



Welsh Language Tribunal Annual Report 2014 – 2015

January 2016

See the Foreword for an explanation of the status of the Report



Tribiwnlys y Gymraeg
Welsh Language Tribunal

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Foreword



It is a pleasure and an honour to introduce this Report on preparatory work relating to the Welsh Language Tribunal. I was appointed as the Tribunal's first President in August 2014 and this Report concerns itself with activities to do with the Tribunal during the period from August 2014 to March 2015.

The period was one of preparation. Indeed, the provisions relating to the Tribunal in the Welsh Language (Wales) Measure 2011 did not come fully into force until 1 April 2015. That means, under sections 130 and 132 of the Measure, that the statutory duty to prepare an annual report for the Tribunal and to lay it before the National Assembly for Wales did not begin until that day. This Report therefore has no legal status. But in addition to providing information to the public about the progress of the work of establishing the Tribunal, it will be a foundation, in terms of its form, for the statutory annual reports of the Tribunal which are to follow.

My aim for this 'preparatory' period in the life of the Tribunal was, of course, to ensure that it would be ready to exercise its functions under the Measure whenever the process of forming and implementing 'Standards' under Part 4 of the Measure would so allow. The Tribunal's function is to hear appeals against the Welsh Language Commissioner's decisions in relation to the Standards.

I would like to thank Professor Noel Lloyd CBE and Judge Elisabeth Arfon-Jones for their work as members of the appointing panel which has ensured that the Tribunal now has a team of talented and committed members to perform the Tribunal's judicial functions.

I would also like to thank the Tribunal's staff who perform the Tribunal's administrative tasks, for their tireless work in relation to the organisational structure of the Tribunal, including the challenging task of forming the Tribunal's procedural rules – the Welsh Language Tribunal Rules 2015 – which came into force on 30 April 2015.

Thanks to the successful completion of these vital steps, we can look forward with confidence to the challenge of dealing fairly, promptly and thoroughly with any appeals that arise. Our task is to administer the law according to the requirements of the Measure – the first Welsh legislation in history to deal with the rights of those who wish to receive public services through the medium of Welsh. We will do this, of course, for everybody in Wales. The Welsh language is part of every Welsh person's heritage, irrespective of their linguistic community.

I would welcome any comments, or suggestions, regarding this Report or the establishment of the Tribunal itself. The details for contacting the Tribunal can be found on Page 7.

A handwritten signature in black ink that reads "Keith Bush".

Keith Bush QC
President

Section 1: About Us

In this section:

- Background
- The Tribunal's Functions
- The Tribunal's Rules
- Practice Directions
- The Members of the Tribunal
- Training
- Contacting the Tribunal

Background

The Welsh Language Tribunal is a statutory tribunal established under **section 120 of the Welsh Language (Wales) Measure 2011** (“the Measure”). The Tribunal’s function is to decide on appeals against the **Welsh Language Commissioner’s** (“the Commissioner”) decisions in relation to the Welsh Language Standards.

The Tribunal's Functions

The Measure enables the Tribunal to hear the following:

1. Appeals against the Commissioner's decisions in terms of imposing Standards on bodies and officers who exercise functions or provide public services in Wales.
2. Appeals against judgements by the Commissioner that someone has failed to conform to the requirement of a Standard.
3. Appeals against enforcement actions taken by the Commissioner.
4. Appeals by a complainant against judgements by the Commissioner that a person had not failed to conform to a standard.
5. Reviews of decisions by the Commissioner not to investigate a complaint (or to terminate an investigation).

The Tribunal's Rules

The Tribunal will operate according to its procedural rules – **The Welsh Language Tribunal Rules 2015**. The purpose of these rules is to ensure that all cases heard by the Tribunal are treated fairly, consistently and promptly. They ensure that everyone who comes before the Tribunal understands exactly which steps they must take so that the facts of the dispute and the relevant arguments can be presented effectively to the Tribunal. They also ensure that every party in the case understands the arguments of the other parties and can respond to them.

According to section 123 of the Measure, there is a duty on the President to produce Tribunal Rules on the practices and procedures to be followed in the Tribunal. The President published a draft of the Rules in November 2014, and the Tribunal and the Welsh Government held a joint public consultation on them for a period of 8 weeks.

As part of the consultation, a series of seminars were held across Wales to inform the public (and especially those bodies and individuals with a particular practical interest in the work of the Tribunal) of the aims and functions of the Tribunal and to raise awareness of the consultation. These seminars were attended by a wide range of stakeholders.

In addition to the comments made in the seminars, 6 written responses were received pertaining to the scope and effect of the provisions.

The President presented the Rules formally to the First Minister on 25 February 2015 (as required by section 123(6) of the Measure). The Rules were approved by the First Minister and laid before the National Assembly for Wales, as a Statutory Instrument, on 9 April 2015. The Rules came into force on 30 April 2015.

The Tribunal Rules set out the following:

- Common rules – which deal with some basic common principles and define the specialist terms used in the Rules;
- Provisions regarding choosing the Tribunal members who will hear individual cases;
- How to commence an application to the Tribunal;
- The practical actions which must be taken to prepare a case to be heard;
- The powers which the Tribunal will have to manage cases, including the directions the Tribunal may give to parties on the actions which they must take before a hearing;
- The process followed for hearings and formal decisions made by the Tribunal;
- What happens after a decision has been reached, including arrangements for reviewing the Tribunal's decisions or appealing to the High Court;
- Various other provisions, including: administrative rules regarding the recording of decisions, submission of documents and measuring deadlines.

Practice Directions

The President is authorised, under section 124 of the Measure and Rule 4 of the Rules, to give Practice Directions to provide practical advice on how to interpret and implement the Rules. By the end of the period of this Report, the work of preparing Practice Directions on the Notice of Application form and on the Tribunal's use of its languages – the Welsh and English languages – was progressing well.

Tribunal Members

The Welsh Ministers are responsible for appointing and reappointing the President, the legally-qualified members of the Tribunal and the lay members. The members were appointed after the vacancies had been advertised and following a competitive interview process by a panel assembled by the Welsh Government.

President

The President has judicial responsibility over the Tribunal and its members.

Legally-qualified Members

The legally-qualified members are Lawyers (Barristers or Solicitors) and they are responsible for presiding over hearings and for exercising functions in relation to preliminary steps – e.g. giving directions in relation to the evidence which will be presented by parties.

Lay Members

Lay members have a wide range of knowledge and experience which is relevant to the Tribunal's work. They play a full part, with an equal voice to that of the other Members (including Legally-qualified Members) in the decision-making of the Tribunal.

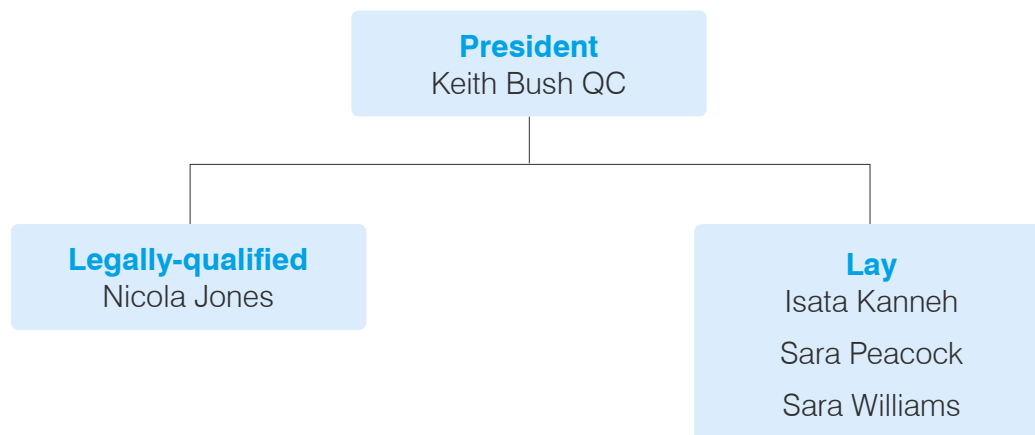
Secretariat

The day-to-day administration of the Tribunal is delegated to the Tribunal's secretariat, which deals with the preliminary work and the work of processing applications to the Tribunal. Prior to a hearing, the secretariat will consult with the President and/or the Legally-qualified Member who will be chairing a particular hearing on any legal matters which may arise in the preliminary stages of cases, and will send any written rulings or directions to the parties in question. The secretariat is a contact point for the Tribunal's members and customers. The administration is provided, under section 127 of the Measure, by the Welsh Government.

Appointments

The First Minister has appointed the following as members of the Tribunal:

- Keith Bush QC – President (appointment started on 1 August 2014)
- Nicola Jones – Legally-qualified member (appointment started on 1 April 2015)
- Isata Kanneh – Lay member (appointment started on 1 April 2015)
- Sara Peacock – Lay member (appointment started on 1 April 2015)
- Sara Williams – Lay member (appointment started on 1 April 2015)



Contacting the Tribunal

Here are the Welsh Language Tribunal's contact details:

Address:	Welsh Language Tribunal First Floor West Wing Southgate House Wood Street Cardiff CF10 1EW
Tribunal Helpline:	02920 922779/ 03000 625610
E-mail:	tyg@cymru.gsi.gov.uk
Website:	www.welshlanguagetribunal.gov.wales

Section 2: Performance and Progress

Effectiveness of our service

In order to monitor how effective our services are, we will aim to have key performance indicators in place which will measure two key aspects of our work; the efficiency and quality of our service, based on customer satisfaction. These key performance indicators will be referred to in next year's annual report (2015-16).

Section 3: Our Customers

In this section:

- Tribunal's customer satisfaction survey

Tribunal's customer satisfaction survey

The Tribunal's secretariat is working to ensure that our customers will be at the heart of everything we do.

The secretariat has created a satisfaction survey for the Tribunal's customers. The survey's results will help us to better understand the needs of our customers, show us what the Tribunal's secretariat does well, as well as those areas where things need to be improved.

A summary of the feedback received will be published in future reports.

Section 4: Business Priorities

In this section:

- Business Priorities 2015-16

It is important that the Tribunal develops in order to provide our customers with the best possible service.

Business Priorities 2015-16:

- Plan and provide training for all members;
- Publish practice directions;
- Publish and maintain a new website for the Tribunal and monitor feedback from stakeholders on the website's content.

Section 5: Expenditure

Costs incurred by the Welsh Government in 2014-15 in establishing the Tribunal:

Contents	Expenditure
President's Fees (equivalent to 35 days)	£19,627.35
Costs of appointing members	£18,292.18
Rules Seminars (including travelling costs)	£236.40
Website	£213.00
Total	£38,368.93