

MESUR Y GYMRAEG:
YR HYN SYDD ANGEN I CHI WYBOD

WELSH LANGUAGE MEASURE:
WHAT YOU NEED TO KNOW



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Cartrefi Cymunedol Cymru
Community Housing Cymru

**DARWIN
GRAY**

Beth fyddwn yn drafod ...

What we'll cover...

- Croeso a chyflwyno'r panel
- Taith Mesur y Gymraeg
- Cynnwys y Mesur – cyflwyno'r Safonau
- Cefnogaeth i ddeall a gweithredu'r Safonau
- Cefnogaeth cyfreithiol
- Welcome and introductions
- Journey of the Measure
- The content of the Measure – introducing the Standards
- Support to understand and implement the requirements
- Legal support

Datblygiadau deddfwriaethol: Y Gymraeg

Legislative developments: Welsh language

- 1536 Deddf Uno
- 1536 Act of Union
- 1967 Deddf yr Iaith Gymraeg
- 1967 Welsh Language Act
- 1993 Deddf yr Iaith Gymraeg
- 1993 Welsh Language Act
- 2009 LCO Iaith Gymraeg
- 2009 Welsh Language LCO
- 2011 Mesur yr Iaith Gymraeg (Cymru)
- 2011 Welsh Language Measure

Mesur y Gymraeg: Deilliannau

Welsh language Measure: Outcomes

- Creu eglurder, cysondeb a darpariaeth ehangach
- Gorfodi darparu gwasanaethau/ sicrhau cydymffurfiaeth
- Gwarchod yr hawl i siarad Cymraeg
- Sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol
- Gorfodi dyletswydd ar y Llywodraeth i hyrwyddo'r iaith
- Provide clarity, consistency and wider provision
- Enforce the provision of services/ ensure compliance
- Protect the freedom to speak Welsh
- Ensure Welsh is not treated less favourably than English
- Duty on Welsh Government to promote language

Mesur y Gymraeg : Y Safonau

Welsh language Measure: The Standards

- Amcanion polisi
 - Gwella gwasanaeth i siaradwyr Cymraeg
 - Cynyddu defnydd o wasanaethau Cymraeg
 - Rhoi eglurder i sefydliadau
- Cynyddu hyder cwsmeriaid
 - Gwasanaethau sydd ar gael (Y cynnig rhagweithiol)
 - Gwasanaeth Cymraeg i'r un safon â'r opsiwn Saesneg
- Atgyfnerthu Cynlluniau Iaith
- Rhesymol a chymesur
- Policy objectives
 - Improves service for Welsh speakers
 - Increases use of Welsh language services
 - Provides clarity for organisations
- Increasing consumer confidence
 - Services offered (The active offer)
 - Welsh service to the same standard as the English 'option'
- Builds on Welsh Language Schemes
- Reasonable and proportionate

Y Safonau: Y cynnig rhagweithiol

The Standards: The active offer

- Dewis yr opsiwn Cymraeg...
'dros y clwydi neu lôn glir'?
 - Gofyn am wasanaeth Cymraeg
 - Ansicrwydd os yw sefydliad yn darparu'r gwasanaeth
 - Fydd y safon cystal?
 - Dim eisiau bod yn niwsans
 - "Dim gwasanaeth ar hyn o bryd"
 - Oedi posib
- Pressing The Welsh Option...
'hurdles or clear run?'
 - Request Welsh service
 - Uncertainty if organisation provides such an offer
 - Will it be of equal quality?
 - Not wanting to be nuisance
 - "No one currently available"
 - Potential delay

Y Safonau: Y Broses

The Standards: The Process

- Ymchwiliad Safonau – Comisiynydd yr Iaith Gymraeg
- Adroddiad Safonau – Comisiynydd yr Iaith Gymraeg
- Drafftio Rheoliadau – Llywodraeth Cymru (Uned Iaith)
- Cymeradwyo Rheoliadau – Cynulliad Cenedlaethol
- Rhybudd Cydymffurfio – Comisiynydd yr Iaith Gymraeg
- Monitro – Comisiynydd yr Iaith Gymraeg
- Standards Investigation – Welsh Language Commissioner
- Standards Report – Welsh Language Commissioner
- Draft Regulations – Welsh Government (Language Unit)
- Approval of Regulations – National Assembly
- Compliance Notice – Welsh Language Commissioner
- Monitoring – Language Commissioner

Y Safonau : Trosolwg

The Standards: Overview

- Darparu gwasanaeth
 - Llunio polisi
 - Gweithredu
 - Cadw cofnod
 - Atodol
- Service delivery
 - Policy making
 - Operational
 - Record keeping
 - Supplementary
- Hyrwyddo
 - Promotion

Y Safonau: Darparu gwasanaeth

The Standards: Service delivery

Darparu gwasanaeth allanol

- Gohebu
- Hysbysebu a hyrwyddo
- Dogfennau cyhoeddus
- Digwyddiadau a chyfarfodydd
- Ffurflenni
- Gwefan/ Apiau/ Cyfryngau cymdeithasol

External service provision

- Correspondence
- Advertising and publicity
- Public documents
- Events and meetings
- Forms
- Website / Apps / Social media

Y Safonau: Llunio polisi

The Standards: Policy making

- Ystyried effaith/ impact (+/-)
- Hyrwyddo defnydd y Gymraeg
- Ymgynghori gyda defnyddwyr a grwpiau perthnasol
- Prif-ffrydio
- Gwella deilliannau i siaradwyr Cymraeg
- Consider the effects / Impacts (+/-)
- Promote the use of Welsh
- Consultation with users and interest groups
- Mainstreaming
- Improve outcomes for Welsh speakers

Y Safonau: Gweithredu

The Standards: Operational

- Wedi eu llunio i hwyluso safonau eraill
- Creu isadeiledd – cynllunio gweithlu
- Cyfle i weithio drwy gyfrwng y Gymraeg
- Designed to enable other standards
- Creates infrastructure – focus on workforce planning
- Facilitate opportunity to use Welsh at work

Y Safonau: Cadw cofnod

The Standards: Record keeping

- Cofnod a thystiolaeth o gydymffurfiaeth
- Systemau monitro
- Trefn gwyno
- Record and evidence compliance
- Monitoring systems
- Complaints procedure

Y Safonau: **Atodol** The Standards: **Supplementary**

- Adroddiad Blynyddol
- Darparu gwybodaeth i Gomisiynydd yr Iaith Gymraeg
- Annual Report
- Provision of information to the Welsh Language Commissioner

Y Safonau: Cynnydd hyd yma

The Standards: Progress to date

- Rhif 1 – Awdurdodau Lleol, Parciau Cenedlaethol, Gweinidogion (26)
- Rhif 2 – Cyrff cenedlaethol (32)
- Rhif 4 – Tribiwnlysoedd (6)
- Rhif 5 – Heddlu, Tân ac Achub (16)
- Rhif 6 – Iechyd...
- Rhif 3 – Addysg... gwrthod y tro cyntaf
- No 1 – LAs, National Parks, Welsh Ministers (26)
- No 2 – National Bodies (32)
- No 4 – Welsh Tribunals (6)
- No 5 – Police, Fire and Rescue (16)
- No 6 – Health...
- No 3 – Education... rejected first time

Y Safonau: **Camau nesaf**

The Standards: **Next steps**

- Dychwelyd â Rheoliadau rhif 3
- Trafod Rheoliadau rhif 6
- Drafftio Rheoliadau rhif 7
Cymdeithasau Tai – Mawrth 2017
- Ymchwiliad Safonau
 - 4 – Cwmnïau bws a thrên
 - 5 – Darparwyr dŵr, nwy a thrydan
- Return with No 3 Regulations
- Debate on No 6 Regulations
- Draft No 7 Regulations **Housing Associations** – March 2017
- Standards Investigations
 - 4 – Bus and train companies
 - 5 – Water, gas and electricity providers

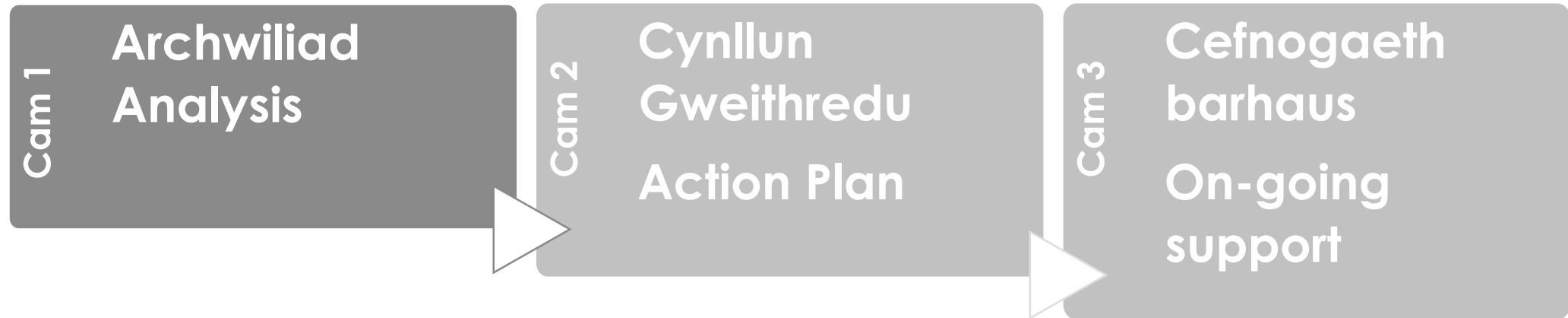
Cefnogaeth: Yr Challenge

Support: The Challenge

- Yr her o'n blaenau
- Pryderon cyffredin
- Newid ein ffordd o weithio
- Perthynas newydd gyda Comisiynydd yr Iaith
- Galluogi chi i ganolbwyntio ar eich amcanion chi
- The challenge ahead
- Common concerns
- Change how we work
- New relationship with Language Commissioner
- Enable you to focus on your own core objectives

Cefnogaeth: **Camau i'w cymryd**

Support: **Our approach**



Cefnogaeth: Archwiliad

Support: Audit

- **Cam 1 – ‘Archwiliad’ o’ch sefydliad**
 - Dod i’ch adnabod
 - Ble rydych arni
 - Prif heriau a risgiau
 - Bylchau mewn adnoddau
 - Sut rydym wedi gweithio ag eraill

- **Stage 1 – ‘Audit’ of your organisation**
 - Get to know you
 - Where you are now
 - Main challenges and risks
 - Resource gaps
 - How we’ve worked with others

Cefnogaeth: Cynllun gweithredu

Support: Action plan

- **Cam 2 – Cynllun gweithredu**

- Seiliedig ar cam 1
- Edrych ar safonau yn unigol
- Pa gamau sydd angen eu cymryd
- Cyfarwyddiadau i gydymffurfio
- Cynllun = cydymffurfio â nifer o safonau

- **Stage 2 – Action plan**

- Based on stage 1 audit
- Look at standards individually
- What action you need to take
- Instruction manual to compliance
- Action plan = compliance with several standards

Cefnogaeth: Dyfodol

Support: Future

- **Cam 3 – Cefnogaeth parhaus**

- Parhau i gydymffurfio i'r dyfodol
- Cyfathrebu gyda staff
- Adnodd ychwanegol
- Adroddiad blynyddol
- Tystiolaeth
- Cyngor ar faterion iaith Gymraeg

- **Stage 3 – On-going support**

- Looking ahead and continued compliance
- Communication with staff
- Additional resource
- Annual report
- Evidencing
- Advice on Welsh language matters

Cefnogaeth: **Camau nesaf**

Support: **Next steps**

1. Peidiwch ag oedi cyn cychwyn ar y gwaith
2. Rhowch brosesau iawn mewn lle o'r cychwyn
3. Cynlluniwch ymlaen i'r hir dymor

1. Don't put it off – start thinking about it now
2. Put right processes in place from the beginning
3. Think long term and plan ahead

Herio'r Safonau – Trosolwg

Challenging the Standards – Overview

- Beth i'w wneud os yw'r safonau yn afresymol?
- Cais i'r Comisiynydd o dan adran 54 a 55 o Fesur yr Iaith Gymraeg
- Apelio i'r Tribiwnlys i herio penderfyniad y Comisiynydd
- What to do if the standards imposed are impossible to meet?
- Apply to the Commissioner under section 54 or 55 of the Welsh Language Measure
- Appeal to the Tribunal to challenge the Commissioner's decision

Cais at y Comisiynydd (1)

Applying to the Commissioner (1)

- Gellir gwneud unai cyn (adran 54) neu ar ôl (adran 55) y daw eich rhybudd cydymffurfio i rym
- Rhaid anfon ffurflen gais ysgrifennedig
- Penderfyniad y Comisiynydd a fydd y safonau yn 'afresymol neu anghymesur'
- Gall y Comisiynydd ymgynghori a chi neu ag eraill cyn dod i benderfyniad
- Can do so either before (section 54) or after (section 55) your compliance notice comes into force
- Must submit written application form
- Commissioner will determine whether standards are "unreasonable or disproportionate"
- Commissioner may consult with you or others before making decision

Cais at y Comisiynydd (2)

Applying to the Commissioner (2)

- Bydd safonau wedi eu gosod ar gyfer y dyfodol yn cael eu gohirio nes cwblhau'r broses
- Os bydd y Comisiynydd yn penderfynu bod safon yn afresymol neu'n anghymesur gall:
 - Ddiddymu'r rhybudd cydymffurfio
 - Amrywio'r rhybudd cydymffurfio
 - Anfon rhybudd cydymffurfio newydd
- Os na fydd yn Comisiynydd yn dod i benderfyniad o'r fath – bydd hawl apelio
- Future standards being challenged will be postponed until the process is completed
- If Commissioner finds a standard is unreasonable/disproportionate:
 - Can void the compliance notice
 - Can vary the compliance notice
 - Can issue a new compliance notice
- If Commissioner does not find that – will give right of appeal

Apelio i'r Tribiwnlys

Appealing to the Tribunal

- Gallwch apelio i'r Tribiwnlys Iaith Gymraeg yn erbyn penderfyniadau'r Comisiynydd
- Rhaid gwneud o fewn 28 diwrnod o'r penderfyniad
- Mae rheolau arbennig ar gyfer rhedeg achosion yn y Tribiwnlys
- Gellir apelio i'r Uchel Lys os oes pwynt cyfreithiol yn codi o benderfyniad y Tribiwnlys
- Can appeal to the Welsh Language Tribunal against decisions made by the Commissioner
- Must do so within 28 days of decision
- Tribunal has specific rules for conduct of cases
- Can appeal to the High Court but only if there is a point of law arising from the Tribunal's decision

Amddiffyn cwynion

Defending complaints

- Gall aelodau o'r cyhoedd gwyno wrth y Comisiynydd o dan adran 93 o'r Mesur os ydi'ch mudiad yn methu cyrraedd y safonau perthnasol i chi
- Rhaid codi cwyn ysgrifennedig o fewn 12 mis o'r cam-ymddygiad
- Gall y Comisiynydd wedyn benderfynu a ddylid archwilio
- Members of the public can complain to the Commissioner under section 93 of the Measure if you fail to meet the standards imposed on you
- They must raise a written complaint within 12 months
- The Commissioner can then decide whether to investigate

Achosion blaenorol

Previous cases

Mae cofrestr o archwiliadau a phenderfyniadau a wnaed gan y Comisiynydd ar y wefan www.comisiynyddygydraeg.cymru/

Register of investigations and decisions taken by Commissioner can be found on the website www.comisiynyddygydraeg.cymru/

Achosion blaenorol (1)

Previous cases (1)

- Achos Bwrdd Iechyd Betsi Cadwaladr: Penderfynodd y Comisiynydd fod y Bwrdd wedi methu a gweithredu ei gynllun iaith Gymraeg – o ran plentyn na chafodd asesiad yn Gymraeg
- Argymhellodd y Comisiynydd os nad oedd gan y Bwrdd yr offer na'r adnoddau i weithredu cydraddoldeb ar gyfer y ddwy iaith y dylent dynnu sylw LLC ac eraill at y sefyllfa
- Betsi Cadwaladr University Health Board case: Commissioner concluded that BCUHB had failed to implement part of its own Welsh Language Scheme – related to a child who did not receive a cognitive assessment in Welsh
- Commissioner recommended that if BCUHB didn't have the tools or resources to implement equality for Welsh and English then BCUHB should draw this to the attention of the WG and others

Achosion blaenorol (2)

Previous cases (2)

- Llywodraeth Cymru: Y Comisiynydd yn canfod methiant i ymddwyn yn unol â'u cynllun iaith o safbwynt recriwtio Comisiynydd Plant newydd i Gymru
- Gwnaeth y Comisiynydd argymhellion i LLC roi ystyriaeth lawn i sgiliau Cymraeg yn ystod apwyntiadau cyhoeddus – gan nodi a oedd yn angenrheidiol neu yn ddymunol
- Welsh Government: Commissioner found a failure to comply with its language scheme in relation to the recruitment of a new Children's Commissioner for Wales
- Commissioner made recommendations for the WG to give adequate consideration to Welsh language skills during public appointments and specify whether this essential or desirable

Achosion blaenorol (3)

Previous cases (3)

- Cyngor Caerfyrddin: roedd methiant i gwrdd 3 rhan o'u cynllun iaith – o safbwynt hysbys yn y Western Mail nad oedd yn nodi fod sgiliau ieithyddol yn angenrheidiol neu'n ddymunol ar gyfer swydd
- Carmarthenshire Council: there was a failure to meet 3 parts of its Welsh language scheme – related to job advert in Western Mail which did not state that bilingual skills were considered essential/desirable for the post
- Penderfynodd y Comisiynydd hefyd y dylai'r Cyngor fod wedi ymgynghori gyda hi cyn newid eu Cynllun Iaith
- The Commissioner also found that CCC should have consulted with her before changing its Welsh language Scheme.

Cosb am fethu cydymffurfio

Penalties for failure to comply

- Yn yr achosion mwyaf difrifol, gall y Comisiynydd roi cosb sifil o hyd at £5,000
- Gall hefyd gyhoeddi methiant mudiad neu gwmni neu eu gorfodi i gyhoeddi eu methiant eu hunain
- Os nad yw'r mudiad neu gwmni yn ymddwyn yn unol â'r gosb, yna gall y Comisiynydd wneud cais i'r llys sirol am orchymyn i orfodi
- In the most serious cases, the Commissioner can impose a civil penalty of up to £5,000
- Can also publicise the person's failure to comply or force the person to publicise their own failure
- If a person fails to comply with an enforcement action, Commissioner can apply to county court for an order compelling them to comply

DIOLCH AM WRANDO!
THANK YOU FOR LISTENING!

