



The Right Honourable Carwyn Jones AM
First Minister
Welsh Government
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27/01/2016

Welsh Language Commissioner's Budget 2016-17

Thank you for your letter dated 21/01/2016 confirming the allocation of £3,051,000 to the organization in the Welsh Government's draft budget for 2016-17. The Estimate I submitted to Welsh Ministers in October 2015 outlined the need for an organizational budget of £3,744,000. The funding that will be available is £543,000 less than the expenditure of £3,744,000 outlined in the Estimate for 2016-2017. You have confirmed that we can expect a one-off payment of £150,000 by the end of January 2016 to mitigate the effect of the proposed cut to next year's budget.

In light of your letter, I have been attempting to identify savings for next year and contemplating the uncertain forecast for the years that follow. Alongside this I have also been reviewing the funding pattern that shows an accumulated reduction in funding to the organization of the Welsh Language Commissioner over the past three years. As a result I consider it my duty to write to you further, and formally voice my grave concern.

Firstly, I would like to raise my concern regarding the accumulated reduction to the Welsh Language Commissioner's budget since being established. 2016-17 marks five years since the establishment of the Welsh Language Commissioner on 1 April 2012. A budget of £4,100,000 was allocated for the first two years. A cut of £410,000 (10%) was implemented in 2014-15 with a further cut of £300,000 (8%) in 2015-16. It was explained that this cut was part of wider cutbacks in the department for education and skills' budget and it was necessary for the organization to receive this cut. This has been a cut of 23% in real terms since the establishment of the Commissioner, and inflation affects the

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Commissioner in the same way as other organizations. If the Welsh Language Commissioner were to accept a further cut of 10% to the budget for 2016-17, the funding level will have been reduced to around £3,050,000 compared to the £4,100,000 for 2013-14. This will be a cut of over 25% in financial terms. If one considers the effect of RPI on the costs of the organization, this effectively means a cut of 32% in real terms compared to the year that the Commissioner was established. This pattern of reduction is more severe than the cuts faced by organizations that carry out similar work to the Welsh Language Commissioner, and the cutback the Government itself has had to face to its own final budget over a similar period e.g.

	2013 - 2014	2014 - 2015	2015-2016	2016 - 2017
Welsh Government	14,885,270,000	15,321,778,000	15,343,967,000 (14,041,391,000) ¹	14,392,712,000
	-	2.9%	0.1%	2.5% ²
Welsh Language Commissioner	4,100,000	3,690,000	3,390,000	3,051,000
		-10.0%	-8.1%	-10%

In your evidence to the Communities, Equality and Local Government Committee on 13 January this year, when John Griffiths AM asked you about cuts to my budget, you justified the decision on the basis of consistency with cuts to other Commissioners:

“It’s consistent, of course, with the financial settlement that has been provided for other commissioners as well”

The rationale for cuts based only on funding comparisons with other organizations is questionable as our functions are not comparable, and as *no* other Commissioner is a regulator charged with imposing and enforcing statutory duties. The Commissioner’s statutory responsibilities under the Welsh Language Measure are significantly different.

¹ The baseline in the Welsh Government’s draft budget for 2016 – 17

² Increase against the baseline in the Welsh Government’s draft budget for 2016 - 2017



	2013 - 2014	2014 - 2015	2015-2016	2016 - 2017
Older People's Commissioner	1,730,000	1,750,000	1,715,000	1,545,000
		+1%	-2%	-10%
Children's Commissioner for Wales	1,715,000	1,715,000	?	?
		0.1%	?	?
Welsh Language Commissioner	4,100,000	3,690,000	3,390,000	3,051,000
		-10.0%	-8.1%	-10%

The funding pattern for the Welsh Language Commissioner has not mirrored the evolving requirements of legislation. For instance, Estyn has been allocated a cut of around 3% in the draft budget. This is an organization that appears to receive funding based on the requirements of its proposed work.

Future funding levels and the challenging period we face over the next 2 years in particular is of grave concern. In a paper presented to you on 10 December 2015, I outlined that the period between April 2016 and the end of March 2018 will be the most challenging period faced by the Welsh Government and the Welsh Language Commissioner in the establishment of Welsh language standards. I noted in my paper that I will be expected to conduct standards investigations for further sectors named in Schedule 8 of the Measure and that it was detailed legal work that cannot be simplified in carrying out the requirements of the Welsh Language (Wales) Measure 2011. I would also like to remind you of the motion passed unanimously by the National Assembly on 20th October 2015:

“notes that the Welsh Government has committed in its language strategy, 'A living language: a language for living', to 'make standards, which will enable the Commissioner to impose duties on private sector companies which fall within the scope of the Welsh Language Measure, including telecommunications companies, bus and train operators, and utility companies.’”

My major concern over the next period is that it is not possible to cut corners in implementing statutory processes in accordance with the Welsh Language (Wales) Measure 2011. If sufficient resources are not available to implement these processes properly within the regulatory requirements of the Measure, there is a high risk of maladministration. Appropriate resources are necessary to ensure appropriate exercise of the clear statutory requirements that fall to me as Welsh Language Commissioner. The



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funding requirements outlined in my Estimate, and in the paper I shared with you in December 2015, are realistic and reasonable based on implementing the requirements of the Measure.

You will also be aware that my functions under the Measure are wide-ranging and as Commissioner, there are a host of other requirements and duties placed upon me, beyond the imposition of standards, there will be increasing requirements upon me to enforce the standards. As well as the Standards, there are other statutory duties required of me: this year, for instance, I will be publishing my 5 Year Report on the Welsh language, and I will continue to undertake research, provide advice and make recommendations on various matters in accordance with my functions under section 4 of the Measure. Conducting this vital work is also increasingly difficult with regular cuts to my budget.

In order for me to carry out my work as Welsh Language Commissioner in a way that is legally sound, and to ensure the successful implementation of the Welsh Language (Wales) Measure 2011, I ask you as First Minister, with particular responsibility for the Welsh language and also general responsibility for the implementation of legislation, to reconsider the funding trajectory for the Welsh Language Commissioner. The mitigating payment of £150,000 is insufficient to bridge the deficit within my budget over an extended period and I ask you to seriously consider not making a further cut of 10% to the Welsh Language Commissioner's budget, thus avoiding any negative impact on the implementation of the Welsh Language (Wales) Measure 2011. If you were not able or prepared to hold back on the cut, the budget of £3,051,000 would leave the organization in a vulnerable position and we would ask that the mitigating payment should at least be closer to the £543,000, the figure outlined as necessary in my Estimate.

Yours, with concern

Meri Huws
Welsh Language Commissioner