

Eluned Morgan AM
Minister for Welsh Language and Lifelong Learning

17 July 2018

Dear Eluned

PUBLIC SERVICES OMBUDSMAN (WALES) BILL

Thank you for meeting with me on 26 June 2018, to discuss the Welsh Language provisions within the Public Services Ombudsman (Wales) Bill (the Bill).

As you are aware, section 71 of the Bill requires the Ombudsman to prepare and publish a Welsh Language Strategy and sets out the timescale for its publication. The Equality, Local Government and Communities Committee's Stage 1 Report, recommended this section should be strengthened through amendments at Stage 2, to which I gave a commitment to undertake.

From discussions at our meeting, I understand that in the future it is your intention that the Ombudsman will be subject to the Welsh Language Standards. The Welsh Language (Wales) Measure 2011, enables Standards to be imposed on the Ombudsman by virtue of Schedule 6 as a "persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure". This would bring the role in line with other office holders, such as the Auditor General for Wales and various Welsh Commissioners.

However, currently the Ombudsman is not subject to the legislation and operates a voluntary Welsh language scheme which has no legal basis. I believe that in



order to ensure Welsh Language provision is fully addressed and to provide clarity for future Ombudsmen, this requirement needs to be underpinned by legislation.

I have consulted with the Welsh Language Commissioner on how best this can be achieved. Following consideration of her response and as a result of our meeting, I have prepared a draft amendment to section 71 which incorporates specific and clear requirements (annexe a). In addition, the amendment contains a sunset provision, meaning it would cease to have effect once Welsh Language Standards are introduced for the Ombudsman by the Welsh Government.

I believe this suggested approach provides protection to the Welsh Language until the Welsh Government is in a position to bring forward its proposals and I would welcome your views on the draft amendment.

Yours sincerely



Simon Thomas AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Annexe A

71 Welsh language strategy

(1) The Ombudsman must prepare and publish a Welsh language strategy.

(2) The strategy must include—

(a) an assessment of the need for the functions of the Ombudsman to be carried out in the Welsh language,
and

(b) a statement setting out the steps the Ombudsman proposes to take to meet that need, ~~and~~

~~(c) any other information the Ombudsman considers appropriate.~~

(3) The statement must include arrangements for the—

(a) use of the Welsh language by the Ombudsman and the Ombudsman's staff in relation to the activities listed in subsection (4),

(b) training and recruitment of Welsh speaking staff by the Ombudsman, and

(c) recording of information about the Welsh language skills of the Ombudsman's staff.

(4) The activities mentioned in subsection (3)(a) are—

(a) correspondence;

(m) official notices;

(b) telephone calls;

(n) awarding contracts;

(c) help-lines;

(o) raising awareness of Welsh language services that are available.

(d) personal meetings;

(e) public meetings;

(f) publicity and advertising;

(g) public exhibitions;

(h) publications;

(i) forms;

(j) websites and online services;

(k) signage;

(l) reception of visitors;



(5) The strategy must include arrangements for—

(a) the recording and resolution of complaints received by the Ombudsman about the operation of the strategy,

(b) the monitoring and recording of information about the implementation of the strategy, and

(c) the assessment of the impact on the Welsh language of any policy decision of the Ombudsman.

~~(6)~~ The Ombudsman must prepare and publish the strategy before no later than the end of the period of one year beginning starting with the date on which day this Act comes fully into force receives Royal Assent.

(7) The Ombudsman—

(a) must review the strategy—

(i) at least once in the period of 4 years beginning with the day on which it was first published, and

(ii) subsequently, at least once in each period of 4 years beginning with the day on which the previous review is concluded, and

(b) must consult such persons as the Ombudsman considers appropriate when doing so.

(8) The Ombudsman may revise the strategy following a review and, if the strategy is revised, the Ombudsman must publish the revised strategy.

(9) This section ceases to apply if and when the Ombudsman first becomes subject to the duty under section 25(1) of the Welsh Language (Wales) Measure 2011 to comply with a standard.

~~(4) The Ombudsman may review the strategy at any time.~~

~~(5) Where the Ombudsman reviews the strategy and considers that a change is needed, the Ombudsman must—~~

~~(a) revise the strategy, and~~

~~(b) publish the revised strategy.~~

