

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

Legislative developments

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

Mesur y Gymraeg – pam?

Welsh Language Measure – why?

- Creu eglurder, cysondeb a darpariaeth ehangach
- Gorfodi darparu gwasanaethau
- Gwarchod yr hawl i siarad Cymraeg
- Sicrhau nad yw'r Gymraeg yn cael ei thrin yn llai ffafriol
- Provide clarity, consistency and wider provision
- Enforce the provision of services
- Protect the freedom to speak Welsh
- Ensure Welsh is not treated less favourably than English

Y Cynnig Rhagweithiol

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

Pam mae'n bwysig? Ysytiaethau i'r sector

Why it's important? Considerations for the sector

- Mwy na safonau
- Tyfu'r busnes
- Delwedd cynhwysol a hyrwyddo cydraddoldeb
- Apêl ehangach
- Disgwyliadau rheoleiddio
- Cyfleodd cydweithio
- Enw da
- Canfyddiad siaradwyr Cymraeg
- More than standards
- Grow the business
- Inclusive image and promotes equality
- Wider appeal
- Regulator expectations
- Collaboration opportunities
- Reputation
- Welsh speakers perception

Gosod safonau – y broses

Imposing the standards – the process

- 1. Ymchwiliad safonau**
Comisiynydd yr Iaith
- 2. Adroddiad safonau**
Comisiynydd yr Iaith
- 3. Rheoliadau drafft**
Uned iaith Llywodraeth Cymru
- 4. Cymeradwyo rheoliadau**
Cynulliad Cenedlaethol
- 5. Hysbysiad Cydymffurfio**
Comisiynydd yr Iaith
- 6. Monitro**
Comisiynydd yr Iaith

- 1. Standards investigation**
Welsh Language Commissioner
- 2. Standards report**
Welsh Language Commissioner
- 3. Draft regulations**
Welsh Gov Language Unit
- 4. Approval of regulations**
National Assembly
- 5. Compliance Notice**
Welsh Language Commissioner
- 6. Monitoring**
Welsh Language Commissioner

Beth sydd yn y safonau...

What the standards cover.....

- **Darparu gwasanaeth**
llythyru, e-bost, ffôn, gwefan, digwyddiadau, cyfarfodydd
- **Llunio polisi**
asesu effaith
- **Gweithredu**
isadeiledd, Cymraeg yn y gweithle
- **Cadw cofnod**
tystiolaeth a chwynion
- **Atodol**
Adroddiad blynyddol
- **Service delivery**
letters, email, phone calls, website, events, meetings etc.
- **Policy making**
assessing impact
- **Operational**
infrastructure, Welsh at work
- **Record keeping**
evidence of compliance, complaints
- **Supplementary**
Annual Report

Y Safonau – cynnydd hyd yma

The Standards – progress to date

- Awdurdodau Lleol, Parciau Cenedlaethol, Gweinidogion
- Cyrff cenedlaethol
- Tribiwnlysoedd
- Heddlu Tân ac Achub
- Addysg
- Iechyd
- Tai
- LAs, National Parks, Welsh Ministers
- National bodies
- Welsh tribunals
- Police Fire and Rescue
- Education
- Health
- Housing

Beth yw'r diweddaraf?

What's the latest?

- Datganiad Ysgrifennydd Cabinet
- Galw am dystiolaeth
- Bil y Gymraeg
- Rheoliadau ar gyfer sector tai
- Cabinet Secretary statement
- Call for evidence
- Welsh language Bill
- Regulations for housing sector

Enghreifftiau o beth i'w ddisgwyl...

Examples of what to expect...

- E-bost a llythyrau
- Gwasanaeth ffôn
- Digwyddiadau/ cyfarfodydd
- Marchnata a chyfathrebu
- Hawliau i staff
- Hyrwyddo gwasanaethau Cymraeg
- Emails and letters
- Telephone service
- Events/ meetings
- Marketing and communications
- Staff rights
- Actively promote Welsh language services

Cefnogaeth...

Support...

- Pryderon cyffredin
- Yr her o'n blaenau
- Newid ein ffordd o weithio
- Perthynas gyda Comisiynydd
- Beth sy'n bosib
- Ateb – beth allwn ni wneud:
 - Dod i'ch adnabod chi
 - Awdit a dadansoddi capasiti
 - Cyngor ar her posib

➔ Canolbwyntio ar eich amcanion craidd chi

- Common concerns
- The challenge ahead
- Change how we work
- Relationship with Commissioner
- Art of the possible
- Ateb – what we will do:
 - Getting to know you
 - Audit and gap analysis
 - Guidance on potential challenge

➔ Focus on your own core objectives

Cefnogaeth – camau i'w cymryd

Support – our approach



Camau nesaf

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.comisiynyddygybraeg.cymru/

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

