



Ein cyf/Our ref MA-L/EM/0406/18

Llyr Gruffydd AM
Chair of the Finance Committee

19 November 2018

Dear Llyr,

Public Services Ombudsman (Wales) Bill – the Welsh language

Let me first congratulate you on your new role as Chair of the Finance Committee.

I refer to the letter of your predecessor dated 17 July regarding section 71 of the Bill. The proposed amendments to section 71 go some of the way towards the aim of placing Welsh language duties on the Ombudsman. The amendments strengthen the proposed strategy with specific requirements which reflect some aspects of the current system of standards, as suggested by the Welsh language Commissioner. In addition, the amended section 71 includes a sunset clause which would extinguish the need for a strategy, if and when the Ombudsman is required to comply with standards.

Despite that, the provision continues to create unique arrangements for the Ombudsman. The Welsh Government's view is that public bodies in Wales should come under the system of Welsh language standards. I note that this is the option the Commissioner favours in her letter of 19 June to the Finance Committee, and that by including a sunset clause in section 71, the Committee does not object to that aim in principle.

I would like therefore to propose an alternative way forward which respects the view of the Committee that the Ombudsman should come under statutory obligations and which is consistent with Welsh Government policy.

As your predecessor's letter suggested, the Ombudsman is qualified to come under the standards as he is already included in Schedules 5 and 6 to the Welsh Language (Wales) Measure 2011. The Commissioner's view in her letter is that the Welsh Language Standards (No. 2) Regulations 2016 would be suitable for the Ombudsman.

In order for the Commissioner to be able to give the Ombudsman a compliance notice under the No.2 Regulations, the Welsh Ministers would need to include the Ombudsman in those Regulations. The Welsh Ministers can do that by making specific regulations under the affirmative procedure, or alternatively, appropriate provision could be included directly in the

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llyw.cymru
Correspondence.Eluned.Morgan@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Public Services Ombudsman (Wales) Bill. This would mean tabling Government amendments in Stage 2 to remove section 71 and to amend the Welsh Language Standards (No. 2) Regulations 2016 so that the standards specified in those regulations are specifically applicable to the Ombudsman. Once in force, the Commissioner would be authorised to give a compliance notice to the Ombudsman, according to the procedure set out in the Measure. This is the option I favour.

I hope you will find merit in this proposal. The Welsh Government will share a draft of the proposed amendments with the Committee before tabling them.

I look forward to hearing the views of the Committee, in the hope we may continue to work together in a constructive and positive manner.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AC/AM

Gweinidog y Gymraeg a Dysgu Gydol Oes
Minister for Welsh Language and Lifelong Learning