# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE**  | **The Public Services Ombudsman for Wales’ response to the White Paper on a proposed Welsh Language Bill** |
| **DATE**  | **18 January 2018** |
| **BY** | **Eluned Morgan AM, Minister for Welsh Language and Lifelong Learning** |

At the end of October, the consultation on the White Paper, *Striking the right balance: proposals for a Welsh Language Bill* closed. Among the responses received was one from the Public Services Ombudsman for Wales. This response was made public by the Ombudsman and has been the subject of some debate, not least during the evidence sessions on the Public Services Ombudsman (Wales) Bill currently before the Assembly.

In his response, the Ombudsman made a proposal that the Ombudsman’s office should be responsible for handling complaints and investigations into alleged breaches of Welsh language standards which certain bodies are required to comply with in accordance with the Welsh Language (Wales) Measure 2011.

I have previously said, in response to questions from elected members in the Senedd and in committee, that I wished to consider this proposal in detail before making a decision whether to consult further. The proposal was not one of the options considered in the White Paper and therefore if we wished to pursue this option, I considered that a further consultation would be necessary.

I have now had time to consider the Ombudsman’s proposal in some detail. On the surface, there is merit to the proposition. The Ombudsman is expert at dealing with complaints and handling investigations in a wide range of circumstances where public services have failed. The evidence suggests ombudsmen are effective at achieving results and efficient in the way they conduct their business. In addition, it is an objective of the Welsh Government, set out in our long term strategy for the Welsh language, *Cymraeg 2050*, to normalise the Welsh language. Transferring functions relating to complaints and investigations into compliance with Welsh language standards to the Ombudsman would help to achieve this by treating complaints and investigations relating to the Welsh language in the same way as other complaints about public services. I also had the opportunity to consider the position in Catalunya and the Basque Country, where the public ombudsmen are responsible for handling complaints about breaches of language rights in those countries. These are powerful arguments which we should bear in mind for the future.

However, when the Ombudsman’s proposal is considered in detail, a number of difficulties emerge. UK government departments and some private bodies, notably utilities, are already included in the Measure and can be required to comply with standards. In the White Paper we expressed a clear intention to seek powers to extend the standards to any private sector body which falls within the Assembly’s legislative competence. Other considerations include the limitations on the Ombudsman’s powers when it comes to enforcement, and the fact that standards relate not only to services to the public, but also to the services which employers provide to their employees.

If we were to act on the Ombudsman’s proposal, we would need to extend the scope of the Ombudsman’s powers significantly. At present, the Ombudsman’s jurisdiction only extends to devolved public services. This would need to be extended in order to include UK government departments and, potentially, any private sector body. It would need to include services provided by employers to employees. We would need to consider enforcement powers for the Ombudsman or a complex arrangement involving either the proposed Commission, the Welsh Language Tribunal, or both. All in all, we would need to legislate for fundamental reforms to the Ombudsman’s remit and powers. I consider this would have implications much wider than Welsh language policy alone.

Having considered the Ombudsman’s proposal in detail, I have decided the difficulties outweigh the benefits. Therefore, I shall not be pursuing it further and I will not be conducting a consultation on the proposal. It has, nevertheless, given us food for thought and I thank the Ombudsman for his valuable and stimulating contribution to the debate on Welsh language legislation.

Next week I shall publish a report summarising the responses to the consultation on the White Paper, *Striking the right balance: proposals for a Welsh Language Bill* and the responses received.