

Cofnod y Trafodion The Record of Proceedings

Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

The Communities, Equality and Local
Government Committee

10/12/2015

Trawsgrifiadau'r Pwyllgor
Committee Transcripts



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn
ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in
the committee. In addition, a transcription of the simultaneous interpretation
is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
John Griffiths	Llafur (yn dirprwyo ar ran Gwenda Thomas) Labour (substitute for Gwenda Thomas)
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Gwyn R. Price	Llafur Labour
Lindsay Whittle	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Nick Bennett	Ombwdsmon Gwasanaethau Cyhoeddus Cymru Public Services Ombudsman for Wales
Susan Hudson	Rheolwr Polisi a Chyfathrebu, Ombwdsmon Gwasanaethau Cyhoeddus Cymru Policy and Communications Manager, Public Services Ombudsman for Wales
Meri Huws	Comisiynydd y Gymraeg Welsh Language Commissioner
Dyfan Sion	Swyddfa Comisiynydd y Gymraeg Welsh Language Commissioner's Office
Chris Vinestock	Prif Swyddog Gweithredu Ombwdsmon Gwasanaethau Cyhoeddus Cymru Chief Operating Officer, Public Services Ombudsman for Wales

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Beasley	Clerc Clerk
Chloë Davies	Dirprwy Glerc Deputy Clerk
Rhys Iorwerth	Y Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 09:01.
The meeting began at 09:01.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau
Introductions, Apologies, Substitutions and Declarations

[1] **Christine Chapman:** Good morning, everyone, and welcome to the Communities, Equality and Local Government Committee. We've had apologies this morningminsitet from Gwenda Thomas, and John Griffiths will be substituting. We've also received apologies from Alun Davies.

Comisiynydd y Gymraeg: Trafod Adroddiad Blynyddol 2014–15
Welsh Language Commissioner: Consideration of Annual Report
2014–15

[2] **Christine Chapman:** Now, our first item today is the consideration of the annual report of the Welsh Language Commissioner. So, I'd like to give a warm welcome to our panel. I wonder could you introduce yourselves for the record, to start off.

[3] **Ms Huws:** Bore da. Meri Huws, **Ms Huws:** Good morning. Meri Huws, Comisiynydd y Gymraeg. **Welsh Language Commissioner.**

[4] **Mr Sion:** Dyfan Sion, **Mr Sion:** Dyfan Sion, director of policy cyfarwyddwr polisi ac ymchwil. **and research.**

[5] **Christine Chapman:** Welcome to you both. Obviously, the Members will have seen the report and so, if you're happy, we'll just go straight into questions.

[6] I just want to start off, and if I could ask you what you feel are your main challenges regarding the results of the 2013–15 language use survey, and what the main steps are that need to be taken in responding to these challenges. Obviously, these are things that the Welsh Government needs to address. So, I just wonder whether you could outline those to start.

[7] **Ms Huws:** lawn. Diolch yn fawr. A gawn ni jest yn glou atgoffa ein hunain beth oedd yr arolwg defnydd iaith? Gwnaethpwyd darn o waith yn ôl yn 2004–06, yn edrych ar arferion a phatrymau defnydd iaith. Y rheswm dros wneud y darn hwnnw o waith yn y lle cyntaf oedd bod ffigurau'r cyfrifiad, er yn bwysig, yn fflat iawn— llun ar un diwrnod yn y flwyddyn, a oedd i fod i gynrychioli deng mlynedd. Felly, penderfynwyd yn ôl yn 2004 i wneud y darn hwn o waith, a oedd yn edrych ar pryd a sut yr oedd pobl yn defnyddio'r Gymraeg, beth oedd yn annog pobl i ddefnyddio'r Gymraeg, a beth oedd y rhwystrau. Felly, dyna'r cefndir.

Ms Huws: Yes. Thank you very much. Could we just very briefly remind ourselves of the language use survey? A piece of work was carried out in 2004–06, looking at language use patterns. The reason for carrying out that piece of work initially was that the census figures, despite being important, were very flat. They give you a picture of one particular day of the year, which was supposed to represent a period of 10 years. Therefore a decision was taken in 2004 to carry out this piece of work, which looked at when and how people made use of the Welsh language, what would encourage people to use the Welsh language, and what the barriers were. So, that's the background.

[8] Fe gytunon ni gyda Llywodraeth Cymru, ryw dair blynedd yn ôl nawr, fod angen ailredeg yr arolwg hwn er mwyn gweld a oedd patrymau wedi newid, a hefyd i gasglu'r dystiolaeth gyfoethog honno ynglŷn â defnydd iaith. A gaf i jest rhoi rhai o'r penawdau ichi? Rwy'n credu bod y penawdau yn rhoi rhai o'r heriau a'r cyfleoedd inni. Rwy'n credu, yn gyntaf, fod yn rhaid inni gydnabod eu bod yn bositif iawn; bod canran y siaradwyr a niferoedd y siaradwyr yn reit gyson o 2004–06 i

We agreed with the Welsh Government, some three years ago now, that we needed to re-run this survey in order to see whether patterns had changed, and also to garner that rich evidence in terms of language use. Could I just give you some of the headlines? I do think that the headlines set out some of the challenges and opportunities for us. I think, first of all, we have to recognise that they are very positive; that the percentage of Welsh-speakers and the numbers are

nawr. Felly, nid yw'r sôn am ddirywiad yn y niferoedd, efallai, yn bictiwr teg. Ond, wedi dweud hynny, mae yna rai pethau sydd yn ddifyr iawn, iawn, rwy'n credu, o ran pwysydd yn defnyddio'r iaith. Un o'r penawdau, ac un o'r heriau mawr, rwy'n credu, sydd yn dod allan o'r arolwg defnydd iaith yw: os edrychwch chi ar siaradwyr Cymraeg o dair mlwydd oed i 15 mlwydd oed yng Nghymru heddiw, mae pedwar o bob pump o'r siaradwyr hynny wedi dysgu'r iaith y tu allan i'r cartref. Maent wedi dysgu'r iaith o fewn y system addysg. Mae hynny'n anhygoel, rwy'n credu.

relatively consistent between 2004–06 and now. Therefore, when you talk about a decline in numbers, it is not necessarily a fair picture to paint. However, having said that, there are some very interesting facts contained here in terms of who does use the language. One of the headlines, and one of the major challenges that emerged from the language use survey is that, if you look at the number of Welsh speakers between the ages of three and 15 in Wales today, four in five of those Welsh speakers have learned the language outside the home. They have learned the language within the education system. That's quite incredible, I think.

[9] Os edrychwch chi ar y ffigurau am 60 a throsodd, mae pedwar o bob pump wedi dysgu'r iaith o fewn y cartref. Felly, mae gennym batrwm yn amlygu ei hunan yng Nghymru lle mae'r system addysg yn creu siaradwyr—siaradwyr sydd ddim yn gallu mynd adref i siarad gydag unrhyw un arall o fewn y teulu, ac felly siaradwyr sydd angen cyfleoedd y tu allan i'r system addysg i ddefnyddio eu Cymraeg. Felly, mae hynny'n un her, un sialens y mae'n rhaid inni edrych arni yn ei chyfanrwydd yng Nghymru a chydabod bod hynny'n rhywbeth sy'n ein hwynebu ni.

If you look at the figures for those aged 60 and over, four in five have learned the language at home. So, we have a pattern emerging in Wales, where the education system is creating Welsh speakers—Welsh speakers who cannot go home to converse with anyone else within their families and therefore they are Welsh speakers who need opportunities outwith the education system to make use of their Welsh. So, that is one challenge that we do have to look at holistically in Wales and recognise that that is a challenge that we face.

[10] Wedyn, patrwm arall sy'n amlygu ei hunan yw bod siaradwyr o 16 i 29 yn siarad llai o Gymraeg.

Another pattern that emerges in the survey is that speakers aged between 16 and 29 make less use of the

Felly, rydym yn creu siaradwyr yn y system addysg ac rydym efallai yn gweld ychydig o ddirywiad, wedyn, unwaith maen nhw'n 16. Rwy'n credu, os ydych chi'n sôn am sialensiau polisi yn y fan yna, mae angen inni greu cyfleoedd gwaith, lle y gallan nhw ei defnyddio—wel, mae angen inni fanteisio ar y sgiliau ieithyddol a sicrhau eu bod nhw'n gallu symud ymlaen i ddefnyddio'r iaith yn y gwaith. Hefyd, rwy'n credu bod yn rhaid inni edrych ar ein system addysg bellach ni. A ydy'r system addysg bellach 16 i 25—sy'n gryf iawn yng Nghymru; mae traddodiad gyda ni o addysg bellach ym mhob un o'n cymunedau ni—yn ateb anghenion y darpar siaradwyr a'r darpar weithwyr?

language. So, we are creating those Welsh speakers in our education system and then, perhaps, we see something of a dip when they reach 16 years of age. I do think that, if you are talking about policy challenges, then we do need to create opportunities in the workplace so that they can use the Welsh language—well, we need to take advantage of those language skills in the workplace and ensure that they can progress and make use of the language at work. Also, I think we have to look at our further education system. Is our further education system for those aged between 16 and 25—which is very strong in Wales; we have a tradition of further education in all of our communities—meeting the needs of the prospective Welsh speakers and prospective Welsh workforce?

[11] **Christine Chapman:** Okay. Thank you, Meri. Obviously, what you've outlined—and we will go into this in more detail, I'm sure—if you're looking at the main solutions to this, then, you're talking about education, further education, the workplace, but are there any other steps that we need to address? You've outlined the patterns, but are there any other steps that we need to take?

[12] **Ms Huws:** Mae addysg yn bwysig iawn. Rwy'n credu, ochr yn ochr â hynny, mae angen inni edrych ar y demograffi—lle mae ein siaradwyr ni yng Nghymru. Fe weloch chi'r penawdau yn y *Western Mail*, rwy'n siŵr, am y niferoedd cynyddol o siaradwyr yng Nghaerdydd, yn y Cymoedd dwyreiniol, Rhondda Cynon Taf, ac felly mae yna sialens polisi

Ms Huws: Education is hugely important. Along with that, I do think that we need to look at the demography—where our Welsh speakers in Wales are. You will have seen the headlines in the *Western Mail*, I'm sure, about the increasing numbers of Welsh speakers in Cardiff, in the eastern Valleys, Rhondda Cynon Taf, and therefore

arall yn y fan yna, lle efallai fod yna diwylliant sydd ddim yn cydnabod yn wastad bwysigrwydd y Gymraeg. Mae yna newid demograffi yn fan hyn, ac felly newid o ran capasiti a newid o ran anghenion cymunedol. Rwy'n credu bod angen i ni, wrth inni edrych ar ad-drefnu llywodraeth leol, wrth inni edrych ar gynlluniau economaidd, gydnabod nad iaith y gorllewin yn unig yw'r Gymraeg nawr.

there is another policy challenge there, where perhaps there is a culture that perhaps doesn't always recognise the importance of the Welsh language. There is demographic change here, and a change in capacity and a change in the needs of communities. So, I think, as we look at local government reorganisation, and as we look at economic plans, then we do need to recognise that the Welsh language isn't solely the language of the west of Wales.

[13] Dyna, efallai, y drydedd sialens sydd yna, buaswn i'n dweud, sef y dirywiad yn y Gymraeg yn y gorllewin. Mae angen, rwy'n credu, inni edrych ar yr hyn sydd yn digwydd yn economaidd—creu swyddi, creu buddsoddiad yng ngorllewin Cymru i sicrhau bod yna swyddi a chyfleoedd i bobl ifanc wrth iddyn nhw siarad Cymraeg, hefyd. Felly, polisi addysg, polisi economaidd, a chydabod, wrth inni edrych ar strwythurau daearyddol a llywodraethol Cymru, fod y Gymraeg yn rhan o'r patrwm yna mewn llefydd nad yw efallai wedi bod yn y degawdau a'r ganrif ddiwethaf.

I think that's the third challenge that I would say has emerged: the decline in the use of the Welsh language in the west of Wales. I do think that we need to look at what is happening economically—we need to create jobs, create investment in the west of Wales to ensure that there are jobs and opportunities for young people where they can use the language. So, education policy, economic policy, and recognising that, as we look at geographic structures and the governance structures of Wales, that the Welsh language is part of that pattern in areas where, perhaps, that hasn't been the case over the past decades or even the past century.

[14] **Christine Chapman:** Okay; thank you. I've got John Griffiths and then Bethan Jenkins. So, John first.

[15] **John Griffiths:** Diolch yn fawr, Gadeirydd. Bore da, Meri.

John Griffiths: Thank you very much, Chair. Good morning, Meri.

[16] **Ms Huws:** Bore da, John.

Ms Huws: Good morning, John.

[17] **John Griffiths:** Amongst the challenges that you've set out there, Meri, are ones that are quite interesting for areas like Newport, where we have seen a substantial increase in Welsh-medium education, which is continuing apace at the moment. So, we are seeing those youngsters learning Welsh in school, but many of them, as you said, wouldn't have the opportunity to use the language at home, because nobody in the family speaks Welsh, obviously. There's not that much opportunity to use it in community settings, or anywhere else, really. So, I think there is a grave danger that youngsters are learning Welsh increasingly through Welsh-medium education in Newport, but it might well stop there, as it were. So, I understand that there are challenges in terms of supporting the language in the heartlands and making sure that it remains a living language in Wales, but there are also challenges, I think, in areas like Newport to support what's happening in Welsh-medium education. Otherwise, it's quite limited in terms of what's happening in areas like Newport. So, is that on your radar screen at the moment—trying to ensure that the opportunities to use Welsh in places like Newport beyond school are there?

[18] **Ms Huws:** Ydy, mae e ar y radar. Nid wyf yn credu y gallwn ni wneud yma o waith ar ben ein hunain, a dyna lle mae cynghreirio gydag eraill mor bwysig. Rydym ni ar hyn o bryd—wel, dros y ddwy flynedd ddiwethaf yma—wedi bod yn gwneud darn o waith gyda Chwaraeon Cymru, sydd wedi gweld y cyfleoedd o ran cymryd y bobl ifanc yma a'u cynnal nhw drwy hyfforddiant dwyieithog mewn gwahanol chwaraeon. Ar hyn o bryd, rydym yn gweithio gyda y cymdeithasau hynny sydd yn cynrychioli gwahanol feysydd chwaraeon i ddatblygu cynllun hyfforddi dwyieithog, a hefyd i roi hyder i'r bobl sy'n hyfforddi eu bod nhw'n gallu gwneud hynny. Ac mae hynny yn gweithio'n dda yn yr ardaloedd sydd ddim yn draddodiadol yn Gymraeg eu naws;

Ms Huws: Yes, it is certainly on the radar. I don't think that we can do this sort of work alone, and that's where forming alliances is so important. Over the past two years, we've been undertaking a piece of work with Sport Wales, which has identified opportunities in terms of taking these young people and providing bilingual training in various sports. At the moment, we are working with those associations that represent various sports to develop a bilingual training programme, and also to provide confidence to those coaches that they can work bilingually. And that works well in areas which are not traditionally Welsh-speaking heartlands; it works well in areas of Cardiff; it works well in Valleys areas. It also works well with sports where, perhaps, the

mae'n gweithio'n dda mewn ardaloedd yng Nghaerdydd; mae'n gweithio'n dda mewn ardaloedd yn y Cymoedd. Mae hefyd yn gweithio'n dda gyda chwaraeon lle, eto, nad yw'r Gymraeg wedi bod yn draddodiadol yn rhan o'u hymwneud nhw—tenis bwrdd, er enghraifft. Rydym ni wedi bod yn gweithio gyda'r gymdeithas yna, a gymnasteg, i weu y Gymraeg i fewn i'r digwyddiad.

Welsh language hasn't been a traditional part of their fabric—table tennis, for example. We've been working with the association, and the same is true of gymnastics, in order to bring the Welsh language into those activities.

[19] Ond, fel rwy'n dweud, rydym yn ei wneud e ar y cyd. Rydym yn gwneud dipyn o waith hefyd gyda'r trydydd sector—gyda'r WCVA ei hun yng Nghymru, a hefyd gyda'r cynghorau gwirfoddol ar draws Cymru i edrych am gyfleoedd i ddefnyddio'r Gymraeg wrth wirfoddoli yn y trydydd sector, ac ar pwysigrwydd cael sgiliau ieithyddol i wirfoddolwyr. Mae hynny yn dechrau blodeuo. Mae'r gwaith rydym yn wneud gyda'r Guides a'r Scouts, lle nad yw y Gymraeg, yn draddodiadol eto, wedi bod yn rhan o'u hymwneud nhw o wythnos i wythnos. Felly, gweld y cyfleoedd yna a chynghreirio wedyn i ddatblygu ymwybyddiaeth a hyfforddiant ynglŷn â sut mae gwneud.

But, as I say, we're doing it jointly. We're doing a lot of work also with the third sector—the WCVA itself in Wales, and also with the voluntary councils across Wales to seek opportunities to provide opportunities for people to use the Welsh language in volunteering in the third sector, and we're emphasising the importance of language skills for volunteers. That is starting to bear fruit. The work that we're doing with the Scouts and the Guides, for example, where traditionally the Welsh language hasn't been a part of their day to day activity. So, we're identifying those opportunities and then forming alliances to develop awareness and training as to how that can be brought forward.

[20] **John Griffiths:** Just one other thing, in terms of social settings as well—people being able to go along to a cafe at a certain time and meet with other Welsh language learners or speakers, and particular social activities—is that something that you would be involved in in trying to work up those opportunities to use the language as well?

[21] **Ms Huws:** Rydym ni, wrth **Ms Huws:** Of course, we are aware gwrs, yn ymwybodol bod y that the Government has invested

Llywodraeth wedi buddsoddi yn sylweddol mewn canolfannau sydd yn cael eu hagor ar hyn o bryd—un yng Nghaerfyrddin, un yn Wrecsam, ac un yn agor yng Nghaerdydd, rwy'n deall, jest cyn y Nadolig—Ile mae yna ganolfan i bobl i fynd iddi. Rwy'n credu bod y math yna o ddatblygiad yn ddiddorol. Bydd angen i ni weld sut mae hynny wedyn yn creu bywyd Cymraeg, ac, wrth gwrs, mae'n rhaid i ni gofio am waith y mentrau, sydd yn cynnal digwyddiadau Cymraeg ar draws Cymru.

significantly in centres that are currently being opened—one in Carmarthen and another in Wrexham, and another is to open in Cardiff, as I understand it, just before Christmas—where there will be a centre for people to congregate. I think that sort of development is interesting. We will have to see how that actually encourages Welsh-language activities, and we can't forget the *mentrau iaith*, who do stage Welsh-language events across Wales.

[22] Beth sydd yn bwysig i'w wneud, rwy'n credu, yw gweu'r rhain i fewn i'w gilydd—nid eu bod nhw'n sefyll ar ben eu hunain, ond bod yna gyfleoedd fan hyn. Ac efallai, os edrychwn ni, ac rwy'n siŵr y gwnawn ni drafod safonau mewn munud, mae'r safon hybu sydd wedi cael ei gosod ar awdurdodau lleol, y parciau cenedlaethol a Llywodraeth Cymru yn gyfle i ddatblygu fframweithiau sydd yn tynnu ar yr adnoddau yma i gyd a'u gweu nhw i fewn i'w gilydd. Rwy'n credu mai'r gweu sydd yn bwysig, yn hytrach na'u bod nhw'n sefyll ar ben eu hunain.

What's important, I think, is that we connect all of these—not that they are stand-alone opportunities, but that there are opportunities that are co-ordinated. And I'm sure we will turn to standards in a few moment, but I think the standard on promotion that has been placed on local authorities, the national parks and the Welsh Government is an opportunity to develop frameworks that actually draw upon all of these resources and bring them together. I think it's that interweaving that's important, rather than seeing them being stand-alone activities.

[23] **Christine Chapman:** Thank you, John. Bethan.

[24] **Bethan Jenkins:** Diolch yn fawr. Rydych wedi dweud yn barod ein bod ni yn mynd i drafod y safonau, a dyna fy nghwestiynau i. Mae'r cwestiwn cyntaf sydd gen i ynghylch y trydydd cylch o safonau. Rydym wedi cael ar ddeall bod disgwyl bod y safonau

Bethan Jenkins: Thank you. You've said already that we're going to discuss the standards, and my questions are based on those standards. My first question is on the third round of standards. We're given to understand that those standards

hynny wedi mynd at y Prif Weinidog ym mis Hydref, a bod y Llywodraeth wedi dweud na fydd yn bosibl i weithredu'r safonau hynny cyn yr etholiad. Beth yw eich barn chi am y ffaith na fydd y trydydd cylch hynny yn gallu cael ei weithredu?

[25] **Ms Huws:** Os edrychwn ni ar lle rydym ni arni, ar hyn o bryd, o ran cylch 1—y 26 cyntaf—mae'r sefydliadau yna i gyd wedi derbyn yr hysbysion sydd yn gosod safonau arnyn nhw. Mae gennym ni ddarn mawr o waith yng nghylch 2. Os edrychwn ni ar gylch 2, mae yna 119 o sefydliadau yn y cylch hynny, a fydd yn dwyn y rhan fwyaf o sefydliadau cenedlaethol Cymru o dan y safonau, gan ddwyn y byrddau iechyd, y colegau a'r prifysgolion. Felly, pan rydych yn edrych ar fywyd cyhoeddus yng Nghymru, unwaith rŷm ni wedi gweithio trwy'r 119 hynny, mae'r rhan fwyaf o sefydliadau cyhoeddus Cymru yn gweithio o fewn y gyfundrefn.

09:15

[26] A ydw i'n poeni bod y trydydd cylch ar ôl yr etholiad? Nac ydw. Mae'r gwaith o osod y safonau yn waith eithaf beichus a dweud y gwir—mae'n weinyddol drwm ac mae angen i ni ei wneud yn iawn. Felly, os gallwn ni, cyn yr etholiad, sicrhau bod y 119 yn y system, a bod yna gytundeb bod y 64 wedyn sydd yng nghylch 3 yn digwydd yn fuan iawn ar ôl yr etholiad, mi fyddwn ni, yn 2016–17,

went to the First Minister in October, and that the Government said that it would not be possible to implement those standards before the election. What's your opinion on the fact that it won't be possible to implement that third round?

Ms Huws: If we look at where we are, currently, in terms of round 1—the first 26—all of those organisations have accepted the notifications that impose standards upon them. We have a huge amount of work in round 2. Looking at round 2, there are 119 institutions in this round, which will bring most public organisations in Wales under the standards, bringing in the health boards, the colleges and the universities. So, when you look at public life in Wales, then once we've worked through those 119, most of the public institutions in Wales will be included within the system.

Am I concerned that the third round is to be after the election? No, I'm not. The work of imposing standards is quite burdensome, if truth be told—it's administratively heavy and we have to get it right. Therefore, if, before the election, we can ensure that the 119 are captured within the system, and that there is agreement that the 64 in round 3 should be included very soon after the election,

wedi tynnu i mewn dros 200 o sefydliadau.

[27] **Bethan Jenkins:** Beth sydd yn ei wneud yn feichus, fel ein bod ni'n deall? Gallwn ni fod yma blwyddyn nesaf yn gofyn, 'Pam nad yw'r trydydd cylch o safonau wedi cael ei weithredu?' Er mwyn i ni ddeall yn iawn sut i ddwyn y Llywodraeth i gyfrif am y ffaith efallai—. Byddem yn hoffi, wrth gwrs, pe baent yn ei wneud, ond os nad ydynt wedi gwneud hyn erbyn yr amser yma blwyddyn nesaf, beth sydd wedyn yn eu tynnu nhw tuag at—.

[28] **Ms Huws:** Rwy'n mynd i droi at Dyfan oherwydd dyma'r cyfarwyddwr sydd â chyfrifoldeb am y gwaith o osod safonau.

[29] **Mr Sion:** Rwy'n meddwl, i ateb y cwestiwn yn uniongyrchol, un her, wrth weithredu'r Mesur ydy'r ffaith fod yna dri phrif gam yn y broses o osod safonau. Mae'r cam cyntaf, sef ymchwiliad safonau, yn rhywbeth yr ydym ni'n ei gynnal efo'r sefydliadau a dyna rydym ni wedi'i weithredu efo'r cylchoedd un, dau a thri hyd yma. Unwaith rydym wedi cynnal ymchwiliad safonau, mae'r broses yn trosglwyddo wedyn i Weinidogion Cymru ac i'r Llywodraeth. Nhw wedyn sydd yn rhoi'r safonau mewn deddfwriaeth a rheoliadau. Mae yna drydydd cam wedyn, sydd yn pasio nôl i ni, sef yr hysbysiadau cydymffurfio. Y dogfennau hynny sydd yn gosod y dyletswyddau unigol

then by 2016–17, we will have brought in over 200 organisations.

Bethan Jenkins: What makes it onerous, so that we can understand? We could be here next year, for example, asking, 'Why hasn't that third round of standards been implemented?' So that we can understand how we hold the Government to account for the fact that perhaps—. Of course, we would like them to do this, but if they haven't done this by this time next year, what then makes them—.

Ms Huws: I'm going to turn to Dyfan because he is the director with responsibility for setting standards.

Mr Sion: Just to respond to your question directly, one challenge, in implementing the Measure, is the fact that there are three major steps in the process of setting standards. The first step, namely a standards inquiry, is something that we hold with organisations, and that's what we've implemented with rounds one, two and three up to this point. Once we've held that standards inquiry, the process then transfers to the Welsh Ministers and to the Government. They then place the standards in regulations and legislation. There is a third step, returning to us, which is the compliance notices. Those documents set out the individual duties on bodies. Those documents,

ar gyrff. Y dogfennau hynny, i bob pwrpas, sydd yn gwneud i ffwrdd â'r cynlluniau iaith. Felly, oherwydd bod y tri cham sylweddol yna'n y broses, mae hynny'n dipyn o her wedyn ac efallai mai dyna sydd i gyfrif yn bennaf am ba mor feichus ydy'r drefn.

[30] Wrth gwrs, mae'n rhaid i ni fod yn ofalus ac mae'n rhaid i ni weithredu'n unol â beth sydd yn y Mesur, neu fe allwn ni gael problemau yn hwyrach ymlaen yn y broses, fel arall. Ond i ateb y cwestiwn yn benodol, rwy'n meddwl y ffaith fod y tri cham yna, a hefyd bod mwy nag un sefydliad yn ymwneud â'r camau hefyd, yn arwain at y ffaith ei fod o'n feichus.

[31] **Bethan Jenkins:** Jest i symud tuag at yr awdurdodau lleol, yn amlwg, rydym wedi clywed gan y wasg fod nifer o'r awdurdodau lleol yn dweud na fyddant yn gallu gweithredu'r safonau. Mae Ceredigion yn dweud ei fod yn mynd i gostio £45,000 ac wedyn Sir Benfro, £755,000. Mae'n wahanol iawn yn hynny o beth. Beth yw'r gwahaniaethau yma a sut, wedyn, maen nhw'n cyfiawnhau gallu dweud yn gyhoeddus na fyddant yn gallu ymdrin â'r safonau yma?

[32] **Mr Sion:** Mae'r sefydliadau wedi cael cwpwl o gyfleoedd i roi gwybodaeth a thystiolaeth ynglŷn â chostau. Y cam cyntaf o ran hynny oedd yr asesiad effaith rheoleiddiol a

to all intents and purposes, abolish the language schemes. So, because there are three significant steps in the process, that is something of a challenge then and perhaps that's been the main reason for how onerous the regime has been.

Of course, we have to be careful and we have to act in accordance with what's in the Bill or we could have problems later on in the process. But to respond to your particular question, I think the fact that those three steps are in existence, and that more than one institution is involved in those steps too, has led to the fact that it is onerous.

Bethan Jenkins: Just to move towards local authorities, of course, we've heard from the press that a number of local authorities have said that they won't be able to implement the standards. Ceredigion says that it's going to cost £45,000 and then Pembrokeshire said that it will cost £755,000. It is very different in that regard. So, why are these differences in existence and how does that justify saying publicly that they won't be able to implement these standards?

Mr Sion: The institutions have had a number of opportunities to provide information and evidence on the costs. The first step in that was a regulatory impact assessment, held

gynhaliodd y Llywodraeth fel rhan o'r broses o lunio'r rheoliadau, felly, fe gafwyd gwybodaeth gan tua 19, rwy'n credu, o'r 26 sefydliad fel rhan o'r broses yna.

[33] Rydym hefyd wedi ymgynghori efo nhw ar hysbysiadau cydymffurfio, felly mae yna gyfle pellach iddyn nhw roi gwybodaeth i ni. Un elfen yn unig o hynny ydy cost, wrth ystyried rhesymoldeb cymesuredd y safonau. Rydym yn gorfod ystyried sawl peth a jest un ffactor ydy cost. Rydym wedi gwneud hynny wrth gynnal yr ymgynghoriad. Felly, rydym wedi rhoi sylw dyladwy i'r dystiolaeth yr ydym wedi ei gael ganddyn nhw. Wedyn, rydym wedi cyflwyno hysbysiadau terfynol ar sail hynny. Felly, rydym wedi ystyried cost fel ffactor, ond rydym wedi ystyried sawl elfen arall hefyd.

[34] **Bethan Jenkins:** Nid wyf cweit yn deall yn hynny o beth, sut y mae'n amrywio gymaint. Ai chi sydd yn gosod rhyw fath o amcangyfrif o'r gost neu ai nhw sydd yn dod atoch chi a dweud, 'Hwn yw'r gost' ac wedyn—?

[35] **Ms Huws:** Rwy'n credu mai beth sy'n bwysig i'w nodi fan hyn yw dy fod ti'n cyfeirio at ffigurau y mae'r wasg yn eu defnyddio. Nid yw hynny wastad yn gyson â'r dystiolaeth sydd wedi cael ei bwydo i ni yn y broses yma. Ar hyn o bryd, un sefydliad sydd wedi cyflwyno her, o'r 26.

by Government as part of the process of making the regulations, therefore information was provided by, I think, 19 of the 26 organisations as part of that process.

We've also consulted with them on compliance notices, so there was a further opportunity for them to provide information to us. Cost is only one element of that in considering the rationality and proportionality of the standards. We have to consider a number of things and cost is only one factor. We have done that in holding that consultation. Therefore, we have given due consideration to the evidence that we have received from them. We have presented the final compliance notices on that basis. Therefore, we have taken cost into account as a factor, but we have considered several other factors too.

Bethan Jenkins: I do not quite understand in that regard, how it varies so much. So, do you set some kind of estimate of the cost or do they come to you and say, 'This is the cost' and then—?

Ms Huws: I think what's important to note here is that you are referring to figures provided by the press. That isn't always consistent with the evidence provided to us in this process. At the moment, I think there is one organisation that has brought forward a challenge, of that 26.

[36] **Bethan Jenkins:** Mae hynny'n ddi-ddorol—gwybod mai dim ond un, er bod y wasg yn honni'n wahanol. Os bydd mwy—

Bethan Jenkins: That's interesting—to know that it's only one, even though the press alleges differently. If there are more—

[37] **Christine Chapman:** Bethan, before you move on, I've got a supplementary from Mark, and then I'll come back to you, if that's okay.

[38] **Mark Isherwood:** I've mentioned it to you before: the figures in the press regarding Wrexham were given to me directly by the council prior to those figures being published. Why would you think those figures are so high, and would you disagree with their estimate or not?

[39] **Ms Huws:** Na. Rwy'n credu wrth fod sefydliadau'n cyflwyno tystiolaeth i ni mae'n rhaid i ni dderbyn eu bod nhw'n cyflwyno tystiolaeth sydd yn ffeithiol gywir iddyn nhw. Nid ydw i'n amau'r ffigurau. Mae yna lot fawr o dystiolaeth wedi cael ei chyflwyno i ni ynglŷn â chost, ynglŷn â'r gallu i wireddu rhai o'r safonau mewn cyfnod arbennig—felly rŷm ni wedi trin y dystiolaeth yr ydym ni wedi'i derbyn yn uniongyrchol oddi wrth y sefydliadau fel petasai yn ffeithiol gywir iddyn nhw.

Ms Huws: No. I think that as organisations present evidence to us we have to accept that they are presenting evidence that is factually correct. I'm not doubting their figures. There is a great deal of evidence that has been presented to us on cost, on the ability of organisations to introduce the standards in a particular timescale—so we have dealt with evidence that we've received directly from these organisations as if it were factually correct in their eyes.

[40] **Bethan Jenkins:** Beth sy'n mynd i ddigwydd os ydyn nhw wedyn yn herio'r safonau? Beth y byddech chi'n ei wneud o ran eu dwyn nhw i gyfrif am y ffaith eu bod nhw'n mynd i herio'r sefyllfa yma? Os mai dim ond un sydd wedi, ond bod rhai arall yn bwriadu, beth ydych chi'n mynd i wneud am hynny fel comisiynydd?

Bethan Jenkins: What's going to happen if they then challenge the standards? What will you do in terms of holding them to account with the fact that they are going to challenge the situation? If only one has challenged but others do intend to do so, what are you going to do about that as a commissioner?

[41] **Mr Sion:** Rydw i'n meddwl ei

Mr Sion: I think it's important to bear

bod hi'n bwysig cofio mai proses ydy hwn. Maen nhw wedi cael hysbysiad cydymffurfio gennym ni—gwnaethom ni ymgynghori efo nhw yn gyntaf cyn cyflwyno hwnnw—felly yr her ydy'r cam nesaf yn y broses. Mae'n gam sydd yn digwydd cyn unrhyw gamau cyfreithiol yn y tribiwnlys—dyna ydy'r cam olaf mewn ffordd. Felly, maen nhw'n gallu herio rŵan, os ydyn nhw'n teimlo nad yw safon—am ba bynnag reswm—ddim yn rhesymol neu ddim yn gymesur iddyn nhw. Maen nhw'n gallu cyflwyno her i ni, ac mae hynny'n gam sydd yn digwydd cyn unrhyw apêl bellach i'r tribiwnlys. Felly, cam yn y broses ydy o yn hytrach nag unrhyw beth arall. O ran cyflwyno her, mae'r cyfrifoldeb ar y sefydliad i gyflwyno tystiolaeth i ni i egluro pam, yn eu barn nhw, nad ydy safon neu safonau yn gymesur neu'n rhesymol, felly mae'r *onus* arnyn nhw wedyn i gyflwyno tystiolaeth i ni. Os ydyn nhw'n gwneud, yna mae'n rhaid i ni roi sylw pellach i'r dystiolaeth yna.

in mind that this is a process. They've received a compliance notice from us—we consulted with them before presenting them with that—and then challenge is the next part of the process. It is a step that will take place before any legal steps are taken or any tribunal—that would be the final step. So, if they do now feel that a standard—for any reason—is not proportionate to them then they can introduce a challenge to us. That is a step that takes place before any appeal to a tribunal. So, it is a step in the process rather than anything else. Now, in terms of making some sort of challenge, then the responsibility is upon the organisation to present evidence to us as to why a standard or standards are not proportionate or reasonable, therefore the onus falls on them to provide that evidence to us. If they do so, then we do have to consider that evidence further.

[42] **Christine Chapman:** Sorry, Bethan. A final supplementary, from Mike, and then we'll come back to you. On this point.

[43] **Mike Hedges:** When people produce their costs, people produce costs in lots of different ways. You can have the marginal cost, you can have the money cost—that's the additional money that actually has to be spent, which excludes opportunity costs—and you have the absolute cost, in which case you would cost parts of the building being used, which would still be there if it wasn't being done, for example. So, do you know which one of those costs—? Because they can generate entirely different and very different numbers, and the variation can be very large.

[44] **Ms Huws:** Rwy'n derbyn beth **Ms Huws:** I accept the Member's

mae'r Aelod yn ei ddweud, ond y comments, but the organisation sefydliad sy'n cyflwyno tystiolaeth i provides evidence to us. They decide ni; nid ni. Nhw sy'n penderfynu pa what evidence they present to dystiolaeth maen nhw'n dewis ei prove—or seek to prove—that chyflwyno i brofi—neu geisio profi— something is unreasonable or bod rhywbeth yn afresymol neu'n disproportionate. It is up to them anghymesur. Eu penderfyniad nhw what they present. It is not us that yw e beth maen nhw'n ei gyflwyno. tells them what to present as Nid ni sydd yn dweud wrthyn nhw evidence. beth i'w gyflwyno.

[45] **Mike Hedges:** Wouldn't it be helpful if they just produced a marginal cost—the difference between doing it and not doing it—as opposed to the absolute cost? You can obviously inflate costs. Local authorities have got officers who almost treat that as their day job in trying to inflate costs of things that people want to do.

[46] **Christine Chapman:** Are you able to answer that? Okay, we'll just leave it. Bethan.

[47] **Bethan Jenkins:** Jest i ddilyn **Bethan Jenkins:** Yes, just to follow on ymlaen ar y pwynt hwnnw, efallai y from that point, perhaps guidance in byddai canllawiau o ran sut maen terms of how they respond—is there nhw'n ymateb—a oes yna ganllawiau guidance for them? It appears to be iddyn nhw? Mae'n ymddangos i quite open-ended. Are there rywun ei fod yn eithaf penagored. guidelines that would help them to Petasai yna ganllawiau, byddai focus on what is reasonable and what hynny'n eu helpu nhw i allu ffocysu is unreasonable—not that I think that ar beth sydd yn rhesymol a beth sy'n anything in terms of promoting the afresymol—nid fy mod i'n meddwl Welsh language is unreasonable in bod unrhyw beth o ran hybu'r that regard. Gymraeg yn afresymol yn hynny o beth.

[48] **Ms Huws:** Mae'n bosib, wrth **Ms Huws:** Perhaps, as we move symud ymlaen, ac wrth ein bod ni'n forward, and as we look at the edrych ar y Mesur, bod canllawiau yn Measure, guidance may be useful for ddefnyddiol i'r dyfodol. Ein the future. Our responsibility is to cyfrifoldeb ni yw gweithredu'r broses implement the legal process and not gyfreithiol a pheidio â thrio lliwio try and colour that, because you can't hynny, achos gallwch chi ddim intervene in a legal process. I think

ymyrryd mewn proses gyfreithiol. Beth rwy'n credu rŷm ni'n ei weld fan hyn, yn dilyn o'r drafodaeth, yw Mesur newydd, cyfundrefn newydd, gweithredu hynny am y tro cyntaf—dechrau gweld lle mae bylchau'n ymddangos, heriau'n ymddangos, pethau trafferthus yn ymddangos. Rwy'n credu bod hynny'n iach iawn—ein bod ni'n mynd trwy'r broses ac yn gweld hyn, amlygu hyn, ac i'r dyfodol yn meddwl, 'A oes modd i ni ddatrys hwn neu leihau y problemau?'

[49] **Bethan Jenkins:** Y cwestiwn olaf sydd gen i yw'r ffaith nad yw cyflenwyr nwy, trydan, telegyfathrebu a gwasanaethau rheilffordd yn rhan o'r safonau er bod hynny'n rhan o'r strategaeth 'Iaith Fyw: Iaith Byw'. A ydy hynny'n rhywbeth sy'n eich poeni chi? A ydych chi wedi codi hyn gyda'r Llywodraeth o gwbl?

[50] **Ms Huws:** Mae'r sectorau rwy'ti newydd eu henwi yn atodlen 8 i'r Mesur. Efallai eich bod chi'n ymwybodol ein bod ni wedi cyhoeddi, yr wythnos diwethaf, wrth bod cylch 3 yn dod i ben ac wrth ein bod ni wedi cyflwyno'r adroddiadau safonau yna i'r Llywodraeth, ein bod ni nawr yn symud i edrych ar y sector bysys a threnau nesaf, wedyn y sector ynni. Wedyn, rŷm ni yn edrych ar fapio'r sector telegyfathrebu er mwyn symud i'r ymchwiliad safonau gyda nhw. Felly, rŷm ni wedi gwneud datganiad ein bod ni, yn ystod y flwyddyn

what we're seeing here, following on from the discussion, is a new Measure, a new regime and that being implemented for the first time—we're starting to see where the gaps appear, where the challenges are, where difficulties emerge. I think that is very healthy—that we are going through that process and highlighting these issues and for the future can think, 'Is there any way around this, is there a resolution to this problem?'

Bethan Jenkins: The final question from me is the fact that gas suppliers, electricity suppliers, telecommunications and rail service providers aren't part of the standards, even though they are part of the 'A Living Language: A Language for Living' strategy. Is that something that concerns you? Have you raised this with the Government at all?

Ms Huws: The sectors that you've just listed are contained within schedule 8 of the Measure. You may be aware that we announced last week that as round 3 is concluded and once we have presented those standards reports to Government, that we then will move to look at the bus and train sector and then the energy sector. Then, we are considering mapping the telecommunications sector so that we can move to a standards investigation with them. So, we have made a statement that, during the

galendr nesaf—

next calendar year—

[51] **Bethan Jenkins:** A oes amserlen neu ai jest cynllun gwaith hirdymor yw hynny?

Bethan Jenkins: Is there a timetable for that or is it just a long-term plan?

[52] **Mr Sion:** Oes, rydym ni wedi gosod amserlen. O ran y bysiau a threnau mi fyddwn ni'n cychwyn y broses gyntaf o ymchwiliadau safonau efo nhw fis Mawrth flwyddyn nesaf, felly bydd hynny'n digwydd rhwng mis Mawrth a mis Medi flwyddyn nesaf. O ran nwy a thrydan wedyn, mi fydd cam cyntaf yr ymchwiliad safonau yna'n digwydd rhwng Mehefin a Rhagfyr flwyddyn nesaf, felly mae yna amserlen ar gyfer hynny hefyd. Rwy'n meddwl, jest i fynd yn ôl at bwynt cynharach, beth sydd yn anodd o ran amserlennu, yn enwedig amserlennu tymor hir, yw ein bod ni'n gwneud y gwaith cychwynol o ran ymchwiliadau safonau, rŷm ni hefyd yn gwneud y gwaith hysbysiadau cydymffurfio, ac mae'n hamserlen ni ar gyfer hynny yn ddibynnol ar bryd mae'r Llywodraeth yn cyflwyno'r rheoliadau. Felly, rŷm ni'n gorfod ffitio'r ddau beth efo'i gilydd.

Mr Sion: Yes, we have set out a timetable. In terms of buses and trains, we will start the initial process of standards investigations with them in March of next year, so that will happen March to September of next year. In terms of gas and electricity, the first step, namely the standards investigation, will happen June to December of next year, so that's timetabled too. If I could just return to an earlier point, I think what is difficult in terms of timetabling, particularly long-term timetabling, is that we are carrying out the initial work, namely the standards investigations, and we're also carrying out the work on compliance notices, and our timetables for that are reliant on when the Government brings forward regulations. So, we have to actually balance the two things and fit them together.

[53] **Bethan Jenkins:** Rydych chi'n dibynnu wedyn ar bryd maen nhw'n penderfynu datgan y rheoliadau, ac felly mae allan o'ch dwylo chi yn hynny o beth.

Bethan Jenkins: So, you're dependent then on when they decide to make those regulations, so it's out of your hands in that regard.

[54] **Mr Sion:** Ydy.

Mr Sion: Yes.

[55] **Bethan Jenkins:** Ocê.

Bethan Jenkins: Okay.

[56] **Christine Chapman:** Okay. Thank you. I'd like to move on now to Gwyn. We've got just over half an hour and I know other Members have got some other issues they want to bring in, so I'll start with Gwyn.

[57] **Gwyn R. Price:** Thank you, Chair. Good morning. Can you expand on your concern that the period of transition between the Welsh Language Act 1993 and the Welsh Language Measure 2011 could negatively affect the opportunities for the public to use the Welsh language, and what steps would be needed in your opinion to ensure this doesn't happen?

[58] **Ms Huws:** Wrth i ni ddechrau ein gwaith—wel, mae'n bedair blynedd yn ôl—un o'r pethau wnaethom ni ei gydnabod o'r dechrau fel risg i'r sefydliad oedd ein bod ni'n rhedeg dwy gyfundrefn statudol. Mae hynny wastad yn gallu peri problemau i'r bobl sydd yn gweinyddu'r system, ond hefyd y bobl sydd yn gorfod gweithredu o fewn systemau. Felly, fe wnaethom ni o'r dechrau sylweddoli bod rhaid i ni liniaru a lleddfu ar y sialens yna. Dyna yn rhannol pam wnaethom ni benderfynu symud y sefydliadau a oedd yn gweithio o dan ddeddfwriaeth 1993—sef Deddf yr Iaith Gymraeg 1993—ac yn gweithredu cynlluniau iaith drosodd i safonau mor glou ag oedd yn bosib. Felly, gyda chylch 1, cylch 2 a chylch 3, rŷm ni wedi canolbwyntio ar symud y sefydliadau sydd yn gweithredu cynlluniau iaith drosodd i'r safonau, ac ar yr un pryd, ein bod ni yn briffio'r sefydliadau yna yn rheolaidd, iddyn nhw ddeall bod yna broses yn digwydd a'u bod nhw yn symud. Felly rwy'n gobeithio bod hynny wedi digwydd yn llwyddiannus

Ms Huws: As we started our work—well, it was four years ago now—one of the things that we recognised from the beginning as a risk to the institution was that we would run two statutory regimes. That can always cause problems to those people who administer the system, but also to those people who have to operate within those systems. So, from the very beginning, we realised that we would need to mitigate that challenge. That's partly why we decided to move the institutions that worked under the 1993 legislation—which is the Welsh Language Act 1993—over to implementing language schemes, and move to the new regime as soon as possible. So, that's what we did with rounds 1, 2 and 3; we've focused on transferring those institutions that have implemented language schemes over to standards, and at the same time, we wanted to brief those institutions regularly so that they understood that there was a process under way and that they were making that shift. So, I hope that that has happened successfully in terms of the fact that

o ran bod y sefydliadau'n ymwybodol ein bod ni'n symud o gynlluniau iaith i safonau. Ond ar yr un pryd, roeddem ni'n poeni hefyd ein bod ni'n colli *impetus*—mi allai ambell sefydliad feddwl, 'Wel, mi wnaif i eistedd yn ôl nawr a disgwyl i'r safonau yma ddod; mi wnawn ni adael y cynllun iaith'. Felly, rŷm ni wedi cynnal y gwaith o fonitro'r cynlluniau iaith, hefyd; rŷm ni wedi cynnal y broses yna o gyfathrebu gyda sefydliadau. Maen nhw yn dal wedi gorfod cyflwyno yn flynyddol adroddiad ar eu cynlluniau iaith nhw. Felly, rŷm ni wedi cynllunio'r camau o wneud y sefydliadau'n hollol ymwybodol o'r newid, ond peidio â thynnu'r droed *off y throttle* o ran yr ymwneud â nhw a'r disgwyliadau sydd wedi cael eu gosod arnyn nhw.

those institutions were aware that they were moving from language schemes to standards. But at the same time, we were also concerned that we would lose *impetus*—that some institutions could think, 'Well, we will sit back now and we'll wait for these standards to come forward; we'll just leave the language scheme be'. So, we've maintained that work of monitoring the language schemes as well; we've maintained that process of communicating with institutions. They've still had to put forward an annual report on their language schemes. So, we've planned those steps, from making the institutions wholly aware of the change, but not taking the foot off the throttle in terms of that involvement with them and the expectations that have been placed on them.

09:30

[59] Rŷm ni wedi cynnal sesiynau briffio yn rheolaidd iawn, iawn, iawn, ac fe fyddwn ni'n dal i wneud hynny. Peth arall rŷm ni wedi'i wneud yw gweithio gyda'r cyrff ymbarél, fel Cymdeithas Llywodraeth Leol Cymru, fel y WCVA, fel y cyrff sy'n cynrychioli byrddau iechyd, i sicrhau eu bod nhw'n deall, hefyd. Felly, fe wnaethom ni adnabod a chydabod yr her; mae'n dal yn her ein bod ni'n gweithio gyda dwy system gyfreithiol, neu dwy statud gyfreithiol, ond, ar hyn o bryd, rwy'n teimlo ein bod ni'n rheoli'r newid yn eithaf da.

We've held briefing sessions on a regular basis—a very regular basis—and we're still doing that. Another thing that we've done is we've worked with the umbrella bodies, such as the Welsh Local Government Association, such as the WCVA and those bodies that represent health boards, to ensure that they understand, too. So, we've acknowledged and recognised that challenge; it remains a challenge that we are working with two legal systems, or two legislative statutes, but, at present, I do think that we are

managing that change very well.

[60] **Gwyn R. Price:** Thank you. You have criticised, really, the Welsh Language (Wales) Measure in 2012. Are there parts in the Measure that give you concern?

[61] **Ms Huws:** Wrth ateb y cwestiwn yna, rwy'n credu ein bod ni yn mynd yn ôl i'r drafodaeth a gawsom ynglŷn â'r broses o osod safonau. Wrth weithredu'r Mesur, a gweithredu'r Mesur yn briodol, mae'n dod yn amlwg bod yna sawl cam yn y broses. Rŷm ni'n gofyn am dystiolaeth oddi wrth sefydliadau ddwywaith, os nad tair gwaith, yn y broses; mae hynny jest o weithredu Rhan 4 o'r Mesur. Rwy'n credu, gydag amser, ac wrth ein bod ni'n amlygu'r heriau, y problemau sydd yn codi, ei bod yn briodol inni ofyn y cwestiwn, 'A allwn ni ysgafnhau'r broses yn gyfreithiol drwy, efallai, edrych ar y Ddeddf eto—y Mesur eto—yn ystod y blynyddoedd nesaf?'
Ms Huws: In responding to that question, I think that we go back to the discussion that we had on the process of setting standards. In implementing the Measure, and implementing the Measure appropriately, it becomes clear that there are several steps to the process. We're asking for evidence from institutions twice, if not three times, in that process; that is just to implement Part 4 of the Measure. I do think that, with time, and as we make clear the challenges and problems that arise, it is appropriate for us to ask the question of whether we can lighten the load in terms of the legal process, perhaps by looking at the Measure again over the coming years.

[62] **Christine Chapman:** Okay?

[63] **Gwyn R. Price:** Thank you very much.

[64] **Christine Chapman:** Thank you. I move on now to Peter.

[65] **Peter Black:** Thank you, Chair. In past evidence sessions, you've criticised the way in which the Welsh Government considers the Welsh language in policy areas, especially when drafting legislation. Has that situation improved?

[66] **Ms Huws:** Rwy'n mynd i droi at Dyfan, i ddechrau, i edrych ar beth sydd wedi digwydd. Mae'n wir: rŷm ni
Ms Huws: I'll turn to Dyfan to kick off on this, to look at what has happened. It is true: we have raised

wedi codi consyrn yn y gorffennol.

concerns in the past.

[67] **Mr Sion:** Ydy. Rwy'n meddwl, o ran proses, yn y lle cyntaf, mae'r Llywodraeth wedi datblygu teclyn asesu effaith polisi ar y Gymraeg. Mae hynny i'w groesawu, ond rwy'n meddwl, fel y mae'r Prif Weinidog ei hun wedi dweud wrth y pwyllgor yma, un peth ydy cael teclyn asesu mewn lle, mae angen gwaith addysgu a chodi ymwybyddiaeth, hefyd, o amgylch hynny i sicrhau bod y gweision sifil yn gallu gweithredu'n llawn.

Mr Sion: Yes, I do think that, in terms of the process, in the first instance, the Government has developed a policy impact assessment tool on the Welsh language, and that is to be welcomed, but I think, as the First Minister himself has told this committee, it's one thing to have an assessment tool in place, but there has to be educative and awareness raising work around that to ensure that the civil servants are able to make full use of it.

[68] Rŷm ni yn ymwybodol hefyd fod yna asesiadau effaith yn cael eu cyhoeddi ar Filiau ac ar ymgynghoriadau polisi, hefyd, ac, eto, mae hynny yn gynnydd. Rwy'n meddwl, ar y cyfan, fod rhai o'r asesiadau yna yn dueddol o ganolbwyntio ar effeithiau negyddol posibl polisiâu. Efallai bod yna fwy i'w wneud o ran edrych ar gyfleoedd pellach i hyrwyddo'r Gymraeg, hefyd, o fewn polisiâu a deddfwriaeth.

We're also aware that there are impact assessments published on Bills and on policy consultations as well, and that is progress. On the whole, I think that some of the assessments tend to focus on negative potential effects of policies. Perhaps there's more to do in terms of looking at further opportunities to promote the Welsh language as well, within policies and legislation.

[69] O ran canlyniad y gwaith yna, wedyn, rwy'n meddwl mai beth rŷm ni'n ei weld ydy bod yna gynnydd wedi bod mewn rhai meysydd, ond anghyson ydy o ar y cyfan. Mae yna rhai pethau yr ydym ni wedi'u codi yn y misoedd diwethaf; er enghraifft, yn y maes cynllunio, mi oedd gennym bryderon ynglŷn â'r Ddeddf Cynllunio (Cymru) 2015 yn wreiddiol, ond, yn sgil pwysau gennym ni, sawl sefydliad arall ac Aelodau'r Cynulliad

In terms of the outcome of that work, I think that what we've seen is that there has been progress in some areas, but it's inconsistent on the whole. There are some things that we have raised over the past few months; for example, in terms of planning, we had concerns about the Planning (Wales) Act 2015 originally, but as a result of pressure from us, from several other bodies and Assembly Members as well,

hefyd, fe gafwyd cyfeiriadau at y Gymraeg yn hwnnw yn y diwedd.

references to the Welsh language were included in that legislation.

[70] Mae ymgynghoriadau wedi bod, hefyd, yn y maes addysg—er enghraifft, cynllun Dechrau'n Deg, cynllun gweithlu'r blynyddoedd cynnar—lle rŷm ni wedi tynnu sylw at ddiffyg ystyriaeth o'r Gymraeg.

There have been references to the area of education, as well—such as the Flying Start scheme and the early years workforce scheme—where we've drawn attention to the lack of consideration for the Welsh language.

[71] Ond, mae yna bethau da yn digwydd, hefyd. Rŷm ni wedi cael trafodaethau cynnar yn y broses o ad-drefnu llywodraeth leol, a gobeithio bydd hynny'n parhau rŵan, wrth i'r broses yna fynd yn ei blaen. Felly, mae yna arwyddion o gynnydd wedi bod ac mae'n deg i ddweud, rwy'n meddwl, o ran canlyniad, fod y darlun yn dal yn weddol gymysg.

But, there are good things happening as well. We've had discussions very early on in the process of the reorganisation of local authorities, and we hope that that will continue as the proses goes forward. So, there have been signs of progress, but I think it's fair to say, in terms of results that the picture is still relatively mixed.

[72] **Ms Huws:** A gaf i jest ategu at hynny? Mae Dyfan wedi cyfeirio at ambell i ddarn o ddeddfwriaeth ddrafft yn y maes addysg, lle nad oedd unrhyw gyfeiriad at y Gymraeg. Mi oedd hynny'n peri pryder sylweddol i fi nad oedd maes mor bwysig ag addysg yn cydnabod y Gymraeg. Rŷm ni hefyd wedi gweld, wrth fod y ddeddfwriaeth gofal cymdeithasol yn troi'n rheoliadau, nad yw'r datganiadau sydd yn y ddeddfwriaeth ei hun o reidrwydd yn gweld golau dydd yn y rheoliadau wedyn. Felly, mae yna sialens o hyd i sicrhau cysondeb trwy'r broses ddeddfu ac nad yw datganiad ar wyneb y Bil yn mynd ar goll wedyn am nad yw'r rheoliadau sydd y tu ôl

Ms Huws: If I could just add to that, Dyfan has referred to a few pieces of draft legislation in education, where there was no reference to the Welsh language. Now, that was a cause of significant concern to me that an area as important as education didn't recognise the Welsh language. We've also seen, as the social care Act becomes regulation that the statements in the Act itself don't necessarily emerge in the regulations themselves at a later stage. So, there remains a challenge to ensure consistency throughout the legislative process and that a statement on the face of the Bill or an Act, isn't then lost, because the regulations that underpin the Bill

i'r Bil yn adlewyrchu anghenion y don't reflect the needs of the Welsh Gymraeg. language.

[73] **Peter Black:** Okay. I can empathise with the idea that impact statements concentrate on the negative. In a sense, that's what they're there to do. Do you think that the Government needs to do a lot more in terms of considering the language at a very early stage in legislation? You said about more positive impacts, as well, but how can the Government do better in terms of actually making sure that language is a major consideration when it comes to formulating Bills?

[74] **Ms Huws:** Mewn tystiolaeth i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol rai misoedd yn ôl nawr, fe wnaethom ni gyflwyno'r syniad sy'n gysyniad sydd yn cael ei ddefnyddio yn San Steffan ynglŷn â hawliau dynol, fod yna gydbwyllgor hawliau dynol yn craffu ar bob darn o ddeddfwriaeth i gysoni ystyriaeth o hawliau dynol. Rwy'n gwybod bod y pwyllgor yma'n craffu ar y Gymraeg, ond rwy'n ymwybodol bod darnau o ddeddfwriaeth yn mynd i bwyllgorau eraill sydd, efallai, ddim o reidrwydd yn gofyn yr un cwestiynau yr un mor gyson. Rwy'n credu y buaswn i'n annog y Llywodraeth a'r pwyllgorau i ystyried sefydlu cydbwyllgor o ran y Gymraeg i ystyried bob darn o ddeddfwriaeth a gwneud hynny mewn modd cyson, er mwyn creu'r diwylliant gwahanol yma ac i addysgu hefyd.

Ms Huws: In evidence to the Constitutional and Legislative Affairs Committee some months ago, we did propose the concept, and it is a concept used in Westminster in terms of human rights, that there is a joint committee on human rights that actually scrutinises all pieces of legislation to ensure consistency in the consideration of human rights. I know that this committee scrutinises the Welsh language, but I know that certain pieces of legislation go to other committees that don't necessarily ask the same questions as consistently as you would. I think I would encourage the Government and the committees to consider establishing a joint committee on the Welsh language to consider all pieces of legislation, and to do that in a consistent manner, in order to create this different culture and also to educate.

[75] **Peter Black:** Is it the case, in a sense, that the Welsh language is only considered properly in the obvious suspects, you know, planning, education—. I mean, we're just thinking about the tax management Bill, for example, and, actually, the Finance Committee has been asking questions about the Welsh language on that Bill, but do we need to be aware that the

Government had thought about it before it actually produced the Bill? You know, is that part of the problem?

[76] **Ms Huws:** Ie, yn gywir. Pe bai yna un grŵp neu un pwyllgor yn gofyn y cwestiwn o ran bob darn o ddeddfwriaeth, a'i bod yn broses lle maen nhw'n dweud, 'A oes yna ystyriaethau o ran yr iaith fan hyn? O, oes, mae angen i ni ymateb i hyn', neu, 'Nac oes, does yna ddim; nid oes unrhyw beth y gallem ni ffeindio fan hyn lle mae yna ystyriaeth ieithyddol'. Rwy'n credu byddai hynny'n gam sylweddol ymlaen, yn yr un ffordd ag y mae hynny'n digwydd yn San Steffan. Mae'ch dadansoddiad chi o'r sialens yn gywir.

Ms Huws: Exactly, yes. Now, if there were a single group or a single committee asking that question on each piece of legislation, that there is a process in place, where they say, 'Are there considerations in terms of the Welsh language? Well, yes, there are, we need to respond to this', or they may say, 'No, there is nothing that we can identify here where there is a language consideration'. I think that would be a significant step forward, just as that happens in Westminster. Your analysis of the challenge is accurate.

[77] **Christine Chapman:** Thank you. If I can move on now then, to Lindsay.

[78] **Lindsay Whittle:** Me? Sorry, I didn't know I was next. I was fast asleep [*Laughter.*]

[79] Bore da, Meri a Dyfan, diolch am ddod. Rwy'n mynd i ofyn y cwestiwn yn Saesneg, mae'n ddrwg gen i, ond yn y dyfodol, rwy'n mynd i ofyn y cwestiwn yn y Gymraeg, gobeithio, achos mae fy wyres yn dysgu Cymraeg gyda fi, nawr.

Good morning, Meri and Dyfan, thank you for coming. I'm going to ask the question in English, I'm sorry, but in future, I hope to ask the question in Welsh, because my granddaughter is learning Welsh with me, now.

[80] I want to ask you about your budget. The budget cuts I see proposed are £300,000. It's a lot of money out of a budget that is really not a very large budget. How is that going to affect your services that you're going to provide in future? And what message do you want this committee to tell the Welsh Government, to say that if these budget cuts carry on at the rate they're doing with the commission, it doesn't take a great mathematician to realise that in five years' time, your—not you, personally—whole commission is actually under threat? That is, as far as I am concerned, not acceptable.

[81] **Ms Huws:** Diolch yn fawr am y cwestiwn. Mae'n creu consyrn anferth i ni o fewn y sefydliad ein bod ni, yn y prin gyfnod o bedair blynedd rydym wedi bodoli yn barod, rŷm ni wedi colli jest a bod chwarter o'n incwm. Mae yna grebachu ar draws y sector gyhoeddus—rwy'n llwyr sylweddoli hynny—ond mae ei wneud e nawr yn anodd iawn, iawn i ni weithio, a gweithio'n effeithiol. Mae yna arbedion mae rhywun wastad yn gallu eu gwneud, ond rŷm ni wedi'u gwneud nhw nawr—yr arbedion o ran gwariant o ddydd i ddydd ac o ran stadau ac yn y blaen. Rŷm ni wedi gwneud bob un o'r rheini. Rŷm ni wedi mynd trwy broses ailstrwythuro—mae pobl wedi gadael y sefydliad. Nid wyf yn teimlo y gallwn gymryd rhagor o doriadau os oes yna ddisgwyl i Fesur y Gymraeg weithredu'n effeithiol, ac i ni weithredu'n effeithiol o fewn Mesur y Gymraeg.

[82] Mae'r ddwy flynedd nesaf, buaswn i'n ei ddweud, yn anhygoel o bwysig o ran gweithrediad y Mesur. Rŷm ni wedi trafod y safonau. Mewn ymateb i Bethan, eglurais i, o fewn y ddwy flynedd nesaf, byddwn ni wedi gosod safonau ar o gwmpas 250 o sefydliadau yng Nghymru, ac mi fyddwn wedi symud i'r sectorau sydd yn cynnig gwasanaethau yng Nghymru, megis ynni, trenau, trafniadaeth ac yn y blaen. Os ydym yn cael toriad arall, yn y man cyntaf, ni fyddwn yn gallu gosod y safonau yn effeithiol—mae Dyfan wedi sôn am

Ms Huws: Thank you very much for the question. It is a cause of great concern for us within the body that, within the period of four years that we've existed already, we have lost almost a quarter of our income. There has been shrinkage across the public sector—I understand that fully—but doing it now makes it very, very difficult for us to operate, and to operate effectively. There are savings that one can always make, but we have made those savings now—those savings in terms of daily expenditure and in terms of estates and so on. We've done all of those things. We've gone through a restructuring process—people have left the institution. I don't feel that we can take additional cuts if there is an expectation that the Welsh language Measure will operate effectively, and for us to operate effectively within the Welsh language Measure.

The next two years will be incredibly important in terms of implementing the Measure. We've discussed the standards. In response to Bethan, I explained that, within the next two years, we will have set standards on around 250 bodies in Wales, and we will have moved to those sectors that offer services in Wales, such as energy, trains, transport and so on. If we are to receive another cut, in the first instance, we won't be able to set the standards effectively—Dyfan's talked about the process—and we won't be able to do the regulatory

y broses—ac ni fyddwn ychwaith yn gallu gwneud y gwaith rheoleiddio sydd yn angenrheidiol o ran sicrhau bod sefydliadau yn gweithredu o fewn y safonau, a bod pobl yng Nghymru yn cael y gwasanaethau sydd yn deilwng iddyn nhw—gwasanaethau yn y Gymraeg y dylem ni fod yn eu disgwyl. So, mae toriad arall yn ystod y blynyddoedd nesaf ac yn y flwyddyn nesaf yn mynd i fod, buaswn i'n ei ddweud, yn drychinebus o ran gweithrediad Mesur y Gymraeg, a sicrhau gwlad sydd yn deilwng o bobl Cymru.

work that is crucial in terms of ensuring that institutions work within the standards, and that people in Wales receive the services that they deserve—services in the Welsh language that we should be expecting. So, another cut, over the coming years, and in the next year, is going to be, I would say, disastrous, in terms of the implementation of the Welsh language Measure, and ensuring a nation that is worthy of the people of Wales.

[83] **Lindsay Whittle:** Diolch am eich ateb.

Lindsay Whittle: Thank you for your response.

[84] I agree entirely and I think, Chair, that this committee should send, as part of our response to the Government's budget, a very strong message that this sort of cut is totally unacceptable. And it brings me on nicely to the—

[85] **Christine Chapman:** Before that, Peter has a supplementary and I'll come back to you then.

[86] **Peter Black:** Can I just ask: have you been notified of your budget for next year?

[87] **Ms Huws:** Rŷm ni wedi gweld y ffigurau sydd wedi cael eu cyhoeddi. Rydych chi efallai wedi rhannu darn o wybodaeth nad ydym ni wedi cael yn y ffordd yna.

Ms Huws: We have seen the figures that have been published. You have perhaps shared a piece of information that we haven't received in that way.

[88] **Peter Black:** Okay. And what sort of consultation do you actually get with the Government before you get those figures, or before you're actually notified of any cut in your budget?

[89] **Christine Chapman:** So, that was this year.

[90] **Peter Black:** I'm thinking of next year.

[91] **Christine Chapman:** Yes.

[92] **Ms Huws:** O ran cyllideb?

Ms Huws: In terms of budget?

[93] **Peter Black:** Yes.

[94] **Ms Huws:** Mae yna drafodaethau gyda'r Llywodraeth. Rydym yn cwrdd â'r swyddogion yn chwarterol ac rydym yn cwrdd â'r Prif Weinidog yn chwarterol. Teg yw dweud, eleni, oherwydd y sefyllfa, efallai nad ydych chi wedi derbyn y gyllideb fan hyn mor gynnar ag yr ydych chi fel arfer. Nawr mae'r trafodaethau yn dechrau ac yn digwydd.

Ms Huws: There are discussions with the Government. We meet the officials on a quarterly basis and we meet the First Minister on a quarterly basis too. It's fair to say that, this year, because of the situation, you perhaps hadn't received the budget here as early as you usually do. It is now that those discussions are starting.

[95] **Peter Black:** So, you actually haven't been given a figure for next year yet.

[96] **Ms Huws:** No.

[97] **Christine Chapman:** No, because—

[98] **Peter Black:** Some organisations have, I think.

[99] **Christine Chapman:** Right; okay.

[100] **Ms Huws:** A gaf jest nodi, yn y gyllideb a ddaeth allan wythnos yma, roeddem wedi dadlau yn y gorffennol fod angen llinell ar Gomisiynydd y Gymraeg, yn yr un modd ag y mae llinell i Gomisiynydd Pobl Hŷn Cymru? Nid oedd yna yn y gyllideb yr wythnos yma.

Ms Huws: May I just note that in the budget that came out this week, we had argued in the past that there needs to be a line for the Welsh Language Commissioner, in the same way as there's a line for the Commissioner for Older People in Wales? There wasn't in the budget this week.

[101] **Peter Black:** There is a line, I think, in the education part of the budget for Welsh language that actually shows a cut. I'm just wondering, as the commissioner, do you get any consultation on those lines at all, or any input into them.

[102] **Ms Huws:** Ddim ar y llinell yna. **Ms Huws:** Not on that line.

[103] **Bethan Jenkins:** It's not just in education; there are other ones as well. It's not just in education, I suppose.

[104] **Peter Black:** No, but there's a specific line on education, where it says that the Welsh language is cut.

[105] **Ms Huws:** Na, does yna ddim. **Ms Huws:** No, there are not.

[106] **Christine Chapman:** I'll come back to Lindsay now; we've got about quarter of an hour left now.

[107] **Lindsay Whittle:** Okay. Now, 2015–16 was a reduction of £300,000—that was 8 per cent—and there was 10 per cent the year before. So, again next year, if it carries on—as I said, I'm not scaremongering—in five years' time, you won't exist. That can't be acceptable. You get a lot of complaints, and I'm very concerned to see a list of public bodies that have all failed to comply with Welsh language schemes. And, you've said in your report to us that you're simplifying the complaints procedure. I feel guilty; I feel as though I should have complained to the Welsh Language Commissioner at times, not only about public bodies, but about private companies in Wales, which operate here. We have, for example, these companies changing the face of Wales. In the town where I live, a new estate is being built that's called 'Kingsmead'. It is being built on a place that is, perhaps, world-famous for *Fireman Sam*—*Sam Tân*. It's being built on Pontypandy. Well, that is Pontypandy, it's not Kingsmead. This is not Surrey, this is Wales.

09:45

[108] **Bethan Jenkins:** We're trying to legislate for that.

[109] **Lindsay Whittle:** This is Wales that you live in. I think that your simplifying of complaints is very welcome, and I'm wondering if you could tell us what the impact of that would be. And I promise you I'll complain every time next year.

[110] **Ms Huws:** Diolch yn fawr. Rŷm ni wedi sylweddoli, fel rŷch chi newydd egluro, bod system gwynion sydd yn drafferthus yn atal pobl rhag gwneud cwynion. Maen nhw'n meddwl, 'Wel, nid oes amser gyda fi'. Felly, rwy'n credu, y flwyddyn nesaf fydd y cyfnod lle byddwn yn gweld a ydy hyn yn gweithio. Eleni, rydym ni wedi ystwytho'r system, ac rŷm ni hefyd wedi gwneud rhywfaint o waith codi ymwybyddiaeth ymysg y cyhoedd o'u gallu nhw a'u cyfrifoldeb nhw, efallai, i gwyno pan maen nhw'n gweld rhywbeth. Rwy'n credu, os ydw i'n eistedd yn fan hyn y flwyddyn nesaf, a fy mod i ddim wedi diflannu, byddaf i mewn sefyllfa i ddweud beth sydd wedi gweithio.

[111] Rŷm ni wedi gweld eleni yn barod cynnydd yn nifer y cwynion sydd wedi dod trwyddo ar y pwynt yma yn y flwyddyn. Hefyd, rŷm ni'n gweld newid yn ansawdd y cwynion—bod pobl yn gwybod sut i gwyno, a pha fath o wybodaeth rŷm ni ei eisiau. Felly, mae yna dwf, ond, yn sicr, flwyddyn nesaf, mi ddylwn ni fod mewn sefyllfa i ddweud ei fod wedi gweithio neu fod yna anawsterau o hyd. Ond mae cwyno yn bwysig. Mae'n bwysig, bwysig i gael y math yna o wybodaeth er mwyn creu'r cyswllt yna gyda'r sector gyhoeddus a phreifat.

Ms Huws: Thank you very much. We have come to the realisation, as you have just explained, that a complaints system that is onerous does actually prevent people from making complaints. They think, 'Well, I don't have time'. So, I think next year will be the period where we see whether this works or not. This year, we have streamlined the system and we have also carried out some awareness-raising work among the public of their ability and their responsibility, perhaps, to complain when they see reason for complaint. I think, if I'm sitting here next year, and I haven't disappeared, I will be in a position to say what has worked.

We have seen this year already an increase in the number of complaints that have been submitted at this point during the year. We're also seeing a change in the quality of the complaints—that people are now learning how to complain and what sort of information we need. So, there has been some development, but, certainly, next year we should be in a position to say that it has worked or that there are still difficulties in the system. But complaints are important. It's extremely important that we receive that information in order to create that link with the public and private sectors.

[112] **Lindsay Whittle:** Thank you. Diolch yn fawr.

[113] **Christine Chapman:** Thank you. Mark

[114] **Mark Isherwood:** Bore da. How concerned are you by your findings that seven public bodies, since October 2014, have failed to comply with clauses in their own Welsh language schemes, and were there any similarities between those findings, or failings?

[115] **Ms Huws:** Mae'n ddwy ochr y geiniog—mae'n dda bod yna gwynion yn dod i mewn, er mwyn i ni gael ymchwiliadau, achos mae hynny wedyn yn fodd i ni ddelio gyda sefydliadau, sicrhau eu bod nhw'n deall yr hyn sy'n ddisgwylidig ohonyn nhw, a delio gyda hynny. Rwy'n siomedig—wrth gwrs y buaswn i'n siomedig fel Comisiynydd y Gymraeg—bod unrhyw un yn torri eu cynllun iaith.

Ms Huws: There are two halves to this walnut—it's a good thing that complaints are submitted, so that we can conduct investigations, because that is a way for us to deal with organisations and ensure that they understand what's expected of them, and to deal with that. I'm disappointed—of course I would be disappointed as the Welsh Language Commissioner—that anyone should breach their Welsh language scheme.

[116] O ran patrymau cwynion, rwy'n credu bod yna bethau amlwg, ac maen nhw'n dal i ddigwydd, sef: derbynfeydd; galwadau ffôn; gwefannau—gwefannau'n cael eu newid, gyda newid i'r Saesneg ond neb o reidrydd yn cofio bod angen newid yr ochr Gymraeg hefyd. Felly, mae'r math yna o gwynion pwysig ond lled weinyddol yn dod trwyddo. Yr hyn rydym wedi dechrau gwneud, rwy'n credu, yw rhoi mwy o sylw i hynny a dweud eu bod nhw'n bwysig; dyna'r pwynt cyswllt cyntaf gyda'r cyhoedd.

In terms of the patterns of complaints, I think there are prominent things, and they still happen, namely: issues in reception areas; telephone call-handling; websites—websites being updated, with the English being updated and they've forgotten that they also need to update the Welsh. So, those kinds of complaints that are important but relatively administrative in nature have started to come through. What we've started to do is to concentrate more on that and say that they are important; that is the first point of contact with the public.

[117] Yr elfen arall rydym yn gweld yn dod trwyddo yw'r rheini sy'n ymwneud â methiannau systemig o fewn sefydliadau. Rydym wedi cael

The other element that we see emerging are complaints related to systemic failures within institutions. We've receive a few complaints that

ambell i gŵyn sydd wedi arwain at ymchwiliad yn ddiweddar ynglŷn â phrosesau penodi anghenion ieithyddol swydd—pethau sy'n bwysig iawn. Felly, rŷm ni'n gweld y math yna o batrymau systemig, neu fethiannau systemig o fewn sefydliad a hefyd methiannau jest o ran darparu gwasanaethau a sylweddoli anghenion y cyhoedd.

have led to investigations recently on the processes of deciding on the linguistic requirements of a job—very important things. So, we do see that kind of systemic failure within organisations emerging as well as the failures in providing services and actually identifying the needs of the public and responding to them.

[118] Mae yna tua wyth ymchwiliad naill ai ar agor neu wedi gorffen eleni. Buaswn i'n dweud bod y rheini wedi bod yn ymarferion pwysig iawn i'r sefydliadau o ran codi ymwybyddiaeth yn y sefydliadau yna bod methu yn gallu arwain at ymchwiliad, ond bod methu hefyd ddim yn rhoi'r gwasanaeth teilwng i'r cyhoedd.

There are around eight investigations that are either open or have been concluded this year. I would say that those have been very important exercises for the organisations in terms of raising awareness within those bodies that failure can lead to an investigation, but that failure also doesn't provide the required service to the public.

[119] **Mark Isherwood:** To what extent do you think this is a learning process because it's new, or something more deeply embedded?

[120] **Ms Huws:** Wel, buaswn i'n dadlau nad yw cynlluniau iaith yn newydd erbyn hyn. Maen nhw wedi bodoli ers 1993, ac felly mi ddylen ni fod yn gweld sefydliadau cyhoeddus yng Nghymru yn gweithredu o fewn eu cynlluniau iaith. Ond mi fuaswn i yn cytuno ein bod ni yn gweld y broses o ymchwilio yn broses ddysgu ac addysgu i'r sefydliad, a dyna'r ffordd rŷm ni'n ei wneud ef. Rŷm ni'n gwneud yr ymchwiliad, rŷm ni'n bwydo'r canlyniadau yn ôl i'r sefydliad, rŷm ni'n bwydo'r argymhellion yn ôl i'r sefydliad, ac wedyn rŷm ni yn disgwyl gweld

Ms Huws: Well, I would argue that language schemes are nothing new. They've existed since 1993, and therefore we should be seeing public authorities in Wales working within their language schemes. But I would agree that we are seeing the process of investigation as a learning process for the institution, and that's how we do it. We carry out our investigation, we feed those results back to the organisations, we provide recommendations to them, and then we do expect to see an action plan that includes raising awareness within the organisation itself in terms

cynllun gwaith y tu ôl i hynny sy'n of the language scheme and the
cynnwys codi ymwybyddiaeth o fewn purpose of the language scheme.
y sefydliad o anghenion y cynllun
iaith, a phwrpas y cynllun iaith.

[121] **Mark Isherwood:** Okay. Thank you very much. What implications, if any, do you feel there might be for other organisations' Welsh-language policies of your rulings on two cases of interference with the freedom to use Welsh?

[122] **Ms Huws:** Mae'r darn yma o'r Mesur yn ddatblygiad newydd. Mae'r darn o'r Mesur sydd yn ymwneud â rhyddid unigolyn i ddefnyddio'r Gymraeg yn heriol, rwy'n credu, oherwydd ei fod yn ddarn newydd o ddeddfwriaeth, a chysyniad newydd. Fel rŷch chi wedi cyfeirio, dau achos rŷm ni wedi'u hystyried, a chynnal ymchwiliad i mewn iddynt. Un yn y maes cyllid; rwy'n credu bod hynny wedi bod yn ddefnyddiol, oherwydd fe wnaeth hynny ein gorfodi ni i ofyn cwestiynau sylfaenol ynglŷn â'r ffordd roedd y rheoliadau cyllid Prydeinig yn gweithio, a beth oedd eu goblygiadau nhw o ran y Gymraeg. Mae hynny wedi bod yn ddefnyddiol, achos mae wedi arwain at godi lefel o ymwybyddiaeth a chreu datrysiad. Mi oedd ambell i sefydliad cyllido yn meddwl nad oeddent yn gallu—nad oedd hawl gyda nhw i weithio trwy gyfrwng y Gymraeg achos eu bod nhw'n torri rhyw reol, a bod yn rhaid iddyn nhw ddefnyddio'r Saesneg. Fe gawson ni drafodaethau gyda'r rheoleiddiwr cyllid ac mae yna eglurder ar hynny.

Ms Huws: This part of the Measure is a new development. The section of the Measure that relates to an individual's freedom to use the Welsh language is challenging, I think, because it is a new piece of legislation and a novel concept. As you've referred to, we have considered two cases, and held investigations on them. One was in the area of finance, and I think that was useful because that forced us to ask some fundamental questions on the way in which the UK finance regulations work, and what their implications were in terms of the Welsh language. That's been useful because that's raised the awareness level and has led to a solution. There were a few finance bodies that felt that they weren't able—that they didn't have a right to work through the medium of Welsh because they were breaking some rule that they had to work through the medium of English. We had some discussions with the finance regulator and we've had clarity on that now.

[123] Yr ail achos, wedyn, efallai The second case, then, was perhaps

oedd yr un i fi sydd yn bwysicach, lle'r oedd yna honiad gan fam bod meddyg wedi'i stopio hi rhag cyfathrebu trwy gyfrwng y Gymraeg gyda'i merch mewn sefyllfa o drafodaeth feddygol. Mi oedd hynny'n bwysig achos mi dderbyniodd yr awdurdod y cyfrifoldeb; mi dderbynion nhw'r methiant sylfaenol o ran hawliau a oedd wedi digwydd yn fanna. Wrth ddelio gyda'r achos, mae'r sefydliad yna wedi gwneud gwaith codi ymwybyddiaeth ymysg swyddogion. Mae yna gynllun addysg wedi dod o fewn y sefydliad y tu allan i hynny, ond yn fwy na hynny, rwy'n credu ei bod wedi codi ymwybyddiaeth ymysg sefydliadau iechyd a gofal yn gyffredinol. Rwy'n credu bod y penderfyniad yna wedi bod yn un pwysig i'w wneud.

[124] **Christine Chapman:** Okay. I've got a supplementary from Bethan, and I'll come back to you then.

[125] **Bethan Jenkins:** Roeddwn i'n jest yn moyn gofyn yn fras, oherwydd gwnes i gael cyfarfod â'r Royal College of General Practitioners yr wythnos diwethaf—. Maen nhw'n dweud bod yna erthyglau a llythyrau yn mynd i mewn i *journals* yn Lloegr sy'n honni wedyn bod Cymru yn rhywle i beidio â gweithio oherwydd y sefyllfa yr ydych chi'n siarad amdani. A ydych chi'n poeni bod Cymru wedyn yn cael—? A oes yna fodd i ymdrin â'r sefyllfa lle, wrth gwrs, mae yna safonau, a'u bod yn gweithio, ond bod pobl yn sylweddoli nad yw

the more important one for me, where there was a claim by a mother that a doctor had prevented her from communicating through the medium of Welsh with her own daughter in a situation where a medical consultation was taking place. That was important because the authority accepted the responsibility; it accepted that there was a fundamental failure in terms of rights there. In dealing with that case, that organisation has carried out some awareness-raising work among its officials. An education programme has been introduced as a result of that, but more than that, I think it raised awareness among health and care bodies more generally. I think that that decisions was an important one to take.

Bethan Jenkins: I just wanted to ask, because I had a meeting with the Royal College of General Practitioners last week—. They said that there are articles and letters going into journals in England that allege that Wales is then a bad place to work because of the situation that you're talking about. Are you concerned that Wales then has—? Is there a way to deal with the situation, where, of course, the standards are in place, and they work, but then that people realise that Wales doesn't have a closed door to people coming here to

Cymru yn ddrws caeedig wedyn i bobl ddod yma i weithio—os ydyn nhw'n meddwl bod yn rhaid iddyn nhw orfod cyfathrebu trwy gyfrwng y Gymraeg?

[126] **Ms Huws:** Rwyf innau hefyd wedi cael cyfarfodydd â'r colegau brenhinol yn dilyn yr achos yr wyf newydd gyfeirio ato, ond hefyd yn dilyn yr ymholiad iechyd, yr ymholiad gofal sylfaenol, y gwnaethom ni ei gynnal ddwy flynedd yn ôl. Rwyf yn credu bod yna waith i godi ymwybyddiaeth. Mae yna waith ar y cyd y gallem ni ei wneud, a dyna'r bwriad. Byddwn ni'n gweithio gyda'r colegau brenhinol i edrych ar sut y mae creu sefyllfa sydd yn anrhydeddu ac yn cydnabod hawliau ieithyddol pobl yng Nghymru, ond sydd ddim ychwaith yn creu sefyllfa o ddrws caeedig. Rwy'n credu bod modd goroesi hynny. Mae'r un math o heriau yn codi mewn gwledydd fel Canada, ac rwy'n credu bod yna fodd inni edrych ar beth sydd wedi digwydd mewn gwledydd fel yna, a dwyn y gorau, yn arbennig yn y meysydd iechyd a gofal cymdeithasol. Mae yna gysylltiad agos rhyngom ni a beth sy'n digwydd yn y meysydd hynny yng Nghanaada trwy'r comisiynwyr iaith yng Nghanaada. So, mae yna fodelau y gallwn ni edrych arnynt i greu sefyllfa ddiddorol yn hytrach na chreu problem.

work—if they think that they have to communicate through the medium of Welsh?

Ms Huws: I too have had meetings with the royal colleges as a result of the case that I just mentioned, but also as a result of the inquiry into primary care that we held some two years ago. I do believe that there is awareness-raising work to be done. There is joint work that we can do, and that's the intention. We will work with the royal colleges to consider how we create a situation that honours and recognises the linguistic rights of people in Wales, but doesn't create a closed door situation in terms of those coming in. I do think that we can overcome that. The same sort of challenges arise in countries like Canada, and I do think that we can look at the experiences of other nations and to actually adopt best practice, particularly in health and social care. There's a very close relationship between ourselves and what happens in Canada through the language commissioners in Canada. So, there are models that we can look at to create an interesting situation, rather than creating a problem.

[127] **Christine Chapman:** Mark, did you want to come back?

[128] **Mark Isherwood:** Yes, again, in relation to the allegations of interference with the freedom to speak Welsh. You refer to two applications, there were 11 in total, nine of which you were unable to consider. Is that a cause of concern to you and, if so, how would you like to see that addressed?

[129] **Ms Huws:** Fel dywedais i, mae hwn yn ddarn newydd o ddeddfwriaeth, neu mae'n gysyniad newydd o fewn y Mesur yma. Rŷm ni wedi cymryd cyngor cyfreithiol ar beth yw cyfathrebiad pan fydd deddfwriaeth yn gallu cael ei defnyddio. O'r naw na chafodd eu hystyried, neu a gafodd eu hystyried ond aeth ddim yn gwynion llawn, mewn ambell i achlysur, nid yr achwynydd oedd wedi dioddef, felly roedd e'n gŵyn trydydd parti. Nid oedd modd ymyrryd yn y sefyllfa yna. Hefyd, mewn ambell sefyllfa, nid ymyrraeth oedd—nid rhywun yn rhwystro dau berson rhag siarad Cymraeg ydoedd, ond person ddim isie siarad Cymraeg. So, dau berson yn siarad, neb yn ymyrryd, ond person yn dweud, 'Nid wyf i isie siarad Cymraeg', ac nid yw'r Mesur yn perthyn i'r sefyllfa yna.

Ms Huws: As I said, this is a new piece of legislation, or it's a new concept within this Measure. We've taken legal advice on what is a communication when the legislation can be applied. Of the nine that weren't considered, or were considered, but didn't then transfer into full complaints, on certain occasions, it wasn't the complainant who had suffered, so it was a third-party complaint. It wasn't possible to intervene in those situations. Also, in certain circumstances, it wasn't intervention—it wasn't someone preventing two people from speaking Welsh, but a person not wanting to speak Welsh. So, there were two people speaking, nobody was intervening, but one person was saying, 'I don't want to speak Welsh', and the Measure is not applicable in that situation.

[130] Felly, rwy'n credu bod angen, efallai, edrych eto ar y darn yma, neu gael fwy o eglurder. Wrth gwrs, trwy gael mwy o achosion, bydd modd cael yr eglurder yna o beth yw seiliau cyfreithiol y rhyddid i ddefnyddio'r Gymraeg a beth yw ymyrraeth.

So, I do think that we may need to look again at this part, or to have greater clarity. Of course, by looking at additional cases, it will be possible to get that clarity on what the legal basis of the freedom to use the Welsh language is and what constitutes intervention.

[131] **Christine Chapman:** Thank you. Mike.

[132] **Mike Hedges:** Eight months ago, you produced a report on banks. I

understand, you can tell me if I'm wrong, they don't have a statutory obligation to offer services bilingually. What's happened since then?

[133] **Ms Huws:** Reit. Cawn ni edrych yn gyntaf ar pam edrychom ni ar y sector banciau. Wrth dderbyn cwynion am sectorau sydd ddim yn cael eu rheoleiddio, mi oedd yna batrwm yn amlygu ei hunan. Fe gawsom ni gwynion di-ri gan sefydliadau fel Merched y Wawr ac Undeb yr Annibynwyr yng Nghymru, wrth eu bod nhw'n delio â banciau, nad oedden nhw'n gallu cael y gwasanaeth trwy gyfrwng y Gymraeg roedden nhw wedi arfer ei gael. Felly, fe wnaethom ni ofyn y cwestiwn hollol sylfaenol: pam oedd hynny'n digwydd? Yr hyn a oedd yn dod yn amlwg oedd bod banciau, yn gyntaf, yn dechrau gwrthod sieciau a oedd wedi cael eu hysgrifennu yn Gymraeg. Roedd yn anodd iawn newid mandad—os oeddech chi'n sefydliad ac roeddech chi isie newid eich mandad gweithredu, roedd ambell i fanc yn dweud bod yn rhaid teithio o Faesteg i Aberystwyth os oeddech chi isie gwneud hynny trwy gyfrwng y Gymraeg. Felly, fe wnaethom ni benderfynu cynnal yr adolygiad, adolygiad byr, gan symud i mewn, edrych ar beth oedd yn digwydd a cheisio datrysiaidau, ac wedyn, ar ôl hynny, benderfynu beth oedd y cyswllt gyda'r banciau.

Mr Huws: Right. We'll look first at why we looked at the banking sector. In receiving complaints about sectors that aren't regulated, there was a pattern that became clear. We received a whole host of complaints from institutions such as Merched y Wawr and the Union of Welsh Independents that as they dealt with banks, they couldn't receive the Welsh-language service that they were used to receiving. So, we asked the fundamental question of why that was happening. What became clear was that banks, first of all, were rejecting cheques written in Welsh. It was very difficult to change a mandate—if an institution wanted to change a mandate, some banks said that they had to travel from Maesteg to Aberystwyth if you wanted to do that through the medium of Welsh. So, we decided to hold this investigation, a brief investigation, to go in, look at what was happening and try to find solutions, and then, after that, decide what the links to the banks were.

[134] Yn gryno, wrth fod banciau a bancio wedi newid o'r gwasanaeth dros y cownter i ddibynnu ar dechnoleg, mae'r Gymraeg, ar

In summary, as banks and banking have changed from the over-the-counter service to depending on technology, the Welsh language, on

achlysur, wedi mynd ar goll. Lle'r oedd banciau yn draddodiadol wedi bod yn weddol flaengar yng Nghymru, yn arbennig yn yr ugeinfed ganrif—efallai ddim yn ystod y degawdau diwethaf o ran datblygu gwasanaethau—. Ond wrth eu bod nhw'n symud o'r gwasanaeth cownter i fancio ar-lein a bancio ar y ffôn, nid oedd y gwasanaeth Cymraeg ar gael. So, mi ysgrifennom ni'r adroddiad.

[135] Erbyn hyn, rŷm ni wedi cynnal dau seminar gyda'r banciau, ac maen nhw wedi derbyn yr her o geisio prif-ffrydio'r Gymraeg wrth iddyn nhw newid eu systemau bancio. A fyddan nhw'n gallu gweithredu hynny? Bydd yn rhaid inni weld. Ond rŷm ni wedi cynnal cyfarfodydd rownd y ford gyda'r prif fanciau sydd ar y stryd fawr a hefyd gyda rhai o'r banciau sydd yn dymuno bod ar y stryd fawr neu yn tyfu ar y stryd fawr, ac rwyf i wedi cael fy nghalonogi bod yr ymateb yn bositif. Y sialens nesaf fydd y gweithredu ar eu rhan nhw. Mae'n rhwydd sicrhau bod rhywun yn siarad Cymraeg dros y cownter yn Llanymddyfri. A yw e'r un mor hawdd i berswadio rhywun sydd yn creu system dechnoleg yn Llundain, Efrog Newydd neu Sbaen bod y Gymraeg yn gorfod cael ei phrif-ffrydio i mewn i'r ddarpariaeth yna? A dyna fydd y sialens.

10:00

[136] **Christine Chapman:** Okay. Thank you. Mike.

occasion, has gone missing. Where banks traditionally were quite progressive in Wales, especially in the twentieth century—perhaps not over the past two decades in developing services—. But as they moved from the over-the-counter service to online banking and telephone banking, the Welsh-language service wasn't available. So, we wrote the report.

By now, we've held two seminars with the banks, and they've accepted the challenge of trying to mainstream the Welsh language as they changed their banking systems. Whether they will be able to implement that remains to be seen. But we have had round-table meetings with the main high street banks and also with some of the banks that wish to be on the high street or are growing on the high street, and I've been encouraged that the response is positive. The next challenge will be action on their part. It's easy to ensure that somebody speaks Welsh over the counter in Llandovery. Whether it's just as easy to persuade someone who is creating a system of technology in London, New York or Spain that Welsh has to be mainstreamed into that particular provision? That's what the challenge will be.

[137] **Mike Hedges:** I'll let Janet come in.

[138] **Christine Chapman:** Well, we've actually—

[139] **Mike Hedges:** Are we out of time?

[140] **Christine Chapman:** Yes. I will bring Janet in, because you have been—. We are running short of time now, but—.

[141] **Janet Finch-Saunders:** Right. I've quite a few, really. I have concerns about community councils and how they're able to fulfil any requirements, given their current precepts and things. But, talking about local government in general, to what extent are you satisfied that the Welsh Government has given sufficient consideration to the Welsh language in its plans to restructure and reform local government to date?

[142] **Mr Sion:** Ocê. Diolch. Fel y dywedais yn gynharach, rydym ni wedi cael trafodaethau cynnar efo'r Gweinidog a'r gweision sifil ynglŷn â'r broses ad-drefnu. Felly, yn amlwg, rydym ni'n croesawu hynny. Rwy'n meddwl mai un peth y byddwn ni'n ei ddweud fel sefydliad yw ein bod ni'n gweld y broses ad-drefnu a'r broses o greu cynghorau sir newydd fel cyfle gwych o ran y Gymraeg. Mae'n gyfle, rwy'n meddwl, i sefydlu diwylliant a gweithdrefnau o'r cychwyn un ar gyfer hyrwyddo'r Gymraeg o fewn awdurdodau lleol newydd.

Mr Sion: Okay. Thank you. As I said earlier, we have had some initial discussions with the Minister and civil servants on the reorganisation process. We welcome that, of course. I think one thing we would say as a commission is that we do see the process of reorganisation and the process of creating new councils as being an excellent opportunity for the Welsh language. It's an opportunity, I think, to establish a culture and procedures from the very outset in terms of promoting the Welsh language within the new local authorities.

[143] O ran hynny, mae'n bwysig bod nifer o sefydliadau yn ystyried gofynion y Gymraeg—y Llywodraeth yn sicr, ond hefyd y pwyllgorau pontio fydd yn cael eu sefydlu i ddarparu cyngor ac argymhellion i'r cynghorau newydd, a hefyd Comisiwn Staff i'r Gwasanaethau Cyhoeddus, From that point of view, it is important that many organisations take into account the needs in terms of the Welsh language—the Government, most certainly, but also the transitional committees that will be established to provide advice and recommendations to the new

fydd yn delio efo elfennau staffio, a chomisiwn penodiadau'r sector gyhoeddus hefyd, ac rydym ni wedi dechrau cael cyfarfodydd efo'r comisiynwyr yna.

councils, and also the Public Services Staff Commission, which will deal with staffing issues, and the public sector appointments commission, and we have actually started to have meetings with those commissioners.

[144] Y prif beth, yn amlwg, ydy cynllunio'r gweithlu, a sicrhau bod staff sy'n medru'r Gymraeg yn y swyddi lle mae angen y Gymraeg, ond hefyd mae rhai pethau eithaf penodol wedyn. Mae arweiniad yn amlwg yn bwysig, felly mae cael arweiniad gan y Llywodraeth yn y lle cyntaf yn bwysig, ac wedyn arweinwyr a phrif weithredwyr y cynghorau sir newydd, a materion ymarferol fel isadeiledd a systemau technoleg gwybodaeth. Mae creu cynghorau newydd yn gyfle i geisio datrys pethau felly o'r cychwyn un. Rydym ni'n ei weld e fel cyfle, rwy'n meddwl, ac rydym yn croesawu'r trafodaethau cychwynnol rydym ni wedi eu cael efo'r Llywodraeth hyd yma.

The main thing, of course, is workforce planning, to ensure that staff who are able to speak Welsh are in those posts where the Welsh language is a requirement, but then there are some quite specific things. Leadership is clearly important, and therefore having leadership and guidance from Government initially is important, but also then the leaders and chief executives of the new councils, and practical matters, such as infrastructure and ICT systems. Creating new councils is an opportunity to try to resolve those issues from the very outset. So, we see it as an opportunity, and we welcome those initial discussions that we've had with Government to date.

[145] **Christine Chapman:** Okay. Janet, I'm just concerned about time, because our next panel's here. If you're happy, I would ask our panel if we can send the remaining questions to you, and perhaps you could respond in writing. I think we've had a very good session today, so I'd like to thank you both for attending. We will send you a transcript of the meeting, so that you can check to make sure that there are no inaccuracies on the record. So, can I thank you for coming in? I'm going to let the committee have a short break now, and then we have the ombudsman coming in at 10.15 a.m. So, thank you for attending, and we'll close now until 10.15 a.m.

[146] **Ms Huws:** Diolch yn fawr, a Nadolig Llawen i chi gyd, hefyd.

Ms Huws: Thank you very much, and a Merry Christmas to you all.

[147] **Christine Chapman:** Nadolig **Christine Chapman:** Merry Christmas. Llawen.

*Gohiriwyd y cyfarfod rhwng 10:03 a 10:13.
The meeting adjourned between 10:03 and 10:13.*

**Ombwdsmon Gwasanaethau Cyhoeddus Cymru: Trafod Adroddiad
Blynyddol 2014–15
Public Services Ombudsman for Wales: Consideration of Annual Report
2014–2015**

[148] **Christine Chapman:** Welcome back, everyone. This session now, this part of the meeting, is to consider the Public Services Ombudsman for Wales's annual report 2014–15. So, can I give a very warm welcome to our panel? I wonder: could you introduce yourselves for the record to start off with?

[149] **Mr Bennett:** Sure. Good morning, Chair. My name's Nick Bennett. I'm the Public Services Ombudsman for Wales, and I'm joined by my two colleagues today, Chris Vinestock, who's chief operating officer—who some of you might know—and Susan Hudson, who I think you've also met before, who is head of policy and communications.

[150] **Christine Chapman:** Okay, thank you. Obviously, the Members will have seen the report, so I want to move straight into questions. I know there'll be quite a number of questions that Members have. The first thing is that I just wanted to ask about the overall increase in workload. I just wondered: to what degree is the general upward trend in contacts to your office a matter of concern? Do you think there is anything in particular that needs addressing in this respect? Nick.

10:15

[151] **Mr Bennett:** Thank you. Well, it's of concern in two ways. First of all, since we've seen more than a doubling of the amount of complaints that have come to the office over the past 10 years, if that trend is to continue—. Well, first of all, there's the housekeeping point. How do we continue to provide a good-quality complaints service to the people of Wales? But, secondly, and, I think, the broader point in terms of public services: what is this increase in complaints telling us about bodies in jurisdiction? That's why we've sought to engage differently with those bodies in jurisdiction. So, I

think—you know, last year, 5,500 contacts with the public. Our best customers, if you like—five or six bodies in jurisdiction—are responsible for 25 per cent of the complaints or the contacts that we get with the public. So, is it possible for us to engage strategically with those organisations to look at ways in which we can reduce the volume of complaints coming to us from them, but also the way in which they go around dealing with their customers? Are these bodies listening to their service users? Do they have the correct corporate governance arrangements in place to make sure that they are learning organisations? Have they empowered front-line staff so that they can serve and respond to the public adequately and in the right manner? So, that's why we've established a cadre of six improvement officers who work with six bodies in jurisdiction. So, that's what we've been able to do in terms of operations.

[152] **Christine Chapman:** I'll tell you what, I'll bring Gwyn Price in because I know that was a specific thing. So, perhaps you can add to this then. Gwyn, do you want to begin your questioning?

[153] **Gwyn R. Price:** Yes. Good morning to you all. The ombudsman says that he has put in place an innovation project to find further efficiency gains in dealing with casework. I know perhaps he was going to expand, so could you expand on that project?

[154] **Mr Bennett:** Yes. I'll ask my colleague, Chris, to touch on that in a second, but I think, before I finish with the other issue here around improvement, obviously innovation is an important area, and we were keen to look at what we can do in terms of our current processes to make sure that we abandon the unnecessary parts of that and do as much as we can with those increasing volumes. So, in terms of the improvement agenda, we can look at the staff complement, and we can perhaps try and be more strategic in the way in which we engage with bodies in jurisdiction. But what would really help as well, in terms of legislation, is adopting the best practice that certainly exists in Scotland, which is the Complaints Standards Authority. It's working there, and it's providing open data, and it's giving the Scottish Parliament more power and more scrutiny to improve complaints and service delivery in Scotland.

[155] **Christine Chapman:** Chris, do you want to come in?

[156] **Mr Vinestock:** Yes, certainly. Thank you. I think there are two distinct strands in terms of how we try and manage the increase in work. One of

them is obviously about the improvement and driving improvement in public services, and the other is looking at the way that we work and making sure that we are as efficient as we can be. I think what's clear is that one of the key focuses is actually on the paper processes—the documentary processes—and we're trying to move towards being less reliant on paper, having better electronic records, being smarter in the way that we manage those records. There are some benefits just in terms of time savings, if we can get electronic records from health boards sent directly to us, or from local authorities, rather than having to wait for couriers and Royal Mail. So, there are benefits there. We've also been looking at how we can streamline the investigation process to make sure that we maintain robust investigations and we maintain clear and robust reports, by making sure that the investigation process itself is as efficient as it can be. So, for example, we're looking at how we can use interview recordings and not necessarily have transcripts of everything, but store recordings. We've been looking at using telephone interviews, and using Skype or video-conferencing for interviews, rather than to travel, necessarily, to have a face-to-face interview.

[157] We've been working a lot on how records can actually be held, both within the office but also managed by the bodies that are in our jurisdiction, to try and make sure that they are in a format that can easily be transferred to us.

[158] We've also identified—. Some of the other things that came out of the innovation project were perhaps less, sort of, headline improvements, but just some areas where we've realised that we weren't as clear as we could have been with complainants at the start of the process about how things worked. So, we've looked at our complaints forms, for example, to make sure that we've got a very clear understanding of what the complainant is consenting to and we've been looking at our fact sheets again to make sure that, rather than dealing with enquiries and questions later on, we're as clear as we can be upfront. I think there are other elements and, to some extent, the innovation and improvement agendas merge in places. One of the things we've got a greater focus on now is compliance, which actually is about improving the interaction with the public bodies, but it's also about driving improvement in public services.

[159] I think there was one other thing I was just going to mention. We make extensive use of Parliamentary and Health Service Ombudsman clinical advisers on health cases. One of the issues with that is that that's not within our direct control and there are delays in the process of transferring case

records up to the Parliamentary and Health Service Ombudsman for them to then allocate an adviser to and whatever. We will still have to use those for some cases, but what we're looking to do is make much more use of our own advisers, who report directly to us and are therefore able to give more specific advice.

[160] **Christine Chapman:** Chris, I'll come back to John, but I know that Bethan had a specific question on this issue. Do you want come in, Bethan?

[161] **Bethan Jenkins:** Just quickly, as you mentioned records, can I just ask, if the health authority or another authority doesn't have the records—they've gone missing or they've been lost or they've been deleted—what do you do in those instances? How do you carry forth an investigation then?

[162] **Mr Vinestock:** That obviously presents difficulties because, without records, you can't reach firm conclusions. What we try to do is make sure that we use the records that we have got—we use statements from complainants or from other people involved in the incident, whether that's in a health setting or elsewhere—but it does limit our ability to investigate. What we try to do is make sure that we don't leap to either extreme. So, we don't simply assume that, in the absence of records, nothing went wrong, but nor do we conclude that, in the absence of records, everything went right. We are limited in what we can do, as you'd expect, but we do try and draw on the evidence we can get and reach a balanced view on what has happened and what we can deduce from the records there are. But you're right—it is an issue. Clearly, to assume that everything is perfect or that everything's gone wrong on the basis of no records to prove it either way is difficult. So, we do try and take a balanced view.

[163] **Peter Black:** Would failure to maintain records not in itself be maladministration?

[164] **Mr Vinestock:** Absolutely.

[165] **Mr Bennett:** Yes. We've had a number of public interest reports as well that have specifically referred to that failure.

[166] **Mr Vinestock:** Perhaps, if I wasn't clear, I think the question I was answering was specifically about lost records, and that is a failure in itself. One of the themes that happens in a number of complaints is where records are actually not adequate in the first place, but I think those are slightly

different issues, but they are both, potentially, maladministration.

[167] **Mr Bennett:** I just wanted to point out that this does relate directly to the year in question that we are presenting this report for. We did go out on the road to north Wales, west Wales and south Wales with the Information Commissioner this year, with the nine-point good administration guide that we launched with them jointly, pointing out what people should be doing in terms of record-keeping. So, we're trying to play a preventative approach there as far as we can as well.

[168] **Christine Chapman:** Gwyn needs to finish his questions and then, John, you had a supplementary on part of this, so we'll pick that up. Gwyn first.

[169] **Gwyn R. Price:** Thank you, Chair. The annual report says that the upward trajectory of complaints cannot be sustained indefinitely without additional resources. Can you expand on that statement?

[170] **Mr Bennett:** Yes. Well, as I've said, we've seen a doubling of volumes over the past 10 years. Clearly, given that we've been through a period of austerity, there are expectations that people can do more with less. I think we've come to that point now—we're now handling twice as much with roughly the same staff complement that we had 10 years ago. That's why the document refers to this issue of 'turning the curve'. Rather than just seeing that trajectory go on, up and up and up forever, what can we do to turn that so that, first of all, we can cope as an office, and, secondly, so that we can promote better public services in Wales? That's why we're keen on the improvement agenda. As I said earlier, 25 per cent of the complaints are coming from five or six bodies. We can work with them, without giving up our independence or impartiality, to promote good principles around complaints and service delivery more generally.

[171] **Christine Chapman:** Can you remind us what the five bodies are, just for—

[172] **Mr Bennett:** Well, there are actually six that currently have improvement officers. They are Betsi Cadwaladr University Local Health Board, Hywel Dda Local Health Board, Cardiff and Vale University Local Health Board, Aneurin Bevan Local Health Board and Abertawe Bro Morgannwg University Local Health Board. Then, the only local authority so far is Ceredigion County Council.

[173] **Christine Chapman:** Right, okay. Thank you.

[174] **Gwyn R. Price:** So, do you think that best practice, again, into those bodies as well, working with you, could cut down some of the resources that were being expanded before?

[175] **Mr Bennett:** Yes. I can't remember who originally said that, unfortunately in Wales, best practice can be a bad traveller. The purpose of those six improvement officers is to actively promote that best practice. We have got the ability, certainly in terms of measuring data, to see what happens to those bodies in jurisdiction year on year now—you know, what the trend will be.

[176] **Gwyn R. Price:** Right. Thank you.

[177] **Christine Chapman:** Okay, Gwyn? John, do you want to come in?

[178] **John Griffiths:** Yes. Nick, you mentioned the situation in Scotland and a body that's been created there. Could you say just a little bit more about what that body does and how perhaps it might be a game changer in Wales? You seem to be implying that it might be very useful for us to look at that development in Scotland.

[179] **Mr Bennett:** Yes. First of all, it sounds quite a grandiose institution—the Complaints Standards Authority. I think it's either two or one and a half full-time members of staff in the Edinburgh office of the Scottish Public Services Ombudsman. They work with bodies in jurisdiction to design, deliver and then measure the impact of complaints standards. So, five or six years ago—and I'm paraphrasing some of the evidence that the Scottish ombudsman has given in this place to the Finance Committee, I think, looking at legislation there—five or six years ago in Scotland, 33 local authorities, 33 different complaints procedures in those different local authorities. No open data whatsoever. Now in Scotland, a committee similar to this can ask the question: why is that 95 per cent of complaints in Edinburgh are dealt with within five days and, if one was to move to Dundee or some other place—I'm just plucking some names here; I've nothing against Dundee itself—that number might fall to 45 per cent or 40 per cent? It gives transparency and it allows for greater scrutiny and, I think, meaningful data that would encourage public service delivery bodies to up their game when it comes to responding to citizens' concerns.

[180] **John Griffiths:** So, that's not something you can decide to do yourselves at the current time, then.

[181] **Mr Bennett:** No. We can do the improvement agenda that I've previously alluded to, but we need legislation to do this, because, I think, the ultimate sanction for the Scottish ombudsman currently—and, similar to me, the ultimate sanction that I have is the legislation that you've provided me with—is to go back to the relevant committee in Scotland, and he has the data at hand, which shows—. He has a duty, I think, to report on anyone who will not adopt that best practice, who will not come up with a proper complaints standards system, and then, of course, he's got the data, which is open data.

[182] **John Griffiths:** Okay.

[183] **Christine Chapman:** Right. Peter.

[184] **Peter Black:** Yes, thank you. Your report indicates a 7 per cent increase in the number of complaints about public bodies—5 per cent increase in local government, and 126 per cent over the last five years for health bodies. Do you have a reason why the number of complaints continues to rise?

[185] **Mr Bennett:** In terms of health or generally?

[186] **Peter Black:** Well, both, really—councils and health bodies.

[187] **Mr Bennett:** In terms of health, perhaps I'll turn to my colleague. Susan, would you like to—?

[188] **Ms Hudson:** In terms of a general increase in complaints, there are a number of factors, the general one being that people these days, as I'm sure you're aware, are more prepared to complain. We think there's more awareness of the ombudsman's office. Despite the fact that we're keen to see the complaints going down to the office in general terms, we do actually have an awareness-raising agenda as well to make sure that those people maybe who are in more vulnerable circumstances complain to the office.

[189] Looking at health complaints in and of themselves, I think that there are general higher expectations of the NHS and services provided these days. Increasingly now, we have a population that actually can't remember what it

was like when the NHS didn't actually exist.

10:30

[190] We've already alluded to poor complaints handling by bodies in jurisdiction. That's something that needs to be improved. I think everybody accepts there are general pressures on the NHS itself in terms of service delivery, and that will also inevitably generate complaints, against the background, of course, of an ageing population in Wales.

[191] Turning to councils, then, and the 5 per cent increase, in prior years, there has been a pretty much stable number of complaints coming to the office. We did see the 5 per cent increase last year. We looked to see why that might be—whether there were any areas of concern—and generally there was a rise across the whole spectrum of services that councils provide. That said, we are actually keeping an eye on the issue around social services at the moment. Back in 2013–14, we reported that we'd seen a 19 per cent increase in the year previous to that. Now, that's against a much lower base than the number of health complaints that we get. Last year, that was pretty much stable against that year, but, currently, as of today, we are again seeing a significant increase against the number of social services complaints that we had last year—21 per cent. So, if we project that to the end of this year, we would be looking at potentially an increase of around about 45 per cent against the position in 2012–13. So, that is an area that we are keeping a close eye on to see what trends might emerge from that.

[192] **Peter Black:** Both social services and health have got fairly well established complaints procedures—you know, the three-stage procedures. Are all the complaints going through those stages or do people tend to short-circuit them?

[193] **Ms Hudson:** They have gone through those stages—

[194] **Peter Black:** Gosh.

[195] **Ms Hudson:** We would expect public bodies to have the opportunity to respond to the complaints initially before they actually come to us.

[196] **Peter Black:** So, in a sense, these bodies are not properly responding—

[197] **Ms Hudson:** Correct.

[198] **Peter Black:** Are all these complaints admissible? That's the other question, I think.

[199] **Ms Hudson:** Sorry?

[200] **Peter Black:** Are all these complaints admissible or—

[201] **Ms Hudson:** Yes.

[202] **Peter Black:** They are. So, in a sense, then, the complaints process of both the health boards and social services don't appear to be doing the job.

[203] **Ms Hudson:** No. I mean, when I say 'admissible', there will be a proportion of those that will be premature, i.e. they haven't had the opportunity and will be referred back. Nevertheless, we are looking at more social services complaints.

[204] **Peter Black:** I know you don't have the power to initiate your own inquiries, but are you liaising with Healthcare Inspectorate Wales and the Care and Social Services Inspectorate Wales about trends that are emerging, particularly in terms of how their complaints procedures don't appear to be doing the job?

[205] **Mr Bennett:** Yes, and also, as to the improvement officer role that I explained earlier, five out of the six post holders are working with health bodies. So, it's back to this issue of the culture of complaints and improving that culture—and corporate governance as well. You know, where does this sit? In terms of the board, who's holding the executive to account? Where are the improvements? Where's the learning? Where is the ongoing learning so that we can minimise the risk of similar complaints emerging in the future?

[206] **Peter Black:** I know you've produced case studies and, of course, you've got your reports. Are you able to produce public interest reports, if you like, about particular trends and issues arising? Do you have the power to do that?

[207] **Mr Bennett:** We have the power currently to issue thematic reports. We haven't done them for very long. I think we did one on—was it housing and homelessness some years ago? So, there will be a thematic report that is health-related that we'll be publishing in the new year.

[208] **Peter Black:** And social services as well?

[209] **Mr Bennett:** There are no immediate plans to do anything on social services, but certainly health in the new year.

[210] **Peter Black:** Okay, thanks.

[211] **Christine Chapman:** I've got a supplementary from Mark. Do you want to come in?

[212] **Mark Isherwood:** Thank you, yes. It seems also that health and social care complaints reaching you have increased since the independent stages were removed from those complaints processes. So, there used to be an independent body that health complaints could go to before coming to you, and the independent stage for social care complaints has also gone. Do you think that could be a factor? Would the replacement of some interim independent stage take some of that pressure off you and reduce the number of cases that perhaps shouldn't be coming to you but are because there is nowhere else for them to go?

[213] **Mr Bennett:** No. In terms of the work that we've done, certainly looking at what we think needs to change for the future, I wouldn't like to see us going back, if you like. I think we've got to look at: what does absolute best practice look like? I do have regular meetings with other jurisdictions—and I would say this, wouldn't I—and the level of praise put towards the 2005 Act—. The Welsh legislation is currently seen as being the best in its class in terms of independence of the ombudsman, and various aspects of the legislation. It's seen as being very good. However, I'm concerned that we might lose that lead, if you like, over other jurisdictions. There's going to be a new Northern Irish Bill coming into force at Easter. The Cabinet Office, under Oliver Letwin's leadership, are looking very seriously at a new, converged public services ombudsman for England. Scotland has led the way when it comes to complaints handling. It looks like England and Scotland will adopt that legislation as well. So, what I am saying is that there's a risk here if we don't look at the very good work that was done by the Finance Committee. I know there are Members here who are also members of the Finance Committee. They really did take a very good look at the current state of legislation, not just in Wales but in other jurisdictions. That's the work that I think would add the most value to making sure that we do as much as we can for the future.

[214] **Christine Chapman:** Okay. Bethan.

[215] **Bethan Jenkins:** I think I could be here all day asking questions on this issue. I've had so many complaints. It's probably for the lay person. I think quite a lot of people don't understand how their rights work, how they can communicate, how they can do that in a way that they understand. I heard earlier what you were saying about people who might not have the skills, potentially, to be able to raise those complaints. How are you trying to open it up so that it's not just the usual suspects, so that communities across Wales can see it as a way in which they can be empowered to complain, not see it as a way in which they can gripe towards something that's been ongoing for years? I think that's something that really hits home to me from my experience.

[216] **Mr Bennett:** There can be confusion when it comes to the broader issues of administrative justice. People don't know where to go, or perhaps some of the places that they used to go, certainly in terms of the tribunal system, have changed as a result of cuts and other issues. But I'm very clear, in terms of our services: whilst we do have the challenge of an ever-increasing number of complaints, it's important that we're not just providing a service for those people who know where we are and how to use us.

[217] So, for example, one of the issues that I've never liked about the current legislation, excellent as it is generally, is the fact that it says we will only consider written complaints. What kind of message does that send to somebody who might have what can be the stigma of a literacy issue or whatever else. They might need public services, and good-quality public services, more than anyone else, and immediately at the first stop they think that they can't complain. We do work with people who have literacy issues, or feel that they can't just submit a written response. To do that typically, our complaints advice team might take some hours to go through the issues with somebody, to list the nature of their complaint, then send it back to the complainant. We would get 50 per cent of those complaints back. So, when somebody maybe has an advocate, a member of the family, a broader network, or a neighbour or whoever they can turn to, the likelihood is we get it back. But for 50 per cent we don't. So another thing that I would really like to see with this legislation is to get rid of this requirement that we only consider written, because I think it sends a bad message to people who might have literacy issues. Also, information revolution—I think we can be a bit more ambitious there. But also, currently it does state that we can only

not consider a written complaint where I exercise my discretion, which is a bit feudal, really—isn't it—in terms of 'I may do or I may not'. I think that people across Wales should have a level of expectation that isn't dependent upon my discretion. They should just have that access. So, again, in terms of looking the future, it's something that the Finance Committee looked at, and it's another difference that we could make.

[218] **Bethan Jenkins:** I totally agree with that. I think we have to make it easier for Welsh people to be able to engage with the processes, and that's one way of being able to.

[219] The other question I had was with regard to the lack of—I think Peter touched on it—initial investigations, perhaps by public bodies, in terms of how they could be better dealing with the processes before they get to you. So, if you could answer that. My second question is: I read a lot of local authorities' self-analysis of how good they are on their annual reports, or on their services. Do you scrutinise that or interrogate that, because I would have a very different view to many local authorities as to their performance, as to the view they have of their own performances? So, that would be something that, if you don't have the power to do, I would want you to have the power to do.

[220] **Mr Bennett:** Certainly, through looking at this improvement function—and this has been a departure for us and it does involve a risk because, as I was saying earlier, we have this huge increase in volume and we are now taking some of our resource and using it to actually develop relationships with those bodies that have a very high level of complaints. So, that does require a much deeper knowledge of the organisation. What's their corporate culture like? So, behind those documents that exist—you know, the self-assessment that says that this is wonderful—what's really going on? What's the culture like? What's the leadership like? I mentioned earlier corporate governance. Who's holding the executive to account here? Is there genuine evidence that they're trying to learn and to improve? Data can say so much. Some of the numbers that I remember in terms of local government, specifically—and it's one of the reasons why we selected Ceredigion when it came to the improvement agenda—are: last year, roughly, 850 complaints about local government; 30 were upheld and a third of them were in Ceredigion. So, data can be very powerful in terms of where it takes you—

[221] **Bethan Jenkins:** Does that just mean, though, that more people complained in Ceredigion? Why would you single that out purely on that

basis, because—

[222] **Mr Bennett:** No, no. More people complained about other areas, but we had over 800 complaints. Having gone through and investigated them, we only upheld 30 across Wales. Of the 30 that we upheld, almost a third were in the fourth smallest local authority in Wales. So, you know, it tells you something in terms of—. Regardless of literature anywhere, why is that happening there, and how can we, you know—?

[223] **Bethan Jenkins:** My final question is with regard to homelessness. There seems to be a lack of accountability in that regard, and local authorities are not taking forward their statutory obligations. Is this something you can expand on in that regard?

[224] **Mr Bennett:** Well, certainly, it was a concern when we did the original thematic reports on homelessness some time ago. I think, if I turn to Susan—would you like said that more about this?

[225] **Ms Hudson:** We've referred to the ombudsman's casebook that we issue on a quarterly basis. As part of the lessons learned section that we have in that casebook, we have identified issues around homelessness still taking place. For example, we had a complaint from somebody who had gone to a council reporting domestic abuse and asking to be rehoused. The staff concerned didn't follow the relevant procedures in that regard and they failed to carry out the homelessness enquiry that they should have done. So, the ombudsman got involved, we raised it with the council, they accepted that they hadn't acted in the way that they should have, they did accept that this person should have been considered as being homeless and then they acted accordingly to find a placement. So, there are examples of cases such as this still occurring.

[226] Another example is somebody presenting themselves as being homeless, staff not being as diligent as they should have been in pursuing all the particular aspects of that person's circumstances during their enquiries. Had they done so, the pointing would have been carried out properly and, again, the homelessness duty would have kicked in there. So, there are still examples of these sorts of things occurring. But, fundamentally, it's generally about ensuring that staff are properly trained at an adequate level to undertake the assessments that they're undertaking. Sometimes, there are gaps identified in guidance that's being provided to staff, but it's generally, fundamentally, a training issue.

[227] **Bethan Jenkins:** Has that increased since many of the councils have transferred stock over to either third sector or social enterprise or—?

[228] **Ms Hudson:** I wouldn't say that that was a factor. It's not something that's emerged from the cases that we've looked at.

[229] **Christine Chapman:** I'm sure all of us will be aware of cases where it's gone to the ombudsman's office, and obviously people don't like the decision, and then there are complaints about you as an organisation. Could you say something about that—whether they're increasing or—? I mean, how is that working?

[230] **Mr Bennett:** We have seen a very small level of increase, I think that's perhaps because we're trying to deal with increasing volumes on a much quicker basis. It's unfortunate when that occurs. You cannot please all of the people all of the time—I accept that. But I think we have to be clear as well about areas where we could improve.

10:45

[231] We don't want to be complacent here, either. Again, there are aspects of best practice. We will be looking at issues like having sounding boards. So, how we can have, you know, focus groups of our service users. Also, with bodies in jurisdiction, there might be some issues there, where we can learn a bit from them. So, we don't want to be too high and mighty in terms of our ability to improve our service-handling for the future as well.

[232] **Christine Chapman:** Okay. Thank you. Janet, do you want to ask your questions?

[233] **Janet Finch-Saunders:** I'm like Bethan, really. The annual report says that the ombudsman will be placing greater emphasis on data gathering to find those trends and patterns of complaints. How exactly is your office, you know, sort of—? Why do you think you need to include that data gathering, and what will be the impact of this?

[234] **Mr Bennett:** Okay. Well, first of all, in terms of the 'why'—I'm probably safer on the 'why' than what the impact will be in the longer term. We've got 5,500 contacts with the Welsh public every year who are unhappy. Now, there will be some that we can't help, but I think overall, there's got to be some

wealth there—some insight—in terms of what’s going on. That’s already informed us in terms of the improvement agenda, and some of the things that we can see in terms of top-level stats, but we’d like to be more ambitious, not just in terms of the contacts that we have with individual bodies in jurisdiction through improvement, but in terms of our data gathering and the current systems that we have in place. I think we can get more granular detail and use that for more targeted improvement. So, it’s not just, ‘Oh, there’s a governance issue at a certain health board’, but, ‘Look; it’s over there. It’s that service. This is why’. So, I think I’d like us to be more targeted in the future and be able to have more meaningful conversations with bodies in jurisdiction, and to provide more incisive data to you as a committee in the future.

[235] **Janet Finch–Saunders:** I have a very simple request of you as well. As an Assembly Member now, nearly coming up to the end of the term that I’ve been elected, I’ve tried to work through the complaints processes of the particular public bodies, and I’ve just found it like hitting my head against a brick wall. Abysmal complaints processes in the local health board, Betsi Cadwaladr. I’ve raised it on the floor of the Senedd, and I’ve seen no improvement; yet our board is in special measures. I’ve now, for the first time, reverted two cases to you. Those are going through your processes. I’m a little bit not sure. I’m even thinking now, ‘How do I keep a handle on this when I’ve—’. You know, they’re two very serious cases, and it’s very difficult for me, as an AM, to know that they are being handled at your end because it sort of then becomes more involved between you and the people who’ve come to me. All I would ask is that there’s greater engagement with you and the new intake of AMs, because I’ve found navigating my way around the systems—you know, Wales Audit Office, yourself, the complaints systems of local authorities and other public bodies—. I’ve found it quite hard for me to navigate my way around. All I would say is: I think that AMs really need to engage more with you. Because, at the end of the day, when things go wrong with public bodies, that’s a lot of our casework, and sometimes it can be that somebody just doesn’t know how to write a letter effectively to you. So, we become almost their—. You know, we really support them through it; we handle their case, we write, we chase and we hand-hold a lot of the time. I just think there needs to be a clearer, more streamlined way of how your processes work for us as AMs.

[236] **Christine Chapman:** Have you got any plans, on the point made by Janet, for after the Assembly elections next year, about an engagement strategy, then, with the—

[237] **Janet Finch–Saunders:** It's not part of our induction—how to deal with people like yourselves.

[238] **Mr Bennett:** Well, I'm very happy to do something specifically for the new intake, for a number of reasons—for the very good reasons that Janet mentioned, but also for very selfish reasons, given that there's been extensive consultation on a new Act. I was very grateful to the Finance Committee and to this committee for the attention that they've given to ombudsman issues. Clearly, if people are stepping down with a lot of knowledge, that's a real loss to our office. So, I'm very keen to engage with the new intake, but very keen as well that we have a new Act, following the election. I think that all that anyone and everyone could do here to make sure that there is a cross-party consensus on that, and we continue to have best-in-class legislation, I'll be very grateful to you indeed.

[239] **Christine Chapman:** Okay. Thank you. Shall we move on then? Mike, I think you've got a question.

[240] **Mike Hedges:** [*Inaudible.*]—if it wasn't the code of conduct being discussed? I'm sure you're very pleased that the number against local councillors has effectively stabilised. What can be done to bring it down? Maybe I missed it, but I didn't see how many were councillor-on-councillor complaints. What can be done to try and stop that happening? It's going to up in election year, because it always goes up in election year. We'll probably have a bit of a blip early next year if any councillors are standing for election. It's just fundamentally wrong that people are using the ombudsman service as part of an election campaign. I think that I would urge you to come to some sort of position where making complaints that have very little merit, because there were 178 that you threw out—telling people that continuing to do that will actually itself be a breach of the code, and that you will take action against them. I know that your predecessor, at some stage, gave a warning letter to one or two individuals who used to complain almost weekly. But it really, perhaps, some of this—. Sorry, I know I'm rambling a bit. But some of these things, people are just using it as an election and political activity because somebody else is standing for election. I think it's something that we really need to stop. It's a waste of your time. Your role is not to take part in helping or hindering the election of individuals.

[241] **Mr Bennett:** No. Well, I agree with that. I am pleased that numbers are coming down, but you're quite right to point out that they tend to spike

every time there's a local election in particular. So, I await the next local elections with bated breath. That said, the current position is as you state, Mike, that vexatiousness is a breach of the code in itself, No. 1. So, I am ready and willing to use my powers there, where I see that level of vexatiousness. Some of this stuff—. I think one of the crackers from the 2014–15 year—we should have a little section on them, maybe, in the annual report, and it would make it more interesting document—was 'he was clicking his pen in an aggressive manner', you know, 'he cracked a joke that wasn't funny'. I've said it before, I'm not the ombudsman for senses of humour. And there have been a few other classics along the way as well. How on earth can I or my office investigate that? The other issue, and much more serious issue, really, in terms of the reasons why I've changed the test, the second part of the test, now—. First of all: is there a breach, but, secondly, is it in the public interest for us to do anything about this? Why should I use 'public interest'? Because I seem to remember the Nolan principles include leadership. Now, if I'm getting 5,500 contacts with the public, some of whom are bereft because they've lost a close member of their family, their cancer treatment's gone wrong—. Should anyone in public life be seeking to use my office to pursue pen-clicking investigations when we've got that kind of stuff coming in? So, that's the push-back in terms of the level of behaviour and leadership I would expect from anybody in public life, and that's why the public interest test is there.

[242] **Mike Hedges:** Thank you.

[243] **Christine Chapman:** Okay, Mike.

[244] **Bethan Jenkins:** I've never wanted to clap before in a committee, but I feel like I need to.

[245] **Mr Bennett:** And I've never been applauded in one, so feel free. [*Laughter.*]

[246] **Christine Chapman:** Mark, have you got any questions?

[247] **Mark Isherwood:** Yes. I think you've partly answered it, but what needs to happen to ensure that more code-of-conduct complaints are dealt with at a local level rather than coming to yourself?

[248] **Mr Bennett:** Well, I think that more local resolution is a good thing. It's certainly been of huge value over the last few years in reducing the numbers.

We have to be more robust as well in terms of what we refer back. So, some of this is down to us as well. But I think it's also the willingness of local authority standards boards and monitoring officers to take on this work. I think, if we are looking at further change in terms of the structure of local government for the future, then that's a good thing to do. But, even given the current structure, it is still—you know, all politics is local. I think it's in the interests of local areas to try and resolve this rather than it escalate to an all-Wales level. So, I'm happy to go out there and talk to monitoring officers. We had the opportunity to do that in October. There was a standards conference in Cardiff that had all 22 local authorities there. Recently I've been out to see Pembrokeshire, and I have colleagues that have been to see Swansea, and there have been some—. Last year, we went up to see the regional committee that exists—some good practice going on in north Wales there. So, we're happy to promote this and we hope that it's adopted. I've heard some encouraging noises that Swansea are likely to do more in terms of local resolution as well.

[249] **Mark Isherwood:** You referred, I think twice, in your evidence this morning to corporate governance and, 'Who is holding the executive to account?' Both your predecessor and you, I think, have become particularly concerned about this, where high-profile and resource and cost-intensive cases were actually brought by officers. So, where that situation might arise, and there are certain councils where Damocles's sword hangs above members—'Don't you dare do this or the officers or somebody will refer you to the ombudsman'—. So, where there's a potential conflict of interest, how do you address that in a situation like that? Should the monitoring officer be prohibited from being party to a complaint, unless they are the victim themselves, so that they can be impartial in conducting local mediation and, hopefully, resolution? What should the monitoring officer be doing if one of the parties, or both parties, to a disagreement or complaint renege on the agreed local settlement?

[250] **Peter Black:** Chair, before we go on, can I just declare that I'm a member of Swansea council as it's been mentioned a few times?

[251] **Mark Isherwood:** I have practical examples of all these—

[252] **Mike Hedges:** And made complaints.

[253] **Mr Bennett:** Okay. Well, we provide extensive guidance in terms of code-of-conduct issues for both the 22 unitary authorities and also the 735

community and town councils in Wales. So, if there's anything there that's not clear—any ambiguities—then, certainly, the approach we've always taken is that we're available, and my colleagues and also the legal adviser, who can't join us today, would always be available to provide detailed advice to any monitoring officer facing those issues.

[254] **Mark Isherwood:** But do you agree that a monitoring officer should not be party to the complaint or be involved in seeking resolution of that complaint, unless, of course, they're the victim?

[255] **Mr Bennett:** Well, as I say, I'm not going to get into detailed scenarios here today.

[256] **Mark Isherwood:** Not specifically naming cases, but as a general rule. Yes.

[257] **Christine Chapman:** Janet, you've got a supplementary.

[258] **Janet Finch–Saunders:** Yes. On another tack from Mark, one thing that I've raised a lot in the Chamber, as shadow Minister for local government, is about democratic accountability. Quite often, everybody assumes that it's the chief executive in terms of whether there is strong corporate governance, and I believe that the political members of the cabinet equally have that same duty. When did you last see a leader's or a member of a cabinet's head roll because of some mistake they made or some maladministration in their own portfolio? Have you got any jurisdiction when it comes to democratic accountability? I think it was your predecessor who mentioned that there does appear in Wales—I could be wrong; it might not have been him, but it was definitely in this committee—. I wasn't alone when we said that there is a lack of democratic accountability in Wales.

[259] **Mr Bennett:** In terms of my specific powers, when it comes to the code, it wouldn't include that kind of oversight. As I said, in terms of the improvement agenda, that can include local authorities as well as health boards. Now—

[260] **Janet Finch–Saunders:** But the actual political structure of the cabinet as opposed to the chief exec and officers.

[261] **Mr Bennett:** Yes. The critical issue there, of course, is that we do have elections for local authorities—

[262] **Janet Finch–Saunders:** That's not a strong enough argument.

[263] **Mr Bennett:** Well, if I can finish my point, you would expect, in terms of corporate governance, that an executive is held to account. Now, that can happen through a health board by members of the health board, their appointees. On a local government model, they're elected. Fundamentally, citizens in this country do have a vote and are able to spot somebody, and it's an easier link in terms of the ballot box than it would be to a local government officer or, indeed, I'd argue, to somebody who's been appointed to a health board.

[264] **Christine Chapman:** Okay. John.

[265] **John Griffiths:** Just going back to the way you organise the service, Nick, and the processes you have, the satisfaction survey that you conducted showed just under two thirds of respondents not receiving the service they expected to get. So, I guess that begs a few questions as to what's underneath that—you know, to what extent are you effective in getting the message out as to what you do, what can be expected of you, and what your role is? So, since receiving that result, have you done anything in terms of changing the way that you disseminate information, the way that you promote the service and the way that you communicate?

11:00

[266] **Mr Bennett:** Yes. Feedback is important to us, and I think that we have to exercise the same leadership that we would expect of bodies within jurisdiction, but there can be a number of reasons why perhaps there are levels of dissatisfaction with our service, which I think—. Susan might like to touch on some of those issues. Susan.

[267] **Ms Hudson:** Yes, that's fine. In terms of the customer satisfaction survey work that we undertake, up until about three years ago they always used to come back anonymously to us. So, there wasn't much that we could do to understand what went behind the dissatisfaction being expressed. We are now able to associate those responses that come back in to individual case records, and it's just a small number of staff in the office that have access to that. So, caseworkers don't, et cetera.

[268] In terms of the 31 per cent that were of the view that the service didn't

provide them with what they expected, each and every one of those were circumstances where the decision was taken not to take their complaint forward. Now, in some certain circumstances that was where the complaint was premature: i.e. the body concerned hadn't had the opportunity to respond. Sometimes it was just out of the ombudsman's jurisdiction in relation to the legislation that he works to, et cetera. At other times, from the paperwork that came to the office, there was no evidence that there was any maladministration, so, nothing to take these cases forward.

[269] So, those are the circumstances behind why people thought they hadn't received the service that they were expecting to get. Among the things that we've tried to do to address this is that we've have put a lot of effort into what the front-line team does—the complaints advice team. We produced a number of fact sheets on various subject areas to try to explain what the ombudsman can and cannot do in certain circumstances. Again, our complaints advice team try to explain, at the inquiry level, to people that they need to go to the public body first before actually submitting a complaint to us and so on and so forth. So, these are the sorts of things that we've been trying to do. That said, we're still looking to see how we can better understand what the complainant's experience of our service is. We've been looking around to see what good practice might look like. One of the things that we're currently considering is establishing some sounding boards. First of all, starting off with people in the voluntary sector—those providing advice and advocacy who have actually had the experience of helping somebody to take their complaint through our system and so on and so forth. So, that's something else that we're starting to look at as what more we can do to understand what the issues are, and what we could learn to try and improve what we do.

[270] **John Griffiths:** Thank you.

[271] **Christine Chapman:** Okay. Thank you. Lindsay, did you have a question? I know that we've covered some of this.

[272] **Lindsay Whittle:** Yes. Thanks very much. Yes, a lot of it's been covered. I don't know whether I ought to declare an interest because I've been a councillor in Caerphilly for 40 years. It has been concentrating a lot on local government, so perhaps I ought to put it on the record. I wonder whether the ombudsman could explain how, exactly, in the draft of the Bill you've described it as,

[273] ‘a once in a generation opportunity to drive up standards of public service delivery for the people of Wales’.

[274] It’s a really flamboyant statement. There’s nothing wrong with that. I love flamboyant statements. I’ve made quite a few myself; so, we’re on the same side. But I wonder whether you could just elaborate more on that for me, please.

[275] **Christine Chapman:** Very flamboyantly.

[276] **Lindsay Whittle:** As flamboyantly as you wish.

[277] **Mr Bennett:** I shall try and sustain that pace of flamboyancy. [*Laughter.*] It’s certainly a once in a generation opportunity for me because I’ve got a seven-year term—non-renewable—and I’ve done a year and a half of it. Within that period, I’ve learnt a huge amount, and I’ve really enjoyed having that interaction with Scotland, Northern Ireland, England, Malta, Gibraltar, Estonia. You name it. There are a lot of ombudsman schemes out there. A number of them came and gave evidence to the Finance Committee and really set out what needed to be done. Now, my fear—and this goes back to some of the issues that Janet and some of the others of you have raised as well—is that, clearly now, we’ve done all this good work. There’s been another period of consultation on what a new Bill might look like. I do accept that it’ll be impossible now to legislate before the Assembly elections in May, but to me it would be a huge loss if we’ve gone to all this trouble—. Peter and Mike were on the committee as well. We’ve gone to all that trouble and got to a position where I think there is an emerging consensus on what could be done to make sure that we’ve got—. Surely, nobody here’s saying that we’ve got too many levers at our disposal to improve public services. I’m not—. I’m trying to cool down the flamboyancy here. I’m not suggesting a new Act would be a panacea, but it would help. It would help. We could have own-initiative powers, which I think are examples of best practice. They’re going to be part of the Northern Irish powers from Easter; they’re on the agenda for England as well. I would hate to see a position where we go from having perhaps the best set of arrangements to something that doesn’t quite compare as well with other jurisdictions in other parts of the UK. So, I think my message, and I hope a not too flamboyant challenge, is that we carry on being in the vanguard of good ombudsmanly legislation for the future.

[278] **Lindsay Whittle:** Okay. Thanks for that. I’ll give you this opportunity. Last question, I believe, through you, Chair: one of the powers it would give

you is to investigate a matter on your own initiative. Now, you've got a fantastic opportunity here to frighten to death every chief executive and politician in Wales. What sort of initiative—on your own initiative, what sort of thing do you think you'd like to investigate, then? Scare them to death, go on. [*Laughter.*]

[279] **Mr Bennett:** Suddenly, any flamboyant thoughts have gone from my head. [*Laughter.*] I've just got the fear of anti-climax here. Own initiative should be used not to scare any politician or chief executive; it should be used to empower the weakest member of Welsh society. Who complains—? Lindsay, you've touched on this. How do we help those—? This should be about social justice—those people who are the most vulnerable, the least able to just write me a letter. Those are the people I want to help with own initiative. Who complains for the homeless? That's one of the issues that you've raised today. What happens as we go through this period now of the population ageing—. Was the figure that the number of over-65s would be increasing by 35 per cent over the next decade? Who complains when they simply do not have the sensory ability to complain for the future and there's less advocacy and whatever else? Those are the issues for me.

[280] Last year, I gained competence in the area of social care. You will have seen the likes of Sarah Rochira talk about the worries that she has when it comes to care for older people. I was expecting a tsunami of new complaints when it comes to social care provision, given some of the reports we've seen. In 12 months, I've had six complaints. Now, it might well be the case that we've only got six people the length and breadth of Wales who are unhappy with their care. I'm not sure I buy that. But I give you an assurance: I do not want these powers for an ego trip for me or my successor or for any fishing trips or whatever else. Give me those powers; I've still got to come and see you every year and justify why I did it, you know. It's got to be about major concerns that give voices to the voiceless, to those people who are the most vulnerable. So, come the time to legislate, you won't be giving me powers, you will be empowering the weakest members of society.

[281] **Lindsay Whittle:** Could I thank the ombudsman for that answer, Chair? It sends a message, actually, to all chief executives and politicians that they're only there to serve the people underneath them, and that's flamboyant enough for me. Thanks very much, thank you.

[282] **Christine Chapman:** Thank you. But I think that's a great note to finish with. Is it going to be—?

[283] **Mike Hedges:** It's on this last point, Chair. When you spoke to the Finance Committee when we were doing this, one of the things you said was that, if an organisation had, say, 12 care homes and you had complaints about three, you could investigate the three that were complained about but you couldn't investigate the nine that hadn't been complained about until you actually got a complaint about them. That was one of the reasons you gave for it, because, if there was a systemic problem in an organisation, you had to wait for the complaint rather than being able to take a proactive approach. Is that still your view?

[284] **Mr Bennett:** It is. I'm not sure I gave that precise example, but I'll give you one that's close: currently, if someone was to complain to me about their GP services—and this has happened—we investigate. If we then find out that it's a systemic issue and it's affecting the whole of the health board, we have to go back to the complainant and say, 'Sorry, you've complained about the GP, and we've only got the power to respond'—which is why own initiative's important—'Would you mind submitting to us another complaint about the health board? Now, going back to why we only have a 64 per cent satisfaction level, I don't think that's the most professional way of engaging with people who are unhappy about their health services. Surely we should have the power to say, 'Well, look, you know, we've looked at this; you thought it was the GP. It wasn't; it's a systemic issue, and here's the evidence that supports that.' So it's really about being better at responding to the citizen, but thank you for reminding me, Mike.

[285] **Christine Chapman:** Okay. As I said, that's a great note, I think, to finish the session on. So, can I thank Nick very much, and Susan and Chris for attending? I think it's been an excellent session. If you can check the record—we will send you a transcript so that you can check that there aren't any inaccuracies. So, can I wish you a very good Christmas and thank you for attending?

[286] **Mr Bennett:** Okay, thank you very much. A merry Christmas to you all as well. Nadolig Llawen.

[287] **Christine Chapman:** Thank you.

11:10

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting**

Cynnig:

Motion:

*bod y pwyllgor yn penderfynu that the committee resolves to
gwahardd y cyhoedd o weddill y exclude the public from the
cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in
17.42(vi).*

*accordance with Standing Order
17.42(vi).*

Cynigiwyd y cynnig.

Motion moved.

[288] **Christine Chapman:** Before we close the meeting, can I invite the committee to move into private session so that we can discuss the evidence?

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 11:10.

The public part of the meeting ended at 11:10.