Closing the Gap

The Welsh Language Commissioner's
assurance report
2019-20 – concise version

**Comisiynydd y Gymraeg
Welsh Language Commissioner**

The Commissioner's foreword

The last few months have been challenging for all of us, and we have had to adapt quickly to provide public services in different ways. In the coming months I will look back at the crisis period, in order to understand how organisations' Welsh language provision was affected, and learn lessons for the future.

The pandemic has showed the value of robustness, leadership and expertise, and the flexibility to use staff creatively. It has forced us to accelerate developments in how we use technology. The crisis is likely to cause lasting changes in the ways we work.

Organisations may substantially reconfigure the ways they operate and provide public services. This is a golden opportunity to put the Welsh language front and centre.

This report states my findings regarding organisations' performance in implementing language duties in 2019-20 – before Covid-19 affected us. But as organisations begin acting on the findings, they will need to ensure that their arrangements boost the Welsh language provision in the new normal.

As I analysed organisations' performance in 2019-20, I became concerned that a gap is opening between organisations that comply well and continuously improve, and those organisations that do not have sufficient arrangements.

In some organisations, structured arrangements and hard work now mean that they comply with the standards and create dependable opportunities to use Welsh. But some organisations haven't used the standards as an impetus to improve arrangements and ensure that they have enough Welsh language capacity to provide the services people have a right to receive.

With over four years having passed since the standards came into force for the first time, my expectation is that every organisation complies fully with the requirements set. Over the coming period, I will consider the evidence that I have about organisations' performance, and will take whichever proportionate steps necessary to deal with any failure or deficiency.

Every Welsh speaker should be able to have high expectations of public organisations. It's time for every organisation to be doing the basic things every time – using Welsh in writing; having enough Welsh speaking staff to be able to provide reception and phone services; and following robust arrangements for key assessments regarding jobs skills and policy decisions.

Where services have a bigger impact on people's well-being, we should be able to assume that they will be available in Welsh. The standards need to bring about swift improvements in the services of health organisations, and I am of the opinion that county councils should work towards holding well-being meetings in Welsh by default with Welsh speakers.

I am eager to be able to take for granted that basic services are provided in Welsh as a matter of course, so that we can spend our time getting to grips with the big issues that will make a strategic difference to the future of the Welsh language. I want to see organisations creating a shift in the language used by service users and their own staff, and seriously considering how all the organisation's operating arrangements can boost the Welsh language in terms of economy, education and society.

I will not allow a situation where organisations continue to fail to meet the requirements they are subject to. And where organisations are willing to innovate in order to increase use of Welsh, I will support and facilitate their work.

Aled Roberts
Welsh Language Commissioner
September 2020

This is a summary of the report. The full report is [on the Commissioner's website](#).

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1   Introduction

o   This is the sixth assurance report published by the Commissioner. The report addresses the issues on which organisations need to take action over the coming months. It includes evidence on:

   ▪   **organisations' performance** in providing Welsh language services and encouraging people to use them
   ▪   **compliance arrangements** – what organisations do to ensure their provision is compliant
   ▪   **workforce capacity** – ensuring that there are enough Welsh speakers in the right roles
   ▪   **promoting the Welsh language** – contributing to the future of the Welsh language by considering the impact of policy and grant decisions on the language, and implementing Welsh language promotion strategies.

o   The report is based on robust and varied evidence, including checking the services of a sample of organisations, verifying statutory documents, asking organisations for evidence in thematic studies, engaging with users, and contact with organisations as we support compliance, impose standards, and conducting investigations.

o   Organisations are responsible for compliance with duties imposed upon them. This report provides clear guidance on how to ensure this happens.

o   Wherever monitoring work that forms the basis of this report has highlighted a failure by an organisation, we will consider what steps need to be taken to address that failure, taking into account the use of all the Commissioner's powers.

Covid-19

o   The evidence that forms the basis of this report is not related to the period when the Covid-19 crisis disrupted organisations' ability to operate.

o   Welsh language standards and Welsh language schemes remained in operation during the period, and it is important that the rights of Welsh speakers are respected despite the crisis.

o   The crisis may have had some impact on organisations' ability to comply. During 2020-21 we will look at how the crisis has affected the Welsh language services of organisations and the use of Welsh internally, with a view to facilitating the learning of lessons for the future.

2 Providing and promoting services

With an increase in the availability of a number of services, and performance overall moving in the right direction, there is a temptation to be satisfied with these results. However, some concerns remain regarding the ability of Welsh speakers to access services in the language of their choice.

Some organisations did not provide certain services in Welsh on any of the occasions that we monitored those services.

We have not seen the necessary improvement in organisations' reception services. And in terms of other services where performance is quite favourable, such as documents, social media and websites, care must be taken to ensure that arrangements do not slip.

Some sectors – health organisations, and those implementing language schemes – comply less frequently than others. While there is no significant difference in the performance of councils across the different areas of Wales in most services, the regions of south Wales are lagging behind in terms of reception and telephone services.

Organisations need to seriously address the responsibility to promote services – generating an increase in the take up of Welsh language services. This means changing the way services are designed, providing services in Welsh by default where possible (especially where there is a more significant impact on individuals, such as meetings relating to well-being), and informing Welsh speakers of the services available.

There are examples of significant increases in the use of some Welsh language services, which highlight the potential for progress when services are designed and promoted effectively – but these examples are relatively rare.

The steps needed to improve compliance are outlined clearly in the following sections of this report, and it is up to organisations to take immediate action to meet the requirements.

The Commissioner's opinion

"Using Welsh language services can be a hassle because of the way some organisations treat the Welsh language and the way they treat Welsh speakers. People have to fight to be able to do things in Welsh."
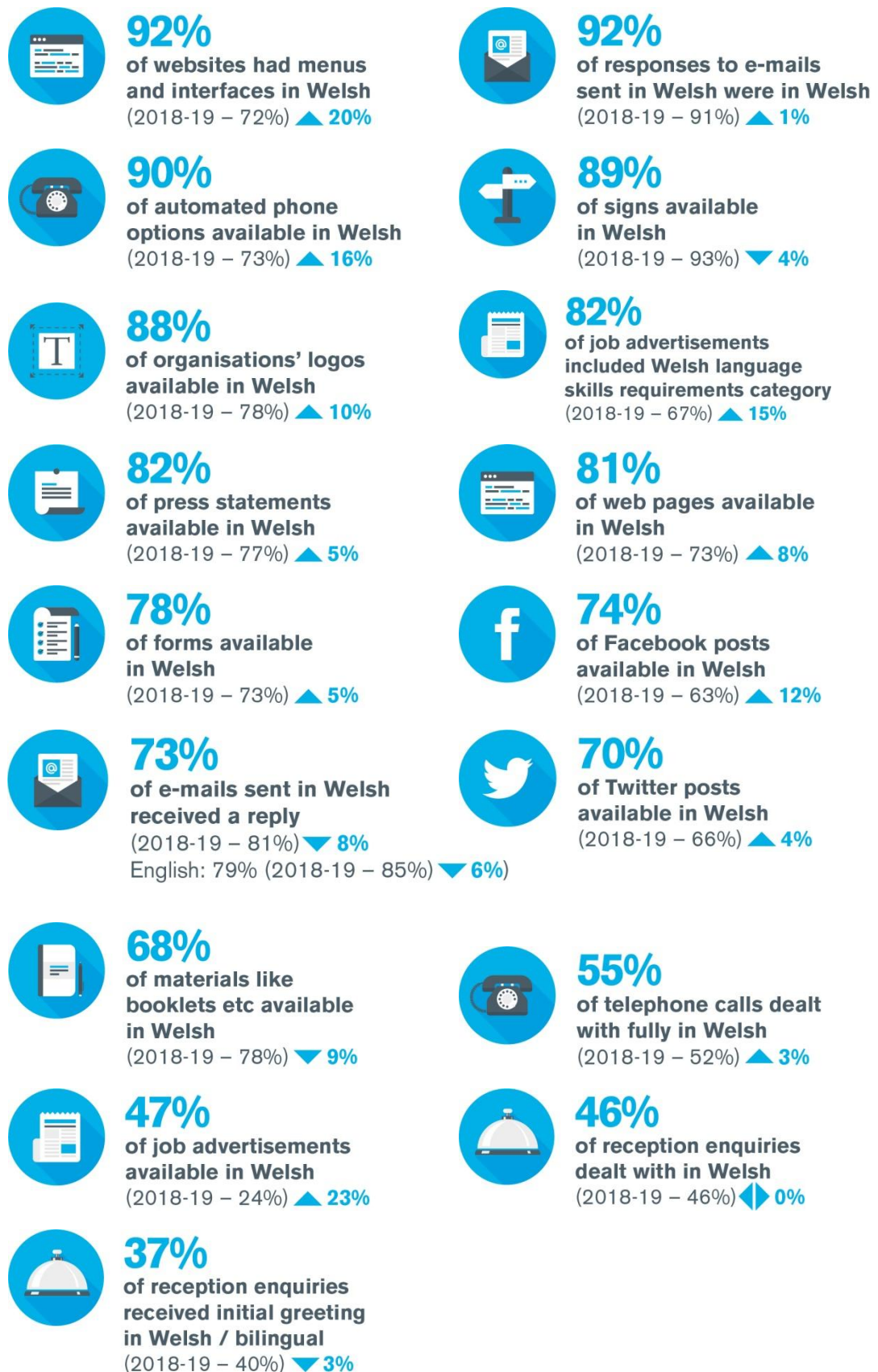
Member of the public in discussion group

"It's all very well saying that you have a right to use the Welsh language but if they don't operate in Welsh as quickly as in English it makes sense to use English."

Member of the public in discussion group

2.1   Availability of Welsh language services

92%
of websites had menus and interfaces in Welsh
(2018-19 – 72%) ▲ 20%

92%
of responses to e-mails sent in Welsh were in Welsh
(2018-19 – 91%) ▲ 1%

90%
of automated phone options available in Welsh
(2018-19 – 73%) ▲ 16%

89%
of signs available in Welsh
(2018-19 – 93%) ▼ 4%

88%
of organisations' logos available in Welsh
(2018-19 – 78%) ▲ 10%

82%
of job advertisements included Welsh language skills requirements category
(2018-19 – 67%) ▲ 15%

82%
of press statements available in Welsh
(2018-19 – 77%) ▲ 5%

81%
of web pages available in Welsh
(2018-19 – 73%) ▲ 8%

78%
of forms available in Welsh
(2018-19 – 73%) ▲ 5%

74%
of Facebook posts available in Welsh
(2018-19 – 63%) ▲ 12%

73%
of e-mails sent in Welsh received a reply
(2018-19 – 81%) ▼ 8%
English: 79% (2018-19 – 85%) ▼ 6%)

70%
of Twitter posts available in Welsh
(2018-19 – 66%) ▲ 4%

68%
of materials like booklets etc available in Welsh
(2018-19 – 78%) ▼ 9%

55%
of telephone calls dealt with fully in Welsh
(2018-19 – 52%) ▲ 3%

47%
of job advertisements available in Welsh
(2018-19 – 24%) ▲ 23%

46%
of reception enquiries dealt with in Welsh
(2018-19 – 46%) ◀▶ 0%

37%
of reception enquiries received initial greeting in Welsh / bilingual
(2018-19 – 40%) ▼ 3%

o For most of the services we verified, results were better in 2019-20 than in 2018-19, but the results still fall short of full compliance in many cases.

o Performance on written services remains better than on personal services such as telephone and reception. There was no progress on these services. These are the services where investment in staff skills is needed in order to provide them in Welsh.

o We checked each service more than once. For all services, some organisations (between around 5% and 20%) did not provide them in Welsh at all. Other organisations provided the service in Welsh at least once, but not always; and others had provided the service in Welsh every time it was checked.

o As in 2018-19, there was no direct link between the performance of county councils and the percentage of Welsh speakers in their area. The performance of regions in the south of Wales had improved on last year, but the results for telephone and reception services were low.

o The performance of organisations in regulations no. 1 (local authorities etc) and no. 2 (national organisations), on the whole, are better than the rest, and there is a definite need for improvement in the services of health organisations (no. 7 regulations) and non-devolved organisations implementing language schemes.

2.2 Quality of Welsh language services

o Welsh language correspondence received a slightly faster response than English correspondence, but English correspondence was slightly more likely to receive a full response that included additional material.

o For various materials, the results suggest that the Welsh language is treated less favourably than English in about 10% of cases, for reasons such as that text was missing, inaccurate, or less prominent in the Welsh version, or that the format of the English version was better.

2.3 Designing services to increase the use of Welsh

o During 2019-20, workshops were held with organisations discussing practical approaches to increasing the number of people using Welsh language services.

o Discussions with organisations during the year saw some examples of offering Welsh language services by default or proactively, but most organisations do not routinely do this.

o   Some organisations said that they look carefully at usage statistics and try to use them to ensure that their Welsh language services meet the needs of Welsh speakers, for example by careful timing or using formats that appeal more to Welsh speakers on the basis of previous evidence. Some organisations have developed their corporate tone of voice, making their materials more accessible to readers.

o   We heard that some organisations had put in place arrangements to establish the language choice of users and to act on this in all subsequent contact. There are specific requirements to do this for hospital inpatients, and we saw evidence that some health boards had already taken action to meet the requirements.

Meetings relating to well-being

o   A study was carried out looking at people's ability to use Welsh in meetings relating to their well-being. The 11 organisations involved in the study stated that they ask people for their language of choice, and some organisations had reviewed their staffing arrangements and so on to ensure there is sufficient capacity.

o   However, some of the evidence suggested that there was little actual use of Welsh in such meetings. For a large number of Welsh speakers, holding the meeting in Welsh will make them more comfortable and more able to express their feelings and needs. The standards require that individuals are asked whether they wish to use Welsh at the meeting, and acting accordingly, but holding meetings in Welsh by default with Welsh speaking individuals can make a real difference to their well-being.

2.4   Promoting Welsh language services

o   Our verification work showed low compliance with the requirements to state that materials are available in Welsh – for example, only 19% of English versions of forms stated that it was also available in Welsh. There was a sign welcoming the use of Welsh in 51% of receptions, and 69% of websites proactively offered the Welsh option through a splash page or similar.

o   While there are commendable examples of promoting services, on the whole there are very few significant publicity campaigns for organisations' Welsh language services. New efforts seen this year include an organisational language charter, developing an external communications strategy to use a number of different media to raise awareness of Welsh language services, and using a dedicated Twitter account to provide a behind-the-scenes glimpse at an organisation's Welsh language provision.

o The Commissioner held a Rights Day for the first time on 4 December 2019, with a significant number of organisations using the day's resources and branding to promote their services, and seeing good engagement with their messages.

2.5   Evidence of take up of services

o We encourage organisations to gather evidence about service use as a way of measuring whether services meet the needs of Welsh speakers, and whether efforts to promote services are working, for example by setting a target for increasing use of services.

o Although many organisations refer to low usage of services, we found some very encouraging examples of increased use of some Welsh language call centres and online services.

3 Compliance arrangements

I find it difficult to believe that the head of any organisation can be satisfied with a situation where their organisation is failing to comply with basic statutory requirements.

Organisations should not await the results of monitoring work or an investigation before ensuring that they comply with these legal requirements.

Compliance should not be a box-ticking exercise. Welsh speakers – the organisation's customers – should be central. Service users need to be reassured that the organisation's processes are adequate. Users' experiences need to be understood – through verification of services and listening to people. There is a need to respond positively to people's complaints and concerns.

The standards require arrangements to oversee compliance. Organisations can choose whatever methods – verification, internal reporting, risk, audit, action plans and so on – that are most appropriate for them, but arrangements must be put in place. And those arrangements should be underpinned by the whole of the organisation's governance authority – leaders need to make it clear, through processes and culture, that meeting the requirements is a priority.

Not having an officer, manager or specialist unit working specifically on improving the organisation's Welsh language provision creates a risk of failing to promote the Welsh language in accordance with the Measure.

It was good to see that organisations had established satisfactory arrangements for translation, and that the costs had been absorbed into the routine costs of the organisation. Innovation in automatisation of work, and facilitating bilingual drafting, could generate savings to enable investment in other aspects of Welsh language provision.

The Commissioner's opinion

"I have seen a change in the planning that takes place here in terms of the Welsh language, compared with the period before the standards were introduced. It led to the creation of a task and finish group and a member of staff taking action – this has been very beneficial."

Staff member in discussion group

"The way in which we operate with regard to the Welsh language is completely ad-hoc – it's pure luck if someone speaks Welsh and makes things happen. There's no forward planning to ensure that things are embedded in policies and systems."

Staff member in discussion group

3.1   Internal monitoring

o   Some organisations, but by no means all, had proactive arrangements to establish how they were performing. Several organisations reported that they took action when any failure became apparent, but did not proactively seek to establish compliance levels.

o   We found that many organisations have arrangements in place to verify services directly, for example through mystery shopper exercises. Others focussed on self-evaluation and internal reporting, for example by scrutinising updates by responsible managers, peer assessment, or risk assessment.

3.2   Public accountability

o   87% of organisations had produced the annual Welsh language standards report as required, and almost all of those had reported on the number of complaints, staff Welsh language skills, and the Welsh language skills need category of posts. Fewer reported on internal courses, and there were few examples of organisations publicising the report.

o   The reports varied greatly in terms of quality, with some going into useful detail in identifying numerous activities that had been undertaken to ensure compliance and promoting the Welsh language more generally, while others contained only basic figures and comments.

o   90% of organisations had published a record of the standards set on them, but only 66% had published an explanation of how they intend to comply, and 48% had published their arrangements for oversight, promotion and facilitation. Organisations that do not publish these documents fail to comply, miss an opportunity to reassure Welsh speakers about their arrangements, and raise concerns that adequate arrangements are not in place. Some of the most effective documents were in the form of an action plan for compliance with each standard or group of standards.

3.3   Acting on complaints and users' experiences

o   63% of organisations had published a complaints procedure, which should set out the organisation's arrangements for dealing with complaints about compliance with the standards. Many of the complaints procedures did not cover all aspects that the standard requires. In many cases, organisations simply stated that they would deal with complaints about compliance in accordance with their corporate complaints procedures.

o   It's required to keep a record of complaints and report on them. Almost all annual reports contained this information. A relatively low percentage of organisations had received complaints, and most of those had received a low

number of complaints, but over half of no. 1 regulations organisations had received at least one complaint.

o   During 2019-20 we focussed on ensuring that organisations implement enforcement actions following investigations. There are many examples of the Commissioner's investigations leading directly to improving the performance of organisations, and also examples of organisations taking action following direct complaints from the public.

o   We heard about some organisations actively asking users about their experiences of the organisation's Welsh language provision, for example through post event questionnaires or asking students about their experiences of using the Welsh language.

3.4   Leadership and expertise

o   Our impression is that most organisations have a high level individual with responsibility for the Welsh language. This individual was usually responsible for chairing a group with an oversight of compliance, or providing accountability in another way, and acting as line manager (directly or indirectly) for the Welsh language officer or manager.

o   Most organisations have an officer or manager who is responsible for the Welsh language on a day-to-day basis. In a good number of organisations, this is a full-time role, and sometimes forms part of a team. Overall we see that this leads to improved compliance as it allows a greater resource for identifying and resolving problems, working with departments across the organisation to ensure compliance.

o   We found that a number of organisations had formed different groups within the organisation to discuss the implementation of Welsh language provision, providing accountability, planning work, and sharing practice across the organisation.

3.5   Translation

o   Translation arrangements vary according to the business needs of organisations, with some employing internal translators and others using external companies. The majority of organisations were satisfied that their arrangements were appropriate for their requirements.

o   Although a number of organisations were investing significantly in their translation services, it appeared that the costs had been accepted as a routine part of the costs of providing services.

o   There was some evidence that organisations were developing their translation services in order to operate more efficiently, for example using machine translation or translation memory, creating templates and stock translations etc.

o   There are examples of organisations using their translation teams to offer support for staff to draft through the medium of Welsh.

3.6   Outsourcing and third party platforms

o   The Commissioner conducted a number of investigations in 2019-20 which highlighted the importance of ensuring that services provided through third party companies or organisations comply with the requirements set on the organisation.

o   A large number of organisations reported that they had revisited their contracts to ensure that they included standard conditions requiring suppliers to comply with the relevant standards, and that specific questions about the standards relevant to a contract are included in the tender process.

o   The situation regarding publishing Welsh language content on GOV.UK has improved after the Commissioner's approval of the Cabinet Office's Welsh language scheme in April 2019, with basic DBS checks and online passport forms now available in Welsh. We are continuing to discuss with the UK Government how the Welsh language can be made more prominent on the website.

4 Workforce capacity

The results of my monitoring work show that organisations need to have more Welsh speaking staff in key roles. This is crucial if Welsh speakers are to be able to rely on the services they are entitled to receive.

Organisations need to do more to recruit Welsh-speaking staff. An assessment must be carried out every time a job is advertised. With many organisations failing to offer services in line with the standards, I want organisations to take a long-term view in relation to how they ensure a workforce that facilitates the use of Welsh.

Progress has been made in assessing skills, and there is a need to continue with this until the skills of 100% of the workforce are assessed annually. I would like to see consistency in the assessment method so that better tracking is possible over time and as staff move between organisations.

It is also encouraging to see organisations having developed their skills improvement provision, working with the National Centre for Learning Welsh to manage provision and target training in a way that will have a greater impact.

I have heard examples of organisations struggling to find suitable Welsh speaking staff. But I have also come across organisations thinking outside the box when advertising posts, targeting applicants imaginatively and adjusting job requirements to ensure more Welsh speakers apply.

A number of activities are undertaken in order to make the Welsh language more visible within organisations, and to give colleagues the opportunity to use the language. However, I have not seen a purposeful shift towards the significant use of Welsh as an internal operational language. This is something which I would like to see developing over the next few years.

There is huge potential for learning, improving and using Welsh at work to give people more confidence in their skills. By building confidence in the work context, people can become more confident to use the language in the community and at home too.

The Commissioner's opinion

"They need to look at how they recruit in order to appoint Welsh speakers to posts."

Member of the public in discussion group

"There has been a significant increase in how many people want to develop their language skills – at level 3 and want to strengthen them to level 4 or whatever. More staff are keen to develop skills... and there are a lot more opportunities too."

Staff member in discussion group

4.1 Setting Welsh language skills requirements when recruiting

o When we checked job advertisements, we found that Welsh was essential for 17%, desirable for 63%, not required for 2%, and no requirements were stated for 18%. For each post, it is required to assess the need for Welsh language skills, and state the requirement category when advertising (unless skills are not required).

o 13 out of 14 organisations involved in our study shared records showing that the need for Welsh language skills for posts had been assessed, but the records for only 4 organisations showed the rationale used in making the assessment. There were some practices that did not comply, for example stating that Welsh language skills were desirable for all posts, or using different categories from those specified in the standards.

o Based on our discussions with organisations, it appears that most organisations have electronic processes or other procedures in place to ensure that assessments are conducted.

o The factors considered most frequently were the requirements of the role, for example in terms of contact with the public and stakeholders, and current Welsh language capacity. Some organisations had taken steps to ensure that the long-term needs of the organisation were taken into account when carrying out each individual assessment.

o Some organisations ensure that all new staff have basic Welsh language skills so that they can show courtesy to members of the public. Alongside that, organisations need enough staff who are fluent enough in Welsh to be able to deal extensively with the public.

o There were examples of organisations being creative in ensuring that enough Welsh speakers apply for jobs, for example by adjusting job requirements, or better targeting of recruitment methods.

4.2 Identifying the workforce's Welsh language skills

o Almost all the organisations that produced an annual report included information on the number of staff with Welsh language skills. Organisations use human resources systems and other software to ensure that staff self-assess their Welsh language skills.

o The standards do not specify how to measure or express staff's Welsh language skills, so organisations use different models, for example ALTE (0-5) levels, Learning Welsh curriculum levels (entry, intermediate, proficiency etc), or another distribution created by the organisation. The Commissioner recommends the use of CEFR levels, which can be matched to ALTE levels and Learning Welsh curriculum levels. If organisations were to use one of

these models, it would be possible to have aggregated figures for all relevant organisations, and compare the capacity of institutions with one another – something which is not possible at present.

4.3 Improving staff's Welsh language skills

o Many organisations told us that their Welsh language learning provision for staff had improved by taking up the National Centre for Learning Welsh's Cymraeg Gwaith programme. Improvements usually included increasing provision and being able to better tailor the provision to the needs of the organisation. In many cases, organisations had a designated tutor working within the organisation.

o There were examples of organisations using mentors or similar support to ensure that learners use their Welsh language skills in their daily work.

o Some organisations require all staff to undergo basic training to be able to show courtesy to members of the public. Alongside that, organisations need enough staff who are fluent enough in Welsh to be able to deal extensively with the public.

o We have seen many examples of organisations offering up-skilling provision for staff who already speak Welsh well, to enable them to use Welsh in specific situations, for example online or when chairing meetings.

4.4 Using Welsh internally as a language of work

o A number of organisations noted a general impression of increased internal use of Welsh, especially orally, and we saw many examples of attempts to increase internal use in specific contexts. A number of organisations reported that specific domains had naturally moved towards increasing use of the Welsh language, and many organisations had regular activities that offer informal opportunities to use Welsh.

o There were few examples of significant, planned changes at an organisation-wide level during 2019-20, but the Isle of Anglesey Council's rolling program continues.

5 Promoting the Welsh language

Each organisation has an economic and social impact, which in turn can affect the Welsh language and its use. The standards require organisations to consider how they can use this power for the benefit of the Welsh language, in two significant ways – every organisation must consider their impact on the Welsh language when making policy decisions, and local authorities and national parks are required to prepare strategies for promoting the Welsh language.

I have the impression that organisations are slow to realise the scale and significance of the strategic responsibility that these requirements have placed upon them.

Arrangements are in place to assess the impact of policy decisions on the Welsh language, but the consideration is often superficial, and I have not seen any substantial evidence of organisations substantially changing their plans in order to benefit the Welsh language.

5-year strategies have huge potential to make local authorities promotion agencies for the Welsh language within their areas, coordinating and driving efforts in areas as diverse as education, economy, planning, youth, tourism, care and so on. The strategies have led to more strategic attention to the Welsh language by a number of organisations, but it is not clear how many new activities have been put in place as a direct result of the strategies, and it seems no significant new budgets and resources have been dedicated to implement them in most cases.

There is an opportunity on the horizon to change this, with a requirement for organisations to review and formulate new strategies in 2021 and 2022. Now is the time to start planning and measuring impact in order to ensure that the strategies have a real impact on the position of the Welsh language in the community during this decade.

The Commissioner's opinion

5.1 Assessing the effect of policy decisions

o The number of copies of assessments shared with our study was low for some organisations, so it was suspected that not all decisions were properly assessed. There were some practices that did not comply with the requirements, for example not keeping a record of the consideration of the Welsh language, and not assessing some decisions.

o Most assessments contained a number of questions that reflected the requirements of the standards. The quality of assessments varied – some gave serious consideration to the link between the decision and strategic aims for promoting the Welsh language, while others were superficial and showed a lack of understanding of how decisions can affect on the use of Welsh.

o Education provision is an area where it is key to consider the impact of decisions on the Welsh language. During 2019-20, the Commissioner determined in a case where an organisation had not properly addressed the effects of a school closure on the use of Welsh within the wider community, and ways of alleviating them. In addition, we conducted research into the impact on the Welsh language of changing post-16 transport policies, finding that an inconsistency in the distance travelled from home to the place of learning, or in the grants offered, meant that access to Welsh-medium education is less convenient in some areas than in others.

5.2 Policy on awarding grants

o Although there are good examples of organisations considering the impact on the Welsh language when awarding grants, many organisations have not published policies setting out how they will do this. Only 1 of the 12 no. 2 regulations organisations subject to the requirement had published a policy, and none of the 23 relevant organisations in the no. 6 regulations.

5.3 Implementing 5-year strategies to promote the Welsh language

o Many of the activities undertaken by organisations involved education, childcare and learning Welsh, and many organisations worked in partnership with organisations such as the Urdd and the local Menter Iaith to offer opportunities to celebrate and use the Welsh language. Some councils had considered how economy and planning policies can promote the Welsh language.

o 9 of the 14 organisations that were part of our study reported that they had not allocated additional funding to implement the strategies (although current staff time is spent on implementing them).

o County language forums have been established as a result of the strategies and offer stakeholders the opportunity to discuss progress, but more can be

done to monitor the implementation of the strategies. It was not clear that most organisations had definite plans for assessing the success of the strategies in 2021 and 2022 as required.

Comisiynydd y
Gymraeg
Welsh Language
Commissioner

0345 6033 221

post@welshlanguagecommissioner.wales

@ComyGymraeg

welshlanguagecommissioner.wales