

Policy decisions and the Welsh language within well- being assessments, consultation documents and research work

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1. Relevant standards

1.1 Standards for making policy decisions

Standard 88

When you formulate a new policy, or review or amend an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on:

- a) opportunities for persons to use the Welsh language; and
- b) treating the Welsh language no less favourably than the English language.

Standard 89

When you formulate a new policy, or review or amend an existing policy, you must consider how the policy could be formulated (or how the existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on:

- a) opportunities for persons to use the Welsh language; and
- b) treating the Welsh language no less favourably than the English language.

Standard 90

When you formulate a new policy, or review or amend an existing policy, you must consider how the policy could be formulated (or how the existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on:

- a) opportunities for persons to use the Welsh language, and
- b) treating the Welsh language no less favourably than the English language.

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1.2 Consultation document standards

Standard 91

When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration would have on:

- a) opportunities for persons to use the Welsh language; and
- b) treating the Welsh language no less favourably than the English language.

Standard 92

When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on:

- a) opportunities for persons to use the Welsh language, and
- b) treating the Welsh language no less favourably than the English language.

Standard 93

When you publish a consultation document which relates to a policy decision the document must consider, and seek views on how the policy under consideration could be formulated or revised so that it would not have adverse effects, or would have decreased adverse effects, on:

- a) opportunities for persons to use the Welsh language, and
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1.3 Research standards

Standard 95

When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers what effects, if any (whether positive or adverse), the policy decision under consideration would have on:

- a) opportunities for persons to use the Welsh language, and
- b) treating the Welsh language no less favourably than the English language.

Standard 96

When you commission or undertake research intended that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would have positive effects, or so that it would have increased positive effects, on:

- a) opportunities for persons to use the Welsh language, and
- b) treating the Welsh language no less favourably than the English language.

Standard 97

When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would not have adverse effects, or would have fewer adverse effects, on:

- a) opportunities for persons to use the Welsh language, and
- b) treating the Welsh language no less favourably than the English language.

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2. Background

The Welsh Language Commissioner has delivered an advisory seminar outlining the steps to be taken to ensure compliance with the Welsh Language Standards. Every Council officer involved in policy development, conducting impact assessments, and undertaking public consultations should watch the “How to comply with the policy-making standards” seminar and read the Welsh Language Tribunal decision in case TYG/22/01 in order to gain a better understanding of the above Standards.

Watch the Commissioner’s Guidance Seminar – How to comply with the policy-making standards - [Policy Making Standards Seminar](#).

Read the Welsh Language Tribunal decision in case TYG/22/01:

[Welsh Language Tribunal decision in case TYG/22/01 Neath-Port-Talbot-County-Borough-Council](#).

3. Conscientious effort

The Welsh Language Commissioner is absolutely clear that there is a need for an organisation to make a conscientious effort to identify the effects of a policy decision on the Welsh language. This is a legal requirement.

What is considered a conscientious effort?

Here are some important factors to consider:

Sufficient information

A superficial discussion and factual statements about the Welsh language within impact assessments are not enough. Organisations should include sufficient information to demonstrate that a conscientious effort has been made to consider the effects on the Welsh language.

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Understanding the context

A conscientious effort depends on context. Policy decisions that affect the use of the Welsh language, access to the language, and the promotion of the Welsh language will be subject to a higher threshold than decisions with little impact on the language. Examples of higher-threshold policies include (but are not limited to) work with children and young people, education strategy and school organisation plans, the Council budget, service provision proposals, recruiting and training Welsh-speaking staff, and funding for Welsh-language activities and events.

Timing

Impact assessments must be completed before public consultation. The results of the assessment should inform the content of public consultation documents and questions. This ensures that the information presented to the public is comprehensive, demonstrates that the Council has assessed the impact, and that the actions to mitigate negative effects and promote positive effects have been identified.

Expanding Impact Assessments

Impact assessments must consider positive, negative, and neutral effects to provide a broader basis for the policy decision. Presenting the full range of identified effects, along with the Council's proposed responses to them, will help mitigate risk and support positive action that promotes the Welsh language.

Being specific

Providing general statements about the Council's work – or referring to other strategies and policies – will not justify less detailed impact assessments. Every policy decision will have its own specific effects. It cannot be assumed that they have been adequately considered elsewhere or that mitigation and promotion actions have already been implemented. Proposed policy decisions must be assessed on their own merits, and

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simply listing general information about previous actions and achievements – or what has already been done in a particular area – will not meet the requirements.

4. Policy decisions - templates and examples of considerations that may be relevant

These are the types of questions that the “Impact on the Welsh Language” section within a Well-being Assessment should ask.

(Not every question will be relevant to every Well-being Assessment – a selection from the list below is required):

- What are the likely effects on the Welsh language?
- What are the aims of the policy, and how do these relate to the Welsh language?
- Does the policy, or could the policy, further promote the Welsh language and/or its use?
- Which aspects of the policy are relevant to the Welsh language?
- Which, if any, of the Welsh Language Standards are applicable?
- Could the policy affect Welsh language groups? Which Welsh language groups are relevant to this policy?
- Is it a policy that could affect service users or how services or functions are delivered?
- Will it have an effect on how other bodies operate in relation to the Welsh language (for example, a national strategy or inspection criteria)?
- Does it relate to functions that have been identified as important to Welsh speakers following previous engagement exercises?

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Will the proposed actions affect any or all of the following:

- Use of the Welsh language
- Sustainability of Welsh-speaking communities
- Number and/or percentage of Welsh speakers
- Fluency and confidence of speakers and learners to use Welsh
- Transmission of Welsh in the home / from one generation to the next
- Use of Welsh in the workplace
- Growth of Welsh digital media infrastructure and/or digital media
- Movement of Welsh speakers into and out of the traditional Welsh heartlands
- Net effect on the number and percentage of Welsh speakers in an area / or nationally
- Promotion of Welsh in everyday life and its status

To what extent will the proposed actions affect the following:

- Traditional Welsh-speaking heartlands where the population is declining and under further threat (where around 60% spoke Welsh previously)
- Characteristics of a geographical area, such as historical closeness or cultural resources, sites where Welsh is relevant, raising awareness of Wales and its links to tourism, access to Welsh services
- Adversely affecting areas, sites, highways, structures or objects of interest to Welsh speakers

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Or you can use a table like the one below:

Positive effects	Adverse effects
Would the policy decision increase the number of Welsh speakers moving from/to a particular area?	Would the policy decision decrease the number of Welsh speakers moving from/to a particular area?
Would the policy decision be likely to make the Welsh language more visible?	Is there a risk that the policy decision would discriminate against Welsh-speaking users?
Would the policy decision offer steps likely to safeguard the Welsh language in a particular area?	Would the policy decision mean a reduction in the number of jobs requiring Welsh language skills?
Would the policy decision mean an increase in the number of jobs requiring Welsh language skills?	Would the policy decision lead to the closure of specific Welsh-language services or put them at risk?
Would the policy decision lead to an increase in specific Welsh-language services or ensure a prosperous future for those services?	Would the policy decision make it more difficult to recruit Welsh speakers?
Would the policy decision encourage / make it easier to recruit Welsh speakers?	Would the policy decision threaten the sustainability of areas where the Welsh language is part of the fabric of the community?
Would the policy decision ensure the sustainability of areas where the Welsh language is part of the fabric of the community?	Would the policy decision make it harder to travel in order to receive a Welsh-language service?
Would the policy decision make it easier to travel in order to receive Welsh-language services?	Would the policy decision result in a reduction in the number of individuals learning the language?
Would the policy decision offer a Welsh-language service proactively to users?	Would the policy decision mean that accessibility and availability of Welsh-language services is restricted?

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Additional useful questions:

1. Would the policy decision lead to an increase in the number of individuals learning the language?
2. Would the policy decision take steps to promote and encourage the Welsh language?
3. Would the policy decision contribute to national and specific policy area Welsh-language strategies (e.g., Cymraeg 2050, More than Just Words, Welsh in Education Strategic Plans)?

5. Consultation document - examples of considerations that may be relevant

These are the types of questions that a consultation document should ask.

In addition to seeking respondents' views through the standard questions found in the consultation template, we must also show how we have considered the language in the narrative of the consultation document itself.

Example 1

"Do you think that increasing the Council Tax premium on long-term empty properties and second homes could have a negative, positive or neutral effect on:

- Opportunities to use the Welsh language socially?
- Increasing the number of people who speak or are learning Welsh in the County?
- Using Welsh-language services?
- Welsh-speaking communities?"

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Example 2

“To help us consider the potential effects the policy may have on the Welsh language, the following bullet-point format can be used and included in your consultation document to help list possible impacts.

We need to consider both direct and indirect effects. We are particularly interested in potential impacts on:

- a) The number of Welsh speakers in general, or within a specific geographical area, sector, or particular group of Welsh speakers
- b) Language transmission within families
- c) The Welsh language in the workplace
- d) Use of Welsh-language services
- e) Social use of the Welsh language
- f) The visibility of the Welsh language
- g) The vitality of Welsh-speaking communities”

Important - It is essential to meet both requirements within the consultation document standards, namely “considering” and “seeking views”.

Both of these requirements must be met in order to comply with the Welsh Language Standards.

5.1 Seeking views

The requirement to “seek views” means that organisations must include specific questions about the effects on the Welsh language in any consultation document.

That is, questions asking about the effect of the decision on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

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It should be noted that only consultation documents are relevant to these standards. Focus groups and public events where face-to-face conversations take place are not considered consultation documents under these standards.

5.2 Considering

The requirement to “consider” means that organisations must identify, outline, and consider the potential effects on the Welsh language, and consider the options available that would enable the decision to be made in a way that would have more positive and fewer adverse effects on the Welsh language. There is an expectation that organisations consider the effects in the context of the Welsh language in the areas or communities affected, whether directly or indirectly.

Including the text on the effects on the Welsh language from the impact assessment within the consultation document may be sufficient to comply with the requirement to consider the Welsh language, if it demonstrates that a conscientious effort has been made to consider the Welsh language. An appendix containing the impact assessment on the Welsh language could also be included within the consultation document, with a summary of the main points within the body of the consultation document.

It is important that a conscientious effort is made to consider the Welsh language in a consultation document. It is Denbighshire County Council’s responsibility to identify the possible effects on the Welsh language, and to consider them in the consultation document so that the public can make informed comments in response to them. It is not the public’s responsibility to present possible effects of the proposal to organisations for consideration for the first time after the consultation process.

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6. Research standards

When an organisation commissions or undertakes research intended to assist in making a policy decision, that research must consider any effect the policy decision might have on opportunities to use the Welsh language and on not treating the Welsh language less favourably than the English language. The research must also consider how the policy decision could be made so that it increases any positive effect and mitigates any negative effect on the Welsh language.

These are the types of questions that a research document should ask.

Example: Gathering evidence

If you decide that your policy decision could affect the use of the Welsh language in Wales, and you are gathering evidence intended to inform your work, you must gather evidence to show the extent of this effect and how you can influence it.

The research must consider:

- What effects, if any (positive or adverse), the policy decision would have on opportunities to use the Welsh language;
- What effects, if any (positive or adverse), the policy decision would have on the Welsh language being treated the same as the English language;
- How any negative effects could be mitigated and positive effects enhanced;

You should seek to use existing data and insight where available and relevant.

Examples of evidence gathering could include:

- Desk research (e.g., peer-reviewed articles; literature reviews; stakeholder publications; media)
- Gathering evidence from previous stakeholder engagement

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- Surveys
- Qualitative research (e.g., focus groups; interviews)

7. Useful resources

[Welsh Language Commissioner's website: Codes of Practice](#)

[Welsh Language Commissioner's website: Policy decisions](#)

[Welsh Language Tribunal: Neath Port Talbot County Borough Council v Welsh Language Commissioner \(Tribunal decision\)](#)

[Welsh Language Tribunal: City and County of Swansea v Welsh Language Commissioner \(Tribunal decision\)](#)

8. Support

For support, contact: Gerallt Lyall, Welsh Language Officer

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