulations to make Welsh language standards applicable to water and sewerage undertakers with customers in Wales.

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Overview

This consultation seeks views on the draft Regulations to specify Welsh language standards for water and sewerage undertakers for the whole or any part of Wales. These 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.

We are holding this consultation to ensure that everyone with an interest has an opportunity to have their say on the draft standards.

Ministerial foreword

The Welsh Government is committed to increasing the use of our language, and using Welsh language standards to increase the provision of Welsh language services is an important contribution our Cymraeg 2050 strategy.

The Cooperation Agreement between the Welsh Government and Plaid Cymru makes a clear commitment to develop standards for more sectors and bodies before the end of the current Senedd term. Over 130 bodies are currently subject to standards. The next step is to bring water and sewerage undertakers who provide services to members of the public in Wales under the standards.

I intend that these standards will address the different ways water and sewerage undertakers deals with their customers in Wales. We have tried to prepare standards to cover the different ways the public communicates with these companies.

Since becoming the Minister for Education and the Welsh language, I have emphasised that my priority is to see more people using the Welsh language. I

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want the standards system to help us reach that aim. I want these standards to give the public the confidence to use their Welsh language skills however they choose to communicate with their water company, and I expect the standards to drive the companies forward to offer services that will increase the use of Welsh.

I look forward to receiving your views on these draft Regulations, and will consider them before laying the final Regulations before the Senedd.

1. Introduction

1.1 The Welsh Government is preparing a series of Welsh Language Standards Regulations ('standards') under the Welsh Language (Wales) Measure 2011 ("the Measure"). Standards give Welsh speakers enforceable rights to use the Welsh language when dealing with bodies. Seven sets of regulations have been made to date and over 130 bodies are currently complying with standards.

1.2 The draft Regulations being consulted upon have been specifically prepared for water and sewerage undertakers that provide water and/or sewerage services for the whole or any part of Wales ("water companies"). In order to be subject to these Regulations, a water company must come under one or more of the following groups of persons which are listed in Schedule 8 to the Measure:

- companies who are water undertakers for the whole or any part of Wales
- companies who are sewerage undertakers for the whole or any part of Wales

1.3 The standards must be made by the Welsh Ministers by specifying them in Regulations. Once the Regulations are approved by the Senedd the Welsh Language Commissioner can require any water company to comply with the standards by issuing them with a compliance notice.

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1.4 Through this consultation, we want to hear from anyone with an interest in the draft standards, and in the use of Welsh by water companies. This consultation will be open until 5 April to ensure that members of the public, the companies that will be subject to these standards, and other interested stakeholders have an opportunity to have their say. As this is the second consultation on draft standards for water and sewerage undertakers, we are consulting for a shorter period of 7 weeks. Respondents are welcome to contact us if they wish to discuss the deadline for receiving responses.

1.5 Respondents are welcome to make comments on any aspect of the draft Regulations. We have highlighted some matters which are of particular interest to us to hear views on in paragraphs 2.12 to 2.16.

2. Background

The consultation on draft standards in 2017

2.1 A 12 week public consultation on draft regulations to specify standards for water companies was previously undertaken between 25 November 2016 and 17 February 2017^[1]. A total of 260 written responses were received to the consultation (this total included 250 responses submitted as an identical letter).

2.2 The work on developing standards regulations has restarted during this sixth Senedd term. The Cooperation Agreement between the Welsh Government and Plaid Cymru which was agreed in November 2021 makes a commitment to develop standards for more sectors and bodies. Having made standards for Healthcare Regulators in July 2022, these draft Regulations to apply standards for water companies are the second set of Regulations being developed under the Cooperation Agreement.

2.3 The draft Regulations which are subject to this second consultation have

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been prepared to take account of both the comments raised in the 2017 consultation exercise, and a review of standards undertaken by the Welsh Government in response to a Senedd Committee's recommendations in 2019. Due to the passage of time since the first consultation we have decided to reconsult on these updated regulations.

The process: how will the standards work?

2.4 Each set of standards Regulations are prepared to reflect the way that the sector they relate to delivers services and undertakes activities. These draft Regulations include standards and specific conditions to reflect the way services are delivered to the public by water companies.

2.5 Before a body must comply with a standard, these conditions have to be met:

- the body must fall within a category in Schedules 7 and 8 to the Measure
- the standard must have been made specifically applicable to the body. This means that the Welsh Ministers have, in regulations, authorised the Commissioner to give a compliance notice to the body requiring it to comply with the standard
- the Commissioner has given a compliance notice to the body which requires it to comply with the standard, and that compliance notice is in force

2.6 The draft Regulations set out the standards that we propose to make specifically applicable to water companies. The following categories of standards can be imposed on the water companies:

- service delivery standards
- record keeping standards
- supplementary standards

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Service Delivery Standards

2.7 Service delivery standards relate to the delivery of services to members of the public in Wales. They are intended to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favourably than English. Because the water and sewerage companies fall within Schedule 8 to the Measure, a service delivery standard can only apply to the extent that it relates to the services the water company provides to the public in the exercise of its functions as a water and/or sewerage undertaker.

2.8 The draft Regulations includes standards which relate to activities listed below. This consultation document does not discuss each individual standard or category of activity, but paragraphs 2.9 to 2.13 highlight some matters which may be of particular interest to respondents, and matters which we are particularly keen to receive views on in the responses to this consultation.

Categories of activity

- Correspondence.
- Social media.
- Telephone calls.
- Self service machines.
- Meetings.
- Signage.
- Public events.
- Receiving visitors at its buildings.
- Publicity and advertising.
- Notices.
- Displaying material in public.
- Awarding grants.
- Producing documents.

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- Raising awareness about.
- Welsh language services.
- Producing and publishing forms.
- Corporate identity.
- Websites and on-line services.
- Courses.

General principles

2.9 We would be interested to hear if the above categories of activities are sufficient to cover all services that members of the public receive from water companies in the exercise of their functions as a water and/or sewerage undertakers, or if other activities are provided which may not be covered by the standards in the draft regulations.

2.10 As noted in paragraph 2.7, service delivery standards can only apply to the extent that it relates to the services the companies provide to the public in the exercise of their functions as a water and/or sewerage undertakers. We would be interested to hear if there are any instances where water companies provide services to the public which fall under the above categories of activity, but where all those services are beyond the company's functions as a water and/or sewerage undertaker. This may be particularly pertinent to services which people may not usually associate with receiving from their water company, such as grants, courses, or self-service machines.

2.11 Paragraph 27 in Part 3 of Schedule 1 to the draft regulations include conditions where companies would not have to comply with the standards if there is an emergency. We would be interested to hear if the conditions as drafted effectively capture the scope of emergencies encountered by water companies and members of the public in relation to water and sewerage services.

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Standards relating to telephone calls (standards 7 to 15)

2.12 When contacting water companies by telephone, customers tend to call telephone numbers which are widely advertised on publications, bills, and websites. Apart from exceptional circumstances, we would not expect a customer to contact their water company by using another number (for example, by phoning an individual staff member on a direct line). We have therefore prepared standards which relate specifically to “account enquiry helpline numbers” and “service helpline numbers”. We would expect “account enquiry helpline numbers” to include telephone numbers dedicated to discussing matters such as bill enquiries, payment enquiries, changing address, and matters concerning water meter availability or readings. Our view is that “service helpline” encompasses numbers that deal with operational issues such as problems with water supply, water quality, or leaks. We would like to hear from respondents whether they believe the above captures the services delivered by those helplines, and are clear to both members of the public and the companies themselves.

Standards relating to “online chat facilities” (standards 40/40A)

2.13 These are the first set of regulations where we have prepared standards which relate specifically to online chat facilities. This is an attempt to reflect the changing ways in which members of the public choose to deal with these companies. We are keen to ensure that customers are able to use their Welsh whichever way they decide to contact their water company, and that standards appropriately cover the most recent technology. We would like to hear from companies and customers alike to see whether these standards reflect the expectations customers have when using online chat facilities as a means of communication.

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Record keeping standards

2.14 These standards require the company to keep records about some of the other standards, and about any complaints received by the company. These records will assist the Commissioner in monitoring the company's compliance with standards.

Supplementary standards

2.15 These standards deal with various matters including the production of an annual report, monitoring arrangements and the provision of information to the Commissioner.

Compliance notices

2.16 The draft Regulations set out the range of standards which could be imposed on a water company. The Commissioner does not have to require every company to comply with every standard.

2.17 The Commissioner has flexibility in choosing which standards, and the extent to which, a company has to comply. The Commissioner can also set the date by which the company is required to comply with a standard. The Commissioner sets out that information in a compliance notice which is given to the company.

2.18 The Commissioner will therefore have several options when it comes to imposing standards on a company. A company may have to comply with a standard only in some circumstances and not in others (depending on what is appropriate for them). This approach allows the Commissioner to facilitate a gradual improvement of Welsh language provision by companies.

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2.19 A company will be able to challenge the requirement upon it to comply with a particular standard on the grounds of whether it is reasonable and proportionate to do so.

2.20 In the first place, a company will be able to present a challenge to the Commissioner, asking the Commissioner to determine whether the requirement upon it to comply with a particular standard in the compliance notice is reasonable and proportionate. If they are unable to resolve the dispute, there is a route of appeal available to the Welsh Language Tribunal, and thereafter to the High Court (on a question of law).

[1] Welsh Language Standards (Water and Sewerage Undertakers) Regulations | GOV.WALES

3. Regulatory Impact Assessment (RIA)

As part of the previous consultation on draft standards for water companies in 2017, companies subject to these draft Regulations were asked to submit information to allow the Welsh Government to prepare a RIA to accompany the Regulations when they were being laid at the Senedd.

We are asking companies to provide us with updated information in light of the draft Regulations currently being consulted upon so that we can prepare an updated RIA that is as accurate as possible. The purpose of the RIA is to help the Welsh Ministers consider the impact of proposed regulations and to consider the costs and benefits of all options available to them before implementing a policy. It is also a means of presenting for scrutiny evidence on the positive and negative effects of policies.

Companies who are or may be subject to the draft regulations are asked to complete the questions in the RIA form published on the website. The RIA form

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should be returned to Cymraeg2050@gov.wales by 5 April. Please note that the RIA form only applies to water companies subject to the Regulations.

4. Consultation questions

Please use the consultation response form published on the website to respond to these questions.

1. Do you have any comments on the service delivery standards proposed in the regulations? You are welcome to make reference to the matters raised in paragraphs 2.9 to 2.13 of the consultation document, or to any other matter.
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?
3. Do you have any comments on the record keeping standards and standards dealing with supplementary matters proposed in the regulations?
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?
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

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language and on treating the Welsh language no less favourably than the English language.

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

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If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: dataprotectionofficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House

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