



# Welsh Language Tribunal Annual Report 2023 – 2024



Tribiwnlys y Gymraeg  
Welsh Language Tribunal

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## Foreword



Once again, this year has been a very interesting year for the Tribunal.

The year has been a relatively quiet one in terms of the number of cases, but there has been a lot of discussion work going on in the background regarding the devolution of the Welsh Tribunals and the Law Commission report. The cases that we heard were significant ones, addressing issues that will have a far-reaching effect on how the Welsh language is regarded and used by organisations.

I thank everyone, and particularly the Tribunal's administrative staff, for ensuring that these were successfully carried out. I am very grateful to my fellow members of the Tribunal, and to the administrative staff who have supported our work, for their excellent contribution. They ensure that we progress our work very effectively, and that the Tribunal continues to include recent developments, such as virtual hearings. It is essential in some cases to conduct face-to-face hearings, and so virtual and face-to-face hearings will continue to be available this year.

This is my final year as President as I retire from the role this Summer, and I wish the new President every success in the role for the future.

### **Iwan Jenkins**

President of the Welsh Language Tribunal

# Section 1 – About us

In this section:

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

## 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 Welsh Language Standards.

The Tribunal is one of the seven "Welsh Tribunals" listed in section 59 of the Wales Act 2017. It therefore comes under the leadership of the President of the Welsh Tribunals. The final annual report of Sir Wyn Williams, President of the Welsh Tribunals, can be found at [www.gov.wales/president-welsh-tribunals-fourth-annual-report-april-2021-december-2022](http://www.gov.wales/president-welsh-tribunals-fourth-annual-report-april-2021-december-2022).

## 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 exercising functions or providing public services in Wales.
2. Appeals by a person, against whom a complaint has been made, against determinations by the Commissioner, at the end of an investigation, regarding failure to comply with the requirement of a Standard.
3. Appeals by a complainant against a determination by the Commissioner, at the end of an investigation, that a person, against whom a complaint had been made, had not failed to comply with a Standard.
4. Appeals against enforcement actions taken by the Commissioner.
5. Appeals against evidence notices issued by the Commissioner during an investigation.
6. Reviews of decisions on behalf of the Commissioner not to investigate a complaint (or to discontinue an investigation without reaching a decision).

## The Tribunal's Rules

The Tribunal operates 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 precisely the 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 to the case understands the arguments of the other parties and can respond to them.

According to section 123 of the Measure, the President has a duty to produce Tribunal Rules on the practices and procedures to be followed in the Tribunal.

The Tribunal's Rules set out the following:

- Common Rules – which deal with some basic common principles and define the specialist terms used in the Rules.
- Provisions dealing with selecting the Tribunal Members who will hear individual cases.
- How to commence an application to the Tribunal.
- The practical actions that must be taken to prepare a case for a hearing.
- The powers which the Tribunal will have to manage cases, including the directions the Tribunal will be able to give to parties regarding the actions which they must take before a hearing.
- The process for hearings and formal decisions made by the Tribunal.
- What happens after a decision has been reached, including the 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 setting deadlines.

## Practice Directions

The President is authorised, under section 124 of the Measure and Rule 4 of the Rules, to issue Practice Directions to provide practical advice on how to interpret and implement the Rules.

### Practice Direction 1 – Commencing a case

Rule 10 of the Rules provides that an application to the Tribunal must be made by submitting a written document (notice of application) to the Tribunal. Rule 12 prescribes the information that must be included in a notice of application or accompany said notice.

The purpose of this Practice Direction is to publish a form which, when used by an applicant, will assist the applicant (or the applicant's representative) to conform with the requirements of Rule 12. That form should be used to submit a notice of application.

Nevertheless, it is not a legal requirement to use this form. An applicant may supply the information prescribed under Rule 12 by some other means. However, the use of this form will:

- ensure that all the required information is provided;
- assist the Tribunal to consider that information in the most consistent and effective way possible.

## Practice Direction 2 – The use of the Tribunal’s languages

Rule 6 of the Rules provides:

- that the English and Welsh languages shall be the languages of the Tribunal;
- that each party or witness shall have the right to use either language in the proceedings of the Tribunal.

The purpose of this Practice Direction is to provide practical advice on how the Rules should be interpreted and applied in accordance with Rule 6.

In accordance with Rule 4(4), the contents of this Direction are subject to any instructions given to the Tribunal in relation to a specific case.

This Practice Instruction relates only to communications which form part of the proceedings of the Tribunal in relation to a specific case, and which are governed by the provisions of the Rules.

## Practice Direction 3 – Exercising the functions of the Tribunal

This Practice Direction describes the arrangements for determining who will usually take decisions in the Tribunal’s name. It provides, for example, that the President of the Tribunal (or another legally-qualified member of the Tribunal) will deal with preparatory questions, before a case reaches a hearing, whilst the hearing, and the final decision on the case, will be the responsibility of a panel of three Tribunal members.

## Practice Direction 4 – Applications to the Tribunal to cancel an evidence notice

This Practice Direction applies the Tribunal’s procedures to a particular class of appeals which can arise out of an investigation by the Commissioner into a complaint, namely appeals to the Tribunal against evidence notices given by the Commissioner under paragraph 5 of Schedule 10 to the Measure.

## Members of the Tribunal

The Welsh Ministers are responsible for appointing and reappointing the Tribunal’s President, legal Members and lay Members. The Members were appointed after the vacancies were advertised and following a competitive interview before a panel convened by the Welsh Government. The President and the Tribunal’s other Members were appointed for a 5-year term.

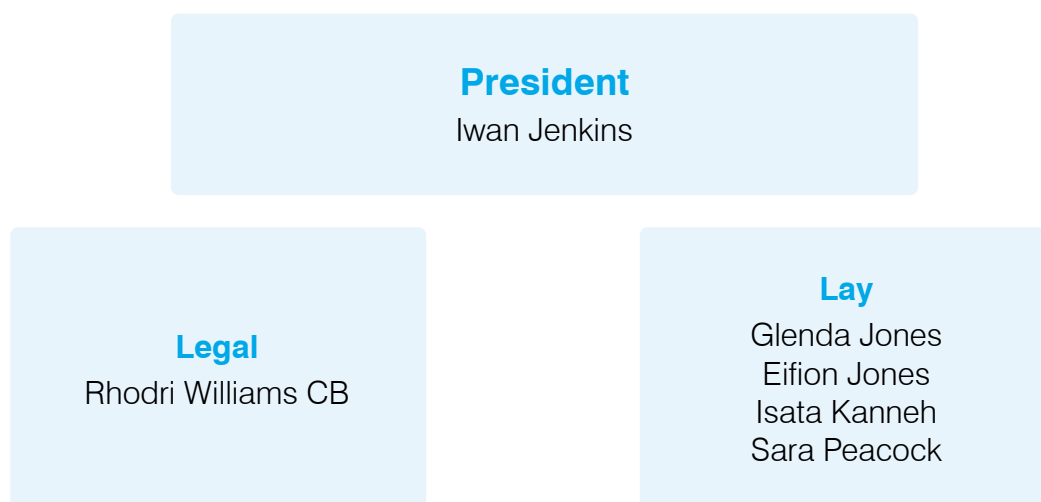
<b>President</b>	The President has judicial responsibility over the Tribunal and its Members.
<b>Legal Members</b>	The legal Members are Lawyers (Barristers or Solicitors) and they are responsible for presiding over hearings and for exercising functions in relation to preliminary steps – e.g. issuing directions in relation to the evidence presented by parties.
<b>Lay Members</b>	Lay Members have a wide range of knowledge and experience relevant to the work of the Tribunal. They play a full part, with an equal voice to that of the other Members (including Legal 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 consults with the President and/or the Legal 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 and reappointments

No appointments or reappointments have been made during this year.



## Training

The President of the Welsh Language Tribunal has a statutory duty, under section 133 of the Welsh Language (Wales) Measure 2011, to maintain appropriate arrangements for the training of Tribunal Members.

The 2023-2024 annual training was held in November 2023.

These training sessions were held for all Tribunal Members and staff to discuss the Tribunal's processes – which were conducted using a false application. Consideration was also given to how issues can be dealt with digitally, as well as in person.

## Contacting the Tribunal

Here are the Welsh Language Tribunal's contact details:

Address:	Welsh Language Tribunal Oak House Cleppa Park Newport NP10 8BD
Tribunal Helpline:	03000 256702
Tribunal E-mail:	<a href="mailto:tyg@gov.wales">tyg@gov.wales</a>
Tribunal website:	<a href="http://www.welshlanguagetribunal.gov.wales">www.welshlanguagetribunal.gov.wales</a>

## The Tribunal's Accessibility

You are welcome to communicate with the Tribunal in Welsh or English. Rule 6 of the Rules provides:

- that the English and Welsh languages shall be the languages of the Tribunal;
- that each party or witness shall have the right to use either language in the proceedings of the Tribunal.

[Practice Direction 2](#) provides practical advice on how to interpret and apply the Rules in accordance with Rule 6.

Please make sure that you give details of any additional needs you, or your representative, have when you send your application notice to us. For instance, if you need a signer or interpreter during the hearing, or if you require any additional arrangements to be made for the hearing, we will ensure that the necessary steps are taken.



## Section 2 – Performance and Development

This section discusses:

- Numbers and statistics
- Internal reviews and appeals to the High Court
- Complaints
- Effectiveness of our service

### Numbers and statistics

The Measure enables an individual or an organisation to appeal to the Tribunal on the following matters:

- Section 58 – Determination by the Commissioner that the requirement to comply with a standard (or to comply with a standard in a particular respect) is not unreasonable or disproportionate.
- Section 95(2) – Determination by the Commissioner that there has been a failure to comply with the requirement of a standard.
- Schedule 10, paragraphs 9 and 10 – appeals against evidence notices issued by the Commissioner during an investigation.
- Section 95(4) – Enforcement action which the Commissioner has decided to take.
- Section 99(2) – Determination by the Commissioner that there has not been a failure to comply with a standard.
- Section 103 – Determination by the Commissioner not to carry out an investigation into a complaint (or to discontinue an investigation).

### Applications

4 new applications were received during 2023-24, 1 application was carried over from 2022-23, and 1 application has carried over to 2024-2025.

Type of application	Number received in 2023-24 (4)	Carried over from 2022-23 (1)	Carried over to 2024-25 (1)	Accepted	Rejected	Withdrawn
Section 58	-	-		-	-	-
Section 95(2)		1*			-	-
Section 95(4)		1*			-	-
Section 99(2)	2	-	1	2	-	-
Section 103	2			1	1	
<b>Total</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>0</b>

\*this application identified sections 95(2) and 95(4) in the same application

### The types of cases brought to the Tribunal during 2023-24 (2 cases):

Type of case	Number of cases
Appeal against a ruling by the Commissioner that there has been a failure to comply with the requirement of a standard (Section 95(2) of the Measure)	1*
Appeal against a ruling by the Commissioner that there has been a failure to comply with the requirement of a standard (Section 95(4) of the Measure)	1*
Appeal against a determination by the Commissioner that there has not been a failure to comply with a standard (Section 99(2) of the Measure)	1
Applications for a review of the Commissioner's decision to not investigate a complaint (Section 103 of the Measure)	0
<b>Total</b>	<b>2</b>

\*this application identified sections 95(2) and 95(4) in the same application

### How cases were resolved (cases received in 2023-24)

Type of appeal	2023-2024
Withdrawn	1
Permission to make an application was refused (cases under section 103)	1
Appeal rejected	1
Appeal accepted	
Carried over to 2023-24	1
<b>Total</b>	<b>4</b>

Time Between Receipt of an Application and Resolution	
Average number of working days between receiving the application and resolution	How the application was resolved
29 days	Permission to make the application was refused
13 days	Permission to make an application was granted
43 days	Permission to withdraw the application (after permission to make an application under section 103 was originally granted)
29 days	Permission to make an application was refused under section 103 (including holding a review of the decision to refuse permission to make the application)
–	Permission to extend the period of 28 days for making an application under section 103 was refused (including holding a review of the decision to refuse to extend the period)
–	Application granted to repeal the Commissioner's decision not to investigate (without a hearing and based on the papers only) – Section 103
80 days	Number of working days between receipt of application and resolution, on average

## Hearings

During 2023-2024 the Tribunal held:

- 2 hearings by the panel.

## Internal reviews and appeals to the High Court

### Internal review of the Tribunal's decision

A party may apply to the Tribunal to review its decision on the grounds:

- a) that the decision made is incorrect due to a significant error on the part of the Tribunal's administration;
- b) that a party who had the right to be heard at the hearing, but who failed to appear or be represented, had a good and sufficient reason for not attending, or
- c) that there is an obvious and important error in the decision.

An application for a review of the Tribunal's determination must be made in writing, stating the grounds, no later than 28 days after the date that the decision was sent to the parties.

During the period of this report, no applications for an internal review of a decision were received.

## Appeals to the High Court

A party, with the permission of the Tribunal or the High Court, may appeal to the High Court on a legal point arising from a determination of the Tribunal.

We must receive your application for permission to appeal to the High Court within 28 calendar days from the date you were notified of the Tribunal's decision. It is up to the person considering an appeal to take their own legal advice.

During the period of this report, no applications for permission to appeal to the High Court against a determination of the Tribunal were received by the Tribunal.

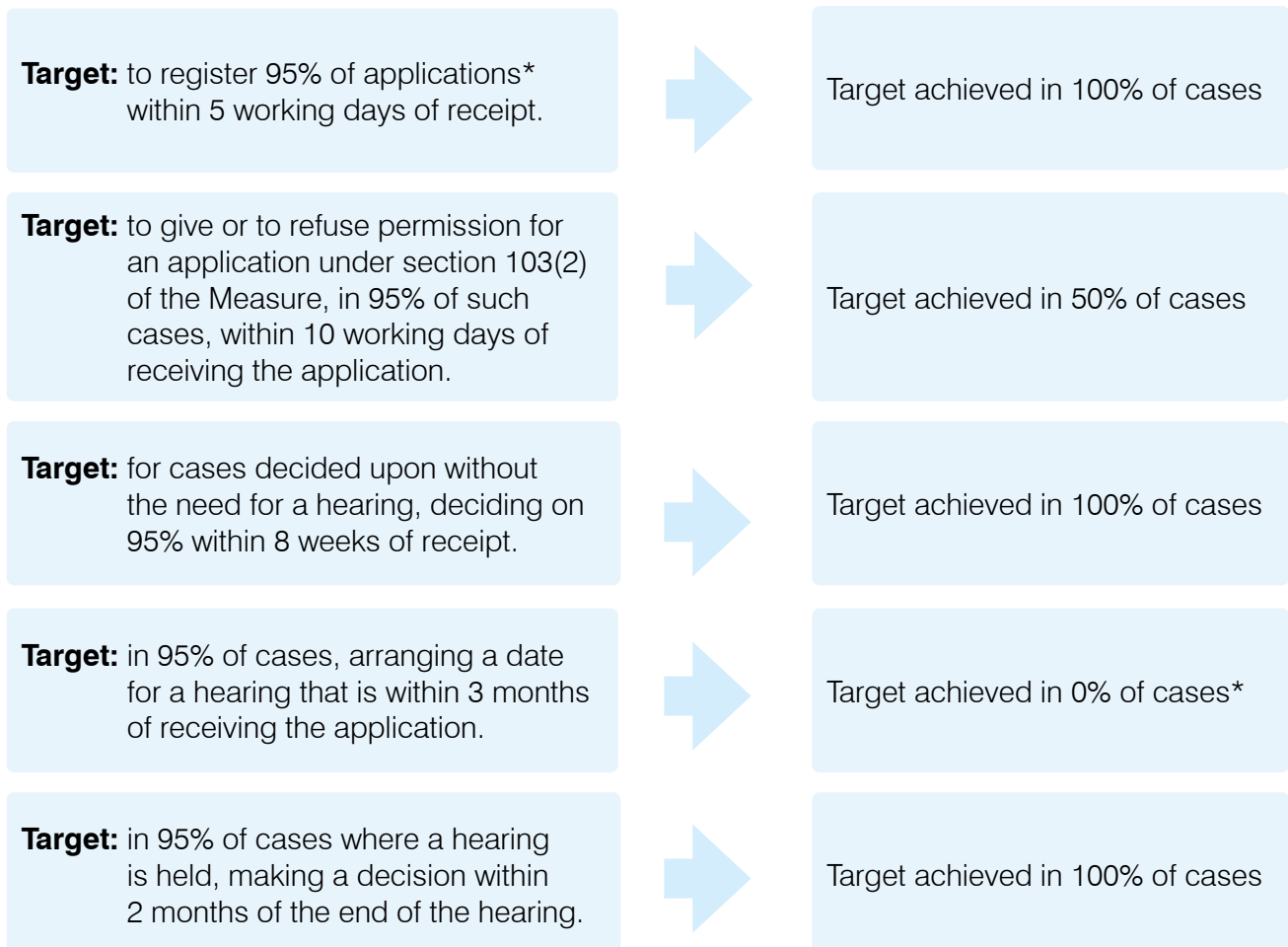
During the period of this report, the Tribunal received one application appealing against a determination of the Tribunal.

## Complaints

The Tribunal received one complaint during the period of this report, in relation to the Tribunal's website.

## Effectiveness of our service

In order to monitor the effectiveness of our services, we will aim to have key performance indicators in place to measure customer satisfaction with two key aspects of our work: the efficiency of our service, and its quality.



\*There was one case that had been carried over from 2022-2023 and due to availability the hearing was held three months after receiving the application. And there was another case within this financial year where a hearing wasn't scheduled until three months after receiving the application.

## Section 3 – Business Priorities

In this section:

- Business Priorities 2024-2025

It is important that the Tribunal develops in a way which enables us to provide our customers with the best possible service. This section deals with how the Tribunal will build on its achievements by focusing on business priorities and our commitment to our users.

Business Priorities for 2024-2025:

- To plan and provide training for all members.
- To continue to monitor and update the Welsh Language Tribunal's website.
- To provide a high quality service.
- To fine-tune how the Tribunal works, based on the experiences of dealing with cases, in order to ensure work of the highest quality when considering and deciding on cases.
- To conduct face-to-face hearings where possible but to continue to hold virtual hearings if doing so is preferable and fair in relation to the case and the parties.
- To continue to develop information to be included as part of the original application form, in order to improve case efficiency.

## Section 4 – Expenditure

In this section, our:

- Expenditure for 2023-2024

### Expenditure for 2023-2024

Contents	Expenditure*
Members' fees, expenses and training	£22,630
Costs of hearings, translation of casework, and training venues	£1,519
<b>Total</b>	<b>£24,149</b>