



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Annual Report

## 2021-22

### **Welsh Language (Wales) Measure 2011**

The Welsh Language Commissioner's Annual Report prepared in accordance with Section 18 and Schedule 1, Paragraph 19(1) of the Welsh Language (Wales) Measure 2011 for the year 1 April 2021 to 31 March 2022, together with the Auditor General for Wales's Certificate and Report on the accounts.

Laid before Senedd Cymru on 25 August 2022 in accordance with Section 19 and Schedule 1, Paragraph 19 (2) of the Welsh Language (Wales) Measure 2011.

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# Part 1 Strategic report

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# Foreword

This publication reports on our activities between 1 April 2021 and 31 March 2022. Sadly, Aled Roberts, Welsh Language Commissioner, died on 13 February 2022, some six weeks before the end of the reporting period. It is my privilege to present a lasting record of his inspirational leadership, and of his care and passion for the Welsh language and the rights of Welsh speakers during his final year.

One of the highlights of the work was the publication of the 5-year Report on the position of the Welsh language – a comprehensive picture of the language and the experiences of Welsh speakers between 2016 and 2020. In the report, there is acknowledgement of the efforts by organisations to increase the use of Welsh locally and within the workplace. This increase provides a basis for optimism about the future of the language. However, there are a number of areas where there has been insufficient progress, where opportunities have been missed, or where the Welsh language has not been given fair and due consideration.

Following the Senedd Election on 6 May 2021, Welsh Labour returned to government. After the Commissioner had highlighted a loss of momentum due to delays in the programme of introducing standards to more sectors during the fifth Senedd term, we welcomed the firm commitment to the drafting of standards regulations in the new Government and Plaid Cymru Co-operation Agreement in November 2021. I now look forward to resuming the work in order to increase rights to use the Welsh language.

Once again, face-to-face events on a national and community level were suspended for much of the year due to COVID-19 limiting opportunities to use the language. In our assurance report of September 2021, we published the Commissioner's impressions on how public organisations maintained their Welsh language provision during the pandemic. COVID-19 highlighted the gap that was already emerging between organisations that comply well and those that do not have adequate arrangements. Some organisations took advantage of opportunities to innovate while we saw a decline in Welsh language provision by others. Overall, it became clear that organisations need to do more to promote their Welsh language services to increase take up.

During the year, we worked on developing a new Strategic Plan for the organisation. The document sets out the Welsh Language Commissioner's ambitious and long-term vision and includes the strategic objectives and priorities that will underpin that vision. It also sets out our corporate values and how we will implement the strategy and report on outcomes. As the Welsh Government proceeds with the process of appointing a new Commissioner, I am confident that this document, produced with the valuable input of Aled Roberts, lays firm foundations for our work for the next three years.

In presenting this report, I would like to publicly extend my gratitude to the hard-working team of officers, for their dedication and support throughout the year, in what have been challenging circumstances. I am also grateful for the willing advice and support of the members of the Advisory Panel and the Audit and Risk Committee.

**Gwenith Price, Deputy Welsh Language Commissioner**

## Annual overview

Ensuring the launch of the COVID-19 lateral flow test reporting service in Welsh.	Publication of a report looking at the impact of the pandemic on the ability of organisations to provide Welsh language services.	Conducting an investigation and setting out recommendations to improve the experiences of Welsh speakers taking driving tests.
Sharing effective practice between organisations on how to use more Welsh in the workplace.	Responding to 22 consultations on Welsh in Education Strategic Plans.	Publication of a 5-year report on the position of the Welsh language and an accompanying podcast.
Working with 113 businesses and charities to prepare the Cynnig Cymraeg scheme.	Launching the Welsh Language Commissioner's new website.	Conducting the campaign and Welsh Language Rights Day with over 100 organisations of all kinds taking part.

# The position of the Welsh language

## 5-year report on the position of the Welsh language

We published a 5-year Report on the position of the Welsh language between 2016 and 2020. The report examines policy efforts at a time of significant changes in the history of Welsh language policy: the launch of the Cymraeg 2050 strategy and organisations beginning to implement standards.

The structure of the report is based on the Cymraeg 2050 framework in order to facilitate scrutiny of progress to date under the strategy. Each section ends with the Commissioner's conclusions on what has been achieved and what is yet to be done. These conclusions provided an opportunity for the Commissioner to express his concerns as to whether the efforts made to date have been sufficient to realise the huge ambition of Cymraeg 2050.

They serve as a warning about the significant recovery and investment that will be necessary due to the COVID-19 pandemic – something that was not planned for in the production of the strategy. It also warns of the risk of regarding the strategy, in itself, as sufficient in achieving its objectives. The Commissioner emphasises that the objectives and spirit of Cymraeg 2050 need to be at the heart of every statement, policy and act if the Government is serious about reaching a million Welsh speakers and increasing the daily use of the language.

## Welsh Language Use Survey

In September 2021, the Welsh Government published the results of the 2019-20 Language Use Survey. The results showed that 56% of Welsh speakers spoke the language every day, compared to 53% in 2013-15.

Responding to the results, the Commissioner stated that they indicated a step in the right direction. He also warned that the target of doubling the percentage of the population that speaks Welsh every day by 2050 was very ambitious, and that the challenge is to look at the statistics and see how further progress can be achieved.

## COVID-19

The pandemic impacted on opportunities to use Welsh. Most centres where people usually come together were closed for most of the year. Despite efforts to maintain online presence and activity, it was not possible to bridge the gap completely.

## Senedd Election and Welsh Government and Senedd Cymru programme of work

The Senedd Cymru Election was held on 6 May 2021. On 22 November 2021, a Co-operation Agreement was announced between Welsh Labour and Plaid Cymru which will last for the next three years. The Co-operation Agreement includes commitments to extend Welsh language standards to more organisations and sectors, introduce new legislation on Welsh-medium education, and ensure that Welsh place-names are protected and promoted.

# Challenges facing the Welsh Language Commissioner

The Welsh Government is responsible for funding the Welsh Language Commissioner and following the publication of the Government's final budget for 2022/23, we received confirmation that we had been given the same revenue budget amount as the previous year. The Government's budget also plans for the next two financial years and includes indicative budgets for 23/24 and 24/25. The provision for the Commissioner is also flat for those years. On the one hand, this gives the Commissioner relative certainty of the budget for the next three years, but on the other, it poses a considerable challenge in trying to carry out all the functions and plans within the same financial amount as costs increase. This challenge is highlighted by the significant increase in inflation over recent months due to the increase in fuel and service costs. We have received clear guidance from the Government to seek financial savings over the next period and we will continue to do so. Some savings have already been made as a result of changes to our working methods and investment in an up-to-date and cost-effective IT infrastructure. We will review our use of offices over the coming period as we work in a hybrid way and will look for opportunities to work with other bodies where possible. However, staffing costs make up a very high percentage of the Commissioner's annual budget. This is our most important resource, we cannot carry out our functions effectively without our talented and dedicated workforce, therefore our ability to make further savings is limited. We will be discussing this challenge with the Government over the summer as we set out our financial estimates for 2022/23.

Following the death of Aled Roberts, we have been operating an interim structure since February 2022. The Government has begun the process of appointing a new Commissioner, but it is likely that the interim arrangements will continue until the end of 2022. We have taken steps to ensure stability for the organisation during these difficult times. An interim leadership and management structure is in place and work plans have been agreed at a strategic level through the Strategic Plan (2022-25) and at a practical level through the annual operational plan.

Following the remote working challenges posed by Covid and the cyber attack on the organisation in 2020, we have carried out significant work over the last few months in upgrading and developing our IT infrastructure. Ensuring adequate capacity and resources to carry out the work has been challenging. We have received short-term financial support from the Government to assist us and intensive project work has taken place both internally and with external companies. Although work is ongoing, we have developed secure and up-to-date systems that support our staff to work flexibly and enable us to respond quickly to any further changes to working arrangements.

# Rights to use the Welsh language

## Introducing duties

A total of 124 organisations implementing Welsh language standards	A commitment in the Welsh Government and Plaid Cymru's co-operation agreement to resume the process of standards imposition.	Consultation on draft codes of practice.
Receiving and analysing 43 responses to the consultation on the draft codes of practice.	Introducing the codes of practice for Welsh Government consent.	

## Imposition of standards

On 1 October 2021, St David's Catholic College began implementing Welsh language standards. This brings the total number of organisations implementing standards to 124. Four Corporate Joint Committees (North Wales, Mid Wales, South East Wales and South West Wales) came into being during the year. The Welsh Government amended the Welsh Language Standards Regulations No. 1 to include the joint committees. Discussions have been held with the four joint committees to begin the process of imposing Welsh language standards on them.

Following frustration with delays in the introduction of further Welsh language standards regulations during the Senedd's fifth term, the Commissioner drew up an ambitious work programme for taking the work forward. He presented a series of options and a timetable to the Minister for Education and Welsh Language to enable progress in extending rights over the next five years. A possible rolling programme was recommended, outlining the Commissioner's priorities in considering a plan to achieve the objectives of the Welsh Language Measure and to bring the bodies named in schedules 5 and 6 of the Measure - as well as new bodies created since the schedules were produced - under the standards regime within a reasonable timescale.

## Approval of Welsh language schemes

During the reporting period, the Money and Pensions Service Welsh Language Scheme was approved.

## Extending rights

Following the Senedd Cymru Election in May 2021 and the appointment of Jeremy Miles MS as Minister for Education and Welsh Language, the importance of resuming the programme of introducing regulations was discussed.

## Publication of codes of practice

In order to clarify the requirements of the standards in a practical way the Commissioner provides organisations with codes of practice. There is a process of consultation with organisations on their content before submitting them to the Welsh Government for consent.

Back in 2019-20 we began consultation on draft codes of practice with organisations implementing standards under the Welsh Language Standards Regulations No. 2, 4, 5 and 6 (national public bodies in Wales, tribunals, colleges, universities and education and careers institutions, police forces and the fire and rescue services). Following a cyber attack on the Commissioner's systems in December 2020, the consultation period had to be rescheduled. Responses to the consultation were received by the end of May 2021, and significant work was undertaken to analyse the responses. Changes to the draft codes of practice for Regulations No. 2 and 6 were agreed and the drafts sent to the Welsh Ministers for their consent in September 2021.

## Implementing duties

### Assurance Report

In September 2021, we published our seventh assurance report, *Stepping Forward*. The report focused on the impact of COVID-19 on the provision of services and the experiences of Welsh speakers.

The Commissioner concluded that some organisations had taken the opportunity to give substantive consideration to the Welsh language, but that others had failed to ensure that provision for Welsh speakers was maintained. There were some examples of innovation and strengthening of provision as services moved online. However, this type of working posed a barrier to others, particularly due to the inability to support simultaneous translation on some virtual meeting platforms. The gap that already existed between those organisations that complied well and those without adequate arrangements was seen to be widening. It became clear that organisations with robust self-regulation processes had dealt better with the difficulties of the pandemic, and that some organisations had made urgent decisions without due regard to the Welsh language.

The Commissioner also concluded that organisations had a great deal of work to do to promote their Welsh language services. There is a significant percentage of service users who assume that Welsh language services will not be available. With more and more public services being delivered digitally, therefore, it is essential that organisations promote their availability in Welsh.

The report was intended to serve as a starting point in learning from the experience gained during the pandemic to enable organisations to adapt and ensure that the Welsh language is at the forefront of workforce and service planning at a time of significant change.

### Revised Regulatory Framework

During the year, we revised our regulatory framework. The framework aims to explain how we operate in regulating Welsh language standards and Welsh language schemes. In regulating the performance and compliance of organisations we focus on compliance; close gaps in information and improve how we identify shortcomings; promote self-regulation; and act upon shortcomings.

### Effective practice

To support public bodies in improving their performance, we gather and share effective practice. During the year, a series of videos were created highlighting effective practice. One video focused on how important it is that leaders of organisations provide an example in terms of the Welsh language. We worked with the former Children's Commissioner for Wales, Sally Holland, on a case study to get this message across. Other effective practices that formed the basis for case studies during the year related

to holding bilingual events online, and raising awareness of the language internally. We worked with Ofcom on creating these.

A virtual event was held highlighting effective practice relating to COVID-19 and the Welsh language. Positive feedback was received from attendees indicating that they had been motivated to think afresh about how they operated.

### **Good practice advice document**

A good practice advice document has been published for county councils and national park authorities providing guidance on how to assess and monitor the progress of their Welsh language promotion strategies. To coincide with the publication of the document, we held a virtual event with representatives from the organisations to discuss the assessment of the delivery of their 5-year strategies as well as how to go about producing a new strategy.

### **Monitoring compliance**

Monitoring work was carried out with 90 organisations. This included conducting service verification surveys such as Welsh language telephone services, the use of Welsh on websites and social media as well as checking compliance with a number of supplementary and operational standards.

### **Regulation**

We are undertaking work to increase organisations' levels of compliance with the policy making standards. Complaints submitted year on year suggest that the understanding of the requirements of the standards is low, as is compliance. We held four workshops with individual organisations on the requirements of the policy making standards during the year.

### **Gathering the views of service users**

During the year, an independent survey (Welsh speakers omnibus survey, by Beaufort Research) was undertaken to gather users' views on their experiences of Welsh language services across sectors. 42% of respondents indicated that they felt that opportunities to use Welsh were increasing in their daily lives and 57% felt that the opportunities to use Welsh with the public sector were increasing. 76% of respondents felt that the way in which public services provide Welsh language services is improving. 97% of respondents agreed that they were aware that they had a right to use Welsh.

### **Publication of health services advice document**

In January 2022, an advice document was published for health bodies providing guidance and advice on how to comply with a standard relating to the publication of a five-year plan on offering clinical consultations in Welsh. The standard is an important one as it embodies the principle that offering clinical consultations through the medium

of Welsh to patients is a matter of quality and safety, as well as ensuring consistency and creating more opportunities for people to use the Welsh language. It puts the patient first, and highlights the practical importance of planning services based on people's language needs. This is the standard that sets out the foundations for a health service in a bilingual country.

We are of the view that this is an important strategic area and that there is an opportunity in implementing the standards to increase the ability of health boards to offer clinical consultations in Welsh which is a key opportunity to bridge the gap between national policy and local action and move from theory to practice.

### **Relationship with the Wales Office**

The Commissioner was keen to build a positive relationship with the Secretary of State for Wales to ensure that the people of Wales can use the Welsh language when engaging with the UK Government and its agencies. Following a meeting between the Commissioner and the Under-Secretary of State it was agreed that it would be useful for the Commissioner's officers and officers of the Office of the Secretary of State to meet regularly to discuss matters arising.

Two meetings were held between officers during the year where the main issues of concern to the Commissioner were discussed. The two most positive developments were the increase in Welsh language content on the gov.uk website, together with developments in terms of the Civil Service Jobs platform which will lead to the introduction of a full recruitment process through the medium of Welsh.

## Enforcing duties

Gradually and consistently the Welsh Language Commissioner is building a corpus of binding precedents that support the aims of the Welsh Language Measure. Through enforcement and tribunal decisions the Commissioner defines the duties by giving meaning to the Measure. This creates new legal principles.

104 valid complaints received regarding Welsh language standards; and 13 regarding Welsh language schemes.	Opened 67 investigations: 66 into compliance with Welsh language standards and 1 into compliance with a Welsh language scheme.	Determination of 70 investigations and 145 individual standards.
	Determination of failure to comply with 108 individual standards, and that there had been no failure to comply with 37 other individual standards.	Determination on the following categories of standards: -Service provision 77% -Operational 15% -Policy making 6% -Record keeping 3%.

### Welsh Language Standards: Complaints and enforcement

Below are statistics showing the implementation of the Welsh Language Commissioner's enforcement policy and the complaints investigations carried out between 1 April 2021 and 31 March 2022.

Number of valid complaints received	104
Number of investigations opened	66
Number of investigations determined	70
Number of investigations open at 31 March	40
Number of individual standards (not investigations) determined	145
Number of determinations of failure to comply with individual standards	108
Number of determinations of no failure to comply with individual standards	37
Category of complaints determined	Service Delivery - 111 Operational - 22 Policy making - 9 Record keeping- 3
Enforcement determinations imposed	Taking no further action -15 Recommendations to the organisation or other person - 14 Taking action to prevent failure - 213 Providing advice to the organisation or any other person - 13 Preparation of an action plan - 5 Publicity - 1

## Examples of enforcement and impact of the work

- An investigation into CADW's telephone service led to the establishment of a bilingual telephone helpline and a commitment to appoint Welsh speaking custodians.
- An enforcement action was imposed on the Welsh Ministers to amend their guidance for the use of Welsh in the Welsh Government's communications and marketing to include guidance on the need to ensure that account names and usernames (or 'handles') used on social media comply with the requirements of Welsh language standards. The name of the First Minister's account and that of the Minister for Education and the Welsh Language is now in Welsh only and this was given coverage in the media.
- Following an investigation into the COVID-19 lateral flow test reporting service, the service was launched in Welsh on the .gov.uk website.
- The Commissioner conducted an investigation following complaints that a parking facility in the Snowdonia National Park was not available in Welsh. Following the investigation, confirmation was received that a parking pre-booking system using vehicle number identification technology through the medium of Welsh will be introduced by summer 2022, by agreement between Snowdonia NPA and Just Park. This work has significant impact, as the technology is now available for the use of public bodies and other organisations.
- A complaint was received regarding Cardiff Council's internal disciplinary process, where no Welsh language correspondence or a Welsh language hearing was offered to the complainant until he had made a complaint to the Commissioner regarding the disciplinary process. This is the first time that the operational standards in question have formed the basis of an investigation. This provided an opportunity to interpret the standards in the context of the complaint and also to provide an explanation of the disciplinary process under the operational standards and to outline how an organisation is expected to comply with these standards.
- An investigation was conducted into an matter relating to a consultation on the reorganisation of English-medium education in the Caldicot area. Although this was a consultation on expanding the provision of English-medium education, the Council did not consider the potential impact on the Welsh language. The Commissioner found that the Council had breached the policy making standards in making its decision, and imposed enforcement action on it to review and modify its procedures to ensure that the Welsh language is given due consideration when making policy decisions.

**Welsh language schemes: Complaints**

<b>Total language scheme complaints</b>	15
Number of valid complaints received	13
Number of invalid complaints	2
Number of investigations opened	1
Number of investigations reported	1

**Examples of investigations**

An investigation was carried out into the operation of the Driver and Vehicle Standards Agency (DVSA) Language Scheme. The investigation was linked to the operation of three clauses within the DVSA's Welsh language scheme in relation to the provision of driving tests through the medium of Welsh. This prevented people from using Welsh. Service users had to make the choice between waiting for long periods for a test in Welsh or choosing to do a driving test in English without experiencing any delay. As a result of the investigation, 5 recommendations were made to the organisation to improve the Welsh language provision.

**Freedom to use the Welsh language**

The Welsh Language Measure states that an individual may apply to the Commissioner if they are of the view that an individual, or organisation, has interfered with their freedom to communicate in Welsh with another individual.

Although four individuals contacted the Commissioner with allegations of interference with their freedom to use Welsh, on receiving sufficient information, we carried out an investigation into one of the allegations. At the end of the reporting period, all the evidence had been received and analysed, and a draft of the final report had been produced for consultation with the relevant parties.

Experience has shown that it is challenging to deal with applications under Part 6 as this part of the Measure means that many applications do not meet the required threshold, as there is a great deal of communication between parties before investigating. Much time is spent at the start of the process and many individuals who have submitted an application can lose interest and stop communicating with us. It is felt that there is too much burden on the applicant and we therefore decided to re-examine the procedure to consider what steps can be taken to make the process less burdensome within the current framework.

# Promoting the Welsh language

## Influencing policy

Responding to 29 consultations on policy and legislation affecting the Welsh language by national bodies.	Responding to 22 consultations on Welsh in Education Strategic Plans.	Following the formation of a new Government, submission of evidence to six Welsh Government ministers on the importance of the Welsh language in their portfolio areas.
Presenting evidence to six of the Senedd committee chairs on the relevance of the Welsh language to their portfolios.	Responding to the consultations of four Senedd committees on their priorities.	

## Senedd Election and new Government

We were pleased to see that the new Government in its programme for government intends to take action in priority areas outlined in our manifesto recommendations for the 2021 Election, including place-names, the education workforce and Welsh language standards.

We were keen to ensure that the Welsh language was considered in the portfolios of new Government Ministers and the new Senedd Committees. We wrote to six new Senedd Cymru ministers highlighting the importance of the Welsh language in their new portfolio areas and had meetings with three Ministers following those letters. We also wrote to six Senedd Committee chairs to highlight the relevance of the Welsh language to their portfolios and responded to the consultations of four Committees on their priorities for the new Senedd.

## Welsh in Education Strategic Plans

As a statutory consultee, we responded to the Welsh in Education Strategic Plans of 22 local authorities in Wales. The responses highlighted opportunities to strengthen every one of the plans. We also wrote to the Minister for Education and Welsh Language to

share general comments about the plans as he considered them before their approval in summer 2022.

## Second homes

One of the topics that received considerable attention from the Government and Senedd during the year was second homes. We responded in writing and orally to the Local Government and Housing Committee's inquiry into second homes in March 2022. We also responded to five other Government consultations on proposals to address the issue of second homes. We had meetings with campaigners, the Future Generations Commissioner and the Minister for Climate Change to discuss the issue.

## Tertiary Education and Research (Wales) Bill

We gave oral and written evidence to the Children, Young People and Education Committee on the Tertiary Education and Research (Wales) Bill. In its Stage 1 report on the Bill, the Committee recommended the proposal of amendments that were in line with the Commissioner's evidence.

## Health

During the year, we held discussions with the Health Minister to outline our priorities for the Welsh language in health. We gave evidence to the task and finish group responsible for developing a five-year work plan for the *More than Just Words* strategy and we held meetings with the Chair as well as attending meetings of the Welsh Language in Health Partnership Board.

## Equalities

We responded to the Government's consultation on the LGBTQ+ action plan highlighting the need to provide more support and services through the medium of Welsh for LGBTQ+ people.

We also responded to the Government's consultation on the Race Equality Action Plan: *An Anti-racist Wales*, noting the need for a more radical action plan or strategy that will increase the number of people from minority ethnic communities who speak Welsh and thereby contribute to widening people's opportunities socially and in terms of employability.

## Developing Welsh language infrastructure

Publish the second 5-year report on the position of the Welsh language.	Design of a new search interface to the List of Standardised Welsh Place-names on our new website.	Establishment of a pilot project to standardise landscape names.
Contribute to the work programme of the International Association of Language Commissioners.	Shared the Commissioner's vision for the future of Welsh language infrastructure.	

### 5-year report on the position of the Welsh language

One of our statutory functions is to publish a report on the position of the language every five years. The Commissioner's second 5-year report was published on 21 October 2021, reporting on the position of the language during the period 2016 to 2020.

A presentation giving an overview of the contents of the report was offered to organisations and networks in Wales and beyond, including presentations with the content tailored to specific audiences such as Fforwm Iaith Môn and the National Centre for Learning Welsh.

Further information on the report can be found on page 4 of this report, the report in its entirety or a summary is available on our website: [Position of the Welsh Language 2016–20 \(welshlanguagecommissioner.wales\)](#).

### Standardisation of Welsh Place-names

The List of Standardised Welsh Place-names has been published on our new website. We are grateful to the Welsh Government's Translation Service for temporarily hosting the List on [BydTermCymru](#) ensuring that the public was still able to access this popular resource during the development of our website. Other platforms have taken advantage of the fact that the List is published under an open licence to include the data as part of their provision. The recommendations of the Place-names Standardisation Panel can now be found in the [Gweiadur](#) and [Wikidata](#).

There is growing concern that historic Welsh names are being lost, translated or disregarded. We have taken every opportunity to draw the attention of the Government and other stakeholders to our concerns, giving evidence to the Petitions Committee on 7 March 2022. A representative from the Commissioner's office is also a member of the Task and Finish Group which scrutinises the development of the List of Historic Place-names created with the aim of preserving and recording the historic names of Wales. We have tried to respond practically by working with Snowdonia National Park on a pilot project to standardise landscape names and support it to compile a list of official names for use in the Park's work. The project will also provide guidance and principles of standardisation for Welsh landscape names.

## Terminology and Dictionaries

There was an opportunity to share our vision for the future of the linguistic infrastructure in Wales as the Government consulted on the future of policy in this area during summer 2021. Our vision is based primarily on research carried out by the Panel for the Coordination of Terminology Standardization and Lexicography shortly after the Commissioner's office was established.

We also contributed practically to efforts to strengthen the linguistic infrastructure of the Welsh language and ensure that the language has an up-to-date vocabulary by contributing to the work of a number of expert groups convened by the Government to develop the provision. A representative from the Commissioner's office is a member of the Welsh Language Standardisation Panel and of the Welsh Terminology task and finish group on Race and Ethnicity. This is a group convened by the Welsh Government to recommend inclusive terminology for everyone in Wales to describe their identity in terms of race and ethnicity. The main aim of the Group is to ensure that people can feel confident to use this terminology about themselves – and others – in order to promote intelligent, respectful and constructive discussions on race and ethnicity.

## International relations

During the year Aled Roberts was Vice-President of the International Association of Language Commissioners, and the Commissioner's officers were responsible for chairing thematic sub-groups. We are responsible for organising the association's webinar programme which provides a quarterly forum for members to share information and learn from the successful practices of other countries. Sharing information and comparing experiences has been particularly valuable in the context of COVID-19. Members will continue to consider the long-term impact of the pandemic on the work of Language Commissioners and the linguistic communities they protect.

Aled Roberts appeared before the Oireachtas Joint Committee for the Irish Language and the Gaeltacht on 22 September 2021. He shared Wales' experience of the impact of the standards with the Joint Committee as they scrutinised the amendments to the Official Languages Act that would introduce standards to replace language schemes there.

# Promoting the use of Welsh by businesses and charities

25 organisations have received recognition by the Commissioner for their Cynnig Cymraeg.	113 organisations have committed to developing their Cynnig Cymraeg.	Providing sponsorship to four charities to promote their Cynnig Cymraeg.
12 training sessions held for third sector organisations	A number of popular online seminars held with various sectors – Third Sector, banks, the arts, solicitors	Meetings held with 192 businesses and charities to discuss their Welsh language provision.

## Y Cynnig Cymraeg (Welsh Language Offer)

The Aim of the Cynnig Cymraeg is to make it clear to the public what Welsh language services a business or charity offers in order to increase take up. We work with organisations to help them develop their commitments to using Welsh, and give them recognition in the form of the Cynnig Cymraeg logo, as well as templates and a raft of ideas on how to promote their services.

Since the scheme was launched in June 2020, we have formally recognised the Cynnig Cymraeg of 39 businesses and charities – 25 of them in 2021-22. By 31 March 2022 113 businesses and charities had started work on preparing and developing their Cynnig Cymraeg.

One of the charities that the Promotion Team worked with to influence and support them was RSPB Cymru, who completed their Cynnig Cymraeg during the reporting period. The charity's commitments include communicating bilingually with supporters and the public whether through social media, articles and blogs and displaying bilingual signs. We worked with the charity on a plan to publicise their Cynnig Cymraeg during December 2021.

## Marketing fund

We have a fund for assisting charities to market their Welsh language services. The fund is open to charities that have produced a Welsh language development plan and agreed their Cynnig Cymraeg for the public, and they are able to apply for up to £500.

During the year, four charities were funded through the scheme, Gisda, Tŷ Gobaith, the Stroke Association and Mind.

### **Supermarkets and banks**

We have maintained a constructive relationship with these two key sectors during the year. Our work led to the introduction of new 'click and collect' Welsh signs in Morrisons supermarket branches in Wales. We have worked with Principality building society on the development of their Cynnig Cymraeg which focuses on communicating in Welsh with customers and developing a bilingual financial education resource for children.

### **Training for charities**

During the year, 12 training sessions were held for third sector organisations. The aim of the sessions was to show charities how they can deliver Welsh language services, focusing mainly on sharing practical ideas about using Welsh in marketing and communications activities.

## Communications

Conducting a Welsh language rights campaign to encourage public organisations to promote the Welsh language in the workplace.	Launch of the Welsh Language Commissioner's new website	Creating a new podcast to accompany the 5-year Report on the position of the Welsh language.
Organising and promoting an event with the Tŷ Gobaith charity and the Promotion Team at the National Eisteddfod.	Distribution of 2,500 Iaith Gwaith materials	

### Welsh Language Rights Day

A campaign was held during late November and early December 2021 to draw Welsh speakers' attention to their rights to use the language, and to ensure that public organisations promote the Welsh language internally. A series of videos were created as part of the campaign where organisations' staff and members of the public talked about the benefits of using Welsh.

We saw a 174% increase in the number of visits to our website during the campaign. We reached almost 150,000 people via our social media, with the most popular video being watched by over 10,000 people on our Twitter account alone. There was press and media coverage of the campaign, with Aled Roberts as guest on Radio Wales' Jason Mohammad's programme, and the Heno programme broadcasting live from Coleg y Cymoedd.

### Launch of new website

After a period of collaboration with a development company, the Welsh Language Commissioner's new website was launched during August 2021. The most popular pages include the Iaith Gwaith page, place names, and information about Welsh language standards. Regular work is being undertaken to monitor visits to the website to improve and develop it further.

## **laith Gwaith (Working Welsh)**

There has been an increase in the number of laith Gwaith materials ordered and distributed during the year. Nearly 2,500 badges and lanyards were ordered between January and March 2022, compared to 1,700 during the same period last year.

## **New podcast**

To coincide with the publication of the 5-year Report on the Position of the Welsh Language in October 2021, a new podcast was created in Welsh and English in which the Commissioner was asked about the views outlined in the report. The podcast was posted in podcast libraries as well as on our website and social media.

## **Eisteddfod AmGen**

As part of the Societies' provision at the Eisteddfod AmGen, an online session was broadcast focusing on our work with Tŷ Gobaith children's hospice, which has received the Cynnig Cymraeg.

The session was broadcast on the National Eisteddfod's YouTube and social media channel during the first week of August 2021. Following the event, the video was posted on our platforms and shared on Facebook, Twitter and LinkedIn. The video is available to watch again on our website and YouTube channel.

# Management and operation

## Commentary on financial performance

The Welsh Language Commissioner is a corporation sole funded by Welsh Ministers. The funding allocated by the Welsh Ministers for the year 1 April 2021 to 31 March 2022 was £3,207,000 (2020-21: £3,207,000) for revenue expenditure and £256,000 (2020-21: £277,000) of capital funding. The net expenditure after interest during the year was £3,306,000 (2020-21: £3,289,000).

	2020-21 Outturn £000	2021-22 Outturn £000	2021-22 <sup>1</sup> Budget £000	2022-23 <sup>2</sup> Budget £000
Officers' costs	2,412	2,410	2,445	2,467
Administration				
Accommodation : Rent	119	119	119	121
Accommodation : other costs	118	116	139	134
Office dilapidations	-	26	-	-
Travel and subsistence	2	5	11	25
Training and recruitment	24	56	35	36
Legal and professional	173	211	193	142
Information technology	158	112	107	110
Communication	13	13	14	15
External audit fee	20	17	15	16
Administration other	23	16	15	10
	650	691	648	609
IT Project costs	119	61	-	10
Programme costs	58	81	83	131
Depreciation and amortisation	50	62	77	89
Net Expenditure	3,289	3,305	3,253	3,306
Income	-	-	-	-
Interest payable	-	1	-	-
Net expenditure after interest	3,289	3,306	3,253	3,306

<sup>1</sup> Final internal budget approved by the Management Team in June 2021

<sup>2</sup> Final internal budget approved by the Management Team in May 2022

## Officers' costs

Employment costs for 2021-22 were consistent with 2020-21 costs but the outturn for the year was £35,000 less than the budget set for 2021-22. The main factors explaining the variance against the budget are:

With restrictions relaxed in 2021-22 the number of holiday days not taken has reduced to a normal level; the effect of this was a reduction of £44,000 to the costs relating to the holiday pay accrual.

During the year there were a number of staffing changes due to secondments to other organisations, and a decision not to fill a vacancy in the structure. The result of these factors was a saving of £56,000.

Following legal advice and conciliation, ex-gratia payments of £18,000 were made to current and former staff in relation to holiday entitlement during periods of parental leave. (also see note 14)

The project to implement the IT strategy has continued this year, and in order to carry out the work it was necessary to secure additional resources compared to what was planned in the budget. The two main factors were appointing a Project Manager at a cost of £13,000 and back-filling an internal secondment at a cost of £23,000.

## Accommodation

The main factors affecting office costs were:

A saving of £23,000 compared to the budget for the year due to a reduction in the costs of the landlord's services, savings in cleaning costs, electricity and gas, and waste across the offices; with an increase in the cost of repairs in response to health and safety requirements.

An increase of £25,000 to the provision for office dilapidations following a year-end assessment.

## Training, recruitment and wellbeing

The largest increase was on training courses. During the year, it became clear that there would be savings in other expenditure categories, so it was planned to invest in staff training, as expenditure has been historically low in recent years due to fiscal restrictions. Spending was targeted on areas where specific requirements had been identified such as, manager development, complaints management in the public sector, and regulatory strategy.

## Legal and professional

Legal costs on legal counsel, Welsh Language Tribunal cases and other cases are the largest element of this budget; which can vary significantly from year to year. A prudent budget of £132,000 was set for 2021-22 with expenditure of £110,000 for the year, including provision for Welsh Language Tribunal cases which are under consideration by the Tribunal as at 31/03/2022.

A challenging budget of £32,000 was set for translation and interpreting in 2021-22. Actual translation costs of £61,000 were significantly higher than the budget and actual expenditure for 2020-21. The main reasons for this were, resuming the work of the organisation after a period where the cyber attack prevented this at the end of 2020-21.

The cost of consultants not related to the IT project was £8,000 in the 2021-22 financial year; further details are given on page 44.

There was an increase of £6,000 to internal audit costs compared with the 2021-22 budget. The reason for this is that two pieces of specialist work in relation to the cyber attack were commissioned in addition to the annual internal audit plan.

**Information Technology**

Core information technology costs have reduced significantly during the 2021-22 financial year compared to 2020-21. The main reason for the savings of £46,000 is the transformation of the organisation's IT environment due to the IT project. The saving represents a 30% reduction in costs due to the termination of a number of historical agreements that served the old infrastructure and its replacement with new agreements. The year's costs were £9,000 higher than the budget set for the year, due to the need to continue some services over the transitional period and costs relating to notice periods.

**Information Technology Project**

Following installation of the infrastructure for the new IT environment in 2020-21, investment in the IT Strategy continued during 2021-22. A capital budget of £256,000 was allocated by the Welsh Government on the basis of the 2021-22 investment plans. Of this capital budget £175,000 was drawn down, with £165,000 spent during the year. The table below analyses the project expenditure:

	<b>Staff Costs £000</b>	<b>Project Costs £000</b>	<b>Fixed Assets £000</b>	<b>Total £000</b>
Seconded staff resources	13	-		13
Spindogs – website development			32	32
Red Cortex – Place Names Repository			23	23
Red Cortex – Promotions Online Resource			23	23
Red Cortex – Case Management System		18		
Red Cortex – Project management		27		
Red Cortex – infrastructure development		12		
Renewal of office networks			13	13
User training		2		
Cyber security		2		
	<u>13</u>	<u>61</u>	<u>91</u>	<u>165</u>

The underspend of £91,000 against the budget of £256,000 was largely due to the timing of the commencement of work on the Case Management System. This system will be key to the operational processes of the organisation. Having an extended period of discovery and design was essential to specify what the system would delivery, and to ensure that it meets users’ requirements. The project requirements and plan were

agreed in the final quarter of 21-22 and there was a need to ensure that a capital budget was forthcoming from the Welsh Government in order to approve the commencement of the project. The funding has been approved for 2022-23, and the project is underway.

Due to delays in the Case Management System, work on re-establishing the Place Names Repository and developing a Promotion Online Resource in 21-22 was completed ahead of schedule. Both of these projects were to re-establish systems that were lost in the cyber attack.

### Other Programme expenditure

The outcomes of main projects delivered in 2020-21 are detailed in the section on the activities and achievements of the organisation on pages 6 to 21. Fiscal pressures each year result in a limited programme budget. A budget of £83,000 was set for the financial year 2021-22. At the year end programme expenditure was £81,000, an underspend of £2,000.

### Welsh Government budgetary alignment project

On 01/12/2021 a Statutory Instrument was laid before the Senedd designating the Commissioner as a designated body in accordance with the Government of Wales Act 2006 Order. The statutory instrument came into force on 01/02/2022. The designation of the Commissioner as a designated body has changed the requirements on the organisation in relation to budgetary and financial management as follows:

- The funding allocated to the organisation within the Welsh Government's budget is approved by the Senedd;
- A budget is set for resources, capital and non-cash expenditure;
- The organisation must not exceed the budget, without approval of a supplementary budget from Welsh Government, following a request for additional funding;
- A process will be put in place to monitor expenditure against budget;
- Cash drawdowns should not exceed the organisation's requirements; and
- At the end of any quarter monies held in the bank should not exceed the equivalent of 5% of the annual grant-in-aid budget.

The Commissioner has adopted these requirements and the most significant impact is that the cash drawn down has reduced significantly during the year (see Statement of Changes in Taxpayers' Equity on page 61). At the start of the year £994,000 was held in the bank, by the end of the year this had reduced to £151,000 (see note 10 on page 67). This was to comply with a requirement to keep no more than the equivalent of 5% of the annual grant-in-aid, as cash at bank.

The effect of not drawing down cash, in excess of the organisation's requirements, and keeping the bank balance within the 5% threshold, is that at the end of the financial year, the taxpayer's equity is in deficit to the extent of £125,000. This does not create a material issue in relation to the preparation of the accounts on a going concern basis, given that the Commissioner has received written confirmation from the Welsh Ministers that there will be sufficient funding for the financial year 2022-23 to continue to operate as a going concern.

# Equality and the Welsh Language Commissioner

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The Commissioner is pleased to publish the Annual Equality Report 2022 (for the period 1 April 2021 to 31 March 2022).

It provides an assessment of achievement against the equality plan; an evaluation and consideration of new actions moving forward.

The Commissioner continues to work with the Public Equality Partnership for Wales. During 2021-22 the Partnership's work focused on establishing task and finish groups that would be responsible for specific work streams: human resources; procurement; data gathering and monitoring; and engagement and service delivery.

## Equality data

We continue to ask prospective applicants to complete an equality questionnaire as part of the recruitment process; we gather data on 5 of the 9 protected characteristics under the Equality Act 2010.

## Our Officers

During the year we updated and filled data gaps on the 9 protected characteristics for our officers. As this is a self-declaration option, it is not mandatory to complete it, but there has been a good response from staff and we will continue to encourage them to complete it, explaining that a strong data set helps us to create better people policies and understand how diverse we are as an organisation.

We do not record cases of gender reassignment. We believe that recording this information in such a small organisation could have a negative impact on individuals' privacy and the dataset would be too small to analyse.

## Non-publishable data and our approach to privacy when gathering and publishing data

At 31 March 2022, we employed 44.5 people (full time equivalent). Meaningful interpretation of diversity data is difficult in a small organisation, where a small number of individuals can significantly change percentages across the organisation. It also means that we cannot publish most of our diversity data relating to the 9 protected characteristics.

There are some datasets that are too small to publish and provide a narrative on at the moment. This data is monitored internally by our HR team and reviewed regularly. To date there has been no issue of concern; but we will provide a narrative when it is possible to do so.

## Gender pay gap

We are too small an employer to be required to publish our gender pay gap, but we calculate it and choose to publish it annually in the annual report.

## Equality Impact Assessments

We continue to use our bespoke template for Equality Impact Assessments (EIA). However, no assessment had highlighted any significant impact on any of the protected groups and therefore has not been published.

## Progress against 2020-21 objectives

As a result of challenges during 2020-2021 the plan's priorities were revisited during 2021-2022. Work that had not been completed in 2020-2021 was moved forward to the work plan of the year in question, where practicably possible or re-programmed during the lifetime of the plan.

### Objective 1: The Commissioner will increase the diversity and inclusivity of the workforce

The process of gathering of equality data from job applicants and from our current officers has been updated. In doing so, and over time, we will create a data source to better understand the composition of our workforce and from which sectors of society applicants are attracted. That will enable us to identify any gaps, and to target our recruitment campaigns in a strategic way to reach a wider range of society.

### Objective 2: Pay gap

The Process of recruiting staff and setting pay awards follows a consistent and fair Process that does not favour one gender over another. However due to the small size of the organisation and the fact that the Commissioner's salary is substantially greater than other posts, the Commissioner's gender has a substantial influence on the gender pay gap. Following the sad death of the Commissioner during the year, the gender pay gap reduced to <1% (please see p.48 for a summary of the latest data).

### Objective 3: The Commissioner will engage with the community

With the creation and launch of a new website in August 2021, an accessibility statement was completed, and conversations were held with relevant Government teams about the accessibility of online documents. Improving and developing the accessibility of the website is ongoing. Photography sessions have been organised to ensure representation from a number of areas, groups and organisations in Wales. There are plans to gather service users' views on the website ensuring that we share consistent messages across all our platforms.

Press and social media also enabled us to engage with the community and reach out to new audiences. We organised a podcast which was shared widely during the launch of the Commissioner's 5-year Report, there were interviews on Radio Wales and the media in Wales during the Welsh Language Rights Day campaign, and a programme

was recorded for Radio Cymru with Hanna Hopwood in conversation with Aled Roberts during that campaign.

#### **Objective 4: Ensure that equality is part of the procurement / commissioning process and is managed throughout the delivery process.**

Procurement documents were reviewed for the purpose of assessing their adequacy in relation to equality requirements.

The internal *Contract Performance Assessment Report* document has also been amended to ensure that the contract manager assesses equality requirements where relevant.

#### **Objective 5: Ensure that individual needs are reflected in the exercise of functions**

During the year we continued to hold events in more accessible formats, for example using webinars that may be accessed online.

An accessibility review of our new website has been completed. From this, we developed an action plan to make several improvements to make it more accessible – we published this as part of our Accessibility Statement in August 2021.

A training session was held with an open invitation to any officer to attend, 27 members of staff attended. The training was a combination of examining the requirements of the legislation before looking in detail at conducting equality impact assessments.

In terms of gathering our own diversity data on individuals who contact us, this is something that we will continue to review, and we will be looking for appropriate opportunities to do this during 2022-23 with the introduction of the CRM system.

# Staffing matters

## Union recognition

The organisation has a recognised union branch of the PCS, and regular meetings are held between branch representatives, the Commissioner, the Deputy Commissioner and the Senior Human Resources Officer.

## Wellbeing

The wellbeing of officers is paramount to the Commissioner, and during the year services were expanded to promote health and wellbeing amongst staff. The flu vaccine was offered to all officers free of charge, we subscribed to a comprehensive Employee Support Service through a leading provider in the field: BHSF, and a link was established with the Charity for Civil Servants (which provides a wide range of services to support good health and wellbeing among Civil Service officers).

## Learning and development

The Commissioner implements a Performance Development system which ensures that officers understand what is expected of them and ensures that they have the skills and capability to meet those expectations. Discussing training and development needs forms a crucial part of the process and a development plan is produced for each officer based on those discussions, in accordance with the annually agreed training priorities.

The most cost-effective options are considered in meeting training and development needs, and a range of training methods is offered where practicably possible.

# Plans for 2022-23

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The statutory aim of the Welsh Language Commissioner is to promote and facilitate the use of the Welsh language. We have a new strategic plan for the next three years that sets the direction for the implementation of this aim and sets out the Commissioner's vision and long-term strategic objectives. The strategic plan will be implemented by an annual operational plan and a set of measurable priorities.

## Strategic objective 1: Ensuring fairness, justice and rights for Welsh speakers

Priorities:

- Engage with the public, listening and considering what is expressed in a fair and balanced way. Act on behalf of people, whether employees or members of the public, if they face barriers in using the Welsh language. Take every opportunity to reach out to a wider audience.
- Raise awareness of the legal rights that Welsh speakers have and take every opportunity to reach out to a wider audience.
- Implement an effective complaints procedure that prevents the continuation or repetition of failures.
- Educate and share information about the significant outcomes of casework with target audiences of all kinds.
- Conduct responsive pieces of work that seek to determine whether some groups of Welsh language users have more difficulties in exercising their rights due to their circumstances and make recommendations to support them.
- Impose standards on bodies in a timely manner once standards have been introduced by the Senedd. Within the lifetime of this plan and in accordance with the Welsh Government and Plaid Cymru Co-operation Agreement, we expect this to happen in relation to the following organisations; public transport, health regulators, public bodies that are currently outside the standards regime and water companies.

## Strategic objective 2: Ensure that the Welsh language is a central consideration in policy and legislation

- Plan a 5-year report on the position of the Welsh language (2021–25) which will include an analysis of the results of the 2021 Census and an assessment of the implications, to be published in 2026.
- Gain an understanding of the work of language commissioners and other agencies around the world providing a platform for successful practice in Wales.
- Scrutiny of legislation affecting the Welsh language, including the Agriculture Bill, the Tertiary Education Bill, the Welsh-medium Education Bill
- Influence policy affecting the Welsh language with particular regard to: Education; Health and Care; Housing and planning
- Collaborate and share information with relevant partners to influence policy and legislation and contribute constructively to discussions relating to areas affecting the Welsh language

- Investigate and report on the position of the Welsh language and Welsh speakers in policy areas to provide an evidence base for the Commissioner's views

### **Strategic objective 3: Maintain and increase organisations' compliance with their statutory duties**

- Implement a truly proactive regulatory strategy
- Take appropriate regulatory action to transform the performance of organisations in key areas that continue to prove problematic:
  - Skills and recruitment
  - Policy making standards
- Organisations to do more to promote the opportunities they provide to use the Welsh language in two specific areas:
  - Policies on the internal use of Welsh
  - Use of services
- Ensure that organisations work together and innovate to respond positively to the requirements placed on them through the Commissioner's advice, and effective practices that have been gathered and promoted,
- Transform the performance and capacity of Health Boards and NHS Trust trusts to offer clinical consultations in Welsh, by improving the quality of their compliance with requirements imposed on them through standard 110 and standard 110A.

### **Strategic objective 4: Increase the use of Welsh by organisations across all sectors**

- Facilitate the use of Welsh with businesses and charities through training, guidance and sharing good practice.
- More commitments to use Welsh by businesses and charities. Specifically target the following sectors:
  - Supermarkets;
  - health and care providers;
  - national charities;
  - banks
- Work with funding bodies and networks to influence more businesses and charities to use the Welsh language.
- Provide advice on the standardised forms of Welsh place-names giving them prominence by re-launching the updated List of Standardised Welsh Place-names in 2024. Develop our ability to provide advice on landscape names and produce standardisation guidance to support the work

# Part 2 - Accountability

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# Annual Governance Statement and Report 2021-22

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As the Accounting Officer I am personally responsible for the overall organisation, management and staffing of the Welsh Language Commissioner. I must ensure that the organisation has a high standard of financial management and that its financial systems and procedures promote the efficient and economical conduct of business and safeguard financial propriety and regularity.

## The purpose of the governance framework

The aim of the governance framework is to maintain my independence as Welsh Language Commissioner and balance that independence with my accountability for the public money being spent. As Accounting Officer I am accountable to Senedd Cymru, the Welsh Ministers, the Senedd's Public Accounts Committee, the House of Commons and the House of Commons's Public Accounts Committee. The Welsh Language Commissioner is defined in statute as a corporate sole whose powers and responsibilities are set out in Part 2 of the Welsh Language Measure.

The governance framework includes the systems, processes, culture and values which determine the way in which the Welsh Language Commissioner is directed and are used to hold the Commissioner's activities to account. The system of internal control is a significant part of the governance framework with the aim of managing risk to a reasonable level.

The Welsh Language Commissioner's permanent Governance Statement can be found on the corporate website.

## Deputy Commissioner

In accordance with Sections 12 and 13 of the Measure, the Welsh Language Commissioner is required to appoint a Deputy Commissioner. The Deputy Commissioner will deputise for the Commissioner during holidays and sickness absences and at any other time at the request of the Welsh Language Commissioner.

Following the Commissioner's period of absence [April 2021-September 2022], while Gwenith Price assumed her duties as Deputy Commissioner Steffan Jones was appointed as Acting Strategic Director with responsibility for the regulatory work. It was decided to prepare a letter functioning as a 'plan of delegation'. The full responsibilities had been delegated in accordance with the Commissioner's job description. As part of the delegation letter it was noted that:

- The Commissioner delegates all his functions to the Deputy Commissioner.
- The Deputy Commissioner shall have the right to perform all the functions of the Commissioner, without limitation and without restrictions on the functions being delegated.
- The Deputy Commissioner may also delegate functions to other staff members during the period of delegation, in accordance with the organisation's policies and procedures as approved by the Management Team.

There should be no limitation as to a specific period of time. The Commissioner's powers were transferred to me in February 2022 and a letter was received from the Minister for Education and Welsh Language confirming this officially:

[Translation] *"As the office of Commissioner is now vacant, this is formal confirmation in accordance with Section 13 of the Welsh Language (Wales) Measure 2011 that you as Deputy Commissioner fully exercise the functions of the Welsh Language Commissioner. Until the First Minister appoints a new Commissioner and that person is in post, you as Deputy Commissioner will also act as Accounting Officer for the Commissioner's office."*

## Strategic planning and performance review.

The Commissioner has a new Strategic Plan for 2022–25. Work on drawing up the plan commenced during summer 2021 and staff and the Commissioner's Advisory Panel were consulted before it was finalised in June 2022. The plan includes an explanation of the Commissioner's vision statement; long-term strategic objectives and measurable priorities to be delivered during the lifetime of the strategy. The plan is implemented through an annual operational plan and the delivery of that plan is reported on a quarterly basis. The annual report for 2022/23 will be structured in line with the new strategic plan and will report on its achievement.

## Management Team

The Management Team, chaired by the Commissioner and comprising both Directors, manages all the Commissioner's functions and activities. The Management Team is responsible for leading, agreeing and delivering the Commissioner's strategic vision, policies and services to the public and other stakeholders. The Management Team's terms of reference were reviewed in October 2020.

The membership of the Management Team during the year was as follows:

Aled Roberts, Welsh Language Commissioner  
Gwenith Price Strategic Director and Deputy Commissioner  
Dyfan Sion Strategic Director  
Steffan Jones Acting Strategic Director (from 1 May to 31 August 2021)

## Data Protection

No subject access requests were received under Data Protection legislation during the year (2020-21 requests: 1 request).

During the year the Commissioner has continued to work towards ensuring compliance with the data protection legislation including the General Data Protection Regulations 2018 and the Data Protection Act 2018. The Commissioner ensures, on an annual basis, that accurate records are kept and that individuals' personal information is processed for the purpose of the processing, on the legal basis for the processing, and that the organisation's retention periods and technical details are maintained by suitable security measures.

As part of the Commissioner's IT strategy and following the 2020 cyber attack the Commissioner is working towards Cyber Essential+ accreditation. The necessary steps towards this accreditation are in line with the Information Commissioner's recommendations following their investigation into the cyber attack.

## **Freedom of information**

Ten requests for information were received under the Freedom of Information Act 2000 during the year (2020-21: 14 request).

## **The work of other regulators**

During the year the Commissioner worked with the Information Commissioner's cyber incident response and investigation team as they considered the cyber attack the Commissioner suffered in December 2020 under the General Data Protection Regulation ('GDPR'). On the basis of their assessment and the information provided, the Information Commissioner decided to reprimand the Welsh Language Commissioner in accordance with Article 58(2)(b) of the GDPR.

## **Complaints against the organisation**

We have a specific complaints procedure should individuals wish to complain about any acts or omissions relating to the Commissioner's functions. A copy of this procedure can be found on our website. No complaints against the organisation were received during 2021-22 (2020-21: 2 complaints)

## **Auditors**

The 2021-22 internal audit plan was prepared by the internal auditors, TIAA, in April 2021 and approved by the Commissioner and the Audit and Risk Committee in June 2021. In accordance with Schedule 1 Part 5 of the Measure, the Auditor General for Wales is responsible for auditing the accounts of the Commissioner.

## **Audit and Risk Committee**

The Audit and Risk Committee is responsible for providing advice and independent assurance to the Accounting Officer and Management Team on the adequacy and effectiveness of internal control and risk management. The Audit and Risk Committee's terms of reference were reviewed in March 2021. The audit committee presents an annual report to the Commissioner summarising the work of the committee, and stating its views on internal control and risk management.

There are four independent members on the committee; and there is a system in place which allows members to retire from their duties at different times in order to ensure continuity of experience and knowledge. The Audit and Risk Committee met five times during the 2021-22 financial year. Following the June 2021 meeting Mair Gwynant was appointed Chair of the Committee for a period of 3 years.

Attendance details are as follows:

	<b>June 21</b>	<b>August 21</b>	<b>September 21</b>	<b>December 21</b>	<b>March 22</b>
Mair Gwynant	✓	✓ Chair	✓ Chair	✓ Chair	✓ Chair
Iorwen Brooks-Jones	✓ Chair	✓	✓	✓	✓
Liz Aitken	✓	✓	✓	✓	✓
Alan Davies	✓	✓	✓	✓	✓

As part of its remit, the Committee receives the quarterly finance report and progress report on the Operational Plan, which have been approved by the Management Team. The Management Team and Risk Manager attend all committee meetings; and in addition, representatives of the internal and external auditors are invited to attend.

Twice yearly, briefing sessions and training on relevant issues for members are held before the Committee's plenary meetings. The Committee also continues to hold discussions with the Commissioner, as well as private meetings with the internal and external auditors.

During 2021-22, the Committee's work and discussions were revised in response to the challenges and risks that arose in light of the cyber attack in December 2020 and the work on the IT strategy.

The Committee provided an annual report on its work and shared it with the Commissioner. Based on their comments, it was confirmed that the reports and discussions during the year provided assurance to the Committee that there were arrangements, policies and processes in place to ensure effective governance; that there are effective financial arrangements in place; a system is in place to manage risk; and that internal control is sound.

### **Welsh Language Commissioner Advisory Panel**

In accordance with the requirements of the Welsh Language (Wales) Measure 2011, the Commissioner has an Advisory Panel. Members of the Advisory Panel are appointed by the Welsh Ministers for a period of three years. The Commissioner may consult with the Panel on any matter. The Panel's remit can be found on our website. In April 2022 Gwyn Williams was appointed as Chair of the Panel. Four Advisory Panel meetings were held during the year. Attendance details are as follows:

	<b>June 21</b>	<b>October 21</b>	<b>December 21</b>	<b>March 22</b>
Gwyn Williams (Chair)	✓	✓	✓	✓
Nia Elias	✓	✓	✓	✓
Anne Davies	✓	✓	✓	✓
Elin Maher	✓	✓	✓	✓
Rona Aldrich	✓	✓	✓	✓

## Register of interests

The register of interests is updated twice yearly; in addition to the formal process, members of the Management Team, the Commissioner's Determination Meeting, the Audit and Risk Committee and Advisory Panel are asked to record any interests at the start of the meetings. There were no materially relevant transactions during the year with organisations where the Commissioner, directors or senior officers, or any members of their families, were in positions of influence. Information on the interests of the Management Team is available on the Commissioner's website.

An awareness session was held for all officers in September 2021 on how to take account of interests correctly.

## Sustainability Reporting and the Environment (Wales) Act 2016

Under the Environment Act, the Commissioner must publish a plan explaining the action to be taken to comply with this duty. It will be reviewed every three years alongside a report explaining how the Commissioner has complied with the duty. The Commissioner published his first report in December 2019.

The Commissioner's offices remained closed during 2021-22. As a result the Commissioner's ability to report on environmental issues has been limited. Officers have not been travelling, which in turn has contributed to reducing the Commissioner's carbon footprint. Investment in software and information technology hardware over the past twelve months has also increased the efficiency of the organisation's equipment.

## Welsh Language Tribunal

During 2021-22, 1 appeal was submitted by an organisation to the Welsh Language Tribunal under section 95(2) of the Welsh Language Measure (2020-21: 1 appeal) and 1 appeal by an individual under section 99(2) of the Welsh Language Measure (2020-21: 0 appeals) against the Commissioner's decision following an investigation under section 71 of the Welsh Language Measure. Those two appeals are yet to be decided by the Tribunal.

Two applications were made by individuals to the Welsh Language Tribunal under section 103 of the Welsh Language Measure for a review of the Commissioner's decision not to conduct an investigation in relation to a complaint (2020-21: 8 applications). The Tribunal denied permission for 1 application. In the other case, after revisiting his decision not to investigate, the Commissioner quashed his original decision and decided to consider the matter afresh. The Tribunal therefore agreed that there was no need for the Tribunal to make a decision on this application.

In addition, a decision on a review of the Commissioner's decision not to conduct an investigation in relation to a complaint was accepted, in relation to 1 application submitted in 2020-21 (Case TyG/2020/03). The Tribunal undertook that review at the end of 2020-21 in relation to the Commissioner's decision not to conduct an investigation into a complaint against Cardiff Council. The complaint was in relation to a

website for the renewal of residential parking permits where elements of the website did not fully function in Welsh, and reference was made to 3 specific screenshots. Originally, it was decided not to investigate the complaint because there was insufficient information available to the Commissioner about the Applicant's parking permit, and the Applicant refused to provide this information. However, following a previous application (Case TyG/2019/07) that decision was quashed and the matter considered afresh. It was decided not to conduct a new investigation into the complaint, on the grounds that:

- (a) the first screenshot provided did not create a suspicion of failure to comply with the relevant standard as no English text was visible on the web page;
- (b) two English-only terms visible on the second screenshot, namely the words "complete" and "continue"; and
- (c) the third screenshot did not create a suspicion of failure to comply with the standard, as the English terms "copy, share, select all, web search" appeared because text on the website had been highlighted by a device (the Applicant).

The Tribunal's decision at the beginning of the year that the Commissioner's use of discretion in deciding not to conduct an investigation was a reasonable and lawful one. The Tribunal therefore upheld the Commissioner's determination under section 104(1)(a) of the Measure.

The Tribunal considered that the Commissioner had to consider the complaint on the basis of the facts prevailing at the time he made the decision and was therefore unable to take into account information subsequently received from the complainant. Therefore, in the absence of a response from the complainant to a request for further information from the Commissioner, the Commissioner was correct to limit the complaint to the 3 screenshots provided. It is therefore important that complainants provide any information they wish the Commissioner to consider as part of a complaint before he makes a decision on whether or not to investigate.

In addition, the Tribunal confirmed its agreement that the Commissioner is entitled, in accordance with paragraph 4.14 of his Enforcement Policy, to invite representations from an organisation and give them the opportunity to provide information in connection with a complaint. The purpose of this will be to ensure that he has sufficient information to be able to decide whether or not to investigate in connection with the alleged conduct. Furthermore, the Tribunal was of the view that the Commissioner was correct to accept the Council's response as reasonable and sincere.

## **Working with Ombudsmen and Commissioners**

We meet regularly with the Commissioner for Older People in Wales, the Children's Commissioner for Wales, the Future Generations Commissioner and the Public Services Ombudsman for Wales and Audit Wales to discuss strategic and operational issues. Officers attend the networks and meetings of organisations funded by the Welsh Government in finance, human resources, data protection and information technology. The Commissioner is a member of the Advisory Panel of the Future Generations Commissioner.

## **Capacity to handle risk**

The risk management system is led by the Management Team and is endorsed by the Audit and Risk Committee. The Senior Finance and Resources Officer is the Risk Manager for the organisation. Risk awareness induction training is provided for new

officers, those returning from extended periods of absence and officers undertaking new responsibilities.

### The risk and control framework

The Commissioner manages risk on a strategic and operational level. We review structural risks as part of the quarterly progress reviews of the operational plan. The key operational risks from these reviews are incorporated into the Strategic Risk Register. Usually, the Risk Manager undertakes a formal review of the strategic risks affecting the organisation as a whole every 6 months; these are recorded on the Strategic Risk Register. There will then be a review and challenge session with the Commissioner.

The Strategic Risk Register is presented to the Audit and Risk Committee twice a year, in accordance with the committee's terms of reference. Relevant risks are identified in all papers submitted to the Management Team. This in turn reminds officers to identify and manage risks. Significant challenges facing the organisation are noted on page 6.

There was a fresh assessment of the Strategic Risk Register in summer 2021, and the register was presented to the committee in December 2021. A further review was undertaken in February 2022, and presented to the committee in March 2022.

### Review of effectiveness

As Accounting Officer, I have responsibility for maintaining a sound system of internal control. To develop and maintain the system I consider the input of the Management Team and internal auditors, and comments made by the Auditor General for Wales in his management letter and other reports.

The following areas of work, included in the annual internal audit plan for 2021-22, were audited and reported on, including recommendations on how to make further improvements to the system of internal control.

Area	Report type	Level of assurance	Number of recommendations
Health and Safety - Governance	Assurance	Reasonable	6
IT Project – Phase 2	Assurance	Reasonable	3
Investigation of Complaints	Assurance	Reasonable	2
Key Financial Control	Assurance	Substantial	5
Key Financial Control – restoring the finance system	Assurance	Substantial	0
Business Continuity	Advisory	-	7

All internal audit reports are presented and considered by the Audit and Risk Committee. The Committee keeps an overview of progress made against the recommendations of internal audit.

I have responded to their recommendations and agreed a programme of continuous improvement. In the follow-up report, the internal auditor reports on progress against previous years' recommendations. It was noted that 10 of the recommendations had been implemented and that 2 recommendations had not been fully met. These were in relation to the Strategic Plan's monitoring framework and performance indicators. Managers decided that these recommendations would be implemented in a timely manner with the introduction of the new Strategic Plan.

The internal auditors, TIAA, have stated in their annual report that they are *'satisfied that, for the areas reviewed during the year, the Welsh Language Commissioner has in place reasonable and effective risk management processes, general control and governance.'*

### Effectiveness of whistleblowing arrangements

The Commissioner is responsible for establishing appropriate arrangements for the governance and protection of resources. The establishment of internal whistleblowing procedures is a matter of good practice by employers. The Welsh Language Commissioner's whistleblowing policy was approved by the Management Team in September 2018. The contact details of the Chair of the Audit and Risk Committee and members of the Commissioner's Internal Auditors team, TIAA, are included in the policy as individuals with whom officers can raise concerns. No incidents were reported during the year relating to concerns under the whistleblowing policy.

### In conclusion

2021-2022 has continued to be a challenging year, but nevertheless we responded to the challenges by making decisions to adapt our work plans quickly, focussing on delivery.

The Commissioner has suitable governance procedures in place. The Commissioner remains committed to maintaining standards and where possible to improve these arrangements by:

- addressing issues arising from the internal auditors' annual report;
- continuing to manage and improve reporting performance and focus on identified risks; and
- monitor the planning of activities to ensure that the Management Team is able to make decisions to improve provision for individuals.

**Accounting Officer**  
**Deputy Welsh Language Commissioner**

# Remuneration and Staff Report

## Service Contracts

The Constitutional Reform and Governance Act 2010 requires Public Service appointments to be made on merit on the basis of fair and open competition. The Recruitment Principles published by the Civil Service Commission specify the circumstances when appointments may be made otherwise.

Unless otherwise stated below, the officers covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

## Remuneration Policy

The officers of the Welsh Language Commissioner remain on terms and conditions analogous to those of the Welsh Government. The Commissioner wishes to continue on the same terms and conditions.

Members of the Advisory Panel, appointed by Welsh Ministers, are paid in accordance with rates set by the Welsh Government. Members of the Audit and Risk Committee, appointed by the Welsh Language Commissioner, are paid the same rates as the members of the Advisory Panel.

The Welsh Language Commissioner operates a Performance Management Scheme for all officers which is analogous to that used by Welsh Government. Remuneration is not linked to performance for officers who meet the minimum requirements for the role, although incremental increases may be foregone where minimum performance requirements are not met.

On the whole officers (including senior officers) are employed in permanent posts. Notice periods vary between four weeks and three months depending on level and length of service.

## Equality in the workplace

The Welsh Language Commissioner totally opposes any discrimination on any basis. Fair and consistent processes are operated when selecting new officers.

Applicants are requested to complete an equal opportunity monitoring form as part of the application process. The Welsh Language Commissioner operates a guaranteed interview scheme to anyone with a disability, as defined by the Equality Act 2010, and who meets the essential requirements of the role.

Using fair and objective employment practices, the Commissioner will ensure that officers are treated fairly and with respect in the workplace, and have an equal opportunity to contribute and achieve their full potential. Reasonable adjustments and/or training would be provided for officers who became disabled persons during their employment with the Commissioner.

## Remuneration (\*)

(\*) This section is subject to audit

The following sections provide details of the remuneration and pension interests of the Commissioner and directors, having authority or responsibility for directing or controlling the major activities of the Commissioner:

	Salary (£000)		<sup>1</sup> Pension Benefits (to nearest £1,000)		Total (£000)	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
Aled Roberts <sup>2</sup>	85-90	95-100	32,000	54,000	115-120	145-150
Gwenith Price <sup>3</sup>	70-75	65-70	15,000	31,000	85-90	95-100
Dyfan Sion	60-65	60-65	19,000	28,000	80-85	85-90
Steffan Jones <sup>4</sup>	15-20	-	7,000	-	20-25	-

<sup>1</sup> The value of pension benefits is calculated as follows: (real increase in pension\* x20) + (real increase in any lump sum\*) - (contributions made by member) \*excluding increases due to inflation or any increase or decrease due to a transfer of pension rights.

The value of pension benefits is calculated by MyCSP, the organisation responsible for administering the Principal Civil Service Pension Scheme on behalf of the Civil Service. The Welsh Language Commissioner has no influence over the calculation or the reported amount. This is not an amount which has been paid to an officer by the organisation during the year; it is a calculation which uses information from the pension benefit table. These figures can be influenced by many factors e.g. changes in an officer's salary, whether or not they choose to make additional contributions to the pension scheme from their pay and other valuation factors affecting the pension scheme as a whole.

<sup>2</sup> The Commissioner's term of office ended on 13/02/2022, following his death. The full time equivalent salary was between £95,000 and £100,000.

<sup>3</sup> The director receives a standard allowance of 10% of salary for deputising for the Welsh Language Commissioner during periods of absence or at the request of the Commissioner. In addition to the standard allowance, the salary also includes £2,000 paid during the long term sickness of the Commissioner, and £2,000 in respect of the period 14/02/2022 to 31/03/2022, which was paid in June 2022.

<sup>4</sup> Appointed a director from 01/05/2021 with the period as director ending on 31/08/2021. The full time equivalent salary was between £50,000 and £55,000.

## Salary

'Salary' includes gross salary, overtime, and responsibility allowances where applicable. This report is based on accrued payments made by the Welsh Language Commissioner and thus recorded in these accounts.

The Welsh Language Commissioner is appointed by the First Minister in accordance with Schedule 1, Paragraphs 3(1) and 6(1) of the Welsh Language Measure. The Welsh Language Commissioner is a member of the Principal Civil Service Pension Scheme (PCSPS). Any annual increase in the Commissioner's remuneration will take into account the recommendations made to the First Minister by the Senior Salary Review Board

(SSRB), a body which advises the Prime Minister and the devolved administrations on public sector pay levels.

### Performance related pay

There were no performance related or bonus payments made during 2021-22 to senior officers (2020-21: £0).

### Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by HM Revenue & Customs as a taxable emolument. There were no benefits in kind made during 2021-22 to senior officers (2020-21: £0).

### Remuneration: range and median

Reporting bodies are required to disclose the range of staff remuneration and relationship between the remuneration of the highest-paid officer in their organisation and the remuneration of the organisation's workforce.

	Change %	31 March 2022	31 March 2021
Remuneration band (£000) of the highest paid officer <sup>1</sup>	-10.3	<b>85-90</b>	95-100
Highest pay band (excluding the highest paid officer)		<b>61,440</b>	66,913
Lowest pay band		<b>24,630</b>	23,830
Mean remuneration <sup>2</sup>	-2.9	<b>39,043</b>	40,222
Mean remuneration (excluding the highest paid officer) <sup>2</sup>		<b>38,033</b>	39,032
25 percentile pay point		<b>33,190</b>	37,410
50 percentile pay point		<b>38,160</b>	37,410
75 percentile pay point		<b>40,100</b>	39,310
Ratio of 25 percentile to highest paid officer <sup>3</sup>		<b>2.64</b>	2.61
Ratio of 50 percentile to highest paid officer <sup>4</sup>		<b>2.29</b>	2.61
Ratio of 75 percentile to highest paid officer <sup>4</sup>		<b>2.18</b>	2.48

The median total remuneration is calculated using the full time equivalent remuneration (gross salary) as at the reporting date of all officers excluding the Commissioner.

<sup>1</sup> The pay band of the highest paid officer has reduced significantly due to the death of the former Commissioner in February 2022, who was therefore not in employment at 31 March 2022.

<sup>2</sup> The 2.9% reduction in mean pay is due to staff turnover where new staff were appointed at a lower point in the pay band than the outgoing member of staff.

<sup>3</sup> An increase to the ratio for 25 percentile pay point ratios due to a reduction in the pay point as new staff were appointed at the lowest increment.

<sup>4</sup> A reduction in the ratios for the 50 and 75 percentiles due to the lower salary of the highest paid officer, following the death of the former Commissioner.

## Off-payroll arrangements

No payments were made to individuals under off-payroll arrangements in the year to 31 March 2022 (2020-21: £0).

## Consultancy

Payments of £143,000 were made to consultants during the year (2020-21: £130,000).

Payments of £104,000 to install the organisation's new IT infrastructure and services, undertake the discovery and design for a Case Management system, re-establish the Commissioner's Place Names repository and restore the Promotion's team online resource; all in accordance with the Commissioner's IT strategy. Also payments of £31,000 to a company to complete the Commissioner's new website. Further information is included on page 24 and 25.

An amount of £4,300 was paid to a specialist to carry out risk assessments in relation to fire and health and safety for the offices.

Consultants were paid £3,500 to advise on issues relating to value added tax.

## Civil Service Pensions

Name and title	Accrued pension and related lump sum at pension age as at 31/03/2022	Real increase in pension and related lump sum at pension age	Cash Equivalent Transfer Value at 31/03/2022	Cash Equivalent Transfer Value at 31/03/2021	Real increase in Cash Equivalent Transfer Value	Employer contribution to partnership pension account
	£000	£000	£000	£000	£000	nearest £100
Aled Roberts	10-15	0.0-2.5	147	116	22	-
Gwenith Price	30-35	0.0-2.5	551	514	6	-
Dyfan Sion	20-25	0.0-2.5	285	262	7	-
Steffan Jones	5-10	0.0-2.5	56	53	2	-

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or **alpha**, which provides benefits on a career average basis with a normal pension age equal to the member’s State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined **alpha**. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: 3 providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60; and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 switch into **alpha** sometime between 1 June 2015 and 1 February 2022. Because the Government plans to remove discrimination identified by the courts in the way that the 2015 pension reforms were introduced for some members, it is expected that, in due course, eligible members with relevant service between 1 April 2015 and 31 March 2022 may be entitled to different pension benefits in relation to that period (and this may affect the Cash Equivalent Transfer Values shown in this report – see above). All members who switch to **alpha** have their PCSPS benefits ‘banked’, with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a defined contribution (money purchase) pension with an employer contribution (**partnership** pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of **classic**, **premium**, **classic plus**, **nuvos** and **alpha**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is an occupational defined contribution pension arrangement which is part of the Legal & General Mastertrust. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member). The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus**, 65 for members of **nuvos**, and the higher of 65 or State Pension Age for members of **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk)

## Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

## Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

## Pension liabilities

Payment is made to the Paymaster General of such sums as may be appropriate as representing accruing liabilities of the Principal Civil Service Pension Scheme. Further details are included in the Remuneration Report and note 1.8 to the accounts.

# Staff report

## Age/sex demography of workforce

The average age of the Welsh Language Commissioner's workforce on 31 March 2022 was 39 years (2020-21: 41 years).

The gender demography of the directors and officers on 31 March 2022 is summarised in the table below.

		31 March 2022		31 March 2021	
		Male	Female	Male	Female
		%	%	%	%
Commissioner and Directors	FTE	1.0	1.0	2.0	1.0
	%	50.0	50.0	66.7	33.3
Other officers	FTE	13.8	28.7	14.0	30.0
	%	32.5	67.5	31.8	68.2
Total	FTE	14.8	29.7	16.0	31.0
	%	33.3	66.7	34.0	66.0

## Gender pay gap

The gender pay gap of the Welsh Language Commissioner's workforce on 31 March 2022 is summarised in the table below.

	31 March 2022	31 March 2021
Mean gender pay gap	0.9%	13.3%
Median gender pay gap	0.0%	0.0%

This table notes that the mean gender pay gap at 31 March 2022 and 31 March 2021 is in favour of male officers. The principal factor influencing the reduction in the pay gap between 31 March 2021 and 31 March 2022 is that a male held the position of Commissioner, before his death during the year.

## Managing absence and attendance

The total number of work days lost through sickness absence for the period 1 April 2021 to 31 March 2022 was 273.5 (2020-21: 125.5). Of the work days lost through sickness 64.9% (2019-20: 48.2%) of them were due to short-term sickness and 35.1% (2019-20: 51.8%) were lost due to long-term sickness. (Long-term absence means an absence of more than 20 days for the same reason). It should be noted that absences due to COVID-19 represent 20% of all days lost due to sickness, and that this is a substantial increase compared to 2020-21 (12%).

The average working days lost per head (full-time equivalent) was 6.2 (2020-21: 3.0) based on 43.2 <sup>1</sup> full-time equivalent members of staff (2020-21: 42.4 <sup>1</sup>).

The Commissioner records the reasons for sickness absence and 6% of the days lost were due to mental health reasons (2020-21: 53%). Of the absences, 100% were short term absences.

On average 6.4 working days per head (full-time equivalent) were lost in the public sector in 2021 due to sickness, with mental health reason being recorded for 14% of absences \*.

\* Labour Force Survey – Office of National Statistics

## Staff turnover

The staff turnover rate in 2021-22 was 8.8% (2020-21: 4.6%), (2019-20: 9.6%); (2018-19: 8.6%), (2017-18: 12.6%).

## Gifts register

The Commissioner operates a gifts register. No item noted during the year is considered of material interest for inclusion in these financial statements.

## Officer numbers and related costs

	Permanent staff £000	Staff on fixed term contracts £000	Inward Secondees £000	<b>Total 2021-22 £000</b>	Total 2020-21 £000
<b>Officer costs</b>					
Salaries	1,603	100	10	<b>1,713</b>	1,730
Social security costs	163	10	1	<b>174</b>	156
Pension	436	26	2	<b>464</b>	481
	<b>2,202</b>	<b>136</b>	<b>13</b>	<b>2,351</b>	2,367
Committee member fees (1)				<b>13</b>	10
Agency staff				<b>46</b>	35
<b>Total</b>				<b>2,410</b>	2,412
				<b>2021-22</b>	2020-21
<b>Officer numbers</b>					
Welsh Language Copmissioner				<b>0.9</b>	1.0
Permanent staff				<b>39.2</b>	40.1
Staff on fixed term conteacts				<b>2.8</b>	1.3
Inward secondees				<b>0.3</b>	0.0
Agency staff				<b>0.6</b>	0.5
<b>Average numbers (2)</b>				<b>43.8</b>	42.9
Committee members (1)				<b>9.0</b>	8.0

1 - Comprised of on average during the year 5.00 members of the Advisory Panel (2020-21: 4.25) and 4.00 members of the Audit and Risk Committee (2020-21: 3.75). The fees paid were £256 per day for the Chair and £198 per day for other members.

2 – Full Time Equivalentents employed during the year.

The salary and pension entitlements of the Commissioner and officers in the most senior positions are included on pages 41 to 47.

## Pensions

Details of pensions are included on pages 45 to 47.

The Principal Civil Service Pension Scheme (PCSPS) and **alpha** are unfunded multi-employer defined benefit schemes but the Welsh Language Commissioner is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2012. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice.gov.uk/pensions](http://www.civilservice.gov.uk/pensions)).

For 2020-21, employers' contributions of £482,000 (2020-21: £472,000) were payable to the PCSPS at one of four rates in the range 26.6% to 30.3% (2020-21: 26.6% to 30.3%) of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The pay bands and contribution rates have been revised for 2020-21. Contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect the past experience of the scheme.

Employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. Employer contributions are age related and range from 8.0% to 14.75% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. No officer employed by the Welsh Language Commissioner is a member of the **partnership** pension scheme

No persons retired on ill health grounds during the year.

## Statement of the Accounting Officer's Responsibilities

Under Schedule 1 Paragraph 18(1) of the Welsh Language (Wales) Measure 2011, the Welsh Language Commissioner is required to prepare accounts in respect of each financial year in accordance with Accounts Directions given, with the consent of HM Treasury, by the Welsh Ministers. The accounts are prepared on an accruals basis and must give a true and fair view of the Commissioner's state of affairs at the period end and its net expenditure, statement of financial position, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts the Accounting Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- observe the accounts direction issued by the Welsh Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the accounts;
- prepare the accounts on a going concern basis; and
- confirm that the Annual Report and Accounts as a whole is fair, balanced and understandable and take personal responsibility for the Annual Report and Accounts and the judgments required for determining that it is fair, balanced and understandable.

In accordance with Schedule 1 Paragraph 16(1) of the Welsh Language (Wales) Measure 2011 the Commissioner is the Accounting Officer. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Welsh Language Commissioner's assets, are set out in the memorandum, Managing Public Money, published by HM Treasury and Managing Welsh Public Money, published by the Welsh Government.

As Accounting Officer, I confirm that:

- I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that the Welsh Language Commissioner's auditors are aware of that information; and
- as far as I am aware, there is no relevant audit information of which the entity's auditors are unaware.

I was the acting Accounting Officer for the period between 16/04/2021 and 01/09/2021, and again from 02/02/2022 until the Welsh Government appointed me as the Accounting Officer on 09/03/2022. Therefore, I am personally responsible for signing the accounts as presented.

**Gwenith Price**  
**Accounting Officer**

**Deputy Welsh Language Commissioner**  
**22/08/2022**

# The certificate and independent auditor's report of the Auditor General for Wales to the Senedd

## Opinion on financial statements

I certify that I have audited the financial statements of the Welsh Language Commissioner for the year ended 31 March 2022 under the Welsh Language (Wales) Measure 2011. These comprise the statement of Comprehensive Net Expenditure, Statement of Financial Position, Statement of Cash Flows, and Statement of Changes in Taxpayers Equity and related notes, including a summary of significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual.

In my opinion the financial statements:

- give a true and fair view of the state of the Welsh Language Commissioner affairs as at 31 March 2022 and of its net expenditure for the year then ended;
- have been properly prepared in accordance with [international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual; and
- have been properly prepared in accordance with Welsh Ministers' directions issued under the Welsh Language (Wales) Measure 2011.

## Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the Senedd and the financial transactions recorded in the financial statements conform to the authorities which govern them.

## Basis of opinions

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinions.

## Conclusions relating to going concern

In auditing the financial statements, I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Welsh Language Commissioner with respect to going concern are described in the relevant sections of this report.

## Other information

The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. The Welsh Language Commissioner is responsible for the other information in the annual report. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon. My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

## Report on other requirements

### Opinion on other matters

As legislation and directions issued to the Welsh Language Commissioner do not specify the content and form of the other information to be presented with the financial statements, I am not able to confirm that the other information in the annual report has been prepared in accordance with guidance.

In my opinion, based on the work undertaken in the course of my audit, the information given in the Directors Report, Annual Governance Statement and Remuneration Report is consistent with the financial statements.

Although there are no legislative requirements for a Remuneration Report, the Welsh Language Commissioner has prepared such a report and, in my opinion, that part ordinarily required to be audited has been properly prepared in accordance with HM Treasury guidance.

In my opinion, the part of the Remuneration Report to be audited has been properly prepared in accordance with Welsh Ministers directions made under the Welsh Language (Wales) Measure 2011.

### Matters on which I report by exception

In the light of the knowledge and understanding of the body and its environment obtained in the course of the audit, I have not identified material misstatements in the Directors' Report, Annual Governance Statement and Remuneration Report.

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- proper accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my team;
- the financial statements and the audited part of the Remuneration Report are not in agreement with the accounting records and returns;
- information specified by Welsh Ministers regarding remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

### Responsibilities

#### Responsibilities of the Welsh Language Commissioner for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Welsh Language Commissioner is responsible for preparing the financial statements in accordance with the Welsh Language (Wales) Measure 2011 and Welsh Ministers' directions made there under, for being satisfied that they give a true and fair view and for such internal control as the Welsh Language Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Welsh Language Commissioner is responsible for assessing the body's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

#### Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud.

My procedures included the following:

- Enquiring of management, the Welsh Language Commissioner and the Audit and Risk Committee including obtaining and reviewing supporting documentation relating to the Welsh Language Commissioner's policies and procedures concerned with:
  - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
  - detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
  - the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations.
- Considering as an audit team how and where fraud might occur in the financial statements and any potential indicators of fraud. As part of this discussion, I identified potential for fraud in the following areas: posting of unusual journals;
- Obtaining an understanding of the Welsh Language Commissioner's framework of authority as well as other legal and regulatory frameworks that the Welsh Language Commissioner operates in, focusing on those laws and regulations that had a direct effect on the financial statements or that had a fundamental effect on the operations of the Welsh Language Commissioner.

In addition to the above, my procedures to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with relevant laws and regulations discussed above;
- enquiring of management and the Audit and Risk Committee about actual and potential litigation and claims;
- reading minutes of the Audit and Risk Committee and Advisory Panel meetings; and
- in addressing the risk of fraud through management override of controls, testing the appropriateness of journal entries and other adjustments; assessing whether the judgements made in making accounting estimates are indicative of a potential bias; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business.

I also communicated relevant identified laws and regulations and potential fraud risks to all audit team and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the Welsh Language Commissioner's controls, and the nature, timing and extent of the audit procedures performed.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my auditor's report.

### Responsibilities for regularity

The Welsh Language Commissioner is responsible for ensuring the regularity of financial transactions.

I am required to obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the Senedd and the financial transactions conform to the authorities which govern them.

### Substantive Report

I have no observations to make on these financial statements.

**Adrian Crompton**  
**Auditor General for Wales**  
**25 August 2022**

**24 Cathedral Road**  
**Cardiff**  
**CF11 9LJ**

The Auditor General for Wales has certified and reported on these financial statements in their original form. This version is a translation of the original Welsh version. The responsibility for the accuracy of this translation lies with the Welsh Language Commissioner, and not the Auditor General for Wales.

# Part 3 - Financial Statements

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## Statement of Comprehensive Net Expenditure for the year ended 31 March 2022

	Notes	£000	2021-22 £000	£000	2020-21 £000
<b>Expenditure</b>					
Officer costs	3	2,410		2,412	
Administration	4	691		650	
IT Project	5	61		119	
Other programme expenditure	6	81		58	
Depreciation and amortisation	7,8	62		50	
			<b>3,305</b>		3,289
<b>Income</b>					
			-		-
Net expenditure			<b>3,305</b>		3,289
Interest payable			1		-
<b>Net expenditure after interest</b>			<b>3,306</b>		<b>3,289</b>

All activities undertaken during the year are continuing.

The notes on pages 62 to 71 form part of these accounts.

## Statement of Financial Position as at 31 March 2022

	Notes	31 March 2022		31 March 2021	
		£000	£000	£000	£000
<b>Non-Current assets</b>					
Intangible assets	7	99		32	
Property, plant & equipment	8	164		200	
<b>Total non-current assets</b>			<b>263</b>		232
<b>Current assets</b>					
Trade and other receivables	9	78		52	
Cash and cash equivalents	10	151		994	
<b>Total current assets</b>			<b>229</b>		1,045
<b>Total assets</b>			<b>492</b>		1,277
<b>Current liabilities</b>					
Trade and other payables	11	(381)		(401)	
<b>Total current liabilities</b>			<b>(381)</b>		(401)
<b>Non-current assets plus net current assets</b>			<b>111</b>		876
<b>Non-current liabilities</b>					
Provisions	12	(236)		(180)	
<b>Total non-current liabilities</b>			<b>(236)</b>		(180)
<b>Assets less liabilities</b>			<b>(125)</b>		697
<b>Taxpayers' equity</b>					
General reserve			(125)		697
			<b>(125)</b>		697

The notes on pages 62 to 71 form part of these accounts.

The financial statements on pages 58 to 61 were approved by the Accounting Officer and signed by:

**Gwenith Price**  
Accounting Officer

**Deputy Welsh Language Commissioner**  
22 August 2022

## Statement of Cash Flows for the year ended 31 March 2022

	Notes	2021-22 £000	2020-21 £000
<b>Cash flows from operating activities</b>			
Net expenditure		<b>(3,305)</b>	(3,289)
Amortisation of intangible assets	7	11	3
Depreciation of property, plant & equipment	8	51	47
Loss on sale of non-current assets		-	10
(Increase)/Decrease in trade and other receivables	9	(26)	43
(Decrease)/Increase in trade and other payables	11	(20)	101
Increase/(Decrease) in provisions	12	56	(5)
<b>Net cash (outflow) from operating activities</b>		<b><u>(3,233)</u></b>	<u>(3,090)</u>
<b>Cash flows from investing activities</b>			
Interest paid		(1)	-
Purchase of intangible assets	7	(78)	(29)
Purchase of property, plant and equipment	8	(15)	(111)
Proceeds of disposal of property, plant and equipment		-	-
<b>Net cash (outflow) from investing activities</b>		<b><u>(94)</u></b>	<u>(140)</u>
<b>Cash flows from financing activities</b>			
Financing from Welsh Ministers	16	2,484	3,484
<b>Net financing</b>		<b><u>2,484</u></b>	<u>3,484</u>
<b>Net (decrease)/increase in cash and cash equivalents in the period</b>		<b><u>(843)</u></b>	<u>254</u>
<b>Cash and cash equivalents at the beginning of the period</b>	10	<b><u>994</u></b>	<u>740</u>
<b>Cash and cash equivalents at the end of the period</b>	10	<b><u>151</u></b>	<u>994</u>

The notes on pages 62 to 71 form part of these accounts.

## Statement of Changes in Taxpayers' Equity for the year ended 31 March 2022

	Notes	£000
Balance at 1 April 2020		<u>502</u>
<b>Changes in Reserves for 2020-21</b>		
Retained (Deficit)		(3,289)
<b>Total recognised income and expense for 2020-21</b>		<u>(3,289)</u>
Financing from Welsh Ministers	16	<u>3,484</u>
<b>Balance at 31 March 2021</b>		<b>697</b>
<b>Changes in Reserves for 2021-22</b>		
Retained (Deficit)		(3,306)
<b>Total recognised income and expense for 2021-22</b>		<u>(3,306)</u>
Financing from Welsh Ministers	16	<u>2,484</u>
<b>Balance at 31 March 2022</b>		<b><u>(125)</u></b>

The notes on pages 62 to 71 form part of these accounts.

## Notes to the accounts for the year ended 31 March 2022

These financial statements have been prepared in accordance with the 2021-22 Government Financial Reporting Manual (FReM) issued by HM Treasury, and any Accounts Direction issued by Welsh Ministers, with the consent of the Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstance of the Welsh Language Commissioner, for the purpose of giving a true and fair view, has been selected. The particular policies adopted by the Welsh Language Commissioner are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

### Going Concern basis

There is no intention to discontinue the service provided by the Welsh Language Commissioner as evidenced by the award of funding from the Welsh Government for the next financial year and the lack of legislation necessary to wind up the Welsh Language Commissioner. The Welsh Language Commissioner's Statement of Financial Position as at 31/03/2022 shows net liabilities of £125,000. This reflects the inclusion of liabilities falling due in 2022-23 which, insofar as the Welsh Language Commissioner is unable to meet them from its other sources of income, would fall, in the last resort, to be met by Grant-in-Aid from the Welsh Government. Under the normal conventions applying to control over income and expenditure, detailed in Managing Welsh Public Money, Grant-in-Aid may not be issued in advance of need, but there is no reason to believe that, if required, Grant-in-Aid and Senedd approval of any additional the associated resource budget would not be forthcoming. It has accordingly been considered appropriate to adopt a going concern basis for these financial statements.

### 1 Statement of accounting policies

#### (1.1) Accounting conventions

The accounts have been prepared under the historical cost convention. The Commissioner did not re-value any property, plant and equipment or intangible assets as any revaluation adjustments were not, in the Commissioner's opinion, material.

#### (1.2) Funding

The Welsh Language Commissioner receives amounts in respect of expenditure incurred in carrying out functions. These amounts are regarded as financing and are credited to the General Reserve on receipt.

### (1.3) Income

Income is recognised in the financial year that the service is provided. Income invoiced in advance of the service being provided is classed as deferred income.

### (1.4) Intangible assets

Intangible assets in excess of £1,000, including irrecoverable VAT, are capitalised. Intangible assets include software licences and other licences. A number of the same type of asset are grouped together to determine whether they fall above or below the threshold.

Intangible assets are included at their historical cost. Intangible assets have not been revalued, given that revaluation adjustments are not material.

Intangible assets are amortised in equal annual instalments over their estimated useful economic lives, between 3 and 10 years.

### (1.5) Property, plant and equipment

Property, plant and equipment over £1,000, including irrecoverable VAT, are capitalised. A number of the same type of asset are grouped together to determine whether they fall above or below the threshold.

Property, plant and equipment are included at their historical cost including costs, such as installation costs, that can be directly attributed to bringing them to their required location and condition. Property, plant and equipment have not been revalued, given that revaluation adjustments are not material.

Property, plant and equipment are depreciated in equal annual instalments over the term of the lease or their estimated useful economic lives, between 36 and 90 months.

### (1.6) Provisions

A provision is recognised in the Statement of Financial Position when the Welsh Language Commissioner has a legal or constructive obligation as a result of a past event and it is probable that an outflow of economic benefits will be required to settle the obligation.

### (1.7) Value Added Tax

The Welsh Language Commissioner is not registered for Value Added Tax. Expenditure and capital is reported including VAT, where relevant, as no VAT can be recovered.

## (1.8) Pensions

Payment is made to the Paymaster General of such sums as may be appropriate as representing accruing liabilities of the Civil Service Pension in respect of pensions and other similar benefits for persons employed by the Commissioner and in respect of the administrative expenses attributable to the liabilities and their discharge.

Past and present employees are covered by the provisions of the Civil Service Pension scheme. Further details are contained within the Remuneration and Staff Report.

## (1.9) Employee benefits

Wages, salaries, national insurance contributions, bonuses payable and non-monetary benefit for current employees are recognised in the Statement of Comprehensive Net Expenditure as the employees' services are rendered. The Commissioner accounts for short-term compensated absences (paid annual leave) as a liability (accrued expense) where the compensation for absence is due to be settled within twelve months after the end of the period in which the employees render the service.

## (1.10) Operating leases

Operating lease rentals are charged to the Statement of Comprehensive Net Expenditure in the year to which they relate.

## 2 Segmental information

Expenditure, income and interest relate directly to the activities of the Welsh Language Commissioner. The Commissioner's office operates in Wales and deals with issues that affect the Welsh language and the ability of persons in Wales to live their lives through the medium of Welsh. There is only one operational segment as reflected in the Statement of Comprehensive Net Expenditure, the Statement of Financial Position and the associated notes.

## 3 Officer Costs

	<b>2021-22</b>	2020-21
	<b>£000</b>	£000
Employed officers	<b>2,351</b>	2,367
Committee members' fees	<b>13</b>	10
Agency staff costs	<b>46</b>	35
	<b><u>2,410</u></b>	<u>2,412</u>

Employed officers' costs include £13,000 relating to the IT project, see page 24. In the year to 31/03/2022, no costs relating to the IT project are included in agency staff costs (2020-21: £34,000).

Details of officers' costs are included in the Remuneration and Staff Report on page 49.

## 4 Administration

Administration expenses included:

	<b>2021-22</b>	2020-21
	<b>£000</b>	£000
Accommodation - Office rent lease costs	<b>119</b>	119
Accommodation - Other costs	<b>116</b>	118
Provision for premises redecoration and dilapidations	<b>26</b>	-
Travel, subsistence and hospitality	<b>5</b>	2
Training and recruitment	<b>56</b>	24
Legal and professional	<b>211</b>	173
Information Technology and telecommunications	<b>112</b>	158
Communication	<b>13</b>	13
Auditors' remuneration (external audit fee)	<b>17</b>	20
Other administrative expenses	<b>16</b>	23
	<b>691</b>	650

The external auditors did not undertake any non-audit work during the year ended 31 March 2022 (2020-21: £0).

Further information is included in the commentary on the financial performance on pages 22 to 25.

## 5 IT Project

The costs for implementing the IT project included:

	<b>2021-22</b>	2020-21
	<b>£000</b>	£000
Discovery and design costs	-	22
Develop and implement infrastructure and services	<b>58</b>	89
Licences	<b>1</b>	5
Training	<b>2</b>	3
	<b>61</b>	119

Further information is included in the commentary on the financial performance on page 24 and 25.

## 6 Other programme expenditure

The expenditure relates to numerous projects undertaken. The total expenditure during the year was £81,000 (2020-21: £58,000); further information is included on page 20.

## 7 Intangible assets

	Assets under construction £000	Software Licences £000	Licences £000	Total £000
<b>Cost</b>				
At 31 March 2021	29	14	43	86
Additions	46	32	-	78
Transfers	(29)	29	-	-
Disposals	-	-	-	-
<b>At 31 March 2022</b>	<b>46</b>	<b>75</b>	<b>43</b>	<b>164</b>
<b>Amortisation</b>				
At 31 March 2021	-	13	41	54
Charged in year	-	9	2	11
Disposals	-	-	-	-
<b>At 31 March 2022</b>	<b>-</b>	<b>22</b>	<b>43</b>	<b>65</b>
<b>Net book value at 31 March 2022</b>	<b>46</b>	<b>53</b>	<b>0</b>	<b>99</b>
Net book value at 31 March 2021	29	1	2	32

## 8 Property, plant & equipment

	Furniture & Fittings £000	Office equipment £000	Assets under construction £000	Infrastructure and IT Equipment £000	Total £000
<b>Cost</b>					
At 31 March 2021	426	55	20	193	694
Additions	-	-	12	3	15
Transfers	-	-	(20)	20	-
Disposals	-	-	-	-	-
<b>At 31 March 2022</b>	<b>426</b>	<b>55</b>	<b>12</b>	<b>216</b>	<b>709</b>
<b>Depreciation</b>					
At 31 March 2021	340	55	-	99	494
Charged in year	13	-	-	38	51
Disposals	-	-	-	-	-
<b>At 31 March 2022</b>	<b>353</b>	<b>55</b>	<b>-</b>	<b>137</b>	<b>545</b>
<b>Net book value at 31 March 2022</b>	<b>73</b>	<b>-</b>	<b>12</b>	<b>79</b>	<b>164</b>
Net book value at 31 March 2021	86	-	20	94	200

Asset financing: The Commissioner held no finance leases or Private Finance Initiative (PFI) contracts. All assets disclosed above were owned by the Commissioner.

There were no contractual capital commitments at 31 March 2022 (31 March 2021: £0).

## 9 Trade receivables and other current assets

	<b>31 March 2022 £000</b>	31 March 2021 £000
<b>Amounts falling due within one year</b>		
Trade receivables	27	-
Prepayments	51	52
	<u>78</u>	<u>52</u>

There are no amounts falling due after more than one year.

## 10 Cash and cash equivalents

	<b>2021-22 £000</b>	2020-21 £000
Balance at 1 April	994	740
Net change in cash and cash equivalent balances	<u>(843)</u>	254
<b>Balance at 31 March</b>	<u>151</u>	<u>994</u>

The Commissioner's cash balances were held in a commercial bank at year end. No balances were held with HM Paymaster General at year end.

## 11 Trade payables and other current liabilities

	<b>31 March 2022 £000</b>	31 March 2021 £000
<b>Amounts falling due within one year</b>		
Other tax and social security	45	45
Trade payables	116	52
Accruals	220	304
	<u>381</u>	<u>401</u>

There are no amounts falling due after more than one year.

## 12 Provision for liabilities and charges

	Other £000	Legal £000	Dilapidations and redecorations £000	Total £000
Balance at 31 March 2021	-	-	180	180
Provided in year	9	22	23	54
Provisions utilised in the year	-	-	-	-
Unwinding of discount	-	-	2	2
Balance at 31 March 2022	9	22	205	236

HM Treasury's discount rate net of CPI at December 2021 of -1.94% in real terms has been used for dilapidations (2020-21: -1.70%).

Provisions are made for redecorating during the term of the lease and for dilapidations, to return the buildings back to their original condition, at the end of the lease term. These obligations may vary as a result of future information and events which may result in changes to the amounts which have been included, on the basis of the best estimate, at the end of the reporting period. These provisions have been reviewed and updated during the year as required by IAS 37.

Other provisions include legal costs relating to applications pending with the Welsh Language Tribunal for a review of the Welsh Language Commissioner's decisions or appeals against the Commissioner's determinations. Further information about these applications is available on the Welsh Language Tribunal's website.

### Analysis of the expected timing of the future liabilities

	Other £000	Legal £000	Dilapidations and redecorations £000	Total £000
Not later than one year	9	22	10	41
Later than one year and not later than five years	-	-	36	36
Later than five years	-	-	159	159
	9	22	205	236

### 13 Commitments under leases

The total future minimum lease payments under operating leases are given in the table below for each of the following periods.

Obligations under operating leases comprise:	31 March 2022 £000	31 March 2021 £000
<b>Buildings</b>		
Not later than one year	116	115
Later than one year and not later than five years	415	425
Later than five years	155	257
	<b>686</b>	<b>797</b>

The Commissioner did not enter into any finance leases, commitments under PFI contracts or any other non-cancellable contracts with financial commitments.

### 14 Contingent liabilities

In accordance with International Accounting Standard 37 (Provisions, Contingent Liabilities and Contingent Assets) the Commissioner discloses contingent liabilities where a potential liability is contingent on an uncertain future event; or there is an existing obligation but the payment is unlikely or the amount cannot be reliably measured.

A contingent liability was disclosed in the financial statements for the period to 31 March 2021, in respect of the public holiday and additional leave entitlement of the Commissioner's staff during periods of maternity, paternity, adoption or shared parental absence. Due to uncertainty regarding the likelihood of making a payment the contingent liability was not considered to be quantifiable.

During the year to 31 March 2022, following legal advice and conciliation, payments of £18,000 were made to the Commissioner's current and former staff.

There were no contingent liabilities at 31 March 2022.

## **15 Financial instruments**

Owing to the nature of the Commissioner's activities and the way in which the operations are financed, the Commissioner is not exposed to a significant level of financial risk.

## **16 Related party transactions**

A Memorandum of Understanding, dated 5 August 2019, was agreed between the Commissioner and Welsh Government. The Welsh Government is regarded as a related party.

During 2021-22 the Welsh Language Commissioner received revenue financing of £2,308,500 (2020-21: £3,207,000) and capital financing of £175,000 (2020-21: £277,000) from Welsh Ministers.

In the year to 31 March 2022 costs of £62,000 were charged the Welsh Government, in respect of services rendered by staff on secondment (2020-21: £0). £27,000 was outstanding at 31 March 2022 (31 March 2021: £0).

## **17 Events since the end of the financial year**

There have been no events since the date of the statement of financial position that affect the understanding of these financial statements.

## 18 Impact of accounting standards not yet implemented

The impact and interpretation of accounting standards issued but not yet implemented or adopted early has been considered.

International Financial Accounting Standard 16: Leases (IFRS 16: Leases) largely removes the current classification of finance lease and operating lease and introduces a single accounting model for leases. A leaseholder will be required to recognise an asset and liability for each lease with a term of more than 12 months, unless the underlying asset is of low value in the Statement of Financial Position.

In accordance with the announcement of the Financial Reporting Advisory Board (FRAB), IFRS 16 will be operational for public sector organisations with effect from 01/04/2022.

When the accounting standard is implemented, this will have an impact on the way leases of office buildings are recognised in the financial statements. This will result in the recognition of a 'Right of Use Asset' and equivalent 'Liability' in the financial statements:

	1 April 2022 £000
Right of Use Assets	<u>555</u>
Lease Liabilities at 31/03/2022	574
Reduced by the impact of the the discounting rates	<u>(19)</u>
<b>Lease liabilities at 01/04/2022</b>	<b><u>555</u></b>

It is noted that, in accordance with IFRS 16, irrecoverable value added tax is not treated as a lease liability. Irrecoverable tax on lease rentals is treated as expenditure through the income and expenditure account in the period to which the expenditure relates.