

Enw'r corff: Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg

What is your experience or opinion of the standards regime? I would like to hear in particular about the processes of setting and enforcing standards, and your experience of implementing or preparing to implement the standards within your organisation.

As the Welsh Language Standards are not yet in place for Health Boards within Wales we can only anticipate their impact. ABMU has a very low proportion of Welsh speaking staff and so there will be a number of challenges ahead.

The Welsh Language Commissioner's role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?

The Health Board believes that the balance of the Welsh Language Commissioner's role is right, although initially the Health Board had concerns that the Commissioner would be acting solely as a regulator. The Health Board would like to see the continuation of publications, guidance, resources and workshops in the future. The Commissioner has promoted initiatives and encouraged organisations to replicate good practice. It is our understanding that the Commissioner has worked with Public sector organisations who have undergone investigation, to help them overcome challenges and ABMU is supportive of this approach. Compliance with regulatory requirements needs to add value to the patient experience and we therefore support greater emphasis on promotion, assistance with development to ensure best value is achieved in terms of the resources available to support the use of the Welsh language.

What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language? In particular I would like to hear your views on who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field.

Everyone has a responsibility for promoting the Welsh language. The Commissioner, Welsh Government, public sector organisations, private sector and the public all have a duty to promote the Welsh language and its use within Wales.

Response to the Call for Evidence in relation to the Review of the Welsh Language Measure

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Enw'r corff: Swyddfa'r Comisiynydd Gwybodaeth

The Information Commissioner is the regulator for information rights across the UK. She upholds these rights in the public interest, and takes action when needed to improve such practices. In 2003, the then Commissioner established offices in Cardiff, Edinburgh and Belfast to ensure that the requirements of the devolved UK administrations were given appropriate representation in its public task. The offices are overseen by a single Head of Department and the Wales office currently consists of two teams comprising in total of four policy staff and two home-based caseworkers.

Our Wales office takes responsibility for the vast majority of engagement with Welsh stakeholders, including members of the public and organisations across all sectors. Thus this office is best-placed within the ICO infrastructure to effectively handle our Welsh language obligations and it is this office that has dealt with the Measure implementation to date.

Current Position

The ICO is committed to ensuring that services provided to stakeholders are accessible to all, including Welsh speakers. To this end, the ICO *voluntarily* adopted a Welsh Language Scheme in 2007. The scheme was updated in 2010, and replaced by the Welsh Language Standards in January 2017. The ICO has challenged a number of standards imposed by the Welsh Language Commissioner, and it should be noted that at the time of submitting this response, the challenge process is ongoing.

Our view of the Welsh Language Scheme is that whilst it was overly reliant on demonstrable action, it afforded a sufficient degree of flexibility and was not excessively onerous to the extent of impacting negatively on the delivery of our public task. It allowed us to successfully promote the use of the Welsh language when engaging with our stakeholders and allowed us to deliver a range of services in the Welsh Language, such as the first advisory visit to be conducted in Welsh.

It should be noted that the ICO has over 30 years of regulating complex legislation. We therefore appreciate the challenges faced by the Welsh Language Commissioner in enforcing the language standards, and our own experience is partly reflected in our responses to your statement of 31 January 2017,

What is your experience or opinion of the standards regime? I would like to hear in particular about the processes of setting and enforcing standards, and your experience of implementing or preparing to implement the standards within your organisation.

The investigation and implementation stage of the Welsh Language Measure and Standards undoubtedly placed excessive demands on our Wales office. This is primarily because the prescriptive nature of the legislation and the volume of individual standards for compliance, along with the overly onerous requirements for demonstrable evidence, has necessitated a considerable amount of allocated resource to effectively engage with the implementation process.

We estimate that we have dedicated between 30 and 40 standard working days to the implementation process to date. You will appreciate that given the small number of staff in the Wales office, such a resource devoted to compliance this has had a considerable detrimental impact on the delivery of our public task which we have found to be burdensome and disproportionate.

We believe that many of the standards which have been imposed on the ICO were clearly designed improve practices in those organisations based wholly in Wales and/or primarily providing services in Wales. Many of the standards, such as those relating to tenders and contracts, cannot easily be applied to organisations such as ours. For example, no consideration has been given to the impact of making it mandatory to inform non-Welsh speaking stakeholders, who may be based in other areas of the UK, of the fact that we welcome correspondence in Welsh.

Furthermore, organisations will achieve their public task in different ways that suit their own operations. For example, the our Wales office does not have a reception service as we are not an open office in the traditional sense of being open to the public. However, standards relating to a reception service have been imposed on the ICO, along with other standards that suggest some form of publicly-available office. This has understandably led to confusion within the ICO Wales office as to how we are to comply.

Whilst we will do everything within our power to conduct our services in Welsh, there are simply some instances where the necessary re-engineering of business processes are overly disproportionate to the uptake in those services and, in some cases, excessively costly in a time of public sector financial constraints. We would welcome future legislation that affords organisations a degree of flexibility in their Welsh language provisions through a principle based-approach which recognises the different purposes and client groups of public authorities and, in particular, ones such as the ICO which operates in all four parts of the UK.

To illustrate this approach,, one can look at the Data Protection Act 1998 (DPA), which is primarily based on eight principles but applies throughout all sectors of public administration and the wider economy. The DPA is no less complex in its application than the Welsh Language Act, and failure to comply can still result in legally-enforceable and effective regulatory action, but there is much greater scope for interpretation amongst practitioners. In addition, it successfully promotes the rights of individuals whilst balancing the practicality of service delivery, a balance that we feel the existing Welsh language legislation fails to achieve.

We, like other public authorities, are awaiting the outcome of our challenges to the imposition of a number of standards, many of which would impose resource costs upon us (for example, the maintenance of a document detailing every standard imposed on the ICO along with a description of HOW we intend to comply with each standard requires a great deal of initial and ongoing resource). Given this, we would urge the Minister to consider imposing a moratorium on decisions relating to the challenges until such time as this review is completed.

The Welsh Language Commissioner's role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?

Our view is that during the implementation process, the Commissioner has weighted the balance too far in favour of regulatory functions. As a regulating body ourselves, we fully understand the importance of getting this balance correct, and over 30 years of experience as a regulator has taught us that there is far greater value in helping organisations improve their practices and taking a pragmatic view as opposed to taking enforcement action.

In particular, we feel that the investigation stage placed too great an emphasis on compliance with the (then forthcoming) legislation. Despite our exhaustive response, we feel that the questionnaire did not allow the Commissioner to obtain a balanced picture of our operations and public task, and of our existing Welsh language practices.

We feel that the Commissioner has adopted too narrow a view of compliance requirements with little scope for flexibility for non-Wales based organisations such as ours. Should new or amended legislation be forthcoming, our view is that it would have been effective to undertake a general discussion with organisations such as ours around our current Welsh language practices, and identify good practices as well as highlighting areas for improvement. The ICO already offers this service in the form of an 'advisory visit' and we have found it an invaluable tool for organisations looking to establish a baseline of compliance.

What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language. In particular I would like to hear your views on who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field.

Our view is that having a single independent body is an effective method for regulating legislation and promoting good practice. We are aware of the confusion surrounding this area of responsibility, and note the establishment of the Welsh Language Commissioner. We also note the establishment of the Welsh Language Tribunal as part of a redress process.

As a regulator, the ICO strives to ensure it remains independent and impartial at all times. Whilst there is no evidence to suggest otherwise in the early implementation stages of the Welsh Language Measure and Standards, we would stress the importance for the Commissioner and Tribunal to be considerate of the needs of organisations such as ours, and to be reasonable in their expectations of how practical compliance with the standards will look.

Enw'r corff: Swyddog Gwasanaeth Tân ac Achub Gogledd Cymru

Nid yw Gwasanaeth Tân ac Achub Gogledd Cymru wedi cael cyfle eto i weithredu'n iawn yn unol â'r Safonau newydd, gan eu bod yn dod i rym i ni fel sefydliad ar 30 Mawrth 2017. Ac felly mae'r ymateb hwn yn seiliedig ar ein profiad hyd yma wrth baratoi ar gyfer y Safonau.

Beth ydy'ch profiad chi neu'ch barn ar y gyfundrefn Safonau?

- Mae'r broses wedi bod yn rhy gymhleth o lawer - roedd yr iaith a'r derminoleg yn achosi dryswch, ac roedd y derminoleg a'r dull yn anghyson ac roedd yr amrywiaeth yn y safonau a osodwyd ar wahanol sefydliadu a oedd yn gweithredu ar draws yr un rhanbarth ar adegau hefyd yn peri dryswch.
- Nid ydynt yn hawdd i'r cyhoedd eu deall - sydd yn mynd yn groes i'w bwriad, nid yw'r safonau'n symleiddio'r broses i'r cyhoedd
- Mae cyflwyniad y Safonau newydd wedi helpu i godi proffil y Gymraeg yn ein sefydliad a'i gosod ar frig yr agenda.
- Nid yw'r broses bob amser wedi ein galluogi i ymgynghori'n llawn e.e. wedi'r ymgynghoriad cyntaf, cafwyd newidiadau i rai safonau na chawsom gyfle i ymgynghori arnynt
- Mae'r amseru wedi bod yn anffodus - gyda sefydliadau cyhoeddus yn wynebu heriau ariannol a chynnydd yn eu llwyth gwaith, mae'r gyfundrefn safonau wedi bod hyd yn fwy heriol i'w negodi o ganlyniad

Mae rôl y Comisiynydd yn cynnwys swyddogaethau rheoleiddio a chyfrifoldeb dros hyrwyddo a hwyluso'r defnydd o Gymraeg. Ydi'r cydbwysedd yma'n iawn?

- Na - mae gwrthdaro rhwng gorfodi'r safonau a meithrin/hyrwyddo'r Gymraeg a rhannu arferion da
- Byddai cyfarwyddyd/cyfarwyddyd gweithredol yn hytrach na dim ond cyfarwyddyd rheoleiddiol yn darparu help ymarferol i gyflogwyr yn ogystal â chyfrannu tuag at welliannau ar draws Cymru - e.e. sefydlu templed ar gyfer adroddiadau monitor blynyddol, dangosyddion allweddol penodol i ddangos llwyddiant, sut i ddenu a recriwtio siaradwyr Cymraeg, sut i brofi sgiliau Cymraeg yn y gweithle ayb. Heb y cyfarwyddyd canolog hwn teimlwn fod pob sefydliad mewn perygl o 'ailddyfeisio'r olwyn'.
- Nid yw'n glir beth a olygir wrth lwyddiant - ai mwy o siaradwyr neu lai o gwynion? Beth yn union ddylem ni fod yn ei fonitro i ddangos sut yr ydym yn gwella? Pwy sydd yn casglu a rhannu'r wybodaeth? Pwy sydd yn edrych ar y darlun ehangach y tu hwnt i'r Safonau?

Beth ydy'ch profiad chi neu'ch barn ar y trefniadau cyfredol ar gyfer hyrwyddo neu hwyluso'r defnydd o Gymraeg?

- Mae sefydliadau unigol wedi cael eu gadael i geisio bod yn rhagweithiol wrth rannu arferion da sydd mewn perygl o fod yn achlysurol ac ad hoc- roedd Bwrdd yr Iaith yn gwneud hyn yn effeithiol ond rydym wedi colli hyn ac o ganlyniad nid yw'r broses o rannu arferion sy'n gweithio'n dda wedi bod yr un mor llwyddiannus
- Byddem yn croesawu adnoddau sy'n gweithio er mwyn i sefydliadau gael eu haddasu
- Mae gwasanaethau cyhoeddus bellach yn fwy ymwybodol o fuddion cydweithio - ond nid yw'r Safonau'n manteisio ar hyn. Dylai fod mwy o synergedd rhyngddynt (h.y. yr un safonau yn hytrach na rhai gwahanol) i hwyluso cydweithio a chynnig mwy o gyfarwyddyd (rhannu arferion gorau)

Pwy ddylai fod yn gyfrifol am hyrwyddo'r defnydd o Gymraeg?

- Efallai byddai corff annibynnol yn gweithio'n well?
- Sefydlu cronfa annibynnol o arferion da?
- Beth am siarter y Gymraeg - gwobrau blynyddol, marchnata cadarnhaol ar gyfer y Gymraeg, ei gwneud hi'n 'cŵl' a fasiynol i siarad Cymraeg, hybu'r Gymraeg fel yn achos twristiaeth
- Mae'n allweddol ei hybu yn yr ysgolion - fe all gwasanaethau cyhoeddus flaenoriaethu cyflogi siaradwyr Cymraeg ond ni fydd hyn yn llwyddiannus oni bai bod digon o siaradwyr Cymraeg gyda'r sgiliau cywir ar gael. Mae recriwtio siaradwyr Cymraeg addas yn dal i fod yn heriol.
- Efallai bod rhai sefydliadau wedi gorfod gweithio'n galetach yn sgil cyflwyniad y Safonau ond i'r sefydliadau hynny sydd wedi bod yn gydwybodol a chyson wrth gyflwyno gwelliannau mae cyflwyniad y safonau wedi golygu colli momentwm gan eu bod wedi golygu defnyddio llawer o egni ac adnoddau i'w mabwysiadu - mae'n teimlo fel ein bod yn dod allan o dwannel hir a bod ychydig o oleuni i'w weld ac y gallwn ddechrau meddwl yn bositif eto a pharhau gyda'r momentwm ond does dim cefnogaeth ar gael i'n galluogi i wneud hyn yn effeithiol.