

Comisiynydd y
Gymraeg
Welsh Language
Commissioner



Recording and sharing language choice

Good practice advice document

Published in accordance with section 4(2)(j) of the Welsh Language Measure (Wales) 2011
Date: September 2020

The Commissioner's good practice advice documents offer practical ideas about how to comply with statutory duties, and promote use of the Welsh language.

The advice documents refer to the requirements of specific statutory duties, but please note:

- Organisations that aren't subject to the specific duties referred to can apply the principles and examples to their own situation
- The advice documents do not legally bind organisations. Organisations must depend on their own legal advice in interpreting and implementing language duties
- The advice documents are not standards codes of practice under section 68 of the Welsh Language Measure, so it is not required to refer to the advice documents when considering the interpretation of the Welsh language standards. [The Commissioner's codes of practice](#) for Welsh language standards regulations are on the website (see section 1 of the codes of practice for the legal status of the codes).

Contents

1	Background	1
2	When to record language choice?	2
3	Examples of recording language choice	6
4	Recording and sharing language choice data	10
5	Infrastructure for recording and sharing language choice	11
6	Related national developments	13
7	Acting on language choice	14

1 Background

- 1.1 During 2017-18, as a result of becoming aware of problems with recording and sharing language choice that were common to a number of organisations, the Commissioner decided to investigate and take action to try to get to the root of these difficulties.
- 1.2 One of the core elements of the area under consideration is how exactly to record language choice. The Commissioner's research has highlighted a number of different ways of doing this, with some organisations preferring to ask two general questions, while others prefer to enquire about a user's language choice within different contexts (when corresponding, when telephoning or otherwise). This is discussed further in Section 3 of this advice document.
- 1.3 The Commissioner believed that the standards relating to asking about and recording language choice were important, and by implementing these standards, organisations will be able to identify Welsh language users more effectively, and actively offer a Welsh language service.
- 1.4 In order to implement the active offer, it's important that the organisation's workforce ensures that they offer a Welsh language service consistently and proactively, without assuming that people who speak Welsh can express themselves confidently through the medium of English, or that they are happy to receive their service in English.

2 When to record language choice?

Requirements of the standards relating to language choice

Before corresponding for the first time

- 2.1 In relation to **standard 2** (in regulations nos. 1-7), the Commissioner's code of practice for Welsh language standards (no. 1) 2015 states:

If a body is corresponding with an individual for the first time, it must ask the individual whether they wish to receive correspondence in Welsh. If the individual responds to say that they do wish to receive correspondence in Welsh from the body, the body must keep a record of that wish, and correspond with that individual, and send them any forms, in Welsh from then onwards.

- 2.2 In relation to **standard 3**, the code of practice states:

If a body sends correspondence addressed to two individuals who are members of the same household for the first time, it must ask both individuals whether they wish to receive correspondence from the body in Welsh. For example, such correspondence may include correspondence addressed to the parents of a child, or two individuals living in the same address.

If both individuals respond to say that they wish to receive correspondence (addressed to both of them) in Welsh from the body, the body must keep a record of that wish and correspond with them in Welsh from then onwards (when sending correspondence addressed to both of those individuals).

If one (but not both) of the individuals responds to say that he or she wishes to receive correspondence in Welsh from the body, the body must keep a record of that wish. If a body sends correspondence addressed to both individuals from then onwards, it must also provide a Welsh language version of the correspondence.

If both individuals respond to say that they do not wish to receive correspondence (addressed to both) in Welsh from the body, the body does not have to correspond with them in Welsh from then onwards (when sending correspondence addressed to both individuals). If the individuals do not respond, a body must not interpret that to mean that they do not wish to receive correspondence (addressed to both) in Welsh.

First phone call

- 2.3 In relation to **standard 21** (in regulations nos. 1-6 – standard 19 in regulations no. 7), the code of practice states:

When a body telephones an individual for the first time, it must ask the individual whether they wish to receive telephone calls in Welsh. If that is the individual's wish, the body must conduct telephone calls with that individual in Welsh from then onwards.

[...]

The term 'makes a telephone call to an individual for the first time' [...] means the first time a body telephones an individual from the imposition day onwards. This means that the individual's wish to receive telephone calls from the body in Welsh must be established after the imposition day.

Opportunities to ask for language choice

- 2.4 Many organisations are looking at ways to register new customers on their websites or by using their online services. In order to do this, an account must be established for the customer, and therefore personal details have to be requested. The period of registration is also an opportunity to confirm the customer's preferred language, if that is not already known.
- 2.5 There are many other opportunities where an organisation could establish or confirm the customer's preferred language. These opportunities may include moving house, registering for elections/ confirming address details on the electoral roll, or registration for a driving licence etc.
- 2.6 The Commissioner is aware of examples where organisations have considered some of the challenges that have been identified when recording language choice, and have changed the way of asking about that choice:
- Welsh Water have added a box to record language choice with regards to future correspondence as a customer registers for a new account, or as they move house (within Wales);
 - Bangor University adapted the student application form by separating questions about language ability and language choice. It was noted that the previous form created confusion among students, but the impression was that the changes have had a positive effect.

How to ask about language choice?

Changing organisational behaviour in terms of offering, recording and sharing language choice

- 2.7 It will be beneficial for organisations that provide public services to understand the factors that influence on the public's choices in a variety of circumstances when deciding on language choice.

What factors may affect the recording of language choice

- 2.8 Complex factors, which relate to the trust in organisations such as history, psychology, peer experiences and interaction factors between humans and computers have an influence on people's decisions on whether or not to use Welsh language services.
- 2.9 Research conducted by the Commissioner suggests that the main influence on the determination of individuals to try to use a Welsh language service is a consumer assessment of the extent to which a Welsh language service is likely to be available, and to what extent it will be a convenient and easy-to-use experience.
- 2.10 Consumers need to have faith in the ability of the organisation to offer a reliable Welsh language service.
- 2.11 The Commissioner is also aware that consumers make a comprehensive subconscious assessment when deciding to use Welsh or English when seeking a service. The assessment undertaken includes:
- the likelihood that a Welsh language service is available;
 - the likelihood that using the Welsh language service would lead to less favourable treatment than using the English language service.
- 2.12 Consumers assessed the likelihood of receiving a Welsh language service based on:
- their knowledge and previous experience of the services of the organisation and other similar organisations;
 - visual and audio clues that suggest a Welsh language service is available – from formal items (such as signs and badges), to small things such as the service delivery setting (the language spoken by staff amongst themselves, language of the music, the language used in email addresses).
- 2.13 It's important, therefore, that organisations take a variety of positive actions in order to instil confidence in users that a Welsh language service is available, and that using Welsh will not lead to less favourable treatment than using English.
- 2.14 People were more likely to be able to use Welsh on the telephone when given a clear choice by the automated service at the beginning of the call. The Commissioner has contacted organisations recently to interpret standard 11

(Welsh Language Standard Regulations No's 1-6) and Standard 10 (Regulations No 7).

- 2.15 The Commissioner's Task and Finish Group on Recording and Sharing Language Choice has recommended that there is a need to investigate the effectiveness of the wording of different questions relating to offering and recording language choice. The outcome of this work would be to agree standard forms of requesting a language choice in the future. The advice document will be updated to reflect any such developments.

3 Examples of recording language choice

- 3.1 When discussing recording language choice with organisations the Commissioner became aware of a number of different models that are being implemented.
- 3.2 It was seen that some organisations had one particular column in terms of preferred language or language choice, with that choice thereby referring the organisation in terms of the language choice of all the different contacts with the individual, both in writing or verbally. It was also seen that some organisations asked about written language and spoken language only. Some other organisations asked the individual a number of different options including what their main language was, as well as the choice of language of electronic correspondence, paper correspondence, language choice of service provision and language choice when speaking to the organisation. Some systems gave an option of 'Welsh' and 'English, whilst others also offered a 'Bilingual' option.
- 3.3 There were a number of recording systems where it was not mandatory to complete the language choice box.
- 3.4 Considering the above, four examples are included below of different wording that is used.

Example 1

- 3.5 Powys County Council has established a procedure of asking for language choice when a customer registers for an account on the Council's website. The procedure asks for the customer's language choice with regards to written correspondence and when speaking to the Council.

Customer registration

First name* Last name*

Email address*

Preferred language for written communication*

Cymraeg English

Preferred language for spoken communication*

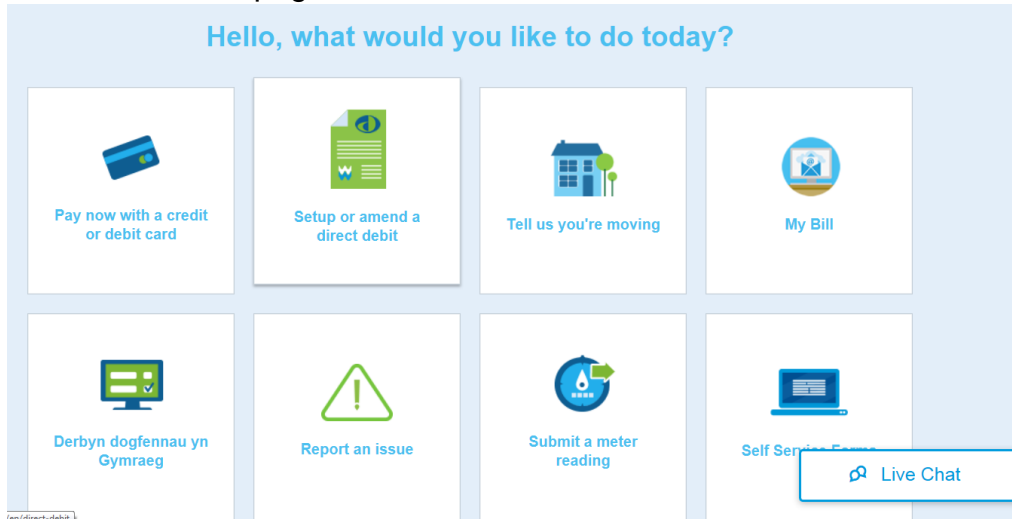
Cymraeg English

Register

- 3.6 After choosing the options above, the choices would include written and electronic correspondence in the question about written correspondence, together with face-to-face and contact by phone in the second question.

Example 2

- 3.7 Dŵr Cymru Welsh Water has recently launched a campaign to increase the number of its customers who register to manage their water and sewerage accounts in Welsh to 25,000 by 2025. As part of this campaign the company has created a 'Derbyn dogfennau yn Gymraeg' (Receive documents in Welsh) link on their homepage.



- 3.8 By selecting this link the customer will be directed to the 'Change language preference' page for the language of choice to send any personal correspondence to. The choice offered is English and Welsh.

The screenshot shows a form titled "Change language preference" with the following fields and options:

- Date of Birth (dd/mm/yyyy)*: [Text input field]
- Email Address*: [Text input field]
- Contact Number*: [Text input field]
- Contact Number Type*: [Dropdown menu with "Mobile" selected]
- What language would you like your future correspondence to be personalised in?:
 - Welsh
 - English

A "Live Chat" button is visible in the bottom right corner of the form.

Example 3

- 3.9 The Welsh Government's Sign On Cymru system is used to register for a number of the Government's online services. With this system, there are up to four different questions asked with regards to language choice. The first question asks for the users language choice. If the user responds positively to that question, three further questions are asked. Those questions ask about language choice with regards to written correspondence, meetings and contact by phone.

- 3.10 Three options are offered with regards to language choice for the three questions, (i) Welsh only, (ii) English only and (iii) Welsh and English.

Example 4

- 3.11 Ceredigion County Council asks up to five specific questions on the general enquiry form on the website. The first question asks what is the primary language of the person who is contacting, with an option to choose a language from a list. The Council then asks in which language the person wishes to receive electronic correspondence, paper correspondence, service provision and when speaking with the Council.
- 3.12 Three options are offered by this Council also with regards to language choice (i) Welsh, (ii) English and (iii) Bilingual.

Language Preferences (optional)

What is your primary language?

Please select

In what language would you prefer to receive the following:

Electronic Correspondence Welsh English Bilingual

Paper Correspondence Welsh English Bilingual

Service Provision Welsh English Bilingual

Spoken Welsh English Bilingual

Information you supply is processed by Ceredigion County Council, which will be processed in line with the requirements of the GDPR and Data Protection Act. For information on how personal data is processed please see the Council's [Privacy Notice](#)

Options for recording language choice

- 3.13 It is suggested that it is important to keep the information in terms of recording language choice as simple as possible.
- 3.14 In order to ensure that the correct language choice is recorded, the language choice boxes can be mandatory when completing a form, where it is safe to do so. There will be some situations, such as in the health sector, when a patient arrives unconscious at hospital, and therefore unable to confirm his/ her language choice. Despite this, in the vast majority of cases, the language choice boxes can be mandatory. If the individual does not respond to confirm their language choice, it is not acceptable for an organisation to take that to mean that they do not wish to receive correspondence in Welsh.

Commissioner's opinion

- 3.15 The above examples show different ways of establishing language choice. The Commissioner does not specifically recommend any of these approaches, but believes that it is beneficial for:
- people to be given the option to receive materials and correspondence bilingually and be able to speak to an organisation in Welsh if that is their wish;
 - the question not to imply that the Welsh language is a secondary or unusual choice;
 - questions to be asked about language choice for different communication methods (e.g. oral / written) but without giving an excessive number of questions;
 - questions about language choice to be compulsory unless there are strong practical reasons not to make the question compulsory (e.g. emergency).

4 Recording and sharing language choice data

- 4.1 For those organisations subject to the Welsh language standards, compliance with the Regulations is a legal requirement. It will therefore be necessary for organisations to collect and store language choice data in order to meet this legal requirement. Under the Data Protection Act (DPA), each organisation should be able to rely on condition 3 in Schedule 2 in order to collect and store language choice data. There is a very similar condition within Article 6(1)(c) of the GDPR.
- 4.2 Each organisation will need to consider whether its processing of language choice data is fair. Individuals must be told why the organisation is collecting language choice data and how it will be used, including where it may be shared with other organisations or internally. This should happen at the time the data is collected.
- 4.3 Each organisation will need to decide whether to collect language choice data once for the organisation, or to collect separate data for different departments. Sharing personal data between different departments within an organisation is itself a form of processing, and so it needs to comply with the DPA and with the GDPR. The standards apply to the organisation as a whole, so some organisations may choose to use a single language choice across the organisation.
- 4.4 Organisations should make it as easy as possible for individuals to give their language choice, and for that choice to be respected. All language choice data is ultimately based on a choice made by the individual. If an organisation shares an individual's language choice between different departments, those individual departments will have to ensure that they use that data for the purpose for which it was collected in the first place, rather than for any new purpose that the individual would not expect.

5 Infrastructure for recording and sharing language choice

- 5.1 A number of constant obstacles have emerged as the Commissioner's office discussed recording and sharing language choice with organisations implementing Welsh language standards and Welsh language schemes, which related to the technical infrastructure available to them. Issues that it would be beneficial to be addressed include:

IT systems and amendments to systems by third parties

- 5.2 A number of the IT systems have been in place for a long time. When the systems were being built the requirement to be able to record language choice was not a consideration. Examples exist of organisations that have decided to procure new customer relationship management (CRM) systems in response to the Welsh language standards, to improve the service to their customers and to operate more effectively. As a result, recording language choice was incorporated into the new CRM's.
- 5.3 A number of organisations reported that modifications to IT systems had to be done by third parties. These changes can be very costly to complete, and can take time as they are not a priority to the third party.
- 5.4 Some organisation saw advantages of keeping IT systems as simple as possible. By doing this it was also seen that it was possible to manage the systems more effectively, including making any modifications to the system, by keeping it in-house.
- 5.5 The Commissioner is also aware of a number of systems that are maintained by national third parties, where language choice has already been included in the system.
- 5.6 As a result, the Commissioner would want to see organisations:
- review customer information recording systems to ensure they are adequate;
 - consider the Welsh language needs when procuring or designing any customer relationship management systems.

Sharing information between IT systems

- 5.7 Many of the IT systems that exist are unable to share information (in general) with each other, including information on language choice. This was especially relevant across a number of different sectors, but especially in the health sector. One organisation noted that its long term goal was to introduce a CRM to all of the organisation's departments when appropriate to do so. This problem is not, therefore, unique to language choice, but 'information' more widely.
- 5.8 As a result, the Commissioner would want to see organisations:
- reviewing the ability of IT systems to share language choice information;

- consider the Welsh language needs when procuring or designing any IT systems, to ensure that new systems can record language choice and can share that information with other systems as required.

Including language requirements within specifications

- 5.9 The lack of details with regards to language requirements within specifications for a new system has been a problem for some time. Requirements can very often be too superficial, for example by noting only that the new system would need to comply with the relevant language legislation.
- 5.10 Careful planning is required and a better understanding of what the linguistic needs are for specifications for new IT systems, including what the requirements are for recording and sharing language choice. Otherwise organisations will need to add recording and sharing language choice requirements to an IT system once it is established (retrofitting). Adding new requirements or features to an existing IT system can be much more costly and complex to do, rather than deliberate planning as system specifications are drawn up.

Services that are provided jointly

- 5.11 Many services are provided through partnership, between different organisations and across different sectors. In general it does not appear that organisations keep information, including language choice, in a convenient way that reflects this way of working.
- 5.12 The Commissioner is aware of a national system which is being introduced gradually through the social care sector (WCCIS) which has the aim of recording and sharing language choice across a number of organisations in all parts of Wales. Lessons could be learnt from the experiences of establishing this system whilst looking to set up similar national systems.

6 Related national developments

Welsh Government's technology action plan

- 6.1 The Welsh Government has published a Welsh language technology action plan, which derives from the 'Cymraeg 2050' strategy. The aim of the action plan is *'to plan technological developments to ensure that the Welsh language can be used in a wide variety of contexts, be that by using voice, keyboard or other means of human-computer interaction.'*
- 6.2 Some of the work packages in the action plan refer to language choice. The first work package relates to *'Improving user experience of Welsh language technology through behavioural economic techniques.'*
- 6.3 The second work package relates to *'Explore the potential of technology to facilitate and/ or automate Welsh language services e.g. automatically redirect phone calls to Welsh speakers within organisations.'* The Government's work is being planned to ensure that Welsh speakers have a service in their chosen language in a friction-free way.

Developments with regards to procuring IT systems/ bilingual software

- 6.4 The lack of detail with regards what the language requirements are for a new system within a specification has been a problem for some time. The Commissioner has produced a guidance document titled *'Technology, Websites and Software: Welsh Language Considerations.'*
- 6.5 The Welsh Government will use one of its policy portals, the Solutions Design Authority (SDA) to trial a system to ensure that Welsh language considerations are given due attention as computer services are procured. This is done to ensure that a consistent approach to assessing the ability of computer systems to provide a Welsh language services in the future.

Health Sector IT systems

- 6.6 There are a number of different IT systems within the health sector in Wales, with many unable to communicate with each other. A number of opportunities will arise with systems such as WCCIS, which every local authority and health board in Wales will use. Further opportunities will also be available with systems such as 'My Health Online', where patients will be able to update their contact details, including their language choice.

The Local Government and Elections Bill (Wales)

- 6.7 The above bill, which is due to be approved in 2020, includes provisions for a database of information relating to electoral registration. Through secondary legislation, this would mean a single electoral register for Wales, rather than the 22 that currently exist. This could be of assistance with establishing a central language choice register.

7 Acting on language choice

- 7.1 This document mainly relates to ensuring that sufficient arrangements are in place to record and share language choice within the organisation. But of course, in order to comply with the standards, it's essential that all relevant staff act upon the information when they contact members of the public.
- 7.2 Through complaints and investigations, the Commissioner is aware of cases where an individual had recorded their language choice with the organisation, but the organisation hadn't then acted in line with this. For example, a case was investigated where the evidence suggested that English language correspondence was sent to an individual even though they had previously expressed a wish to communicate with the organisation in Welsh.
- 7.3 To ensure that recorded language choice is always respected, all the organisation's staff need to know the arrangements for checking whether there is a record of an individual's language choice before contacting them in writing or by phone. This can be done by methods like:
 - Training
 - Guidelines on the intranet
 - Prompts within customer management systems used to correspond or contact by phone.
- 7.4 The standards require organisations to correspond in Welsh if it doesn't yet know the individual's language choice.

Annex 1: relevant standards

Standard number (regulations)	Wording of standard
2 (1, 2, 4, 5 and 6)	<p>When you correspond with an individual (“A”) for the first time, you must ask A whether A wishes to receive correspondence from you in Welsh, and if A responds to say that A wishes to receive correspondence in Welsh you must -</p> <p>(a) keep a record of A’s wishes,</p> <p>(b) correspond with A in Welsh when corresponding with A from then onwards, and</p> <p>(c) send any forms you send to A from then onwards in Welsh.</p>
2 (7)	<p>When you correspond with an individual (“A”) for the first time, you must ask A whether A wishes to receive correspondence from you in Welsh, and if A responds to say that A wishes to receive correspondence in Welsh you must -</p> <p>(a) keep a record of A’s wishes,</p> <p>(b) correspond with A in Welsh when corresponding with A from then onwards, and</p> <p>(c) send any forms that A is to complete from the onwards in Welsh.</p>
3 (1, 2, 4, 5 and 6)	<p>When you send correspondence addressed to two individuals who are members of the same household (for example, the parents of a child) for the first time, you must ask them whether they wish to receive correspondence from you in Welsh; and if-</p> <p>(a) both individuals respond to say that they wish to receive correspondence in Welsh, you must keep a record of that wish and correspond in Welsh from then onwards when sending correspondence addressed to both of those individuals;</p> <p>(b) one (but not both) of the individuals responds to say that he or she wishes to receive correspondence in Welsh, you must keep a record of that wish and provide a Welsh language version of correspondence from then onwards when sending correspondence addressed to both of those individuals</p>
3 (7)	<p>When you send correspondence to one or more individuals who are members of the same household (for example, the parents of a child) for the first time, you must ask them whether they wish to receive correspondence from you in Welsh; and if-</p> <p>(a) all individuals respond to say that they wish to receive correspondence in Welsh, you must keep a record of that wish and correspond in Welsh from then onwards when sending correspondence addressed to all those individuals;</p> <p>(b) one (but not all) of the individuals responds to say that he or she wishes to receive correspondence in Welsh, you must keep a record of that wish and provide a Welsh language version of correspondence from then onwards when sending correspondence addressed to all of those individuals.</p>
21 (1, 2, 4, 5 and 6); 19 (7)	<p>When you telephone an individual (“A”) for the first time you must ask A whether A wishes to receive telephone calls from you in Welsh, and if A responds to say that A wishes to receive telephone calls in Welsh you must keep a record of that wish, and conduct telephone calls made to A from then onwards in Welsh.</p>



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

0345 6033 221

post@welshlanguagecommissioner.wales

[@ComyGymraeg](https://twitter.com/ComyGymraeg)

welshlanguagecommissioner.wales