

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<u>Cardiff Council</u>	<p>On 09/05/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to allegations that: i. English only "No tools are kept in this vehicle overnight", "62 MPH" and "PSI-29" signs appear on the vehicle CU67VXK (appendix 1) and the complainant believes that every vehicle is the same. ii. Various matrix signs show text in English only or text with incorrect Welsh, and that positioning English language text before the Welsh language text on matrix signs treats the Welsh language less favourably (although the Welsh language only appears on rare occasions).</p>	19/3/2020	<p>Commissioner's findings Standards 61 & 62: Standard 61 requires Cardiff Council to ensure that any signs erected or renewed since 30 March 2016 (including temporary signs) appear in Welsh. Standard 62 requires Cardiff Council to ensure that any signs (including temporary signs) where the same message is conveyed in Welsh and in English position the Welsh language text so that it is likely to be read first. I received a complaint from a member of the public regarding English only signs appearing on Council vehicles and on matrix signs on the A48 and the A4232 during March and May 2019. In addition, the complainant provided visual evidence that matrix signs showed English only text during June 2018. The complainant also alleged that bilingual signs showed the English language text above the Welsh language text on those signs. I find that the Council has failed to comply with standard 61 on the basis that there is evidence that English only signs appeared on a vehicle registered since the imposition day; and that English only text appeared on electronic</p>

signs during March and May 2019, and during June 2018. There is also suspicion that the Council has failed to comply with standard 61 as English only signs also appear on other vehicles. In this case the evidence in my possession did not allow me to ascertain whether those signs were erected or renewed since the imposition day of the standard. On that basis I have no evidence that the Council has failed to comply with standard 61 in relation to any other vehicles. I also find that the Council has failed to comply with standard 62 on the basis that I have visual evidence that English language text was positioned above the Welsh language text on matrix signs since the imposition day of standard 62, namely 30 March 2019. Standard 63: Standard 63 requires Cardiff Council to ensure that Welsh language text on signs is accurate and that there are no errors. I received a complaint from a member of the public that a sign on the A48 Westbound at approximately 21:30 on 6 March 2019 stated “GYRRWCH YN AFOSUL”. I find that the evidence in my possession is insufficient to allow me to ascertain whether or not there has been a failure in this instance. On that basis, I cannot find that there has been a failure.

Commissioner’s determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council have failed to comply with standards 61, 62 and an enforcement action imposed in a decision notice on 26/10/2016; and that Cardiff Council has not failed to comply with standard 63.

Statement of further action

Further action was taken following the determination that Cardiff Council have failed to comply with standards 61, 62 and an enforcement action imposed in a decision notice on 26/10/2016; and that Cardiff Council has not failed to comply with standard 63.

Statement on the further action

Standards 61 and 62– requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff Council must ensure that all matrix signs comply with the requirements of standard 61.
2. Cardiff Council must ensure that any signage on vehicles complies with the requirements of standard 61.
3. Cardiff Council must ensure that all matrix signs comply with the requirements of standard 62.
4. Cardiff Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-3 have been completed.

Timetable: Within 6 months from the date of publication of the Commissioner's final determination.

Standard 63 – advice in accordance with section 76 of the Welsh Language Measure

1. I advise you to carry out an audit of all your matrix signs in order to ensure that any Welsh language text on those signs is accurate in terms of meaning and expression.

Decision notice given

The Decision Notice was given to Cardiff Council on 19/03/2020

Wrexham
County Borough
Council

On 28 August 2019 the Commissioner a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant explained that he missed a call on his phone from telephone number 01978 292022. When calling this number, the complainant heard an automated message informing him that a member of staff from Wrexham County Borough Council had tried to call and that this member of staff would be in contact again in due course. The complainant has submitted the complaint as this message is conveyed in English first, and then in Welsh. The complainant alleges that this treats the Welsh language less favourably than the English language.

18/3/2020

Appeals made to the tribunal

No appeal was made to the Tribunal

Commissioner's findings

If a person contacts a body on a direct line number (be it the direct line number of a department or member of staff), the body must ensure that the Welsh language is not treated less favourably than the English language when greeting that person. On 28 August 2019 I received a complaint from a member of the public. The complainant explained that he had missed a call on his phone from telephone number 01978 292022. When calling this number, the complainant heard an automated message informing him that a member of staff from Wrexham County Borough Council had tried to call and that this member of staff would be in contact again in due course. The message was given in English first and then in Welsh. I am of the view that the Council has treated the Welsh language less favourably than the English language in this context as the message that has been recorded to greet a person calling this direct line number is played in English first and therefore one must wait to hear the Welsh message.

Commissioner's determination

Under section 73(2) of the Welsh Language Measure the Commissioner determined that Wrexham County Borough Council failed to comply with standard 20.

Statement of further action

Further action was taken as a result of the determination that Wrexham County Borough Council had failed to comply with standard 20.

Statement on the further action

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.

Standard 20 – requirement to take steps in accordance with section 77(3) of the Welsh Language Measure

1. Wrexham County Borough Council must complete a review of each message played by a machine that greets callers to its telephone numbers, and act on the results to ensure that the greeting does not treat the Welsh language less favourably than the English language.

2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action

1. Timetable: Within 8 weeks of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was presented to Wrexham County Borough Council on 5 February 2020.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Welsh Ministers

On 21 September 2020 a complaint was received from a member of the public.

16/3/2020

Commissioner's findings

The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was regarding correspondence received by the complainant from the 'Arbed' scheme, which is delivered by 'Arbed am Byth' on behalf of the Welsh Ministers. The complainant alleged that this correspondence treated the Welsh language less favourably than the English language as it used a greeting ("The Occupier") and addresses in English only on the envelopes and also provided envelopes with English only addresses ('Freepost') to return any forms etc. The complainant also alleged that a form included with the correspondence was only provided in English.

Standard 6: If a body produces corresponding Welsh and English language versions of correspondence (whether separate versions or not), it must not treat the Welsh language version of the correspondence less favourably than the English language version. The complaint was regarding correspondence the complainant received from the Arbed am Byth scheme run on behalf of Welsh Ministers. The addresses on the correspondence greeted the receiver in English only (the occupier) and used an English only address. The correspondence also included envelopes to respond that had English only addresses. I find that the use of English only addresses and greetings on the correspondence from Arbed am Byth treats the Welsh language less favourably than the English language.

Standard 50: A body must ensure that all forms produced for public use are produced in Welsh. That includes any written forms, whether they are electronic or in paper form. The complainant received correspondence from the Arbed am Byth scheme, on behalf of Welsh Ministers. The correspondence included a form for the use of the public that was in English only. I find that Arbed am Byth, on behalf of Welsh Ministers, produced a form in English only and shared it with the public for their use.

Commissioner's determination Under section 73 (2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standards 6 and 50.

Statement of further action

Further action was taken following the determination that Welsh Ministers have failed to comply with Standards 6 and 50.

Statement on the further action

Standard 6 – requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure I require Welsh Ministers to prepare an action plan for the purpose of preventing the continuation or repetition of a failure to comply with standard 6.

The action plan must include steps that lead to the use of addresses that do not treat the Welsh language less favourably than the English language for correspondence sent by Arbed a Byth.

The action plan must include steps that lead to the use of response envelopes that do not treat the Welsh language less favourably than the English language for the Arbed am Byth scheme.

The action plan must include a clear timetable for completing these steps.

Timetable: Within 30 days from the date of publication of the Commissioner’s final determination.

Decision notice given

The Decision Notice was given to Welsh Ministers on 16/03/2020.

Appeals made to the tribunal

No appeal was made to the Tribunal

Commissioner’s findings

Standard 58: A body must not treat the Welsh language less favourably than the English language when using social media. I received a complaint alleging that Welsh

Welsh Ministers

On 2 October 2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language

16/3/2020

Measure, and was therefore a valid complaint. The complainant alleged that the First Minister's Twitter account (@fmwales) treated the Welsh language less favourably than the English language. This account is the responsibility of Welsh Ministers. The complainant was of the opinion that the Welsh language had been treated less favourably than the English language as it had pinned an English only message as a 'Pinned Tweet' at the top of the account on 2 October 2019. On 23 October 2019 the complainant added an allegation that the Welsh language is treated less favourably than the English language in the content of a 'tweet'.

Ministers had treated the Welsh language less favourably than the English language on the social media Twitter for the @FMWales account by pinning an English only tweet to the top of the account and in an English only message in a conversation regards a meeting between the First Minister and the Scottish First Minister. In addition I considered the Welsh Ministers operation of the social media following advice I gave in this context when discontinuing a previous investigation. Following consideration of the evidence of the complainant and Welsh Ministers I find that some elements of the use of this social media has treated the Welsh language less favourably than the English language.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standard 58.

Statement of further action

Further action was taken following the determination that Welsh Ministers have failed to comply with Standard 58.

Statement on the further action

Standard 58 – requirement to take steps in accordance with section 77(3) of the Welsh Language Measure

1. Welsh Ministers must ensure that their decision to not use the option of pinning tweets on Twitter is adopted in guidelines for officers and to ensure that those guidelines are shared with each staff member responsible for publishing content on the Twitter accounts of the Welsh Ministers.

2. Welsh Ministers must provide written evidence that shows that you have complied with enforcement step 1.

Timetable: Within 30 days from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Welsh Ministers on 16/03/2020.

Appeals made to the tribunal

No appeal was made to the Tribunal.

On 10/07/2019 I a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. Police officers attended the complainant's home to arrest his 15 year old son. A complaint was received alleging that the complainant, Mr T did not receive the caution in Welsh when arrested. The allegations relate to: i) a request by the individual to have his rights read out in Welsh on his arrest, and that the Inspector answered "No, you understand". ii) After being interviewed in Welsh at Caernarfon Police Station following his arrest, he received a charge sheet and bail notice that contained English text. iii) He asked

13/3/2020

Commissioner's findings

Standard 26: The standards do not require police officers to give a notice of arrest in Welsh. Standard 26 requires a body to ensure that, when requiring Mr T to attend an interview, he asks whether he wishes to use Welsh at the interview and provides a translation service if required. As the interview was conducted in Welsh, I conclude that that offer was made and that the police officers undertook the interview in Welsh.

Standard 48: Standard 48 requires a body to produce any form for public use in Welsh. English text appeared on the charge and bail sheet received by Mr T, and there was a delay in receiving the charge and bail form in Welsh. This indicates a failure to comply with standard 48.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Chief Constable of North Wales Police has not failed to comply with

The Chief
Constable of
North Wales
Police

to receive the charge on paper in Welsh. It is alleged that he was placed in a cell to wait for a quarter of an hour. iv) He asked once more to be given the charge and bail form in Welsh, and he was placed in the cell for a further quarter of an hour before receiving bilingual papers.

standards 6 or 26 but has failed to comply with standard 48.

Statement of further action

Further action was taken following the determination that The Chief Constable of North Wales Police has not failed to comply with standards 6 or 26 but has failed to comply with standard 48.

Statement on the further action

Standard 26 – advice in accordance with section 77(4)(b) of the Welsh Language Measure

1. I advise the Chief Constable of North Wales Police to draw the attention of his police officers to the material contained in their pocket booklet to ensure that they are familiar with the wording, and that they know where to find it. Standard 48 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure.
2. The Chief Constable of North Wales Police must ensure that all elements of the charge sheet and bail form comply with the requirements of standard 48.
3. The Chief Constable of North Wales Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 3 months of issuing the Commissioner's final determination

Decision notice given

The Decision Notice was given to The Chief Constable of North Wales Police on 13/03/2020.

Appeals made to the tribunal

No appeal was made to the Tribunal

CSG625 On 30 August 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the Instagram account @datblygiadgweledigabertawe (please note that there is a spelling error in the account name). This account is the responsibility of Swansea Council. The complainant alleges that a member of the Council's staff answered with offensive comments regarding the Welsh language in response to comments and questions the complainant sent to this account. It is also alleged that an English only response to a message sent in Welsh, was given prior to a Welsh language message providing an apology. The complainant also made a complaint concerning the delay she experienced when submitting a complaint to the Council regarding this matter. The complainant alleges that she waited over a week for a response to an informal complaint she submitted in Welsh on the Instagram account, but that she had received an answer within an hour when

City and County
of Swansea
Council

6/3/2020

Commissioner's findings

Standard 1: If a body receives correspondence from a person in Welsh, it must reply in Welsh (if an answer is required). The complainant in this case had submitted a formal complaint to the Council in Welsh. She received a response in Welsh after a period of two months after experiencing a delay due to unforeseen staff absence. I find, in this case, that the Council has responded to Welsh language correspondence in Welsh, but that the complainant faced a delay in receiving this response.

Standard 58: A body must not treat the Welsh language less favourably than the English language when using social media. I received a complaint concerning one of the Council's Instagram accounts. I find that in this case, the accounts in question have since been closed and that there was no evidence that the Council had treated the Welsh language less favourably than English when publishing content on these accounts.

Standard 59: A body must reply to a person in Welsh (if an answer is required) if the person has contacted it via social media in Welsh. The complainant submitted comments in Welsh to a post on an Instagram account run by Swansea Council. An official on behalf of the Council responded in English only to this comment contrary to the requirements of the standard.

Standard 156: A body must ensure that it has a complaints procedure which deals with the following matters: how it intends to deal with complaints about compliance with the service delivery, policy making and

she submitted a complaint in English. The complainant also notes that she had submitted a formal complaint to the Council about the matter, and alleged that she had experienced a delay as the complaint had been submitted in Welsh.

operational standards that it is under a duty to comply with; how it will provide training for staff in relation to dealing with those complaints. In this case the complainant experienced a delay in receiving a response to her complaint to the Council. I find that the Council's complaints procedure is not clear as to how it deals with complaints regarding Welsh language services or refers specifically to the requirements of this standard.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Council has not failed to comply with standards 1 and 58 but has failed to comply with Standards 59 and 156.

Statement of further action

Further action was taken following the determination that Swansea Council has not failed to comply with standards 1 and 58 but has failed to comply with Standards 59 and 156.

Statement on the further action

In accordance with section 76 of the Welsh Language (Wales) Measure 2011, I have decided on further action where there has been no failure.

Standard 1 – recommendations in accordance with section 76(3) of the Welsh Language Measure Swansea Council should develop arrangements to ensure that staff absences do not affect its ability to ensure that the quality of service provided to Welsh speakers is equal to the service provided to English speakers.

Standard 58 – recommendations in accordance with section 76(3) of the Welsh Language Measure Swansea Council should:

- (a) conduct a survey to find out which social media accounts it is responsible for.
 - (b) identify each account and which officer is responsible for publishing content on the account.
 - (c) ensure that each of the officers responsible for publishing content receives an advice document that clearly outlines the requirements of standard 58 and the officer's responsibilities for complying with standard 58.
- In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.

Standard 59 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Swansea Council must develop guidance that clearly outlines how its officers should respond to messages they receive through its social media accounts in order to meet the requirements of standard 59.

2. Swansea Council must ensure that all those responsible for running social accounts on behalf of the Council receive a copy of the guidance. Timetable: Within 60 days of issuing the Commissioner's final determination.

Standard 128 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

3. Swansea Council must review its complaints procedure in order to ensure that it meets the requirements of standard 156.

4. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.
Timetable: Within 60 days of publishing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Swansea Council on 06/03/2020

Appeals made to the tribunal

No appeal was made to the Tribunal

CSG514 On 17/01/2019, 22/01/2019, and 31/01/2019 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure and were therefore valid complaints. I decided to combine the three individual complaints under reference number CSG514. The complaints included allegations regarding the following: that the Council's parking permits and taxi licences contain text in English only; that English-only signs for Canton have been erected and that the Council does not recognise 'Treganna' as the official name; that the complainant received an English-only letter and a parking permit from the Council's Parking Services Department

14/2/2020

Commissioner's findings

Standard 1: I find that the Council sent correspondence in response to a freedom of information request to the complainant in English only. The complainant had sent the request in Welsh. Only the body of the email contained Welsh text. The response itself attached to the email, as well as the subject line of the email, were in English only. Standard 5: Standard 5 requires a body, when sending correspondence to a person, to send a Welsh language version of that correspondence if it does not know that this person wishes to receive correspondence in Welsh. In this case the Council sent English only correspondence to the complainant regarding his parking permit. The Council noted that it had sent English only correspondence as the English portal had been used by the complainant to apply for the parking permit, and that the language in which the Council sent the correspondence was dependent on the language of the portal. However, the complainant alleges that he had

Cardiff Council

(although he alleges that he had made the application in Welsh); that there is no statement indicating that the Council invites and receives responses in Welsh on correspondence; that the Council does not comply with the Welsh language standards in relation to its annual report. The complainant alleged that a complaint which he made to the Council in September 2017 was not included in the Council's annual report for 2017-2018; that the complainant had received a letter in English only in response to a freedom of information request sent by him in Welsh.

made the application in Welsh and provided screenshots to support that. I do not consider that it is possible for the Council to know that a person wishes to receive correspondence in Welsh or not solely on the basis of the language in which the user chooses to use the portal or completes the application form.

Standard 7: Standard 7 requires a body to include a statement in correspondence, and in publications and official notices inviting persons to respond to it or correspond with it in Welsh, that it welcomes correspondence in Welsh, and will reply to correspondence in Welsh and that this would not lead to delay. In this case, the Council sent correspondence relating to parking permits which did not contain such a statement.

Standard 42: Standard 42 requires a body to ensure that any licences or certificates it produces are produced in Welsh. I conclude that the complainant received a parking permit from the Council on two occasions. Although there were some Welsh details, there were a number of English only elements. The Council notes that those permits were sent in English as the application was made through the English portal. However, the complainant alleges that he had made the application in Welsh and provided screenshots to support that. I conclude that there is always a requirement to produce them in Welsh, regardless of the complainant's language choice.

Standard 48: Standard 48 imposes a requirement to ensure that a body does not treat any Welsh version of documents less favourably than the English version, whether or not the English language information is on the same document, or on a separate document. In this case

the complainant received, on two occasions, a parking permit containing English only text. The Red Zone details and an English only address were included on the permits. The evidence also shows that the Council's taxi licences contain the text 'passengers' in English only, and that the 'bonded security' hologram was in English only. The Council has confirmed that the text on its taxi licences has now been corrected and that the Welsh text has been included. In the case of parking permits, the Council provides Welsh language permits if the user uses the Welsh portal. I consider that not including all the text on parking permits and taxi licences in Welsh is contrary to the requirement of standard 48 and treats the Welsh language less favourably than English in terms of content.

Standard 61: This standard sets out the requirement to ensure that any new or renewed signs (including temporary signs) include Welsh text, whether or not that text is on a sign that also contains English text, or on a separate sign. The standard also imposes a requirement that if the text is displayed in both English and Welsh, that the Welsh text is treated no less favourably than the English text. In this case, a sign has been erected as part of work by external developers. The sign does not contain an equivalent name for the English name, Canton. Although the sign has not been produced by the Council, but by external developers, I consider that this has been done on behalf of the Council in the light of the development work on the road. As a result, I consider that the Council is primarily responsible for the sign, and for ensuring that the information contained on it is correct. I consider that not providing Welsh text on every element of the sign is contrary to the requirement of the standard in

that it is treating the Welsh language less favourably than English in terms of content.

Standard 147: The requirement of this standard is for an organisation to keep a record for each financial year of the number of complaints it receives relating to its compliance with the standards. The complainant corresponded with the Council regarding a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints relating to the Council's compliance with the standards. It was noted by the Council that it had not considered this to be a complaint as it had only been dealt with as an appeal, and therefore was not recorded separately as a complaint. I consider that the Council should have considered the correspondence to be complaints in relation to compliance with the standards, and therefore that the Council has acted contrary to the requirements of standard 147 in this case by not recording them as complaints.

Standard 148: The requirement of this standard is for the body to keep a copy of any written complaint it receives relating to compliance with the standards with which that body is under a duty to comply. The complainant corresponded with the Council regarding a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints that relates to the Council's compliance with the standards. I consider it reasonable to conclude that the Council has kept a copy of the complaint by the complainant as it has been considered and responded to as part of an appeal, although not necessarily kept in the

form of a complaint. I consider that the Council has not acted contrary to standard 148 in this case.

Standard 149: The requirement of this standard is that a body must keep a copy of any written complaint in relation to the Welsh language. The basis of this complaint is that the complainant's complaints were not included within Cardiff Council's 2017-18 annual report. The complainant corresponded with the Council regarding his appeal in relation to a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints relating to the Welsh language. I am of the view that it is reasonable to consider that the Council has kept a copy of the correspondence from the complainant as it has been considered as part of an appeal although not necessarily kept in the form of a complaint. I consider that the Council has not acted contrary to standard 149 in this case.

Standard 158: The requirements of standard 158 are for a body to produce an annual report, in Welsh dealing with the service delivery standards with which it is under a duty to comply. As part of that report, it is required to include the number of complaints that it received during that year relating to compliance with the service delivery standards with which the body is under a duty to comply. The complainant corresponded with the Council regarding a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints related to the Council's compliance with the service delivery standards with which it is under a duty to comply. The Council had not considered this to be a complaint as it treated it as an

appeal only, and therefore it was not recorded separately as a complaint. I consider that the Council should have also considered the appeal to be complaints relating to compliance with the standards, and therefore should have been included in the number of complaints received by the Council during the relevant year within the Council's annual report.

Enforcement action CSG197: The enforcement action requires Cardiff Council to ensure that the Council has in place robust procedures for responding in Welsh to correspondence in relation to freedom of information requests received in Welsh. This enforcement action also set out steps to ensure that a Welsh language freedom of information request does not result in a delay for the applicant, and that the Welsh language is treated no less favourably than English when dealing with those requests. The enforcement action is operational 28 days from the date the final Decision Notice of this case is received. A response to a Welsh medium freedom of information request was sent to the complainant on 31/01/2019 and the whole text did not include Welsh text. The Council has admitted that it had sent a response in English and further to this has put steps in place to remind Case Officers of the need to process Welsh language freedom of information requests appropriately. The correspondence sent by the Council indicates a failure by Cardiff Council to comply with the enforcement action.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council have failed to comply with standards 1, 5, 7, 42, 48, 61, 147,

158 (part 2) and enforcement action CSG197; and that Cardiff Council has not failed to comply with standards 148 and 149.

Statement of further action

Further action was taken following the determination that Cardiff Council have failed to comply with standards 1, 5, 7, 42, 48, 61, 147, 158 (part 2) and enforcement action CSG197.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Cardiff Council must ensure that all elements of a response to a freedom of information request received in Welsh are sent in Welsh in accordance with the requirements of standard 1, including ensuring that the title of all correspondence includes Welsh text.
2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out the enforcement action. Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 5 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. If the Council is unaware of a person's language choice, the Council must ensure that Welsh correspondence regarding parking permits is sent until it 06/07 knows for certain that the person does not wish to receive correspondence in Welsh.

4. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.

Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 7 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

5. Cardiff Council must ensure that a statement in accordance with standard 7 is added to any correspondence relating to parking permits.

6. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out the enforcement action.

Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 42 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

7. Cardiff Council is required to ensure that all parking permits are produced in Welsh regardless of the language used to apply for the permit.

8. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.

Timetable: Within 60 days of issuing the Commissioner's final determination.

Standard 48 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

9. Cardiff Council is required to ensure that any text on parking permits and taxi licences is available in Welsh.

10. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.
Timetable: Within 30 days of issuing the Commissioner's final determination for taxi licences, and within 60 days of issuing the Commissioner's final determination for parking permits.

Standard 61 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure
11. Cardiff Council must ensure that the road sign which is the subject of the CSG514 investigation does not treat the Welsh language less favourably than the English and that any text displayed on the sign is available in Welsh where a Welsh name is available.

12. Cardiff Council must ensure that signs comply with Welsh language standards when the signs are produced by third parties, ensuring that clear procedures are put in place for this purpose. This procedure should include information on the areas to be checked with regard to the Welsh language on those signs.

13. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-2.
Timetable: Enforcement action 11 - within 4 months from the date of publication of the Commissioner's final determination. Enforcement action 12 - within 2 months from the date of publication of the Commissioner's final determination.

Standard 147 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

14. Cardiff Council must ensure that it has robust processes in place to ensure that it keeps a record of all complaints it has in relation to compliance with the standards, including those made outside the corporate complaints process. Cardiff Council must ensure that it has robust processes to ensure that it keeps a record of every complaint that it receives in relation to compliance with the standards, including complaints done outside of the corporate complaints process.

15. Cardiff Council must ensure that all Council staff are aware of those processes.

16. Cardiff council must provide written evidence which satisfies the Welsh language Commissioner that it has completed enforcement action 14 – 15.

Timetable: Within 60 days from the date of publishing the Commissioner's final determination.

Standard 158 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

17. Cardiff Council must ensure that the correct number of all its complaints relating to compliance with the service delivery standards with which it is under a duty to comply are included in its annual report in accordance with part (2) of standard 158.

18. Cardiff Council must ensure that it has clear processes in place to ensure that all complaints about compliance with the service delivery standards that it is under a duty to comply with are included in the annual report.

19. Cardiff Council must ensure that all Council staff are aware of those processes. 20. Cardiff council must provide written evidence which satisfies the Welsh

language Commissioner that it has completed enforcement action 18-19.

Timetable: Cardiff council will be required to act on enforcement action 17 by the date of publication of its annual report for 2019/20. Enforcement action 18-19 must be implemented within 60 days from the date of publication of the Commissioner's final determination.

A requirement to take steps in accordance with the CSG197 investigation decision notice In the case of my determination that Cardiff Council has failed to comply with an enforcement action of the CSG197 investigation, I shall be taking no further action. I am of the view that the enforcement actions that I have already issued to the Council and the new enforcement actions in relation to standard 1 are sufficient to prevent the continuation or repetition of the failure to comply. The Council has also introduced additional measures to ensure that Welsh medium freedom of information requests are processed appropriately.

Decision notice given

The Decision Notice was given to Cardiff Council on 14/02/2020

Appeals made to the tribunal

No appeal was made to the Tribunal

Newport City Council

CSG613 On 12/08/2019 a complaint was received from a member of the public. The complaint met the conditions in

5/2/2020

Commissioner's findings

Standard 5: Standard 5 requires the Council to send a Welsh language version of correspondence when sending

section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant received a council tax adjustment notice from Newport City Council on 12 August 2019. Most of the correspondence was in English only and at the bottom of the correspondence there was a note stating “Mae'r Hysbysiad hwn ar gael yn Gymraeg ar gais” ("This Notice is available in Welsh on request").

an English version if they do not know that an individual does not wish to receive a Welsh version. In this case the Council knew that the complainant wished to receive correspondence in Welsh but despite this the correspondence was sent in English only. The Council does not send Welsh correspondence to individuals if they have not specifically requested Welsh language correspondence. As the Council had sent the correspondence in English only to the complainant who wished to receive correspondence in Welsh, and to other individuals without knowing whether or not they wished to receive Welsh language correspondence, I determine that the Council did not comply with standard 5 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council have failed to comply with Standard 5.

Statement of further action

Further action was taken following the determination that Newport City Council have failed to comply with standard 5.

Statement on the further action

Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Newport City Council must take steps to raise staff awareness of the need to send a Welsh language version of correspondence if the recipient's chosen language has not been established.

2. Newport City Council must conduct a review of Council Tax Department standard letters and act upon the findings of the review to ensure compliance with standard 5.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Standard 5 – requirement to prepare an action plan in accordance with section 77(3) of the Welsh Language Measure.

3. I require the Council to prepare an action plan which will show what action it will take in order to comply with standard 5 in relation to the Council Tax Adjustment Notice. The Council should prepare the first draft action plan and provide me with a copy within 3 months. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

4. Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions [1 - 3].

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Newport City Council on 05/02/2020

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG578 On 3 June 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. 1.2 The complainant alleged that he had parked his car near Brangwyn Hall, Swansea on 13 April 2019. The complainant alleged: i) that most of the Welsh text on the sign in the car park was covered by a new or temporary sign, but that the English version remained visible. ii) that the name of the car park was in Welsh at the top of the sign – Glan y Môr, which is different from the name on the temporary sign, Blaendraeth. iii) that the penalty charge notice includes the name of the car park in English only on the Welsh version, and that the Welsh language text appears after the English on the back of the document. iv) that having appealed against the fine by using an online form on the Council's website, the complainant received an email receipt. The Welsh receipt contained English language headings and phrases. v) that the appeal had been translated into English, and that only English parts of the notice board had been checked. The notice board in the car park notes Blaendraeth on the temporary notice and

22/1/2020

Commissioner's findings

Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case an appeal receipt via email, and a letter. The Welsh version of the appeal receipt contained English text and consequently treated the Welsh version less favourably than the English version in terms of its visual presentation. This highlights a failure by the Council to comply with standard 6. The letter contains Welsh text and although there is confusion that the name of the car park noted in the letter differs from the name used on the notice board, it does not demonstrate a failure to comply with a standard but rather an administrative error by the Council.

Standard 48: Standard 48 requires the Council to ensure, when producing a document, that it does not treat the Welsh language version of the document less favourably than the English language version. The Council produced a bilingual penalty charge notice document which included the name of the car park in question, in English only. This highlights a failure by the Council to comply with standard 48.

Standard 50B: Standard 50B requires the Council to ensure, when producing a form, that it does not treat the Welsh language version of the form less favourably than the English language version. The Council produced a bilingual penalty charge notice form which included the name of the car park in question, in English only. The Council produced an appeal form to be sent in an email

Glan y Môr on the permanent notice, and the Penalty Charge Notice received by the complainant states "The Baths Car Park" in English only. vi) Three different names were used for the same car park.

which contained English headings, subheadings and phrases. This highlights a failure by the Council to comply with standard 50B.

Standard 61: Standard 61 requires a body that erects a new sign or renews a sign to ensure that any text displayed on the sign is displayed in Welsh, and not to treat the Welsh text less favourably than the English text. Swansea Council erected a temporary sign which obscured a large part of the Welsh text on a permanent sign in the Foreshore (Blaendraeth) car park. I conclude that this constitutes a failure to comply with standard 61.

Standard 62: Standard 62 requires a body that erects a new sign or renews a sign to ensure that the Welsh text has been positioned so that it is likely to be read first. Swansea Council erected a temporary sign on the lower part of a permanent sign, which obscured a large part of the Welsh text in the Foreshore car park. The English version appeared most prominently in the lower part of the sign. I conclude that this constitutes a failure to comply with standard 62.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Council have failed to comply with Standards 6, 48, 50B, 61 and 62.

Statement of further action

Further action was taken following the determination that Swansea Council have failed to comply with Standards 6, 48, 50B, 61 and 62.

Statement on the further action

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Swansea Council must conduct a survey to identify all automated messages sent by the Highways and Transport Department and take steps to ensure that all automated emails sent in response to messages in Welsh, are sent in Welsh, and that the Welsh language is treated no less favourably than the English language in correspondence.

2. Swansea Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.

Timetable: Within 3 months of issuing the Commissioner's final determination. Standard 48 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Swansea Council must amend the Penalty Charge Notice document to meet the requirements of the Welsh language standards. Where there is a Welsh name for a car park, the Council must ensure that this name is displayed on the notice.

4. Swansea Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 3. Timetable: Within 6 months of issuing the Commissioner's final determination.

Standard 61 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

5. Swansea Council must produce guidelines for the attention of the Highways and Transport Department staff

responsible for producing and erecting new signs or renewing signs, to the requirements of the Welsh language standards.

6. Swansea Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Swansea Council on 22/01/2020

Appeals made to the tribunal

No appeal was made to the Tribunal.

Wrexham
County Borough
Council

CSG582 On 23 June, 2019 a complaint was received from a member of the public. It met the conditions set out in section 93 of the Welsh Language Measure, and was therefore valid. The complaint related to a sign that that appeared to be responsibility of Wrexham County Borough Council (the Council). It described the sign as a permanent road sign that did not meet Welsh language standards. Concerns were noted that the sign raised questions about the Council's compliance with relevant requirements imposed on it following an investigation by my predecessor, reference CSG237. The

17/1/2020

Commissioner's findings

Standard 62: The Council must ensure that any sign erected by it after the imposition day complies with the requirements of standard 62. That means that the sign's Welsh language text must positioned so that it is likely to be read first. The Council erected a road sign on the B5605 on 4 April, 2017 after the imposition day. The Welsh language text of that sign was positioned so that it was not likely to be read first. This was a failure by the Council to comply with the requirements of the standard.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 62.

sign was located on the B5605 towards Ruabon from Johnstown. It was an electronic sign informing drivers of the 30mph speed limit. According to the evidence the sign's English language text, SLOW, was displayed above the Welsh language text, ARAF, contrary to the requirements of the standards.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 62.

Statement on the further action

Standard 62 – Requirement to take steps in accordance with subsection 77(3)(b) of the Welsh Language Measure.

1. The Council must identify all signs of this nature that it is responsible for within the borough.
2. Of the signs identified by step 1, the Council must identify those erected after 30 March, 2016.
3. The Council must investigate whether the position of the text of the signs identified by step two can be swapped.
4. If the Council finds that the position of the text on the signs can be swapped it must, as soon as is practically possible, position the Welsh language text so that it is likely to be read first.
5. If the Council finds that the position of the text on the signs identified by step 2 cannot be swapped so that they comply with the standard, it must take them down and replace them.
6. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-5. Timescale: Within 6 months of publishing the Commissioner's final determination.
7. The Council must amend its document 'Welsh Language Standards: Guidance for accurate bilingual signage' so that it advises against re-erecting signs that were produced before the standards came into force, that

do not comply with the requirements. 8. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 7.

Timescale: Within 3 months of publishing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wreccsam County Borough Council on 17/01/2020

Appeals made to the tribunal

No appeal was made to the Tribunal

CSG470 Two complaints were received from a member of the public regarding matters relating to the proposal of the City and Council of Swansea Council (the Council) to close Ysgol Gynradd Gymraeg Felindre (YGG Felindre). The first complaint was received on 6 December 2018. It relates to the way in which the Council conducted its consultation on the proposal to close the school. The second complaint was received on 7 January 2019. It relates to alleged failures in the way in which an assessment was conducted of the effect of the decision on opportunities to use the Welsh language, and on treating the Welsh language no less favourably than the English language. The complainant

16/1/2020

Commissioner's findings

Standard 48: Following consideration and comparison of the response forms, I conclude that the spaces for providing a written response on the hard copy form was smaller in the Welsh version than the English version. I note that the difference at first glance does not seem to be a significant one. However, I must conclude that should an individual choose to complete the hard copy form (rather than electronically) then the lines provided on the Welsh version offer little or no space to write more than one sentence. It would certainly be easier to write a response in the box on the English version which offers more room to provide a response. I believe that the fact that the spaces for providing a response in the Welsh version was smaller than the corresponding spaces in the English version means that an individual wishing to respond to the consultation using the Welsh version of the hard copy form would be at a disadvantage. Standard 52:

City and County
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Council

alleges that: 1. the Council did not undertake an appropriate consultation due to the fact that the consultation documents did not consider or seek views on how the decision consulted upon could impact opportunities to use Welsh and to not treat Welsh less favourably than English. 2. the Council failed to respond appropriately to representations submitted regarding how the consultation was carried out. 3. the Welsh language was treated less favourably than the English language within the consultation documents as the spaces for including a response to some questions were smaller in the Welsh versions when compared to the English versions. 4. the assessment on Welsh education was not published on the Welsh pages of the Council's website during the consultation process. 5. the Council did not carry out an appropriate assessment of the impact of the decision to close the school on opportunities to use Welsh in the school community, and that the impact assessment on Welsh medium education did not meet the requirements of the Welsh language standards which have been imposed on the Council as they formulate, review or revise any policy. On 21 June 2018 the Council's cabinet approved a

Having considered all the evidence at hand, it is clear that the complainant's allegation is at odds with the evidence presented by the Council. However, I must reach a decision on whether or not the Council complied with the standard. In the absence of irrefutable evidence that a Welsh language version of the Welsh Language Impact Assessment was not on the website through the consultation, the only conclusion I can come to is that the Council has not failed to comply with the standard. Standards 88, 89 and 90: Following consideration of all the evidence submitted to me by the complainant and the Council, it appears to me that the Council has considered the effect of the proposal to close YGG Felindre on Welsh-medium education. The Council has made reference on a number of occasions and in several documents that the proposal is part of the Welsh in Education Strategic Plan which plans to increase the number of pupils studying through the medium of Welsh in the county. However, the evidence has not persuaded me that the same attention and consideration has been given to the impact of the decision on the Welsh language in a wider context. It is clear that the Council carried out a Welsh Language Impact Assessment prior to the consultation process, and that they revised the document following the findings of the consultation. However, I must consider the extent to which those assessments, when considered together, were meaningful and sufficient to ensure that the Council has implemented the requirements and objectives of the policy making standards. The complainant claims that the school has a key role in maintaining the Welsh language in the area and in offering opportunities for people to use the Welsh

recommendation to consult on the proposed closure of YGG Felindre. A consultation on the proposal was conducted between September and October 2018. The consultation related to the proposed closure of YGG Felindre (with effect from 31 August 2019). It is proposed that the existing school catchment area is transferred to the Ysgol Gynradd Gymraeg Tirdeunaw as the next closest school, unless a separate proposal to relocate Welsh Ysgol Gynradd Gymraeg Tan-y-Llan to a new location is approved, in which case the school would be the nearest school to receive pupils from the YGG Felindre catchment. On 20 December 2018 the Council's Cabinet approved a recommendation to publish a statutory notice on the proposed closure of YGG Felindre. Having considered the above and the relevant standards (Appendix A), I was of the view that the proposal outlined in the consultation document was likely to have an impact on the Welsh language. There was also a suspicion that an appropriate assessment of the potential impact of the proposals on the Welsh language had not been undertaken. Therefore, I decided to carry out an investigation under section 71 of the Welsh Language

language. In looking at the requirements of the standards, the Council has a duty to consider the extent to which the proposal protects, promotes and enriches the area's heritage and culture in relation to the Welsh language. I have already discussed the contents of the Welsh Language Impact Assessment document at paragraphs 2.33 to 2.37. I drew attention to the fact that only 2 paragraphs out of the 19 discussed the impact on the Welsh language. I conclude that paragraphs 1 to 16 discuss the reasons which led to the decision to propose the closure of YGG Felindre, rather than offering a thorough assessment of the impact of the decision. The closing paragraphs conclude that the Council believes that the proposal would result in a positive impact on the development of the Welsh language in the Swansea area, although no robust evidence is presented to support this. The assessment does not take into account the potential impact on the Welsh language within the community or consider any effects beyond the education provision. The assessment does not take into account the use of the Welsh language in the community and the school's contribution towards it. I would have expected to see data or information to evidence that the Council had considered the linguistic demographics of the area and that they had scrutinised and weighed up the impact of the closure on people's language use. It is not sufficient that the Council concludes that the effect is "neutral" without also putting forward arguments or evidence in support. Nor is there any evidence from the Welsh language Impact Assessment, or the other documents and assessments undertaken, that the Council has considered how the policy or proposal can be formulated

Measure to determine whether there was a failure by the Council to comply with Welsh language standards. The Council has a duty to ensure and to satisfy itself that the policy decisions it makes (together with their formulation and consultation) comply with the relevant regulations and legislation. The purpose of my investigation in this case is to determine whether the Council has failed to comply with the Welsh Language Standard in reaching its decision. Where a policy decision has already been made, it is not open to me to require the Council to remake that decision. Therefore, the steps I ask the Council to take are relevant only to future decisions, in relation to considering the effects of policy decisions on the Welsh language, and considering and seeking views on the effects on the Welsh language when consulting on those decisions. I notified the Council and the complainant of the decision to investigate, and of the proposed terms of reference, on 21 January 2019. I gave notice to the Council of the final terms of reference for the investigation on 6 February 2019.

so that it has a positive or less adverse impact on the Welsh language. Although the Council has noted that the proposal has a "neutral" effect on the Welsh language, the requirements of 89 and 90 remain relevant and in effect. In presenting her complaint to me, the complainant referred to the ways in which the school contributes to wider community factors relating to the Welsh language. She explained that the school contributes to maintaining the Welsh language in the village by giving village residents, pupils and their parents the opportunity to come together to organize and participate in activities through the medium of Welsh. Those examples include the Parent Teacher Association, the village eisteddfod, the St David's Day Cawl and Twmpath event, the harvest service in the chapel, and the Christmas drama held in the village. The complainant also explains that members of the community have been active in volunteering to raise money for the school for resources such as a minibus, building wet and dry areas for the pupils and developing a nature garden. Projects were also organized by members of the community to enable village children to compete in the Urdd eisteddfodau and to take part in a project funded by the Arts Council relating to local and national history and traditions. Had an appropriate assessment of the impact of the decision to close the school on the Welsh language in the community been undertaken, the Council would likely have been aware of events such as these, and been able to undertake an assessment of the relationship between the school and the activities, and analyze the likely impact of closing the school on the community's ability to continue to sustain them following closure, or to conduct similar activities that would enable them to

continue to use the Welsh language. Then, on the basis of the assessment, the Council would have been in a position to consider what action it could take as a result of making such an assessment. The standards make it open to the Council to continue with the decision regardless, or it may conclude that the adverse effects are so significant that it cannot proceed with the decision. The Council can also continue to make the decision in a way that would have a positive or more positive effect on the Welsh language than originally intended, or make the decision by introducing mitigation measures aimed at preventing or minimising the adverse impact of the decision. Proposals on how to do so should be made by the Council. Without appropriate assessment, research and findings it is not possible to predict what such proposals might be, but the examples below could be the kinds of proposals that could have been considered in a community where the Welsh language remains a part of the fabric of society:

- Fund initiatives or activities led by the Menter Iaith
- Ensure that school facilities and resources continue to be available to the community in order, for example, to be a meeting place or a base for accessing local services such as a library service, access to information technology etc
- Council guidance or support for the community to enable them to set up social enterprises for the benefit of the community.

Given paragraph 2.66 it is not possible for the Welsh Language Commissioner to know what the Council's decision might have been had it acted in accordance with the standards. The only conclusion that can be drawn is that the decision could have been different to the one made. In light of the above, I am of the view that the Welsh language Impact Assessment was

not sufficient to meet the requirements of standards 88, 89 and 90. I therefore conclude that the Council has not implemented the requirements of standards 88, 89 and 90 in making its policy decision to close YGG Felindre. The Council has not considered and identified what effects its decision may have on opportunities for persons to use the Welsh language or not to treat the Welsh language less favourably than the English language. Nor has the Council considered how it can make the decision so that it has more positive, or less adverse, effects on opportunities for persons to use the Welsh language, or not to treat the Welsh language less favourably than the English language. Standards 91, 92 and 93: The requirements of these standards are clear. When publishing consultation documents, opinion must be sought on the potential effects of the policy decision in question on opportunities for persons to use the Welsh language. In order to comply with the standards, I would have expected the consultation documents to contain specific sections that encourage persons to consider the effect of the proposals on the Welsh language and to have a say in how the policy can be formulated so that it has a more positive effect or less adverse effect on the Welsh language. To achieve this, specific questions should be included that seek the views of persons on this. Indeed, I would expect organisations subject to standards to develop a set of standardised questions to be included in templates or consultation documents. This has not been done in this case. I conclude that none of the documents that were part of the consultation asked questions about any further considerations on what effect a decision to open a school would have on opportunities

to use the Welsh language. It also did not seek views on how to make the decision one where it would have more positive effects on the opportunities or less adverse ones. I believe that the Council should have been more proactive in seeking views on the effect of the proposal on the Welsh language beyond the education provision. Although the Council had received representations about the potential impact on the Welsh language, this was not as a result of any particular effort on the part of the Council. I am of the view that it is inappropriate to place the onus of considering the potential effect of policy decisions on the Welsh language on the target audience. The Council has a duty to encourage and to ensure that consultees consider the Welsh language and the usual way of doing this, and the most effective in my opinion, is to ask specific questions within the consultation documents or response forms. In its response to the evidence notice, the Council confirmed that the consultation document did not include any specific questions about the potential effects of the proposal on the Welsh language. As a result, I conclude that the Council failed to ensure that the consultation document sought views on the potential effects on the Welsh language in accordance with the requirements of the standards.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The City and County of Swansea Council has not failed to comply with standard 52 but has failed to comply with Standards 48, 88, 89, 90, 91, 92 and 93.

Statement of further action

Further action was taken following the determination that The City and County of Swansea Council has not failed to comply with standard 52 but has failed to comply with Standards 48, 88, 89, 90, 91, 92 and 93.

Statement on the further action

Standard 48 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. The Council must review its arrangements for producing documents that invite a response to a consultation, acting on its findings, where necessary, to ensure that the Welsh language is treated no less favourably than English language.

Timetable: Within 8 weeks of the date of publication of the Commissioner's final determination.

Standards 88, 89 and 90 – Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

2. The Council must take steps to ensure that the findings of this investigation, in relation to the extent to which the effects of the policy decision on the Welsh language have been adequately considered, are brought to the attention of Cabinet.

3. The Council must adopt a robust process for conducting and recording considerations on any effects that a policy decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. The process must include clear guidance for

officers and councillors on how the relevant considerations should be carried out and recorded.

4. The Council must adopt a robust process for conducting and recording considerations on how a policy decision could be made so that it has more positive effects on opportunities for persons to use the Welsh language or to treat the Welsh language no less favourably than the English language. The process must include clear guidance for officers and councillors on how the relevant considerations should be carried out and recorded.

5. The Council must adopt a robust process for conducting and recording considerations on how a policy decision could be made so as not to have adverse effects on opportunities for persons to use the Welsh language or to treat the Welsh language no less favourably than the English language. The process must include clear guidance for officers and councillors on how the relevant considerations should be carried out and recorded.

6. The Council must produce guidance (or revise its existing guidance) for staff responsible for carrying out impact assessments of policy decisions to ensure that the Council takes all relevant factors into account in the context of the potential impact on the Welsh language.

Timetable: Within 12 weeks of the date of publication of the Commissioner's final determination.

Standards 88, 89 and 90 – Requirement for the Council to publicise the failure to comply with the standards under section 77(3)(d) of the Welsh Language Measure

7. The Council must publicise its failure to comply with standards 88, 89 and 90 by publishing this report in a

prominent place on its website, and include an item on the investigation on the website's news section. Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.

Standards 88, 89 and 90 – The Welsh Language Commissioner to publicise the failure to comply with the standards under section 77(3)(c) of the Welsh Language Measure

8. I will publicise the Council's failure to comply with the standards by taking the following steps:- publish a statement stating that the Council has failed to comply with the standards - publish the investigation report on my website. Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.

Standards 91, 92 and 93 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

9. The Council must take steps to ensure that the findings of this investigation, in relation to the extent to which opinion was sought in an appropriate and sufficient manner in relation to the Welsh language, as part of its decision to close YGG Felindre, are brought to the attention of Cabinet.

10. The Council must develop a set of standard questions for use in consultation documents relating to policy decisions so that it seeks views in accordance with the requirements of standards 91, 92 and 93.

11. The Council must review and revise its processes for issuing consultation documents relating to policy decisions, to ensure that future consultation documents comply with standards 91, 92 and 93.

Timetable: Within 12 weeks of the date of publication of the Commissioner's final determination.

Standards 91, 92 and 93 – Requirement for the Council to publicise the failure to comply with the standards under section 77(3)(d) of the Welsh Language Measure
12. The Council must publicise its failure to comply with standards 91, 92 and 93 by publishing this report in a prominent place on its website, and include an item on the investigation on the website's news section. Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.

13. The Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 to 12 have been completed. Timetable: Within 16 weeks of the date of publication of the Commissioner's final determination.

Standards 91, 92 and 93 – The Welsh Language Commissioner to publicise the failure to comply with the standards under section 77(3)(d) of the Welsh Language Measure

14. I will publicise the Council's failure to comply with the standards by taking the following steps:- publish a statement stating that the Council has failed to comply with the standards - publish the investigation report on my website.

Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to The City and County of Swansea Council on 16/01/2020

Appeals made to the tribunal

No appeal was made to the Tribunal.

Commissioner's findings

Standard 64: Standard 64 requires that any reception service available in English is also available in Welsh. The complainant alleged that he did not receive a Welsh language reception service a little after 13.30pm on 11/04/2019. The Council noted that it had ensured that a Welsh speaker was available to receive attendees at reception until 13.30pm, but that the complainant arrived late, and the officer had had to leave to attend the meeting. In considering the evidence, I conclude that Wrexham County Borough Council has failed to comply with the requirements of standard 64 on this occasion.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 64.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 64.

Statement on the further action

Standard 64 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure

CSG581 On 18/06/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had visited the Tŷ Pawb reception shortly after 13.30pm on 11/04/2019 and wished to receive a Welsh service. He alleged that there was no Welsh service available to him.

20/12/2019

Wrexham
County Borough
Council

1. Wrexham County Borough Council must ensure that it provides a continuous Welsh language reception service at Tŷ Pawb in order to comply with standard 64.
2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.

Timetable: Within 90 days of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 20/12/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG542 On 1/05/2019 and 3/06/2019 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints. The complainant (P) alleges: allegation (i) – that the University treated the Welsh language less favourably than the English language on its website on 01 May 2019, by failing to publish the latest information on tuition fees (United Kingdom and European Union students) for 2019-2020 on the Welsh language webpage (in Welsh) at the same time as

20/12/2019

Commissioner's findings

Standard 55: The Welsh language page <https://www.aber.ac.uk/cy/postgrad/fees-finance/all-fees/> did not include the following latest information in Welsh on 01 May 2019, even though the corresponding English language page <https://www.aber.ac.uk/en/postgrad/fees-finance/all-fees/> did include that information in English: Tuition Fees (United Kingdom and European Union Students) for Taught Masters Programmes for 2019-2020; Tuition Fees (United Kingdom and European Union Students) for Research Programmes for 2019-2020. The requirements of part (a) of the standard meant that the University had to make sure that each page of the University website was available in Welsh on the date in question. That included ensuring, if an English language

Aberystwyth
University

it published the corresponding information (in English) on the corresponding English language webpage; allegation (ii) – that the University treated the Welsh language less favourably than the English language in relation to the self-service machines for returning books to the Hugh Owen Library on 15 April 2019, as the default language of the machines was English and as it was necessary to take the additional steps of searching for the 'Cymraeg' button, and pressing that button, in order to set the machines to operate in Welsh; and allegation (iii) – that a Welsh language reception service was often unavailable in the reception on Level D in the Hugh Owen Library, during the period around May 2019.

page included specific text in English, that the corresponding Welsh language page also included the equivalent text in Welsh. Because the latest information in question, which was available (in English) on the English language page, was completely absent from the corresponding Welsh language page (in Welsh), the University failed to comply with part (a) of the standard in this case. I also find that the University failed to comply with part (b) of the standard in this case. It did not ensure that the Welsh language page on its website was fully functional on 01 May 2019. It did not ensure that the Welsh language page functioned in the same way as, or as well as, the English language version of the page. That was because the Welsh language page had not been updated with the latest information, as was the case with the corresponding English language page. The effect of this was that the Welsh language page only included outdated information on tuition fees. Also, the University had not ensured that the Welsh language page was published with the latest information in Welsh before or at the same time as the English language page was published with the latest information in English. As a result, I conclude that the University failed to comply with part (c) of the standard in this instance, by treating the Welsh language less favourably than the English language in terms of when the latest information on tuition fees was published on the Welsh language page compared to when it was published on the corresponding English language page. I conclude that this occurred because the University's administrative arrangements and processes for updating webpages were not sufficient to ensure that: the University publishes content on the

Welsh language webpage (in Welsh) before or at the same time as publishing the corresponding (English language) content on the corresponding English language webpage at all times; the University does not publish content on the English language webpage (in English) before publishing the corresponding (Welsh language) content on the corresponding Welsh language webpage.

Standard 64: The book returning machine used by P in the Hugh Owen library on 15 April 2019 functioned in English by default. Because of this, the English language interface was more prominent to P than the Welsh language interface on the machine in question. Therefore, I conclude that the University has treated the Welsh language less favourably than the English language in terms of the prominence of the Welsh language interface in this instance. Also, as the default language of the machine was English, P had to take the additional steps of searching for the 'Cymraeg' button, and pressing that button, in order to start using the machine in Welsh. These were additional steps that P would not have had to take if he had chosen to use the machine in English. Compared to the number of steps a person wishing to use the machine in English would have had to take, the University had made it necessary for P to take additional steps to use the machine in Welsh. As a result, I consider that the University, in this instance, had treated the Welsh language less favourably than the English language in terms of availability of the Welsh language version of the machine.

Standard 68: The University had to ensure that any reception service that was available in English in the reception on Level D in the Hugh Owen Library during the

period around May 2019, was also available in Welsh during that period. I conclude that a “reception service” would have only been available during that period during the hours of 08:30 – 22:00, from Monday to Friday (except between 09:00 – 10:00 on Wednesday where no service was available). There was no evidence to confirm with certainty that the University had not provided P with a Welsh language reception service on any occasion during these hours, during the period in question. However, I consider that this complaint creates doubts that the University cannot ensure full compliance with the standard at all times in the reception in question. More specifically, I consider that the complaint has highlighted the need for the University to improve its arrangements to ensure that a Welsh language reception service is available in the reception in question during the following periods: when the staff, who usually man the reception during core hours, are not in the office – and therefore - that the University must choose other staff to provide cover for those staff; outside core hours, namely from 08:30-09:00 and 17:00-22:00, from Monday to Friday. In order to ensure that any reception service available in English is also available in Welsh at any time, the University must ensure that staff members who are able to provide the service in Welsh are available at all times, including when the members of staff, who usually man the reception, are absent.

Commissioner’s determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Aberystwyth

University has not failed to comply with standard 68 but has failed to comply with Standards 55 and 64.

Statement of further action

Further action was taken following the determination that Aberystwyth University has not failed to comply with standard 68 but has failed to comply with Standards 55 and 64.

Statement on the further action

Standard 55 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Aberystwyth University must consider and adapt its administrative arrangements and processes for updating webpages, in order to ensure that the University publishes content on the Welsh language page (in Welsh) before or at the same time as the equivalent (English) content on the corresponding English language page at all times. As part of this step, the University may wish to consider the propriety of setting restrictions or including reminder boxes within the Content Management System to ensure the above.

2. The University must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed. Timetable: Within 3 months from the date of publication of the Commissioner's final determination. Standard 68 – advice in accordance with section 76 of the Welsh Language Measure

3. The University should ensure that any member of staff, who is listed as being responsible for providing a reception service in the Level D reception area in the

Hugh Owen Library, can provide a Welsh language reception service in accordance with the requirements of standard 68.

Decision notice given

The Decision Notice was given to Aberystwyth University on 20/12/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG499 On 03/02/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. In the complaint, the complainant alleged that he received an English only e-mail from the Council on 24 January 2019. This e-mail enquired about Welsh language performers to take part in an event to celebrate St David's Day in Swansea. When submitting his complaint, the complainant stated that he had previously sent a message in Welsh to the Council informing them of a gig and that he later received English only correspondence from the Council, without offering a Welsh language service. The complainant provided a copy of that

20/12/2019

Commissioner's findings

Standard 2: I find that the correspondence dated 24 April 2019 was not the first time that the Council had corresponded with the complainant and therefore the Council was not under a duty to ask specifically about language choice in that correspondence. Although the Council was already aware of the complainant's wish to receive correspondence in Welsh, in this case, the Council failed to ensure that a record was kept of that wish. I consider that the events team's failure to keep a record of the complainant's language choice led to this specific situation and that there was no way of knowing, therefore, whether the individual wished to receive correspondence in Welsh. This meant that the Council also failed to send subsequent correspondence to the complainant in Welsh, even though it was aware of his wish. I therefore find that the Council has failed to comply with parts a) and b) of the standard and therefore has failed to comply fully with the requirements of standard 2. Standard 5: Standard 5 requires a body to provide a

City and County
of Swansea
Council

correspondence when submitting the complaint.

Welsh version of correspondence if it does not know that the person does not wish to receive correspondence in Welsh. The Council's evidence suggests that it was aware of the complainant's language choice before sending the correspondence to him in English on 24/01/2019. It appears that the evidence received highlights that standard 5 does not therefore apply in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The City and County of Swansea Council have failed to comply with parts a & b of standard 2, but has not failed to comply with standard 5.

Statement of further action

Further action was taken following the determination that The City and County of Swansea Council have failed to comply with parts a & b of standard 2.

Statement on the further action

Standard 2 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The events team must ensure that it has a process in place to keep a record of any individual who wishes to receive correspondence in Welsh.
2. The Council must ensure that all of the team's officers are aware of the procedures for keeping records and of those individuals who wish to receive correspondence in Welsh, and ensure that adequate arrangements are in place to ensure that all relevant staff have access to that information when corresponding with individuals.

3. The Council's events team must ensure that it sends correspondence in Welsh on every occasion to any individual who has stated that they wish to receive correspondence in Welsh.
 4. The City and County of Swansea Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps [1 to 3] have been completed.
- Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to The City and County of Swansea Council on 20/12/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Powys County Council

CSG532 Powys County Council is proposing to close Ysgol Gynradd Llanfyllin and Ysgol Uwchradd Llanfyllin and establish a new bilingual all-through school on the sites of the current schools. The current primary school is a dual stream bilingual school, and the secondary school is a category 2C bilingual school (which means that it offers a Welsh language stream where 50-79% of the curriculum is available through the medium of Welsh). Between 27 November 2018 and 31 January 2019

19/12/2019

Commissioner's findings

Standards 88, 89 and 90: The policy making standards deal with the way in which a body considers the effects of its policy decisions on the Welsh language. A body needs to consider and identify all the possible effects a policy decision may have on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language. The Council has made a policy decision to reorganise schools in the community of Llanfyllin, and to close the current primary school and secondary school and open an all-through school on the same site. I find that the Council, in making this decision policy, did not consider sufficiently what

Powys County Council held a consultation regarding establishing the new school for 4-18 year old pupils in Llanfyllin. Following an enquiry by a member of the public regarding the consultation, my officials reviewed the documents available in the public domain. This review raised doubts that the consultation was not conducted in accordance with the requirements of the standards as the consultation document and the associated questionnaire did not consider sufficiently or seek opinion regarding, opportunities to use the Welsh language or treating the Welsh language no less favourably than the English language. A document titled 'Updated Impact Assessments' published in February 2019 is available on the Council's website. It includes a Welsh language impact assessment as well as impact assessments for other matters. It did not appear that the assessment had considered the matters required within the standards. The following is included in the assessment: o information about literacy and communication standards o a list of the opportunities to use the Welsh language outside school hours o a list of other Welsh language activities at the school and in the community o a summary of the consultation's comments

effects the policy decision would have in accordance with the requirements of the standards. Standards 91, 92 and 93: These standards are a means of ensuring that a body's consultation documents, which relate to a policy decision, consider and seek views on the possible effects that the decision will have on the Welsh language and opportunities to use it. Powys County Council published a consultation document for a proposed policy decision to reorganise schools in Llanfyllin by opening an all-through school on the current schools' site. I find that the consultation document did not consider possible effects on the Welsh language nor did it include specific questions which sought public opinion regarding how the proposed policy decision will affect opportunities for persons to use the Welsh language, or to treat the Welsh language no less favourably than the English language. The standards impose a clear requirement that opinion must be sought regarding the possible effects as well as asking how it is possible to change or adapt the decision so that it has more positive effects or less adverse effects on opportunities to use the Welsh language. The consultation document in question did not include such specific questions.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys County Council have failed to comply with standards 88, 89, 90, 91, 92 and 93.

Statement of further action

on the effect of the decision on the Welsh language o the Council's response to the consultation's comments. It did not appear that an assessment and analysis had been conducted regarding opportunities for persons to use the Welsh language, or how to ensure the Welsh language is treated no less favourably than the English language. On 12 March 2019 a statutory notice was published by the Council stating its decision to create an all-through school in Llanfyllin. From the information available in the public domain, I considered that there was a suspicion as to whether the Council had considered sufficiently, in accordance with the policy making standards, the possible effects of the decision on opportunities for persons to use the Welsh language or not treating the Welsh language no less favourably than the English language.

Further action was taken following the determination that Powys County Council have failed to comply with standards 88, 89, 90, 91, 92 and 93.

Statement on the further action

Standards 88, 98 and 90 – advice/requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure

1. Powys County Council must ensure that it operates in accordance with its own guidelines when conducting assessments of the effect of its policy decisions on the Welsh language. In order to achieve this the Council must : (d) Raise the awareness of the elected members who make its policy decisions of the steps which must be taken to comply with the Welsh language standards when making their decisions (e) Provide training to all members of staff who are responsible for conducting impact assessments on how to assess effect on the Welsh language, including raising awareness of the Commissioner's advice document. (f) Develop a process of verifying and approving Welsh language impact assessments completed by Senior Officers as a way of ensuring that the Council's procedures and guidelines are followed.

Standards 91, 92 and 93 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

2. Powys County Council must ensure that consultation documents include considerations based on concrete evidence of the effect of proposals on the

Welsh language in order to enable stakeholders to respond to the consultation in an informed manner. The Council must develop guidance or revise guidance which already exists, in order to ensure that officials who are responsible for developing consultation documents are aware of the requirements of the standards and operate in accordance with those requirements.

3. Powys County Council must ensure, when publishing consultation documents relating to policy decisions, that those documents seek views on the possible effects of the proposals on (a) opportunities for persons to use the Welsh language and (b) treating the Welsh language no less favourably than the English language. The context of the policy decision must be considered when producing any questions used to seek opinion on the possible effects of the proposals.

4. Powys County Council must ensure, when publishing consultation documents relating to policy decisions, that those documents seek views on how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on (a) opportunities for persons to use the Welsh language and (b) treating the Welsh language no less favourably than the English language. The context of the policy decision must be considered when producing any questions used to seek opinion on the possible effects of the proposals.

5. Powys County Council must ensure, when publishing consultation documents relating to policy

decisions, that those documents seek views on how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on (a) opportunities for persons to use the Welsh language and (b) treating the Welsh language no less favourably than the English language. The context of the policy decision must be considered when producing any questions used to seek opinion on the possible effects of the proposals.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination

4. Powys County Council must provide written evidence for the Commissioner that enforcement steps 1-5 have been completed. Timetable: Within 4 months from the date of publication of the Commissioner's final determination

Requirement to publicise in accordance with section 77(3)(d) The Council must give publicity to its failure to comply with standards 88, 89, 90, 1, 92 and 93 by publishing this report in a prominent place on its website, and include an item on regarding the investigation on the website's news section.

Timetable: Within 4 weeks of the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Powys County Council on 19/12/2019

Appeals made to the tribunal

No appeal was made to the Tribunal

Hywel Dda
University
Health Board

CSG584 On 24/06/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant received an English only letter regarding an appointment for an MRI scan and an English only form to be completed before the scan.

12/12/2019

Commissioner's findings

Standard 5: In order to comply with standard 5 the Health Board needed to send the appointment letter bilingually to any patients who have not informed the Health Board that they wish to receive correspondence in English. The complainant submitted a complaint to me because he was unhappy that he had received an appointment letter in English. The Health Board confirmed that a Welsh version of the appointment letter was not available on the date the letter was sent to the complainant. As the Health Board had sent the appointment letter in English to the complainant as there was no Welsh version available, the Health Board did not comply with standard 5 in this case. Standard 36: Standard 36 requires an organisation to ensure that if it produces a form in Welsh that is to be completed by an individual, it must produce it in Welsh. In this case the Health Board sent a form in English only for the complainant to complete and the Health Board confirmed that the form was not available in Welsh at the time. As the form sent to the complainant was not available in Welsh at the time the Health Board did not comply with standard 36 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Hywel Dda University Health Board council have failed to comply with Standards 5 and 36.

Statement of further action

Further action was taken following the determination that Hywel Dda University Health Board have failed to comply with standards 5 and 36.

Statement on the further action

Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Health Board must conduct a review to check that appointment letters sent from other departments comply with standard 5 and act upon the results of the review. Timetable: Within 3 months of issuing the Commissioner's final determination.

Standard 36 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

2. The Health Board must conduct a review to check that forms provided to the public by other departments comply with standard 36 and act upon the results of the review. Timetable: Within 3 months of issuing the Commissioner's final determination.
3. Hywel Dda University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1-2. Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Hywel Dda University Health Board on 12/12/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

Neath Port
Talbot County
Borough Council

CSG459 On 22 November 2018 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the Council's use of the Welsh language on its website and social media. The complainant alleged that there were links on the Welsh version of the website which take the user from one part of the website to another part leading to English pages. The complainant referred specifically to links relating to planning applications and information about Council members. The complainant also alleged that the Council did not use Welsh at all in several of its Facebook accounts, namely: Neath Port Talbot CBC, Recycle4NPT, NPT Waste Crime, NPT Family. The complainant also said that the Council had re-tweeted information in English on its Welsh medium Twitter account @CyngorCnPT on 22 November, 2018. The complainant shared several screenshots from the Council's website and social media accounts as evidence to support the allegations.

4/12/2019

Commissioner's findings

Standard 52: The standard requires the Council to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. It applies to all pages of the Council's website including any pages maintained by third parties on behalf of the Council. This investigation has shown that links on the Welsh version of the Council's website have led to English pages on two occasions. This was a failure by the Council to ensure that the Welsh language is not treated less favourably than the English language on its website. Therefore, the Council failed to comply with clause (c) of standard 52. The investigation also showed that the page to which one of the links led was not available in Welsh, and is still not available in Welsh. This was a failure by the Council to ensure that the text of each page of its website is available in Welsh. Therefore, the Council failed to comply with clause (a) of standard 52.

Standard 58: The standard requires the Council to ensure that the Welsh language is not treated less favourably than the English language when using social media. It applies to all Council social media accounts and to any information published by it on those accounts, whatever the circumstances. In order to comply with the standard the Council must ensure that any information published by it in English is also published in Welsh at the same time as the English language information. This investigation showed that the Council has a number of Facebook

accounts where English was the only language used by it on the date relevant to the complaint. This was a failure by the Council to comply with standard 58. The investigation also showed that the Council published information in English only on a Welsh medium Twitter account. This was also failure by the Council to comply with standard 58.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough Council has failed to comply with standards 52 & 58.

Statement of further action

Further action was taken following the determination that Neath Port Talbot County Borough Council has failed to comply with standards 52 & 58.

Statement on the further action

Standard 52 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Council to prepare an action plan outlining: i. steps to be taken in order to ensure that the section of its website that holds details of planning applications complies with the requirements of the standard; ii. what staffing commitment will be required; iii. what budgetary commitment will be required; as well as iv. who will be responsible and accountable for the work. The action plan should set out the timetable for the

delivery of each stage and the completion of the work.

Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 52 – Advice in accordance with section 77(4)(b) of the Welsh Language Measure.

2. I advise the Council to discuss with other local planning authorities how they are going to provide similar services in a way which complies with the requirements of the standard.

Standard 58 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

3. I require the Council to prepare an action plan outlining action to be taken in order to: i. review its use of Welsh on all its social media accounts; and ii. ensure that they all comply fully with the requirements of the standard. The action plan should fully identify the requirements of the standard and pay particular attention to the interpretation of Part 3, paragraph 34 of the Welsh Language Standards Regulations (No. 1) 2015. It should set out the timetable for the delivery of each stage and for the completion of the work, and who will be responsible and accountable.

Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 58 – Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure.

4. The Council must ensure that it has appropriate arrangements in place for the translation of information that needs to be published urgently on social media. In order to comply with this enforcement action the Council must develop a procedure and accompanying guidelines for the urgent translation of information, and make relevant officers aware of said procedure and guidelines.

5. The Council must provide the Welsh Language Commissioner with adequate written evidence confirming that enforcement step four has been completed.

Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

Decision notice given

The Decision Notice was given to Neath Port Talbot County Borough Council on 04/12/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Neath Port
Talbot County
Borough Council

On 5 July 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was regarding a number of factors relating to a public consultation undertaken by Neath Port Talbot County Borough Council during June 2019. The

3/12/2019

Commissioner's findings

Standard 36: A body must ensure that the Welsh language is not treated any less favourably than the English language when organising a public event. The Council held four 'drop in' events during the consultation process for proposals to change the Council's policy regarding transport from home to school. The complainant alleged that they were not offered the opportunity to use the Welsh language during the event they attended. The

consultation was being undertaken in order to consult with stakeholders regarding proposed changes to the Council's policy for transport from home to school, that is 'Home to School Travel Policy 2020'. One allegation made by the complainant was that she was not invited to use the Welsh language at a public meeting held at the Neath Civic Centre on 2 July 2019 to discuss this policy.

Commissioner finds that in this case the Council had arranged and planned the events so that the Welsh language was not treated less favourably than the English language when offering a service of answering enquiries. However, due to circumstances beyond its expectation, it was not possible to fully deliver the intended services during one of the events.

Standard 81: A body must promote and advertise each service it provides in Welsh, and to do so in Welsh. In this case, the Council had arranged that a Welsh service would be available at a 'drop in' event it was delivering. However, the complainant was not aware of this offer to use the Welsh language. The Commissioner finds in this case, that the Council missed an opportunity to promote a Welsh language service that was available for people attending the event.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough council have failed to comply with Standards 36 and 81.

Statement of further action

Further action was taken following the determination that Neath Port Talbot County Borough Council have failed to comply with standard 81.

Statement on the further action

Standard 81 –requirement to take steps in accordance with section 77(3(b)) of the Welsh Language Measure

		<p>1. Neath Port Talbot County Borough Council must develop a check list for officers to use when they are planning and attending events. The checklist must include practical support in order to allow them to promote Welsh language services. The list can include such matter as ensuring that 'Iaith Gwaith' resources are available, that Welsh materials are available and that the ability to use the Welsh language is promoted before and during the events, amongst other matters.</p> <p>2. Neath Port Talbot County Borough Council must provide written evidence that shows that you have complied with enforcement step 1.</p> <p>Timetable: Within 60 days from the date of publication of the Commissioner's final determination.</p> <p>Decision notice given</p> <p>The Decision Notice was given to Neath Port Talbot County Borough Council on 03/12/2019</p> <p>Appeals made to the tribunal</p> <p>No appeal was made to the Tribunal.</p>
<p><u>Pembrokeshire County Council</u></p>	<p>CSG549 The Commissioner received a complaint on 14/05/2019 from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the process of applying for an 'AOLE Development Lead' post with ERW (Education through Regional Working – Pembrokeshire County Council). The complainant applied for the</p> <p>3/12/2019</p>	<p>Commissioner's findings</p> <p>Standard 52: The standard requires a body to ensure that the text of every page of its website is available in Welsh and is fully functional and that the Welsh language is treated no less favourably than the English language. It is alleged that the pages on the Council's website contained English language drop-down menus that were not available in Welsh, and that the website did not recognise Welsh accents and circumflexes as the complainant applied for a job online. The Council acknowledges the inability of the system to recognise characters and</p>

post through the Council's website. The official closing date was 1 May 2019. In relation to the application process, the complainant alleged: i) that the website had not been fully translated and that a number of the drop-down menus appeared in English or a mixture of both languages. ii) that the website did not recognise letters with a circumflex. iii) that he had emailed the Council raising the issue. He offered to send a copy of his personal statement in Word format with the correct grammar in order to ensure that the application was legible. He did not receive a response. iv) that he received an English-only e-mail on 9 May 2019 informing him that his application had been unsuccessful. v) that his personal statement contained grammatical errors because the website was defective, as well as the fact that the personal statement had not been translated or read accurately by the organisation. The complainant felt that his application had not been considered fairly and possibly had not been translated at all as the feedback he had received contradicted the contents of his personal statement.

accents in Welsh, and accepts that the qualifications drop-down menu was available in English only. I conclude that the pages did not function fully at the time the complaint was submitted and as a result the Welsh language was treated less favourably than English. This constitutes a failure to comply with the standard.

Standard 56: Standard 56 requires a body to ensure that the interface and menus on every page of its website are in Welsh. Menus can include a list of options, items, or commands for the user to choose from (e.g. a drop-down menu which shows a list of possible options). The complainant alleged that a number of the drop-down menus appeared in English on the Welsh pages. The Council acknowledges that the 'qualifications' drop-down menu was available in English only. In considering the evidence I have received, I conclude that not all menus on the Council's website are provided in Welsh.

Standard 137b: The standard requires a body not to treat an application for a post made in Welsh less favourably than an application made in English. The complainant alleged that his job application had not been considered fairly and that he had been treated unfavourably because he chose to submit the application in Welsh. The Council explained that without being able to verify the complainant's application it was unable to comment on the way in which the job application was handled.

Standard 140: Standard 140 requires Pembrokeshire County Council to inform candidates of their decision in relation to a post in Welsh if the application was made in Welsh. The complainant submitted an application for a post in Welsh but received a decision email in English. As the complainant received an email in English regarding

the decision, Pembrokeshire County Council failed to implement standard 140 in this case.

Commissioner's determination

Under section 73(2) of the Welsh language Measure, the Commissioner has determined that Pembrokeshire County Council has failed to comply with standard 52, 56 and 140 but has not failed to comply with Standard 137b.

Statement of further action

Further action was taken following the determination that Pembrokeshire County Council has failed to comply with standard 52, 56 and 140.

Statement on the further action

Standard 52 – Directions for Pembrokeshire County Council to take steps in accordance with section 79(1)(b)(ii) of the Welsh Language Measure

1. Pembrokeshire County Council must ensure that all Welsh pages of its website, relating to recruitment, include drop-down menus in Welsh.
2. Pembrokeshire County Council must ensure that its website enables the use of accents in the Welsh alphabet so that the Welsh language is treated no less favourably than the English language.
3. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-2.

Timetable: Within 3 months of publishing the Commissioner's final determination. .

4. Pembrokeshire County Council must provide guidance to officers who implement the recruitment process manually, explaining how to comply with Welsh language standards when issuing decision letters.

5. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action

4.

Timetable: Within 60 days of publishing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Pembrokeshire County Council on 03/12/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

CSG567 On 05/06/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. 1.2 The complaint relates to an automatic email the complainant received in response to an email sent to the Information Commissioner's Office (ICO). The complainant believed that the email treated the Welsh language less favourably than the English language as the title of the email was in English only

3/12/2019

Commissioner's findings

Standard 6: Standard 6 requires organisations which send the same correspondence in Welsh and in English to not treat the Welsh language version less favourably than the English language version. The acknowledgement email received by the complainant in response to a Welsh language email included a title in English only and Welsh language text which was not visible until the recipient had read the very long English language text. In order to comply with standard 6 the title of the email would need to be bilingual and both languages to be equally prominent in the body of the email without the recipient having to take any additional steps to see the Welsh language version than are needed to see the English language

The Information
Commissioner's
Office (ICO)

and the English language text was placed above the Welsh language text.

version. As it was not possible for the recipient of the email to see the Welsh language version on opening the email I do not believe that the ICO has complied with standard 6 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the ICO has failed to comply with Standard 6.

Statement of further action

Further action was taken following the determination that the ICO has failed to comply with standard 6..

Statement on the further action

Standard 6 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The ICO must take steps to ensure that the acknowledgement email sent from the casework@ico.org.uk address does not treat the Welsh language version of the correspondence less favourably than the English language version.
2. The ICO must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed. Timetable: Within a month from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to the ICO on 03/12/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

Wrexham
County Borough
Council

CSG553 On 15/05/2019 and on 18/06/2019 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure and were therefore valid complaints. The complaints relate to pay and display machines in car parks in the Wrexham area. The words 'follow prompts' and 'press key' appeared as instructions in English only on one machine, and the words Pay Parking Here appeared on the other machine located in the car park of Tŷ Pawb.

3/12/2019

Commissioner's findings

Standard 60: Standard 60 requires that a body must ensure that any self service machine that it has, functions fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine. The complainant's evidence shows that two pay and display machines belonging to Wrexham County Borough Council displayed instructions in English only. Although the Council rectified the failure once it became aware of it, the machines, at the time the complaint was submitted, treated the Welsh language less favourably than the English language.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 60.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 60.

Statement on the further action

Standard 60 – advice for Wrexham County Borough Council in accordance with section 79(1)(b)(ii) of the Welsh Language Measure

1. Wrexham County Borough Council must carry out a review of all its pay and display machines in order to be assured that each machine contains relevant stickers and

instructions that do not treat the Welsh language less favourably than the English language within 3 months from the date of publication of the Commissioner's final determination.

2. Wrexham County Borough Council must correct any text which does not comply with the requirements of standard 60 within 6 months from the date of publication of the Commissioner's final determination.

3. Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1 and 2 above. Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 03/12/2019

Appeals made to the tribunal

No appeal was made to the Tribunal

Welsh Ministers

CSG557 The Commissioner received a complaint on 22/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the Welsh Government's explanatory memorandum in relation to The National Health Service

14/11/2019

Commissioner's findings

Standard 47: In order to comply with standard 47 the Welsh Ministers needed to assess whether the subject matter of the document suggested that they should produce the document in Welsh, as well as assessing whether the anticipated audience, and their expectations, suggested that the document should be produced in Welsh. The Welsh Ministers should then have produced the document in Welsh or otherwise in accordance with the outcome of the assessment. In this case the Explanatory Memorandum was laid regarding the National

(Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 was not available in Welsh at the same time as the English version.

Health Service (Welsh in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 in English only even though the subject matter of the document clearly suggested that it should also have been laid in Welsh. The response of some Assembly Members, namely some of the expected audience of the document, also suggested that it should be laid in Welsh. However, the document was laid in English only on 09/05/2019. As the Welsh Ministers laid the Explanatory Memorandum regarding the National Health Service (Welsh in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 in English only without assessing the need to lay it in Welsh when the related legislation was laid, my determination is that the Welsh Ministers have failed to comply with standard 47.

Standard 48: When the Welsh Ministers publish a document they must not treat any Welsh language version of a document less favourably than the English language version of that document. That includes treating the Welsh language no less favourably in terms of when and how the material is published. In this case the Explanatory Memorandum regarding the National Health Service (Welsh in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 was published in Welsh a fortnight after the English language version. As the Explanatory Memorandum was published in Welsh a fortnight after the English language version, I do not believe that the Welsh Ministers have complied with standard 48.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standards 47 and 48.

Statement of further action

Further action was taken following the determination that Welsh Ministers have failed to comply with Standards 47 and 48.

Statement on the further action

Standard 47 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must take steps to ensure that they assess whether Explanatory Memoranda need to be laid in Welsh by considering the subject matter of the document and the anticipated audience and their expectations.

Standard 47 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

2. The Welsh Ministers must take steps to ensure that Welsh language versions of Explanatory Memoranda are treated no less favourably than the English language versions.
3. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps [1 – 2] have been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Welsh Ministers on 14/11/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG564 The Commissioner received a complaint on 31/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant in the case is acting on behalf of another individual. The person affected alleges that he telephoned the main telephone number of Wrexham County Borough Council on four occasions over a 20 minute period on 31 May 2019 during late morning. The person alleges that he selected a button for indicating his choice to receive a service in Welsh on the four occasions, but that he received a response stating that no Welsh speaker was available. He alleged to have been transferred to a staff member who was unable to speak Welsh before being given the choice of calling back if he wished to talk to someone in Welsh.

12/11/2019

Commissioner's findings

Standard 11: Standard 11 places a requirement on the Council to respond to telephone calls in Welsh, and to deal with calls in Welsh until such time as it is necessary to transfer the call to a non-Welsh speaking member of staff who can provide a service on a specific subject. A complaint was received from a member of the public alleging that he telephoned the Council's main telephone number on 31 May 2019 and that he had indicated a wish to receive a Welsh language service. Call handlers passed on the calls not providing a service in Welsh or explaining why a Welsh service was not available. The call ended with a standard message from the Council stating that the caller should call back tomorrow. The Council must continue to build the confidence of its staff and organise its workforce to deal with calls in Welsh and to provide a genuine service in Welsh that is reliable and as easy to use as the English language service. I find that the Council failed to meet the requirements of standard 11 in this case as it had not dealt with the complainant's call in Welsh once it became aware of his wish to receive a Welsh language service. The Council did not explain to the complainant (in Welsh) that he needed to be transferred to an English speaker to deal with the query because it was on a specific subject.

Wrexham
County Borough
Council

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with the requirements of standard 11 in this instance.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with the requirements of standard 11 in this instance.

Statement on the further action

Standard 11 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure 1. Wrexham County Borough Council must develop guidelines that support staff in understanding and meeting the requirements of standard 11 in every context. The guidelines and the training must include, as a minimum: (g) an explanation of how to 'deal with a call in Welsh', (not just a bilingual greeting); (h) an explanation of why the provision of Welsh language services is important, and how to promote and facilitate them; (i) examples or 'scenarios' of calls and how to deal with them in order to comply with and provide good and easy to use services for Welsh speakers; (j) a full explanation of what is considered to be 'subject specific' within the context of the Council's services, including how to explain to customers if there is no Welsh language service available because their query is on a particular subject. Examples of wording could be provided (in Welsh) for use; (k) convenient means of locating Welsh speakers within the teams; (l) techniques or wording to respond to customer complaints

		<p>or concerns about the Council's Welsh telephone services.</p> <p>2. Wrexham County Borough Council must develop a training plan for every member of staff who provides a front line telephone service on behalf of the Council. They must be aware of the above guidelines and be confident in their implementation.</p> <p>3. Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1 and 2. Timetable: Within 90 days of issuing the Commissioner's final determination.</p> <p>Decision notice given The Decision Notice was given to Wrexham County Council on 12/11/2019.</p> <p>Appeals made to the tribunal No appeal was made to the Tribunal.</p>
<p><u>Bridgend</u> <u>County Borough</u> <u>Council</u></p>	<p>CSG500 he Commissioner received a complaint on 07/02/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. It was alleged that a meeting (or workshop) to discuss the reorganisation of post-16 education in the county had been conducted in English by a council officer at Ysgol Gyfun Gymraeg Llangynwyd at 6pm on 7</p> <p>11/11/2019</p>	<p>Commissioner's findings Standards 27, 27A and 27D: The Commissioner concludes that it was the Council that was responsible for the meeting in question as it formed part of its consultation exercise on post-16 education reform in the County, and because the Commissioner considers that the Council had made arrangements for the school to arrange the meeting on its behalf, and therefore it was the Council's responsibility to ensure that invites and simultaneous translation were provided in accordance with the requirements of standards 27, 27A and 27D. Based on the evidence in the Commissioner's possession, the Commissioner finds that the Council</p>

February 2019. The complainant provided a copy of a letter that was on the school's letterhead paper and in the name of the officer from the Council that specifically invited parents and guardians to attend the meeting (or workshop) in question.

failed to comply with standard 27 by not asking those invited to the meeting whether they wished to use the Welsh language at that meeting in an invite sent on 30 January 2019. The Commissioner finds that this invite was sent by the school on behalf of the Council. Standards 27, 27A and 27D are reliant on each other, with the aim of implementing them together. By failing to comply with standard 27, it is reasonable to conclude that the persons invited would not have known that they could say that they wished to use the Welsh language at the meeting, and therefore that the Council did not necessarily know whether it needed to provide translation services at the meeting (or workshop) in question in accordance with the requirements of standards 27A and 27D. In terms of considering compliance with standards 27A and 27D in particular, the evidence in the Commissioner's possession does not allow me to ascertain whether at least 10% of those invited wished to use the Welsh language at the meeting (or workshop) in question. Based on that, the Commissioner finds that the Council has not failed to comply with standards 27A and 27D.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that County Borough Council has failed to comply with standard 27 but has not failed to comply with Standards 27A and 27D.

Statement of further action

Further action was taken following the determination that County Borough Council has failed to comply with standard 27.

Statement on the further action

Standard 27 – requirement to take steps in accordance with section 77 of the Welsh Language Measure
1. Bridgend County Borough Council must ensure that any invites sent out in relation to a meeting for which it is responsible (be that directly or by arranging for another person to do so on its behalf) asks all those invited whether they wish to use the Welsh language at that meeting.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Bridgend County Borough Council on 11/11/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

Wrexham
County Borough
Council

CSG554 The Commissioner received a complaint on 17/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to documents produced by Wrexham

11/11/2019

Commissioner's findings

Standard 48: If the Council produces a document in both languages, it must ensure that the Welsh version of that document is not treated less favourably than the English version. This means that the Welsh version should not be treated less favourably in relation to its visual presentation, amongst other matters. This investigation showed that the Council treated the Welsh version of document KSD04 less favourably than the English version

County Borough Council (the Council) which were available on its website. The documents related to Wrexham County Borough Council's Local Development Plan (LDP) for 2013-2028. The complainant alleged that the Welsh language was treated less favourably than the English language by the Council in some documents. He claimed that this meant that the Welsh versions were more difficult to read and placed him, and others users, at a disadvantage when trying to use those versions. The complaint related to one document in particular, Wrexham LDP: Deposit Plan Written Statement March 2018 (reference KDS04). The complainant alleged that the Welsh version of this document was not numbered, even though other documents relating to the LDP referred to specific paragraphs within it. According to the complainant, this meant that he was forced to rely on the English version of the document for cross-referencing purposes as the paragraph numbers were absent from the Welsh version. The complaint alleged that the English version of the document included 156 footnotes compared with 149 in the Welsh version. The complainant stated that this implied that information was missing from the Welsh

of the document as regards its visual presentation. This was a failure by the Council to comply with standard 48. I consider that the 'other matters' referred to in the interpretation of the Welsh Language Standards Regulations of the standard mean that the Council should not treat a Welsh version of a document less favourably as regards accuracy. The investigation showed that the Council had treated the Welsh version of document KSD04 less favourably than the English version of the document as regards accuracy. This was also a failure by the Council to comply with standard 48.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Council has failed to comply with standard 48.

Statement of further action

Further action was taken following the determination that the Council has failed to comply with standard 48. Statement on the further action Standard 48 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Council to prepare an action plan in order to ensure that it does not treat Welsh versions of consultation documents less favourably than the English versions of those documents. The action plan must set out steps to take in order to ensure that Welsh versions of consultation documents produced by the Council do not treat the Welsh language less favourably than the English as regards presentation. It should include

version. He also stated that the design of both versions varied greatly and that the use of special colours and formatting was absent from the Welsh version.

a commitment to investigate the way in which other organisations ensure that such documents comply with the requirements of the standard. The action plan must acknowledge the requirements of the standard in full paying particular attention to the interpretation of Part 3, paragraph 29 of the Welsh Language Standards (No.1) 2015. A timetable must be identified for each step and for completing the work, as well as the individual who will be responsible and accountable for the work.

Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 48 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

2. The Council must ensure that it has appropriate proofreading arrangements in place. The Council must develop a proofreading process and associated guidance, and actively raise awareness of the process and guidance amongst relevant officers.

Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

3. The Council must provide sufficient written evidence to the Welsh Language Commissioner that enforcement action 2 has been completed.

Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 11/11/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG554 On 17 May, 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore valid. The complaint related to documents produced by Wrexham County Borough Council (the Council) which were available on its website. The documents related to Wrexham County Borough Council's Local Development Plan (LDP) for 2013-2028. The complainant alleged that the Welsh language was treated less favourably than the English language by the Council in some documents. He claimed that this meant that the Welsh versions were more difficult to read and placed him, and others users, at a disadvantage when trying to use those versions. The complaint related to one document in particular, Wrexham LDP: Deposit Plan Written Statement March 2018 (reference KDS04). The complainant alleged that the Welsh version of this document was not numbered, even though other documents

11/11/2019

Commissioner's findings

Standard 48: If the Council produces a document in both languages, it must ensure that the Welsh version of that document is not treated less favourably than the English version. This means that the Welsh version should not be treated less favourably in relation to its visual presentation, amongst other matters. This investigation showed that the Council treated the Welsh version of document KSD04 less favourably than the English version of the document as regards its visual presentation. This was a failure by the Council to comply with standard 48. I consider that the 'other matters' referred to in the interpretation of the Welsh Language Standards Regulations of the standard mean that the Council should not treat a Welsh version of a document less favourably as regards accuracy. The investigation showed that the Council had treated the Welsh version of document KSD04 less favourably than the English version of the document as regards accuracy. This was also a failure by the Council to comply with standard 48.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 48.

Wrexham
County Borough
Council

relating to the LDP referred to specific paragraphs within it. According to the complainant, this meant that he was forced to rely on the English version of the document for cross-referencing purposes as the paragraph numbers were absent from the Welsh version. The complaint alleged that the English version of the document included 156 footnotes compared with 149 in the Welsh version. The complainant stated that this implied that information was missing from the Welsh version. He also stated that the design of both versions varied greatly and that the use of special colours and formatting was absent from the Welsh version.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 48.

Statement on the further action

Standard 48 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Council to prepare an action plan in order to ensure that it does not treat Welsh versions of consultation documents less favourably than the English versions of those documents. The action plan must set out steps to take in order to ensure that Welsh versions of consultation documents produced by the Council do not treat the Welsh language less favourably than the English as regards presentation. It should include a commitment to investigate the way in which other organisations ensure that such documents comply with the requirements of the standard. The action plan must acknowledge the requirements of the standard in full paying particular attention to the interpretation of Part 3, paragraph 29 of the Welsh Language Standards (No.1) 2015. A timetable must be identified for each step and for completing the work, as well as the individual who will be responsible and accountable for the work.
Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 48 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

2. The Council must ensure that it has appropriate proofreading arrangements in place. The Council must develop a proofreading process and associated guidance, and actively raise awareness of the process and guidance amongst relevant officers. Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

3. The Council must provide sufficient written evidence to the Welsh Language Commissioner that enforcement action 2 has been completed. Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 11/11/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG558 The Commissioner received a complaint on 23/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint alleges that the University is running an

28/10/2019

Commissioner's findings

Standard 37: Glyndŵr University must produce any publicity or advertising material in Welsh. If it produces advertising material in Welsh and in English, it must not treat the Welsh language version less favourably than the English language version. In this case, the University has produced advertising material for advertising its open days. The University has produced bilingual advertisements for Wales and English only

Glyndŵr
University

advertising campaign on the back of buses where the text on the advertisements is in English only.

advertisements for use in England. However, the advertisements are displayed on buses, and there is no guarantee that the English-only advertisements do not travel into Wales and therefore read by the public in Wales. accordance with the requirements of the standard for use in Wales and this material complies with the requirements of the standard. However, it has also produced English-only material for England, and there is a significant risk that the English-only material on buses travels into Wales and is seen by Welsh speakers contrary to the intent of the Welsh Language Measure. While it is not possible to know for certain whether the bus at the centre of the complaint travelled into Wales, there remains a risk that failure may occur in future if the University continues with its policy of producing English-only material in certain circumstances.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Glyndŵr University has not failed to comply with standard 37 in this instance.

Statement of further action

Further action was taken following the determination that Glyndŵr University has not failed to comply with standard 37 in this instance.

Statement on the further action

Standard 37 - recommendation in accordance with section 76(3)(a) of the Welsh Language Measure. Glyndŵr University should review its current policy of producing English-only marketing material in

circumstances where there is a risk that it is unable to control where the advertisements are seen. The review should ensure that English-only marketing or advertising material is not used in Wales under any circumstances.

Decision notice given

The Decision Notice was given to Glyndŵr University on 28/10/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Welsh Ministers

CSG501 The Commissioner received a complaint on 08/06/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. A member of the public contacted me following an incident where the complainant and his wife were questioned in English under oath regarding an alleged failure to pay for a train ticket. According to the complainant there were no Welsh speaking members of staff in Cathays train station on 23 January 2019 and they also allege that the Ticket Irregularity Report was not available in Welsh. During the incident, whilst the train inspectors were trying to find a Welsh speaker, the complainant's

21/10/2019

Commissioner's findings

Standard 5: Standard 5 requires Welsh Ministers to ensure that letters sent out by them, or on their behalf, are sent in Welsh whether they know if a person wishes to receive a letter in Welsh or otherwise. In this case, the company contracted by Transport for Wales, which is a subsidiary under Welsh Government ownership, sent an English only letter to the complainant. Since the contractor sent an English only letter to the complainant, I am of the opinion that Welsh Ministers failed to comply with standard 5 in this instance.

Standard 40: In order to comply with standard 40, Transport Investigation Ltd, when acting on behalf of Transport for Wales, were required to ensure that any document they produced was produced in Welsh. In this case the complainant received an English 'Gwirio Tocynnau / Ticket Check' leaflet by post from TIL, which was acting on behalf of Transport for Wales. The leaflet has been designed with Transport for Wales branding. As the complainant received an English leaflet from a

wife heard the following comment from a member of Transport for Wales' staff (not the inspectors) "What's the point doing it in Welsh? She can speak English fine". The complainant received an English only letter and leaflet regarding the accusation of failing to pay for a ticket by TIL (Transport Investigation Ltd) in the post following the incident. The letter explains that TIL operates on behalf of Transport for Wales.

company which was acting on behalf of Transport for Wales, a subsidiary under full ownership of the Welsh Government, I am of the opinion that Welsh Ministers did not comply with standard 40 in this case.

Standard 50: Standard 50 requires the Council to ensure that all forms produced for public use are produced in Welsh. The complainant provided a copy of the English form he had to complete in the train station. According to the evidence of Welsh Ministers this form is available in Welsh. As the form is available in Welsh, I am of the opinion that Welsh Ministers have complied with standard 50 in this instance.

Standard 50A: In order to comply with standard 50A Welsh Ministers should have ensured that the English language version included the wording explaining that the form was also available in Welsh if the Welsh forms and English forms were not part of the same document. In this case the complainant provided a copy of the English form he had to complete in Cathays train station. There is no statement included on this form explaining that the form is also available in Welsh. As no statement was included on this form explaining that the form was also available in Welsh, I am of the opinion that Welsh Ministers have failed to comply with standard 50A in this case.

Standard 132: Standard 132 requires Welsh Ministers to provide language awareness training courses for its staff in order to develop their awareness of the Welsh language and an understanding of the duty to operate in accordance with the Welsh Language Standards and understanding of the way the Welsh language can be used in the workplace. In this case the complainant heard the staff in the train station asking why he needed a

Welsh language service as he understood English. There is no duty on Transport for Wales Trains (Keolis Amey Operations) to implement operational standards therefore there is no duty to comply with standard 132.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standards 5, 40 and 50A but have not failed to comply with Standards 50 and 132.

Statement of further action

Further action was taken following the determination that Welsh Ministers have failed to comply with Standards 5, 40 and 50A but have not failed to comply with Standards 50 and 132.

Statement on the further action

Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must conduct a review of Transport Investigation Limited's letter sending process.
2. Welsh Ministers must implement the findings of the review and address any weaknesses in order to ensure that correspondence sent by TIL on their behalf is sent in a way that will comply with standard 5.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 40 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Welsh Ministers must conduct a review of Transport Investigation Limited (TIL) leaflets that are provided on behalf of Transport for Wales.

4. Welsh Ministers must implement the findings of the review and address any weaknesses in order to ensure that leaflets used by TIL on their behalf comply with standard 40.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 50 – recommendation in accordance with section 76 of the Welsh Language Measure I recommend that Welsh Ministers take action to ensure that the Ticket Irregularity Report is used in stations in Wales in the same format and to the same extent as the English version.

Standard 50A – requirement to take steps in accordance with section 77 of the Welsh Language Measure 5. Welsh Ministers must conduct a review of the enforcement forms used in train stations and take actions to ensure that they comply with standard 50A

Standard 132 – recommendation in accordance with section 76 of the Welsh Language Measure I recommend that the Welsh Ministers take steps to ensure that language awareness training is offered to all Transport for Wales staff who work in train stations in Wales.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

6. The Welsh Ministers must provide written evidence that shows that you have complied with enforcement steps [1-5] within 30 days of the last date to complete the enforcement steps.

Welsh Ministers

CSG505 The Commissioner received a complaint on 16/02/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an alleged failure by the Welsh Ministers to comply with the Welsh Language Standards. The complaint, dated 16/02/2019, relates to the following allegations regarding Transport for Wales services: i. A mobile strip giving information regarding the next station on the train in English only ii. Orange electronic sign in English only at Carmarthen station

21/10/2019

Decision notice given

The Decision Notice was given to Welsh Ministers on 21/10/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

Commissioner's findings

Standard 61: Standard 61 requires the Welsh Ministers, or someone working on their behalf, to ensure that any text displayed on electronic signs is in Welsh. The Commissioner received a complaint from a member of the public regarding electronic signs in English only at Carmarthen station and on a train from Swansea to Carmarthen on 8 February 2019. As the electronic signs on the train on which the complainant travelled and at the station where the complainant ended their journey on 8 February 2019 were not in Welsh then the Commissioner does not believe that the Welsh Ministers complied with standard 61 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standard 61.

Statement of further action

Further action was taken following the determination that Welsh Ministers have failed to comply with Standard 61.

Statement on the further action

Standard 61 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must present an action plan which outlines how electronic signs on trains and in stations will comply with standard 61.

The Welsh Ministers should prepare the draft action plan within 12 weeks. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

2. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Welsh Ministers on 21/10/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Carmarthenshire
County Council

CSG476 The Commissioner received a complaint on 08/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant's complaint related to a number of different aspects arising from the complainant

10/10/2019

Commissioner's findings

Standard 1 Standard 1 requires the Council to reply in Welsh to correspondence sent in Welsh. The complainant sent a Welsh language email to the Council on 29 December 2018. The Council provided a copy of the Welsh language letter sent to the complainant on 7 January 2019 in response to his correspondence in Welsh. As the Council has sent a response in Welsh to the complainant's Welsh language correspondence my

contacting different sections within Carmarthenshire County Council. The issues referred to by the complainant are:

- The complainant alleges that he received correspondence from the Council Tax Department regarding the need for him to repay Council tax (during Summer 2018),
- The complainant provided a copy of the English language letter 'Council Tax Reduction Statement of Reason' (20 December 2018).
- According to the complainant he received letters and forms in English only from the Council regarding an application for a multiple occupancy licence.
- The complainant alleges that he received a letter in English from the Options and Housing Advice Section (December 2018), together with an English document sent to him – Licensing of Private Rented Housing, Housing Act 2004, Application Form – Guidance Notes.
- The complainant alleges that he received an e-mail in English and an English only form from the Council's Street Naming and Numbering Section (dated 19/12/18). The complainant provided a copy of the English form 'Street Naming and Numbering Application Form (SNN2)' and a copy of an English only email.
- The complainant alleges that he went to the Council Office

determination is that Carmarthenshire County Council has not failed to comply with standard 1 in this case.

Standard 5 In order to comply with standard 5, the Council, if they do not know whether a person wishes to receive correspondence in Welsh, must provide a Welsh language version of the correspondence when corresponding with them. The Council sent three pieces of correspondence to the complainant in English even though the departments were unaware of the complainant's chosen language. As the Council had sent three pieces of correspondence to the complainant in English without knowing his chosen language the Council did not comply with standard 5 in this case.

Standard 50 Standard 50 requires the Council to ensure that every form it produces for public use must be produced in Welsh. The complainant provided English copies of three forms from the Council. According to the Council's evidence, each of these forms is available in Welsh. As these forms are available in Welsh, the Commissioner is of the view that the Council has complied with standard 50 in this case.

Standard 50A In order to comply with Standard 50A the Council needed to ensure that their forms contained wording which explained that the form was also available in Welsh if the English and Welsh forms were not part of the same document. At the time of the submission of the complaint one of the forms that was part of the complaint did not contain a statement that the form was also available in Welsh. As one of the forms did not contain a statement stating that the form was also available in Welsh at the time the complaint was made, the Commissioner determines that Carmarthenshire County

in Spillman Street and was told by an officer that there wasn't a Welsh copy of "Application for Housing Benefit, Local Housing Allowance and Council Tax Reduction" available and he had to take an English version. • The complainant alleges that he did not receive a reply to an email sent in Welsh to Budd.Daliadau@sirgar.gov.uk on 29 December 2018.

Council has failed to comply with standard 50A in this case.

Standard 50B In order to comply with standard 50B the Council needed to ensure that the Welsh version of the form was available to the same extent as the English version when the complainant visited the Council's office. When the complainant visited the Council's office on Spilman Street in Carmarthen he claims that a member of Council staff told him that a Welsh version of the 'Application for Housing Benefit, Local Housing Allowance and Council Tax Reduction' was not available to him and he was given an English version. According to the Council, all advice officers working at the Centre are fully bilingual and fully aware of the responsibility to print a version of a form if there is no form left in Welsh or English. As there is insufficient evidence to confirm one way or another whether a Welsh version of the form 'Housing Benefit Claim, Local Housing Allowance and Council Tax Reduction' was available to the complainant on the day he went to office, I determine that the Council has not failed to comply with standard 50B in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Carmarthenshire County Council has not failed to comply with standard 1, 50, 50A, 50B but has failed to comply with Standard 5.

Statement of further action

Further action was taken following the determination that Carmarthenshire County Council has not failed to comply with standard 1, 50, 50A, 50B but has failed to comply with Standard 5.

Statement on the further action

Standard 5 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Carmarthenshire County Council must take steps to raise staff awareness of the need to send a Welsh language version of correspondence if the recipient's chosen language has not been established.

2. Carmarthenshire County Council must conduct a review of the Housing Benefit and Council Tax Reduction standard letters and act on the findings of the review to ensure that it complies with standard 5.

Timetable: Within 3 months of issuing the Commissioner's final determination

Standard 5 – Recommendation in accordance with section 77 Welsh Language Measure I recommend that Carmarthenshire County Council conducts a survey of all standard letters by the Finance Department and action on the findings of the survey to ensure that they are complying with standard 5.

Standard 5 - requirement to prepare an action plan in accordance with section 77 (3) Welsh Language Measure. I require the Council to prepare an action plan showing what steps it will take to comply with standard 5 in relation to the document 'Council Tax Statement of Reason'. The Council should prepare and submit to me the first draft action plan within 12 weeks. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

Standard 50A – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

4. Carmarthenshire County Council must conduct a review of all forms used by the Street Naming and Numbering department and act on the findings of the review to ensure that it complies with standard 50A. Timetable: Within 3 months of issuing the Commissioner's final determination

Standard 50A – Recommendation in accordance with section 77 of the Welsh Language Measure I recommend that Carmarthenshire County Council conducts a survey of all forms used by the Planning Service and action on the findings of the survey to ensure that they are complying with standard 50A.

Standard 50B – advice to take steps in accordance with section 77(3) (b) of the Welsh Language Measure Carmarthenshire County Council should remind their staff to regularly check stocks of forms that are produced separately.

5. Carmarthenshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-4. Timetable: Within 3 months of issuing the Commissioner's final determination

Decision notice given

The Decision Notice was given to Carmarthenshire County Council on 10/10/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

City and County
of Swansea
Council

CSG484 The Commissioner received a complaint on 08/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation by the complainant that a Council Tax Property Enquiry Form left at her property on 28 December 2018 was in English only. The complainant also alleges to have rung the Council Tax Department on 01792 635382 at 11:23am on 2 January 2019 and received an English only response. The complainant alleges that she had to wait to receive a call back from another member of staff who was able to deal with the call in Welsh in order to receive a Welsh language service, receiving a call back from a Welsh speaking member of staff at 11:37am. The complainant states that the purpose of the call was to ask for a Welsh language version of the Council Tax Property Enquiry Form and that she expressed her disappointment at the lack of Welsh and that the form was not bilingual in the first instance. The complainant also alleges to have received a Welsh language response letter from the Council regarding this

6/9/2019

Commissioner's findings

Standard 5: The Council has confirmed that the form in question was not available in Welsh and there is no evidence to suggest that the complainant had noted to the Council that they did not wish to receive correspondence from the Council in Welsh. Based on the above, the Commissioner finds that the Council did not know that the complainant did not wish to receive correspondence from the Council in Welsh, and therefore the Council has failed to comply with standard 5 by leaving an English only form at the complainant's property on 28 December 2018.

Standard 7: Evidence from the complainant shows that she, on 4 January 2019, received a letter from the Council Tax Department which included a Property Enquiry form to be completed and sent back to the Council. The letter included the following statement: "To receive this information in an alternative format, or in Welsh, please contact the above. I dderbyn y wybodaeth hon mewn fformat arall, neu yn Gymraeg, cysylltwch â'r uchod." and the form including the below statement: "A Welsh language version of this form is available – Please contact us if you would like one."

Standard 19: Based on the evidence in his possession, the Commissioner finds that the Council failed to deal with the complainant's call, which related to a general enquiry, in Welsh when she phoned the Council Tax Department on 2 January 2019 and as a result had to wait around 15 minutes to receive a call back in order to receive a Welsh language telephone service.

Standard 20: Standard 20 imposes a requirement to ensure that a Welsh language greeting is available on staff and department's direct telephone lines, and that the

matter on 7 January 2019 (dated 4 January 2019). The complainant notes that she has now received a Welsh language version of the alleged form but did not appreciate the tone nor content of the letter, alleging that another English language version of the form was attached to the letter with the text “A Welsh language version of this form is available – Please contact us for one” highlighted. The complainant provided a copy of the letter and the alleged form when presenting the complaint. Further information from the complainant in response to the proposed terms of reference noted that she had to complete address details and council tax number on the Welsh language version of the form whilst that information was already pre-entered on the English version of the form.

greeting does not treat the Welsh language less favourably than the English language. The complainant’s allegations relates to phoning the Council Tax Department by choosing the Welsh option but receiving an English only response. The Commissioner finds that there is insufficient evidence to determine whether or not the Council has failed to comply with standard 20 in this case. Standard 50: The Commissioner finds that the City and County of Swansea Council has failed to comply with standard 50 in this instance as the form left at the complainant’s property on 28 December 2018 had not been produced in Welsh. Standard 50B: The Commissioner finds that the City and County of Swansea Council has failed to comply with standard 50B in this instance because the Welsh language form in question had not been published or provided at the same time or in the same way as the English language form, with information pre-entered on the English form. Furthermore, the Commissioner finds that the Welsh version of the form in question provided as evidence by the Council is inconsistent with the English version and therefore considers that the Welsh language form is treated less favourably than the English language form. Standard 51: The standard imposes a requirement on the Council, when it pre-enters information on a Welsh language version of a form, to do so in Welsh. The Commissioner finds that there was no information pre-entered on the Welsh language version of the form, and therefore the requirements of the standard do not apply on this occasion.

Commissioner’s determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and Town Council has failed to comply with standards 5, 7, 19, 50, 50B and that it has not failed to comply with standard 51. The Commissioner been unable to come to a determination regarding the City and County of Swansea Council's compliance with standard 20.

Statement of further action

Further action was taken following the determination that Swansea City and Town Council has failed to comply with standards 5, 7, 19, 50, 50B.

Statement on the further action

Standard 5, 7 and 50B – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The City and County of Swansea Council must ensure that it has sufficient arrangements in place so that it provides a Welsh language version of correspondence in accordance with the requirements of standard 5 until it knows that a person does not wish that.
2. The City and County of Swansea Council must take steps to raise awareness of the requirements of standard 5 to staff.
4. The Council Tax Department must undertake a review of its templates for corresponding with persons by ensuring that there is a statement that fully complies with the requirements of standard 7 included within correspondence and publications and official notices that invite persons to respond to or correspond with the Council.

5. The Council Tax Department must conduct an awareness raising campaign and provide staff with guidelines regarding ensure that a statement that complies with the requirements of standards 7 is included within correspondence and publications and official notices that invite persons to respond to or correspond with the Council.

9. The City and County of Swansea Council's Council Tax Department must review the Property Enquiry form by ensuring that the Welsh language version is not treated less favourably than the English language version.

10. The City and County of Swansea Council's Council Tax Department must ensure, when it produces a Welsh an English language version of a form, that the Welsh language version is not treated less favourably than the English language version in accordance with the requirements of standard 50B by ensuring that both versions are published and provided at the same time.

11. The City and County of Swansea Council must take steps to raise the awareness of the requirements of standards 50B to Council Tax Department staff.

12. The City and County of Swansea Council must provide written evidence written evidence that shows that it has complied with enforcement steps [1-2, 4-5, 9-11].

Timetable: Within 30 days from the date of publication of the Commissioner's final determination.

Standard 19 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

7. The City and County of Swansea Council must review the arrangements that the Council Tax Department has in place at present, by ensuring that it has sufficient arrangements in place to be able to provide a Welsh

language telephone service in Welsh until such a point that it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and until such a point that there is no Welsh speaking member of staff available to provide a service on a specific subject matter.

8. The City and County of Swansea Council must provide written evidence that shows that it has complied with enforcement step [7].

Timetable: Within 2 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Swansea City and Town Council on 06/09/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

CSG493 The Commissioner received a complaint on 26/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. An allegation that the complainant's address, and the street name ('Brook Street') in Llanidloes specifically, appears in English only on Powys County Council (the Council) tax bills and on related correspondence,

6/9/2019

Commissioner's findings

Standard 1: Standard 1 requires a body to respond in Welsh to Welsh language correspondence unless no reply is required, or that the person sending the correspondence in Welsh has indicated that there is no need to reply in Welsh. The complainant alleged that his address and the street name in particular, appeared in English only on correspondence from the Council Tax department, and that he had also received English-only correspondence from the Council. The evidence establishes that the complainant's allegation concerning the receipt of English-only correspondence from the Council on 23 November 2018 and 29 January 2019 in

Powys County Council

even though the complainant has made several requests to the Council to receive correspondence that included the Welsh version of his address. The complainant also alleges to have received an English only response from the Council on 23 November 2018 to a letter he sent to the Council in Welsh regarding this matter. The complainant says that he complained to the Council regarding the lack of Welsh language response and received a Welsh language response but that his address continues to be in English on correspondence. The complainant has provided copies of the alleged correspondence as evidence to support some of his allegations, including a copy of a sign with a bilingual name of the street in question (Heol y Nant / Brook Street). The sign can be seen in appendix 1 of the terms of reference. Further to the above, the complainant alleges to have received another English only letter from the Council on 29/01/2019 in response to his Welsh language correspondence informing the Council that he had made a complaint to the Welsh Language Commissioner.

response to his correspondence in Welsh was correct and the Council accepts those allegations. Based on the above, the Commissioner finds the Council did not answer Welsh language correspondence from the complainant in Welsh on two separate occasions. The Commissioner also finds that the Council does not have a duty to translate a street name into Welsh if no Welsh name has been recorded for a street in accordance with the Public Health Act 1925. In this case, the Commissioner is satisfied that an English only name has been recorded for the street in question in accordance with the Act. However, the Commissioner does not consider that the Act prevents the Council from officially adopting a Welsh name (whether it is a Welsh only or bilingual name) for the street in question in the future. Standard 2: The purpose of this standard is to ensure a procedure for asking about and maintaining a record of a person's wish to receive correspondence in Welsh, and that this is done when corresponding with an individual for the first time since the standard's imposition day. The standard also ensures that this information is used so that organisations can correspond with that individual in Welsh from then onwards as well as sending any forms to him / her in Welsh, if that is the individual's wish. The evidence suggests that this is not the first time that the Council has corresponded with the individual concerned and that the Council Tax Department had no record of the complainant wanting to receive correspondence in Welsh before 12 December 2018. The Commissioner is of the view that the evidence presented does not enable me to know whether or not Powys County Council has failed to comply with the requirements of standard 2 on this occasion. However,

and on the basis of the evidence that has been submitted, the Commissioner is not convinced that adequate arrangements were in place during the time in question to ensure compliance with standard 2.

Standard 5: Standard 5 requires a body, if it does not know whether a person wishes to receive correspondence from it in Welsh, to provide a Welsh version of correspondence when corresponding with that person. The Commissioner considers that the purpose of the standard is to ensure that persons receive correspondence in Welsh, except where the body is aware that the person does not wish to receive correspondence in Welsh. The complaint related to a member of the public receiving a bilingual council tax bill but with his address, and the street name in particular, in English only, as well as an allegation that the Council had corresponded with him in English only on 23 November 2018 and 29 January 2019 in response to Welsh correspondence sent by him to the Council in relation to the council tax bill. The Council confirmed that it had recorded the complainant's wish to receive correspondence in Welsh on 12 December 2018. The Commissioner finds that the Council has sent a Welsh language version of the council tax bill to the complainant but that the street name on the address of that correspondence is in English only in accordance with what is recorded on the Street Names Gazetteer, and the Local Street Names Gazetteer. Furthermore, the Commissioner finds that since the council tax bill was sent to the complainant, the Council has become aware of the complainant's wish to receive correspondence from the Council in Welsh, and therefore the requirements of

standard 5 are not applicable for any correspondence from that point forward. Standard 6: The purpose of standard 6 is to ensure that a Welsh language version of correspondence is treated no less favourably than an English version of that correspondence. The Commissioner finds that the Council does not have a duty to translate a street name into Welsh if no Welsh name has been recorded for a street in accordance with the Public Health Act 1925. In this case, the Commissioner is satisfied that an English only name has been recorded for the street in question in accordance with the Act and therefore there was no requirement on the Council to include a Welsh language version of the name on the correspondence in question. However, the Commissioner does not consider that the Act prevents the Council from officially adopting a Welsh name (whether it is a Welsh only or bilingual name) for the street in question in the future.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys County Council has failed to comply with standard 1, and has not failed to comply with standards 5, 6 and enforcement actions imposed on it in a decision notice. The Commissioner is unable to come to a determination regarding Powys County Council's compliance with standard 2.

Statement of further action

Further action was taken following the Commissioner's determination.

Statement on the further action

Standard 2 – give advice in accordance with section 4(2)(j) of the Welsh Language Measure

1. Powys County Council should ensure that there are sufficient arrangements in place to ensure that the Council Tax Department: ' is able to establish whether or not it is the first time the Council (and not necessarily the department) has corresponded with an individual to be able to know whether or not it needs to ask them if they wish to receive correspondence in Welsh from the Council; ' knows (if this is not the first time the Council has corresponded with that individual) whether or not they wish to receive correspondence in Welsh; and ' is able to use that information in order to implement the requirements of the standard as appropriate.

Standard 5 – advice in accordance with section 76 of the Welsh Language Measure

1. I advise the Council to: ' raise Council Tax Department staff's awareness of any arrangements the Council has in place to identify whether a person wishes to receive correspondence in Welsh, by ensuring that those who wish receive correspondence in Welsh; and ' remind Council Tax Department staff of the need to provide a Welsh language version of correspondence if they do not know whether a person wishes to receive correspondence in Welsh.

Wrexham
County Borough
Council

CSG478 The Commissioner received a complaint on 19/12/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint is regarding an allegation that the complainant, on 19/12/2018 (at approximately 16:50) and on 15/01/2019 (at 9:34 and 9:38) telephoned the Council's 'general enquiries' number, 01978 298997. The number was obtained from the Council's website. He stated that he had selected option 2 for Welsh and waited for someone to answer the call. After a while, he heard another message informing him to press 1 for English or to call back another time and then the call ended.

29/8/2019

Decision notice given

The Decision Notice was given to Powys County Council on 06/09/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Commissioner's findings

Standard 11: The Council's evidence, in the form of a recording of the telephone calls made by the complainant, shows that they were answered and dealt with in Welsh. However, the Council confirmed that it agreed with the complainant that the message on the answer phone states press 2 for Welsh, and that if no one is available to deal with the call in Welsh, a message is heard indicating press 1 for English. The Commissioner concludes that Wrexham County Borough Council has not acted in accordance with the requirements of standard 11.
Standard 17: Standard 17 requires a body to inform an individual when a Welsh language service will be available on its main telephone numbers. In considering the evidence received from the complainant and the Council; I consider that Wrexham County Borough Council failed to comply with standard 17 as it did not inform the caller when a Welsh language service would be available.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standards 11 and 17 in this case.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standards 11 and 17 in this case.

Statement on the further action

Standards 11 and 17 – directions for Wrexham County Borough Council in accordance with section 79(1)(b)(ii) of the Welsh Language Measure:

Enforcement action 1 Wrexham County Borough Council must: vi) conduct a review of its arrangements for dealing with telephone calls to its helpline numbers or call centre numbers where the caller wishes to receive a Welsh language service vii) act on the findings of the review, and make any necessary changes viii) monitor the extent to which Welsh telephone calls are dealt with in accordance with the Council's corporate standards ix) report on the monitoring work to a relevant committee within the Council x) inform the Commissioner of the review's findings and explain in full what steps the Council has taken to ensure compliance with the relevant standards.

Timetable: These steps must be carried out within 90 days from the date of publication of the Commissioner's final determination which is by 27 November 2019.

Enforcement action 2: In accordance with section 77(3)(b) of the Welsh Language (Wales) Measure 2011 Wrexham County Borough Council must take steps in upgrading or renewing any telephone system to check that these systems enable compliance with the relevant standards.

Timetable: Within 28 days of the date of publication of the Commissioner's final determination.

Enforcement action 3: The Council must give publicity to its failure by publishing this report in a prominent place on its website.

Timetable: Within 28 days of the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 29/08/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG418 The Commissioner received a complaint on 18/09/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that documents relating to the consultation process before submitting a planning application to build a new school in Llangefni were available in English only on 18/09/2018 by following the link <http://www.ynysmon.gov.uk/cyngor-a-democratiaeth/ymgynggori/ysgol-gynradd-newydd-llangefni-ymgyngoriad-cyn-ymgeisio-am-ganiatd-cynllunio/135180.article>. The Council is

28/8/2019

Commissioner's findings

Standard 40: Standard 40 requires a body to ensure that any document produced for public use is produced in Welsh. The complainant alleges that documents relating to a consultation process before submitting a planning application to build a new school in Llangefni were available in English only that the documents, other than the technical documents, are now available in Welsh on its website. Considering the evidence in full, the Commissioner has found that technical documents are not exempt within the compliance notice issued to Isle of Anglesey County Council.

Standard 48: Standard 48 requires a body not to treat the Welsh language less favourably than the English language in documents which it produces. The complainant alleged that Isle of Anglesey County Council produced documents relating to a pre-planning application on its website in English only. As a result, the Commissioner finds that the Welsh language versions

Isle of Anglesey
County Council

seeking planning permission under Articles 2C and 2D to build a new school in Llangefni instead of Ysgol Corn Hir and Ysgol Bodffordd.

have been treated less favourably than the corresponding English language versions of the documents.
Standard 49: Where a body is required to comply with standard 49, it is expected that the English language version clearly states that the document is also available in Welsh. The documents relating to a pre-planning application from the Council were published in English only. Considering the complainant's evidence which notes that none of the documents state that Welsh language versions are available, and the Council's evidence which acknowledges that it produced and published the documents in English only, the Commissioner believe that this is contrary to the requirements of standard 49.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Isle of Anglesey County Council has failed to comply with standards 40, 48 and 49 in this case.

Statement of further action

Further action was taken following the determined that the Isle of Anglesey County Council has failed to comply with standards 40, 48 and 49 in this case.

Statement on the further action

Standard 40 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure
1. Isle of Anglesey County Council must ensure that all consultation documents for public use are produced (and published) in Welsh. The Council must raise awareness of

the existence of the Welsh language version in order to comply with standard 40.

2. Isle of Anglesey County Council must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement step above has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 48 – requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure

3. Isle of Anglesey County Council must ensure that consultation documents produced in Welsh and English separately are published at the same time in order to comply with the requirements of standard 48.

4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement step above has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 49 – requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure

5. In order to comply with the requirements of standard 49, Isle of Anglesey County Council must ensure that it states clearly on English language versions of consultation documents that the document is also available in Welsh.

6. The Council must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement step above has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to the Isle of Anglesey County Council on 28/08/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG473 The Commissioner received a complaint on 13/12/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to email correspondence received by the complainant in response to comments on a planning application. On 13 December 2018, the complainant received an email from Cardiff Council confirming that he had registered in order to be able to comment on a planning application. On the same date he received a further email from Cardiff Council confirming that his comments on the planning application had been received, summarising those comments. He complained that both emails, which appeared to be automated, were written in English.

2/8/2019

Cardiff Council

Commissioner's findings

Standard 1: When Cardiff Council receives correspondence in Welsh, and is required to answer that correspondence, it must reply in Welsh, unless the person who sent the correspondence has stated that it is not necessary to do so. The complainant sent correspondence in Welsh to Cardiff Council. He did not state that Cardiff Council did not need to reply in Welsh. The Council's response came in the form of two emails written in English. This shows a failure by Cardiff Council to comply with standard 1. Standard 2: In corresponding with an individual for the first time following the imposition of standards, Cardiff Council is required to ask that individual whether they wish to receive correspondence from the Council in Welsh. The evidence shows that the complainant entered into correspondence with Cardiff Council on the two occasions in question. Standard 2 applies when Cardiff Council enters into correspondence with an individual. Standard 5 is therefore the relevant standard in this case. Cardiff Council's compliance with standard 5 is considered below.

Standard 5: Standard 5 means that Cardiff Council must provide a Welsh version of any correspondence it sends to a person if it does not know the person's chosen language. Correspondence in the form of two emails was

produced and sent to the complainant by Cardiff Council. Although Cardiff Council replied to correspondence that had been written in Welsh, as the process was automated, the complainant's chosen language was not recognised. The correspondence sent by Cardiff Council was written in English. This shows a failure by Cardiff Council to comply with standard 5.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standards 1 and 5 in this case.

Statement of further action

No further action was taken following the determination on the basis that Cardiff Council has taken steps to prevent the continuation or repetition of the failure to comply. From the end of July 2019 messages that are automatically produced and sent on behalf of Cardiff Council by Idox Public Access will be bilingual.

Statement on the further action

Decision notice given

The Decision Notice was given to Cardiff Council on 02/08/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Cardiff Council

CSG435 The Commissioner received a complaint on 22/10/2018 from a person

30/7/2019

Commissioner's findings

which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that the Council's website treated the Welsh language less favourably than the English language when he tried to register for music lessons. He claimed that the link http://live186.paritor.com/p_web/04_001_192/2306/ from a Welsh language page on the Council's website to create an account to pay for instrumental lessons for his daughter led to an English only page.

Standard 50: Standard 50 requires Cardiff Council to produce any form for public use in Welsh. Schooble's registration form, on behalf of the Council, was produced in English only. In this respect, Cardiff Council appears to have failed to comply with standard 50 as it acknowledged that the page in question was available in English only "at present".

Standard 52: Standard 52 states the need to ensure that all pages are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language. The complainant received an email from Cardiff Council which included a link that led to the Schooble page (a page off the Paritor computer software system used by the Council). A Schooble page containing a form to complete in order to create an account is not available in Welsh.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 50 and 52.

Statement of further action

Further action was taken following the determination that Cardiff Council has failed to comply with standard 50 and 52.

Statement on the further action

Standard 50 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff Council must identify all forms a third party has produced on its behalf, and prepare an action plan to

show what steps it will take to ensure that forms are produced for public use in Welsh, in order to meet the requirements of standard 50.

2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.

Timetable: Within 90 days of issuing the Commissioner's final determination. Standard 52 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Cardiff Council must conduct a review of its websites to find out where the English only pre-set command buttons are, putting a timetable in place to address the failure to comply with standard 52.

4. Cardiff Council must provide sufficient written evidence of the timetable within 60 days to satisfy the Welsh Language Commissioner that it has completed enforcement action 3.

Timetable: Completion of enforcement action 3 within 6 months from the date of

Decision notice given

The Decision Notice was given to Cardiff Council on 30/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

The Natural Resources Body for Wales

CSG481 The Commissioner received a complaint on 02/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language

29/7/2019

Commissioner's findings

Standard 10: Standard 10 imposes a requirement on a body to deal with calls to its main telephone numbers in their entirety in Welsh, if the caller wishes so. On 2

Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that she telephoned the 'Bwlch Nant yr Arian' centre and that nobody was available to speak to her in Welsh on the telephone. The complaint phoned the centre on Wednesday, 2 January 2019 at 9.57am. The telephone number called was 01970 890453.

January 2019, the complainant called the Bwlch Nant yr Arian Centre, run by NRW, and it was not possible for her to complete her call in Welsh. Following full consideration NRW and the complainant's evidence, the Commissioner finds that NRW did not deal with the complainants call in its entirety in Welsh, despite knowledge of her wish to receive a Welsh language service.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Natural Resources Body of Wales has failed to comply with standard 10 in this case.

Statement of further action

Further action was taken following the determined that the Natural Resources Body of Wales has failed to comply with standard 10 in this case.

Statement on the further action

Standard 10– requirement to take action in accordance with section 77 (3)(b) of the Welsh Language Measure

1. The Natural Resources Body of Wales must develop arrangements, either through use of staff that can provide a Welsh language service, or by means of technology; in order to ensure that it deals with Welsh language calls in their entirety in Welsh, without a break in the Welsh language service.

2. The Natural Resources Body of Wales must provide written evidence written evidence that satisfies the Welsh Language Commissioner that it has completed shows that

it has completed enforcement step 1 within 90 working days.

Timetable: Within 90 working days from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to the Natural Resources Body of Wales on 29/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

CSG438 The Commissioner received a complaint on 23/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that she had contacted Wrexham Glyndŵr University on 23 October 2018. She asked the receptionist in Welsh to be transferred to 'Person A' in the sports department. She was greeted in Welsh and the receptionist explained in English that she was learning Welsh and so the conversation continued in English. As 'Person A' was unavailable, the receptionist offered that she speak to another member within the same department, 'Person B', or be transferred

17/7/2019

Commissioner's findings

Standard 9 Wrexham Glyndŵr University is required to inform callers that a Welsh language service is available. But that does not have to be done in Welsh. Standard 11 requires the call to be dealt with in Welsh until such a point as it is necessary to transfer the call. The complainant claimed that she telephoned Glyndŵr University Wrexham and received a Welsh greeting but she failed to receive a service in Welsh. The University explained that it offered to transfer the call to a Welsh speaker in another department, and that the caller stated that this was not necessary. In taking full account of the evidence, the Commissioner consider that an offer (in either language) to transfer the call to a Welsh speaker corresponds to informing the caller that a Welsh language service is available. Standard 11 The standard states that a body must deal with the telephone call in Welsh until it needs to be transferred. It is an unavoidable fact that the University failed to comply with standard 11 on the occasion in question. The complainant's wish to receive a

Glyndŵr
University

to a Welsh speaker in another department. She explained the reason for the call in English and was passed on to a non-Welsh speaking member of staff at the leisure centre, 'Person B'. The complainant claimed that she asked 'Person B' in Welsh if he spoke Welsh three times, to which he responded by saying that he could not hear her. The complainant asked in English "You can't hear me?" and Person B answered "I can hear you now".

service in Welsh was established as she began the conversation in Welsh. The Senior Receptionist who dealt with the call is not at fault of course. The Senior Receptionist followed the University's procedure for dealing with calls from Welsh speakers, but the procedure itself is not in keeping with the requirements of the standard. There is a need to ensure that the receptionist makes it clear that they cannot speak Welsh and that the call will be passed on to someone who can establish the nature of the call, doing so in Welsh.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Glyndwr University has not failed to comply with standard 9 but has failed to comply with standard 11.

Statement of further action

Further action was taken following the determination that Glyndŵr University has failed to comply with standard 11.

Statement on the further action

Standard 11 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Wrexham Glyndŵr University must modify its procedure for dealing with telephone calls in Welsh in accordance with the requirements of standard 11. How it will implement the requirement is a matter for the University, but the procedure may include the use of an automated machine that would offer an option in Welsh when there are no staff available who are confident, or increase the

number of staff on reception who have sufficient skills to meet the requirements of the standard.

2. Wrexham Glyndŵr University must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1.

Timetable: Within 90 days of issuing the Commissioner's final determination, by 15/10/2019.

Decision notice given

The Decision Notice was given to Glyndŵr University on 17/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG455 The Commissioner received a complaint on 15/11/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to a consultation that was being undertaken jointly by the Welsh Government, UK Government and Scottish Government. The subject of the consultation concerned proposals to reform the annual canvass and the public consultation period expired on 30 November, 2018. The consultation was

12/7/2019

Commissioner's findings

Standard 40 The standard relates to documents produced by a body for public use. It states that the body must ensure that those documents are produced in Welsh. The UK Government produced a document for the use of the Welsh public on behalf of the Welsh Ministers. The document was produced as part of a joint consultation between the Welsh Government, the Scottish Government and the UK Government. The document was not produced in Welsh. By failing to ensure that the document was produced in Welsh, the Welsh Ministers failed to comply with the standard.

Commissioner's determination

Welsh Ministers

hosted on the Scottish Government website and, according to the complainant, only the English version of the relevant consultation document appeared on the website.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 40.

Statement of further action

Further action was taken following the determination that Welsh Ministers have failed to comply with standard 40. Statement on the further action Standard 40 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. The Welsh Ministers must ensure that consultation papers for the use of the public, which are drawn up as part of joint consultations, are produced in Welsh.
2. The Welsh Ministers must amend the General Policy and Legislation Consultation Guidance in order to reflect the findings of this investigation.
3. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement actions 1-2. Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Welsh Ministers on 12/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Vale of Glamorgan Council

CSG429 The Commissioner received a complaint on 08/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language

11/7/2019

Commissioner's findings

Standard 4 The Vale of Glamorgan Council is required to send a Welsh version of correspondence at the same time as the English version when sending the same

Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that he had received an email containing text in English only from the Vale of Glamorgan Council's School Improvement and Inclusion Department on 08/10/2018. The email informed parents that a vote had to be postponed for the election of parents and governors of Ysgol Gymraeg Pen y Garth.

correspondence to several persons. The complainant, and the rest of the parents of Ysgol Gymraeg Pen y Garth received an email message in English on 08/10/2018 from the Council. The Council explains that this was an error due to lack of time. It appears that it was an intentional decision not to translate the text because of the urgency involved in sending the specific message relating to parent governor elections. It is not possible to avoid the fact that the Vale of Glamorgan Council failed to comply with standard 4 on the occasion in question as it acknowledged that it was an error to send the email message in English only. The Council's procedure in dealing with urgent correspondence was not followed on this occasion.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has failed to comply with standard 4.

Statement of further action

Further action was taken following the determined that Vale of Glamorgan Council has failed to comply with standard 4.

Statement on the further action

Standard 4 – requirement to take steps in accordance with section 77 of the Welsh Language Measure
1. The Vale of Glamorgan Council must amend its translation procedures and guidelines in order to provide clear guidance to staff on the steps that should be taken to comply with the requirements of the standard when urgent correspondence is required.

		<p>2. The Vale of Glamorgan Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.</p> <p>Timetable: Within 90 days of issuing the Commissioner's final determination.</p> <p>Decision notice given The Decision Notice was given to Vale of Glamorgan Council on 11/07/2019.</p> <p>Appeals made to the tribunal No appeal was made to the Tribunal.</p>
<p><u>Vale of Glamorgan Council</u></p> <p>CSG494: The Commissioner received a complaint on 27/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant had received an English only e-mail from the Council confirming arrangements for a workshop on the Council's operational plan.</p>	<p>11/7/2019</p>	<p>Commissioner's findings</p> <p>Standard 4: In this case, the Council sent a message giving details of a workshop to all stakeholders in English only to notify them of the session's arrangements. The Council had not sent the message in Welsh as it assumed that the representative wished to deal with them in English as the response received on their behalf was in English rather than Welsh. In considering the evidence received from the complainant and the Council, the Commissioner believes that sending correspondence in English only, and not including a Welsh language version in this instance, was in breach of the requirements of standard 4.</p> <p>Standard 5: Standard 5 requires organisations to provide correspondence in Welsh if they don't know whether that person wishes to receive correspondence in Welsh. In this case the Council sent English only correspondence to several persons, and the Council noted that it had sent</p>

correspondence in English only as it had assumed that English was the complainant's preferred language as it had received a reservation form in English. This form was completed on behalf of the complainant.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Vale of Glamorgan Council has failed to comply with standard 4 but has not failed to comply with standard 5.

Statement of further action

Further action was taken following the determined that the Vale of Glamorgan Council has failed to comply with standard 4.

Statement on the further action

Standard 4 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Vale of Glamorgan Council must ensure that it has arrangements in place to ensure that a Welsh language version of correspondence is sent at the same time as English language correspondence when that correspondence is sent to several persons. The Council will also need to ensure that the Welsh version of the correspondence is sent no matter what the preferred language of those persons is, and in every situation, not only when sending initial correspondence to those persons.

2. It must be ensured that all Council staff are aware of these arrangements.

		<p>3. Vale of Glamorgan Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 2 have been completed. Timetable: Within 28 days from the date of publication of the Commissioner's final determination</p> <p>Decision notice given The Decision Notice was given to Vale of Glamorgan Council on 11/07/2019.</p> <p>Appeals made to the tribunal No appeal was made to the Tribunal</p>
<p><u>Welsh Ministers</u></p> <p>CSG442 The Commissioner received a complaint on 25/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. It related to the Welsh Government's consultation document , Brexit a'n tir; Diogelu dyfodol ffermio yng Nghymru [Brexit and our land: Securing the future of Welsh farming]. The complainant alleged that there were errors in the Welsh version of the document.</p>	<p>3/7/2019</p>	<p>Commissioner's findings Standard 48: When producing a document a body should not treat the Welsh version of the document less favourably than the English version. The Welsh Ministers produced a consultation document that contained inaccurate information in a figure in the Welsh version of the document. As a result, the Welsh version of the consultation document was treated less favourably than the English version in terms of its accuracy.</p> <p>Commissioner's determination Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 48.</p> <p>Statement of further action No further action was taken following the determination on the basis that:</p>

- i. the Welsh Government has appropriate arrangements in place for proofreading documents that have been translated into Welsh; and
- ii. another consultation will take place which will provide a further opportunity to include the correct information.

Statement on the further action

Decision notice given

The Decision Notice was given to Welsh Ministers on 03/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

The Chief
Constable of
South Wales
Police

CSG451 The Commissioner received a complaint on 09/11/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. It was made in relation to a South Wales Police non-emergency telephone service. The complainant stated that he telephoned the appropriate telephone number '101' at approximately 13:00 on 9 November 2018. He explained that he had 'chosen the Welsh option, and a number of other Welsh

3/7/2019

Commissioner's findings

Standard 22: The standard means that any automated telephone system that South Wales Police has in place must be available, in full, in Welsh. The evidence shows that the 101 telephone service, which is an automated telephone system, does not provide the complete service in Welsh. This highlights a failure by South Wales Police to comply with standard 22.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Chief Constable of South Wales Police has failed to comply with standard 22.

Statement of further action

automated options' before hearing an automated voice asking, in English, which department of the police did he wish to speak to. He stated that the automated service did not recognise Welsh words when he tried to respond.

Further Action was taken following the determination Chief Constable of South Wales Police has failed to comply with standard 22.

Statement on the further action

Standard 22 – Advice in accordance with section 77(4)(b) of the Welsh Language Measure I advise South Wales Police to continue discussions with its provider about providing the complete automated 101 telephone service in Welsh and, possibly, amending its contract with the provider to enable that to happen. It is essential that South Wales Police ensures that the requirement of standard 22 is a central consideration when changing or developing its automated telephone systems, or when procuring a similar system in the future. Further advice on contracting can be found in the publication Contracting out Public Service Contracts: Welsh Language Considerations on my website.

Decision notice given

The Decision Notice was given to the Chief Constable of South Wales Police on 03/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Torfaen County
Borough Council

CSG468 The Commissioner received a complaint on 04/12/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh

3/7/2019

Commissioner's findings

Standard 4: The Council sent a newsletter in English to the complainant and other members of the Greater Gwent Local Government Pension Fund (Torfaen). It was sent by the Council as it is the administering authority for the Fund. In exercising its statutory responsibility as

Language Measure, and was therefore a valid complaint. The complaint was in relation to a newsletter for members of the Greater Gwent Pension Fund (Torfaen) called 'Gwent Grapevine'. The complainant stated that he had received the 2018 winter edition of the newsletter in English only.

administrative authority, the Council was 'delivering a service' to members of the Fund. In the delivery of services, whether directly or through the Fund, the Council is required to comply with the standards imposed on it in relation to the Welsh language. In order to comply with standard 4, any correspondence the Council sends to several of persons must be sent in Welsh. By sending the newsletter in English the Council failed to comply with the standard.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Torfaen County Borough Council has failed to comply with standard 4.

Statement of further action

Further action was taken following the determination that Torfaen County Borough Council has failed to comply with standard 4.

Statement on the further action

Standard 4 – Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. The Council must send a Welsh version of the Gwent Grapevine/Llais Torfaen newsletter at the same time as it sends the English version to members of the Greater Gwent Pension Fund (Torfaen).

2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

			<p>Timetable: In time for the next publication of the newsletter which follows the date of the Commissioner's final determination.</p> <p>Standard 22 – Advice in accordance with section 74(4)(b) of the Welsh Language Measure As the administering authority of the Greater Gwent Local Government Pension Fund (Torfaen), the Council must ensure that the services it provides to members of the Fund comply with the standards imposed on the Council in relation to the Welsh language.</p> <p>Decision notice given The Decision Notice was given to Torfaen County Borough Council on 03/07/2019.</p> <p>Appeals made to the tribunal No appeal was made to the Tribunal.</p>
<p><u>Wrexham County Borough Council</u></p>	<p>CSG364 The Commissioner received a complaint on 14/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant submitted a complaint regarding the alleged failure of Wrexham County Borough Council (the Council) to comply with Welsh language standards on its websites. The complaint refers specifically to the 'Tŷ Pawb' website</p>	<p>3/7/2019</p>	<p>Commissioner's findings Standard 52: Following the consideration of the evidence presented by the complainant and the Council, the Commissioner concludes that the procedures or processes in place to check the Welsh language content of the Tŷ Pawb website is insufficient to ensure that the Welsh content is of the same standard and accuracy as the English. As a result, the Commissioner concludes that the Welsh language has been treated less favourably on the Tŷ Pawb website. The Commissioner believes that there are clear advantages to defining a language correctly within a website code, however my investigation has not succeeded in proving or convincing me that Welsh speakers who are trying to access Welsh language</p>

(www.typawb.cymru) and also the Council's main website (www.wreccsam.gov.uk). The complaint relates to a number of different aspects.

information about Tŷ Pawb on the internet have experienced any disadvantage due to the fact that the code of the Welsh webpage is defined as “English”. Due to a lack of firm evidence in terms of how the language definition within the HTML code affects the search results of service users the Commissioner is unable to reach a determination regarding compliance with standard 52 on this aspect of the complaint. The Commissioner notes however that this case has highlighted some technical matters that need to be considered when outsourcing services related to creating websites and I welcome the commitment by the Council to be more aware of these issues when commissioning such work in the future.

Commissioner’s determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 52.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 52.

Statement on the further action

Standard 52 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Wrexham County Borough Council must conduct a full review of the Tŷ Pawb website to ensure that every Welsh page corresponds fully in terms of standard and accuracy to the English pages to ensure that the Welsh language is treated no less favourably than the English language.

2. Wrexham County Borough Council must review and update the Guidelines for Publishing Information on The Council's Web Site in order to provide clear guidance for staff on the requirements of the Welsh language standards relating to websites and the body's online services. The Council should also ensure that any electronic or online guidance is updated to consider the requirements of the Welsh language standards.

3. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 and 2 within 12 weeks of the Commissioner's final determination.

Standard 52 - recommendations in accordance with section 76(3)(a) of the Welsh Language Measure.

4. When commissioning website creation and design from a third party, the Council should ensure that any specification or contract gives details of the need to consider how the language of the website or webpages are defined in order to ensure their accessibility for Welsh speaking service users.

5. When the Council displays static maps on its websites, the street names should be shown in Welsh on its Welsh language website pages.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 03/07/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

The British
Broadcasting
Corporation

CSG378 The Commissioner received a complaint on 17/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the British Broadcasting Corporation (the BBC)'s advertisements that appeared in the Hay Festival programme in May 2018. The advertisements promoted programmes and events held by the BBC during the Festival. The complainant provided images of the advertisements in question (see appendix 1). The complainant alleged that the advertisements were in English only and that he was of the opinion that this was contrary to the requirements of the Welsh language standards.

13/6/2019

Commissioner's findings

Standard 33: Standard 33 requires a body to produce any publicity or advertising material in Welsh. If a body produces advertising material in Welsh and in English, it must not treat the Welsh language version less favourably than the English language version. Following full consideration of the evidence provided by the complainant and the British Broadcasting Corporation, although the Corporation did produce publicity material in English only for the Hay Festival programme; this is not contrary to its Compliance Notice which provides the context for when the service delivery standards are relevant. As the advertisements under consideration are connected to programmes broadcast by the Corporation, they are exempt from the requirements of the standard.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the British Broadcasting Corporation has not failed to comply with standard 33.

Statement of further action

No further action was taken following the determination that the British Broadcasting Corporation has not failed to comply with standard 33.

Statement on the further action

Decision notice given

The Decision Notice was given to the British Broadcasting Corporation on 13/06/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Welsh Ministers

CSG365 The Commissioner received a complaint on 13/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to an allegation that the complainant received an English only letter and survey from Warm Homes Nest Scheme in order to provide feedback on the telephone service he received. The complainant stated that the telephone service he received was in Welsh.

6/6/2019

Commissioner's findings

Standard 2 : In considering the information available to me, and despite several attempts to try and establish the facts of the case in order to consider Welsh Ministers' compliance with standard 2 fully, the Commissioner believes that the evidence presented does not enable me to know whether Welsh Ministers failed to comply with the requirements of standard 2 or not. Without knowing with certainty whether or not this was the first time Welsh Ministers corresponded with the complainant since the imposition day of the standard, namely 30 March 2016, the Commissioner is not in a position in this case to make a determination on Welsh Ministers' compliance with standard 2. However, and based on the evidence presented the Commissioner is not convinced that there were sufficient arrangements in place during the period in question to allow Nest scheme staff to establish whether this was the first time that Welsh Ministers had contacted the complainant in order to know whether the complainant needed to be asked when sending the letter and survey whether he wished to receive correspondence in Welsh. Neither is the Commissioner convinced that there are sufficient arrangements in place in order to ensure that the question is established in writing when corresponding with an individual for the first time as there is a suggestion that this is only recorded following telephone contact only. Standard 5: The Commissioner's findings are that Welsh Ministers did not know whether the complainant wished to receive correspondence from them in Welsh and that the

complainant's language preference was recorded as English in error. In considering this, his findings are that Welsh Ministers should have sent a Welsh language version of the correspondence to the complainant.

Compliance with enforcement action CSG204 & CSG196: The enforcement action imposed on Welsh Ministers on 30 November 2017 in light of the CSG196 and CSG204 investigations required Welsh Ministers to ensure that they conducted a campaign to raise the awareness of staff who were subject to complaints about failures to implement the standards; and those who have regular contact with members of the public regarding the requirements of the correspondence standards in particular. However, after further consideration, the Commissioner does not consider that the enforcement actions are relevant to this case because it was not directly Welsh Government's direct staff that was responsible for sending the correspondence in question. Nevertheless, after considering the information available to me, the Commissioner is not satisfied that there are sufficient arrangements in place to raise the awareness of suppliers who provide services on behalf of Welsh Ministers of their requirements to comply with the Welsh Language Standards. That is because Nest scheme staff do not have access to guidelines on Welsh Ministers' intranet, and no evidence has been provided that these guidelines are provided to Nest scheme staff in another way. Furthermore, the Commissioner is not satisfied that the clause included in the specification with British Gas is sufficient in itself to ensure clarity regarding the requirements of which standards the suppliers need to ensure compliance with. The Commissioner considers

that Welsh Ministers should clearly note in any agreement with that third party the exact standards with which the third party is required to comply with instead of including a more general clause.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner failed to determine whether or not Welsh Ministers were complying with standard 2, determined the Welsh Ministers have failed to comply with standard 5 and determined that Welsh Ministers have not failed to comply with the enforcement action of CSG196 and CSG204.

Statement of further action

Further action was taken following the Commissioner's determination.

Statement on the further action

Standard 2 – give advice in accordance with section 4(2)(j) of the Welsh Language Measure 1. Welsh Ministers should ensure that there are sufficient arrangements in place to: - to enable Nest scheme staff to know whether it is the first time Welsh Ministers have corresponded with an individual in order to know if there is a need to ask that individual in the correspondence whether he / she wishes to receive following correspondence in Welsh; - ensure that there is a correct record kept of an individual's wish to receive correspondence in Welsh Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must ensure that there are sufficient arrangements in place by the Nest scheme to ensure that every person receives correspondence in Welsh, unless they know that the person does not wish to receive correspondence in Welsh.
2. Welsh Ministers must ensure that there are sufficient arrangements in place to share information about an individual's wish to receive correspondence in Welsh with different departments including a third party who is operating on behalf of Welsh Ministers in order for them to verify and act upon this, in accordance with the requirements of correspondence standards.
3. Welsh Ministers must conduct a further awareness campaign regarding the requirements of the Welsh Language Standards for correspondence, specifically targeting Welsh Government Warm Homes Nest Scheme staff:
4. Welsh Ministers must ensure that third party members of staff who operate on their behalf have access to any guidelines, advice documents or instructions / other relevant documents regarding how to comply with the standards relating to the service(s) they provide on behalf of Welsh Ministers.
5. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-4 have been completed.

Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

Standard 5 – recommendation in accordance with section 77 of the Welsh Language Measure I recommend that

Welsh Ministers review contracts with third parties in order to ensure that general clauses regarding compliance with the requirements of the Welsh Language Standards are replaced by more specific clauses which note clearly the exact standards and requirements with which the third party must comply.

Decision notice given

The Decision Notice was given to Welsh Ministers on 06/06/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Pembrokeshire
County Council

CSG353 The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a response to a Welsh language email he sent to the Leader of the Council on 16/10/2017. He re-sent the email on 15/12/2017 and again on 12/03/2018 and 25/04/2018. The email asked the Council to respond to questions regarding Welsh-medium education.

5/6/2019

Commissioner's findings

Standard 1: Standard 1 requires the Council to reply to Welsh language correspondence in Welsh unless the person has indicated that there is no need to reply in Welsh. In this case the complainant sent correspondence in Welsh to the Leader of the Council on three occasions before receiving a response over six months later. The public need to be assured that corresponding in Welsh with a public organisation will not lead to delay or even not receiving a response at all. As the complainant did not receive a response to his Welsh language correspondence within a reasonable time, the Council failed to comply with standard 1 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Pembrokeshire County Council has failed to comply with standard 1.

Statement of further action

Further action was taken following the determination that Pembrokeshire County Council has failed to comply with standard 1.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Council must carry out a review of the way in which it deals with Welsh correspondence which reaches the Council's Cabinet members.
2. The Council must act on the findings of the review and take steps to address any weaknesses to ensure that Welsh language correspondence: - is read by an appropriate person within the Council; - is translated (if necessary); - receives a response (if required) in accordance with the Council's corporate targets
3. The Council must take steps to ensure that elected members and supporting officers are aware of these arrangements.
4. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Pembrokeshire County Council on 05/06/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Wrexham
County Borough
Council

CSG402 The Commissioner received a complaint on 08/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had completed a questionnaire on the Council's website by following a link provided by the Council. He alleged that i) the link to the survey at the bottom of the page appeared in English only on the Welsh language page, ii) that the link led to the English version of the survey; and iii) that there were translating and spelling errors within the survey.

5/6/2019

Commissioner's findings

Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The complainant completed a survey provided on a Welsh language page of the Council's website. The link to complete the survey appeared in English, and took him to an English language version of the survey. He also alleged that the survey contained translation and spelling errors. Following full consideration of the evidence provided by the complainant and the Council, the Commissioner found that there is an error on one of the website's Welsh language pages taking users to the Your Voice Wrexham – A Study of Housing Needs survey, leading to a situation whereby the Welsh language service provided is less favourable than the corresponding English language service.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 52.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 52.

Statement on the further action

Standard 52 – requirement to take steps in accordance with section 77(3) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every page of its website is available in Welsh.
2. The Council must ensure that links provided on Welsh language pages direct the user to information or documents in Welsh.
3. Wrexham County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that the enforcement steps above have been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 05/06/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Merthyr Tydfil County Borough Council

CSG423 The Commissioner received a complaint on 27/03/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that she phoned Merthyr Tydfil County Borough Council (the "Council") on 26 September 2018 and that the person

5/6/2019

Commissioner's findings

Standard 8: Standard 8 requires a body to greet a person in Welsh when that person contacts the body on the relevant telephone numbers. The complainant alleged that she phoned the Council on 26 September 2018 and that the person who answered the phone stated that no Welsh speakers were available. The Council says that the greeting the complainant heard was 'Mae'n flin da fi, dydw i ddim yn siarad Cymraeg'. It appears that the complainant was greeted in Welsh according to the record

who answered the phone stated that no Welsh speakers were available. The complainant alleged that she phoned the Council again on 01685 725 000 between 10 and 11am on 27 September 2018 asking for a Welsh speaker. The complainant alleged that the person who answered the phone put the phone down.

the Council has of the call made by the complainant on 26 September 2018.

Standard 9: Standard 9 requires the Council to inform a caller that a Welsh language telephone service is available. The regulations do not stipulate how a body should do that. Neither do the regulations note that this must be done in Welsh. When calling 01685 725 000, an automatic message is heard welcoming the caller to Merthyr Tydfil County Borough Council in Welsh first, and asking the caller to press '2' if they wish to receive a Welsh language service. The Commissioner believes that the Council informs callers that a Welsh language service is available by greeting them in Welsh and by asking them to press '2' if they wish to receive a service in Welsh.

Standard 11: Standard 11 requires a body to deal with a call in Welsh once it is aware that the person wishes to receive a Welsh language service over the phone, transferring the call to a member of staff who is able to deal with the specific subject matter in Welsh where necessary. The Commissioner expects a body to establish a person's wish to receive a Welsh language service over the telephone at the earliest possible opportunity. When the person who answered the phone informed the complainant that they could not speak Welsh, they were not required to provide information on a specific subject matter and therefore, in accordance with standard 11, the Council was expected to deal with the complainant's call in Welsh. The complainant's allegation constitutes a failure to comply with the standard.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Merthyr Tudful County Borough Council has failed to comply with standard 11 but has complied with standard 8 and 9.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 11.

Statement on the further action

Standard 11 – Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Merthyr Tydfil County Borough Council must adopt an accurate interpretation of standard 11 in accordance with clauses 3.40 and 3.41 of this report.
2. Merthyr Tydfil County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.

Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

Standard 11 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure 1. Merthyr Tydfil County Borough Council must prepare an action plan for the purpose of ensuring that One Stop Shop staff comply with standard 11.

Timetable: The Council must submit a draft action plan within 90 days of receiving the final decision notice.

Decision notice given

The Decision Notice was given to Merthyr Tudufi County Borough Council on 05/06/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG407 The Commissioner received a complaint on 15/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to two connected issues linked to the complainant's experience of using one of Wrexham County Council's websites: <https://wrexham-consult-cy.objective.co.uk/portal/>. The website in question is a specific portal for sharing consultation documents with the public and enabling residents to submit representations in response to consultations. When submitting representations on a consultation in Welsh via the above portal, the complainant alleged that he received an acknowledgement message in English only. The complainant also alleged that the website's interface and menus appeared in English only and that the 'Cymraeg' button at the top of the page

20/5/2019

Commissioner's findings

Standard 1: In this instance, the parties agree that the Council replied to representations submitted by the complainant via the consultation portal in Welsh with a standard acknowledgement email in English.

Standard 52: The Commissioner finds that the Welsh and that there were pages on the portal where the Welsh text was treated less favourably than the English text, on the date that the complainant used the website to submit representations on one of the Council's consultations.

Standard 55: The Commissioner's determination is that Wrexham County Borough Council has not failed to comply with standard 55 in this instance. The basis of his determination is that a link has been provided from English language pages to Welsh language pages in instances where a corresponding page is available.

Standard 56: The Commissioner finds that the Council failed to ensure that menus on its consultation portal were available in Welsh.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 1, 52 and 56 but has complied with standard 55 in this instance.

Wrexham
County Borough
Council

did not change the pages or interface to offer further options. The complainant also alleges that there are pages on the website where Welsh text and English text appear on the same page and that the Welsh text is displayed under the English text, meaning that the Welsh language is treated less favourably than the English language.

Statement of further action

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 1.

Statement on the further action

Standard 1 – requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must review all of its systems for producing standard correspondence (such as acknowledgement emails for correspondence) and act on the findings of the review in order to ensure that Welsh replies are generated on receipt of Welsh language correspondence.

2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 20/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Isle of Anglesey
County Council

CSG391 The Commissioner received a complaint on 17/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language

9/5/2019

Commissioner's findings

Standard 52: The Commissioner received a complaint on 17/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure.

Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant stated that a hyperlink to the Council's main website, www.ynysmon.gov.uk, led to the microsite broadcasting Council meetings. The microsite's address was <https://ynysmon.public-i.tv>. The complainant noted that the link was in English, entitled 'View Webcast' despite appearing on the Welsh language version of the Council's main website. The complainant also complained that the link directed users to the English version of the microsite by default. The complainant stated that he understood that the website <https://ynysmon.public-i.tv> always defaulted to the English version, whichever way it was accessed by the user. He stated that the situation was common to all local authorities that use the same system for webcasting their meetings.

The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant stated that a hyperlink to the Council's main website, www.ynysmon.gov.uk, led to the microsite broadcasting Council meetings. The microsite's address was <https://ynysmon.public-i.tv>. The complainant noted that the link was in English, entitled 'View Webcast' despite appearing on the Welsh language version of the Council's main website. The complainant also complained that the link directed users to the English version of the microsite by default. The complainant stated that he understood that the website <https://ynysmon.public-i.tv> always defaulted to the English version, whichever way it was accessed by the user. He stated that the situation was common to all local authorities that use the same system for webcasting their meetings.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Isle of Anglesey County Council has failed to comply with standard 52.

Statement of further action

No further action was taken following the determination on the basis that the Council has taken appropriate steps to prevent the continuation or repetition of the failure.

Statement on the further action

Decision notice given

The Decision Notice was given to Isle of Anglesey County Council on 09/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Vale of
Glamorgan
Council

CSG356 The Commissioner received a complaint on 26/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he received a generic email message from the Vale of Glamorgan Council on 26/04/2018 asking that he complete the Have your Say survey. It was a message from the Council to inform people of the changes to recycling and refuse collection and asking them for their opinion. The complainant alleged: ' that the English message appeared before the Welsh on the email (see Appendix 1) ' that he was directed to the following English webpage having completed the Have Your Say survey in Welsh:

9/5/2019

Commissioner's findings

Standard 6: The Council produced correspondence, in this case an email message, that treated the Welsh version less favourably than the English version. The Welsh text was not visible on the opening page of the message and the reader had to take the additional step of scrolling down the message to find the existence of Welsh text.

Standard 48: In considering the evidence received from the complainant and the Council, the Commissioner is of the view that the Welsh language version was treated less favourably than the English version of the document as a link from the Welsh version of the survey led to an English page.

Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The complainant received an email from the Council inviting him to fill in an online survey. Having completed the survey in Welsh, the only link in the survey led to an English language page on the Council's website thanking him for his comments on the survey. The page to which the complainant was directed on the Council's website was available in Welsh however this was accessed by clicking the 'Cymraeg' button.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has failed to comply with standards 10, 17 and enforcement step CSG114 but is complying with standards 8 and 9.6 and 48 but has complied with standard 52.

Statement of further action

Further Action was taken following the determination Vale of Glamorgan Council has failed to comply with standard 16.

Statement on the further action

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. The Vale of Glamorgan Council must ensure that every element of its email messages complies with standard 6.
2. The Vale of Glamorgan Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Vale of Glamorgan Council on 09/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Torfaen County
Borough Council

CSG321 a CSG349 The Commissioner received a complaint on 12/03/2018 and 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. On 12/03/2018, the complainant alleged that he received an automatic reply in English only after sending correspondence in Welsh to the your.call@torfaen.gov.uk address. On 25/04/2018 the complainant alleged that he did not receive a response to a Welsh language e-mail sent to the Leader of the Council on 16/10/2017. He sent the same e-mail again on 15/12/2017, 12/03/2018 and 25/04/2018. On 12/03/2018 and 25/04/2018 the message was also sent to your.call@torfaen.gov.uk. The e-mail asked the Council to respond to questions regarding Welsh-medium education.

9/5/2019

Commissioner's findings

Standard 1: Standard 1 requires the Council, if it receives any correspondence in Welsh, to respond in Welsh if the member of the public has not indicated that they do not want to receive a reply in Welsh. On 16/10/17 the complainant received an automated reply in English only to the Welsh language correspondence sent to your.call@torfaen.gov.uk. The complainant sent an e-mail in Welsh to the Leader of the Council on 16/10/17, 15/12/17 and 12/03/18. He did not receive an acknowledgement or a reply to any of these three e-mails. As the complainant received an English language automated reply to his e-mail dated 16/10/17, and did not receive a reply to the e-mails sent on 16/10/17, 15/12/17 and 12/03/18 to the Leader of the Council, the Commissioner does not believe that the Council has complied with standard 1 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Torfaen County Borough Council has failed to comply with standard 1.

Statement of further action

Further Action was taken following the determination Torfaen County Borough Council has failed to comply with standard 1.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Torfaen County Borough Council must check that every automatic reply to e-mails complies with standard 1.
 2. Torfaen County Borough Council must create clear guidelines which will assist staff to comply with standard 1.
 3. Torfaen County Borough Council must take steps to raise staff awareness of the requirements of standard 1.
 4. Torfaen County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 3 have been completed.
- Timetable: Within 6 months from the date of publication of the Commissioner's final determination

Decision notice given

The Decision Notice was given to Torfaen County Borough Council on 09/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Welsh Ministers

CSG398 The Commissioner received a complaint on 04/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the accounts of the First Minister (@FMWales) and the Welsh Government (@LlywodraethCym). The

9/5/2019

Commissioner's findings

Standard 58: Standard 58 requires a body not to treat the Welsh language less favourably than the English language on social media accounts. In the case of the message on 1 August regarding the national playday on the @LlywodraethCym account, the Commissioner concludes that omitting the image in question from the Welsh message, when it was included within the corresponding English message on the @WelshGovernment English account, treated the Welsh language less favourably than English in terms of content.

complainant alleged that the Welsh language had been treated less favourably, noting: • that the tweets from the @FMWales account on 2 August 2018 were in three languages - English, French and Breton, but not in Welsh, and that it was unreasonable that messages in these languages were posted at the detriment of the Welsh language; and • that @FMWales retweets from the @LlywodraethCym and @WelshGovernment accounts on 1 August 2018 did not include an image within the Welsh message and that the image was in English only. The complainant sent a screenshot of the 2 August 2018 tweet to me with his complaint. 1.3 The Commissioner's officers carried out desktop research in order to look into the content of the Twitter message posted on 1 August. It appears that the message was posted in Welsh and English but that no image was attached to the Welsh message whilst an English only image was attached to the English message.

The Commissioner finds that @FMWales retweeted the message in Welsh and English on the @FMWales account. No image was included within the Welsh message, whilst it was included within the corresponding English message and therefore the Commissioner concludes that this treated the Welsh language less favourably than English in terms of content. In the case of the message by the First Minister on 2 August, the Commissioner concludes that the Welsh language was treated less favourably than English on social media as the message was tweeted in English, French and Breton, but not in Welsh. Enforcement Action CSG95: The enforcement action required the Welsh Ministers to ensure that any Twitter messages published in English are also published in Welsh. The enforcement action was relevant to any messages posted from the Welsh Ministers accounts. On 1 August 2018, the Commissioner concludes that the Welsh Ministers published a Twitter message in English regarding the national playday on its @WelshGovernment account. Although the corresponding Welsh text was published on the body's Welsh language account @LlywodraethCym, that message did not include the image that was contained within the English message. The Commissioner concludes therefore that a fully corresponding version of the English message was not published in Welsh. The Commissioner concludes that on 1 August the Welsh Ministers published the same Twitter message on the @FMWales account. Although the corresponding Welsh text of the English message was published on that account, the Welsh message on the account did not include the image that was contained within the English

message. The Commissioner concludes therefore that a fully corresponding version of the English message was not published in Welsh. On 2 August 2018, I conclude that the First Minister published a Twitter message in English, French and Breton, and no Welsh version was published.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 58 and enforcement action CSG95.

Statement of further action

Further Action was taken following the determination that Welsh Ministers have failed to comply with standard 58 and enforcement action CSG95.

Statement on the further action

Standard 58 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure In order to ensure that the Welsh language is treated no less favourably than English in accordance with the requirements of standard 58, Welsh Ministers must take steps to ensure:

1. That all elements of Welsh language messages published correspond fully to the corresponding English messages.
2. That retweets of its Welsh language messages correspond fully to corresponding English messages.
3. That it responds in Welsh to a message if it does so in English when that response is of a wider interest (this

does not affect the requirement to comply with standard 59).

4. That its procedures are updated to reflect enforcement actions 1-3. 5. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement actions 1-4.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Welsh Ministers on 09/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG422: The Commissioner received a complaint on 27/09/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that she had telephoned the Student Loans Company's helpline on 08:49 on 5 September, 2018 and was greeted in English. The officer stated that the Student Loans Company did not have a Welsh language telephone service when the complainant asked to be dealt with in

8/5/2019

Commissioner's findings

Standard 5: The evidence shows that an English letter was sent to the complainant by the Student Loans Company on 21 September, 2018 although the company knew that the complainant's language choice was Welsh. At the time the Welsh Ministers did not have a facility that automatically generated bilingual correspondence. The letter should therefore have been manually prepared in Welsh. The Welsh Ministers acknowledge and have apologised for sending the letter in English. Since November 2018 all system generated correspondence is produced bilingually. Bilingual statements will be introduced in May 2019. Standard 10: Standard 10 requires the Welsh Ministers to deal with calls to its helpline numbers in full in Welsh if the caller wishes. In

Welsh Ministers

Welsh. The complainant telephoned the Student Loans Company a second time at 08:58 on 20 September, 2018. She was greeted in Welsh. She claimed that the officer did not understand the Welsh word for twenty, 'ugain', when giving the details of her bank card. The payment failed and the complainant telephoned the Student Loans Company a third time. She also complained that a letter was sent to her in English following the telephone call confirming her payment.

this instance the complainant telephoned two different helpline numbers on two separate occasions. On the first occasion she called a helpline for customers in other parts of the UK. This helpline does not offer a Welsh language service as it does not offer a service to persons in Wales. However, it does offer to transfer callers in Wales to the appropriate helpline. The Welsh Ministers believe that the complainant did not state that she was from Wales and that this is why her call was answered by an officer who did not speak Welsh. On the second occasion the complainant called the helpline for customers in Wales. The call was answered by a Welsh speaker. During the call the complainant gave her bank card details to make a repayment. The complainant suspects that the officer misunderstood what was said because their understanding of the language was not sufficient and that this caused the payment to fail. The Welsh Ministers dispute the complainant's suspicion; the officer is expected to be able to deal in full with Welsh language enquiries and a recording of the call shows that they did not hesitate when entering the details. The Welsh Ministers are unable to verify the details that were entered. From the evidence given, the Commissioner is unable to reach a definitive conclusion in relation to the Welsh Ministers' compliance with standard 10. On the first occasion the complainant telephoned a helpline for customers in other parts of the UK. Without definite confirmation that the complainant stated that she was in Wales, the Commissioner cannot conclude that the Welsh Ministers failed to comply with the standard in this instance. On the second occasion, the evidence does not show that the payment failed because the officer

understands of the Welsh language was not sufficient. The Commissioner cannot therefore conclude that the officer failed to deal with the call in full in Welsh. Enforcement Action CSG189: The enforcement action required the Welsh Ministers to establish a new repayment helpline for customers in Wales which greets call in Welsh and English. The evidence received shows that a helpline was established in accordance with action plan CSG189. This shows no failure by the Welsh Ministers to comply with the requirement in decision notice CSG189 to prepare an action plan.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 5, the Commissioner failed to reach a verdict in standard 10 and determined that Welsh Ministers have complied with enforcement action CSG189.

Statement of further action

No further action was taken in relation to the failure to comply with standard 5. This is on the basis of the action taken by the Welsh Ministers for the purpose of preventing the continuation or repetition of that failure.

Statement on the further action

Decision notice given

The Decision Notice was given to Welsh Ministers on 08/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Cardiff Council

CSG413 The Commissioner received a complaint on 07/09/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to correspondence sent by the Council. The complainant explained that he had sent an e-mail, in Welsh, to SPHTT-BusinessSupport@caerdydd.gov.uk at 14:33 on 13 August 2018. He alleged that the Council responded to that message in English. The response, which included an e-mail and an attached letter, was sent by the Planning, Transport and Environment department at 8:53 on 7 September 2018. The letter had been signed by a member of staff from the department. The complainant provided copies of the correspondence in question to support his complaint.

8/5/2019

Commissioner's findings

Standard 1: When the Council receives correspondence in Welsh, and the Council is required to reply to that correspondence, it must reply in Welsh unless the person sending the correspondence has indicated that there is no need to do so. The complainant sent correspondence to the Council in Welsh. He did not say that the Council did not need to respond in Welsh. The Council's response came in the form of a letter and an e-mail written in English. This shows a failure by the Council to comply with standard 1.

Enforcement Action CSG190: The enforcement action requires the Council to continue with its arrangements for ensuring compliance with the requirements of the Welsh language standards relating to correspondence. It also requires the Council to monitor and review those arrangements. The evidence received from the Council shows that it has appropriate arrangements in place for ensuring compliance with the requirements of the Welsh language standards relating to correspondence. However, the evidence is not sufficient to show how the Council monitors and reviews those arrangements. The Commissioner cannot determine whether or not the Council has complied with the enforcement action.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 1 and cannot determine

whether or not the Council has complied with the enforcement action.

Statement of further action

No was taken in this case because the evidence has shown that the failure was due to individual error and that the Council has taken appropriate steps to address the situation.

Statement on the further action

Decision notice given

The Decision Notice was given to Cardiff Council on 08/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal

Bridgend
County Borough
Council

CSG432 The Commissioner received a complaint on 15/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged within their complaint that the council tax payment facility on Bridgend County Borough Council's (the Council) website is not fully functional in Welsh. The complainant alleged that the Welsh language page for making payments

8/5/2019

Commissioner's findings

Standard 1: According to the requirements of standard 1, if the Council receives correspondence from a person in Welsh it must reply in Welsh (if an answer is required). The Commissioner finds that the Council included English attachments in a Welsh email, contrary to the requirements of standard 1.

Standard 52: Standard 52 requires the Council to ensure that the pages of its website and its online services are available and fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language on those pages and services. The Commissioner finds that the Council's online payment processing platform is not fully functional in Welsh and

changed to English when inputting bank details for council tax payments. The complainant also refers to the Council's reply to an email raising the matter with them. The Council replied to the email in Welsh, but included a screen shot in the body of the email showing an English language page with English text from the website.

that this led to the Welsh language being treated less favourably than the English language for users wishing to pay their council tax online.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Bridgend County Borough Council has failed to comply with standards 1 and 52.

Statement of further action

Further Action was taken following the determination Bridgend County Borough Council has failed to comply with standard 52.

Statement on the further action

Standard 52 – requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure

1. Bridgend County Borough Council must take action to ensure that the public can make payments via its website in Welsh. The Council must ensure that the Welsh language is not treated less favourably than the English language when processing payments.
2. Bridgend County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed. Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Bridgend County Borough Council on 08/05/2019.

City and County
of Swansea
Council

CSG411 The Commissioner received a complaint on 29/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant stated that she had contacted Swansea Council (the "Council")'s Parking, Traffic Management and Highway Network Department (the "Department") for the first time on 27 July 2018 through the medium of English. The complainant wished to appeal against a Penalty Charge Notice. She received a response from the Council on the same date in English referring her to the Council's appeals form on the website. The complainant stated that she completed the Welsh appeals form on the Council's website via the following link: <https://www.abertawe.gov.uk/apelpcn> on 27 July 2018. She received an email acknowledging receipt of the form, but heard nothing further. She emailed the Department in Welsh using the address meysydd.parcio@abertawe.gov.uk on 7

8/5/2019

Appeals made to the tribunal

No appeal was made to the Tribunal.

Commissioner's findings

Standard 1: Standard 1 requires the Council to reply in Welsh if it receives correspondence from a person in Welsh (if an answer is required). The Council is not required to do so in situations where a person has confirmed that there is no need to reply in Welsh. The complainant sent an email in Welsh to the Council on 7 August 2018 and 14 August 2018. The complainant did not receive a reply. The complainant sent an email in English to the Council on 15 August 2018 and received a reply within half an hour. The Council's corporate target for replying to correspondence in Welsh and English is 28 days. This complaint was submitted to the Commissioner within 28 days of sending the first email to the Council. Standard 7: Standard 7 requires the Council to state in correspondence, and in publications and official notices that invite persons to respond to it or to correspond with it, that it welcomes receiving correspondence in Welsh, that it will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. The complainant received an English only reply from the Council on 15 August 2018. The email did not include a statement noting that the Council invites persons to reply or to send correspondence through the medium of Welsh. The Council has acknowledged that the statement was not included in its emails. The above situation corresponds to a failure to comply with standard 7. There was no statement included at the end of the email

August 2018 and 14 August 2018 but received no reply. She contacted the Council using the address car.parks@swansea.gov.uk on 15 August and received a reply within half an hour from an officer requesting further information as there was no record of her appeal on the system. The complainant alleged that she did not receive a reply from the Council as she had corresponded in Welsh. The complainant provided copies of the emails sent to meysydd.parcio@abertawe.gov.uk and car.parks@swansea.gov.uk as well as the reply received in English. Looking at the emails, my officers realised that there was no statement included at the end of the email received by the complainant noting that the Council welcomes correspondence in Welsh.

received by the complainant from the Council noting that it welcomes correspondence in Welsh. Enforcement Action CSG201 (Standard 1): The enforcement action requires the Council to ensure that it replies in Welsh to any correspondence written in Welsh and requires an answer. The complainant sent an email in Welsh to the Council on 7 August 2018 and 14 August 2018. The complainant did not receive a reply. The complainant sent an email in English to the Council on 15 August 2018 and received a reply within half an hour. The Council's corporate target for replying to correspondence in Welsh and English is 28 days. This complaint was submitted to the Commissioner within 28 days of sending the first email to the Council. Enforcement Action CSG201 (Standard 7): The enforcement action requires the Council to ensure that emails include a statement noting that it welcomes correspondence in Welsh, that the Council will reply in Welsh to correspondence in Welsh and that corresponding in Welsh will not lead to a delay. The complainant received an English only reply from the Council on 15 August 2018. The email did not include a statement noting that the Council invites persons to reply or to send correspondence through the medium of Welsh. The Council has acknowledged that the statement was not included in its emails. The above situation corresponds to a failure to comply with the enforcement action. There was no statement included at the end of the email received by the complainant from the Council noting that it welcomes correspondence in Welsh.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and

Town Council has failed to comply with standard 7 and with enforcement action CSG201 (Standard 7).

Statement of further action

Further Action was taken following the determination that Swansea City and Town has failed to comply with standard 7 and with enforcement action CSG201 (Standard 7).

Statement on the further action

Standard 1 - Recommendations in accordance with section 77(4)(b) of the Welsh Language Measure.

1. The Council should draw up a written procedure for replying to correspondence in Welsh that it receives and that requires an answer.
2. The Council should train Council staff and agency staff that work on its behalf in order to ensure that members of staff within the Department receive training and clear guidance in relation to the requirements of the standards before commencing their post.
3. The Council should consider the requirements of standard 136 when the Department is recruiting staff members.

Timetable: Within 30 days of issuing the Commissioner's determination

Standard 7 – enforcement actions in accordance with section 77(4) (b) of the Welsh Language Measure

1. The Department should prepare a standard wording for a statement inviting persons to send correspondence to the Department in Welsh, that it will reply in Welsh to correspondence sent in Welsh and corresponding in Welsh will not lead to a delay.

2. The Council must ensure that all Council staff include the statement by including the standard wording as part of an email template for members of staff to be inserted in a prominent position on the email.

3. The Council must provide sufficient written evidence that it has carried out enforcement actions 1 and 2.

Timetable: Within 30 days of issuing the Commissioner's determination

Decision notice given

The Decision Notice was given to Swansea City and Town Council on 08/05/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

The Commissioner received a complaint on 27/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleges that they did not receive a telephone service in Welsh when calling the Council's main telephone line (01639 686 868). The complainant alleges that they called this number at 10.43am on 22 May 2018 and asked to speak to someone in Welsh. They allege that attempts to transfer the call to a Welsh speaker resulted in a

29/4/2019

Commissioner's findings

Standard 8: Standard 8 requires a body to greet a person in Welsh when that person contacts the body on one of its relevant telephone numbers. Having examined the information available to the Commissioner, the Commissioner believes that the Council does greet those calling its main telephone number in Welsh.

Standard 9: Standard 9 requires the body to inform a person that a Welsh language telephone service is available. Having examined the information available to the Commissioner, the Commissioner believes that the Council does inform those calling its main telephone line that a Welsh language service is available. Standard 10: Standard 10 requires a body to deal with calls made to its main telephone line in Welsh in their entirety if that is the person's wish. If the call needs to be transferred to

Neath Port
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standard response stating 'this line is engaged' and that the call was transferred to an English speaker. The complainant said that they again asked to speak to someone in Welsh, but that the person who answered the call stated in English that they could either continue the call in English or telephone back in order to receive a Welsh language service.

another member of staff in order to deal with it, that member of staff must deal with the call in Welsh. Following full consideration of the evidence presented by the Council and the complainant in this case, the Commissioner believes that the Council did not deal with the complainant's call in Welsh in its entirety, despite the Council having established their wish to receive a service in Welsh. In addition, the Council's arrangements for transferring callers to English speakers in situations where Welsh speakers are busy do not comply with the requirements of the standard.

Standard 17: Standard 17 requires a body to inform the person calling when the Welsh language service will be available if no Welsh language service is available on the relevant telephone number or line. Following consideration of evidence presented by the Council and the complainant, the Commissioner finds that the Council does not inform callers to its main telephone line when the Welsh language service will be available if one is not available.

Enforcement step CSG114: In this case, the Commissioner finds that the Council has not fully taken the enforcement action set out following investigation CSG114 as the current investigation (CSG375) has found that the Council continues to fail to comply with standard 17, and that it has not established adequate arrangements to deal with calls in Welsh on its main telephone number.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot

County Borough Council has failed to comply with standards 10, 17 and enforcement step CSG114 but is complying with standards 8 and 9.

Statement of further action

Further Action was taken following the determination Neath Port Talbot County Borough Council has failed to comply with standard 17.

Statement on the further action

Standard 17 – requirement to take action in accordance with section 77 (3) (3) of the Welsh Language Measure

1. Neath Port Talbot County Borough Council must introduce a system when a Welsh language service is not available on its main telephone number, helplines or call centre numbers which informs those calling when a Welsh language service will be available.

2. Neath Port Talbot County Borough Council must provide written evidence which satisfies the Welsh Language Commissioner that it has taken enforcement action 1.

Timeframe: Evidence to be provided by 15 September 2019

Decision notice given

The Decision Notice was given to Neath Port Talbot County Borough Council on 29/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Newport City
Council

The Commissioner received a complaint on 09/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant wrote to the Council's Chief Executive by post on 22 October 2017 asking why he had not received responses to enquiries sent to the Electoral Officer in Welsh. The complainant's letter asked what the Council's policy was on the Welsh language in relation to responding to Welsh language correspondence. The complainant did not receive a response to the letter sent on 22 October and this raises doubts that he did not receive a response because his letter was in Welsh.

18/4/2019

Commissioner's findings

Standard 1: Standard 1 requires the Council to reply in Welsh to any correspondence sent to the Council in Welsh. In this instance, the Council received the complainant's Welsh language letter and a member of staff contacted the translation service in order to arrange a translation of the letter, but before the process of replying to the correspondence was completed, the member of staff was absent and the complainant did not receive a reply. The complainant wrote to the Council in Welsh and he expected to receive a response to his correspondence. As the complainant did not receive a response to his letter the Council failed to comply with standard 1.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council has failed to comply with standard 1.

Statement of further action

Further Action was taken following the determination Newport City Council has failed to comply with standard 1.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Newport City Council must create clear guidelines which will assist staff to comply with standard 1.
2. Newport City Council must take steps to raise staff awareness of the requirements of standard 1.

			<p>3. Newport City Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 2 have been completed. Timetable: Within 6 months from the date of publication of the Commissioner's final determination.</p> <p>Decision notice given The Decision Notice was given to Newport City Council on 05/04/2019.</p> <p>Appeals made to the tribunal No appeal was made to the Tribunal</p>
<p><u>Bridgend County Borough Council</u></p>	<p>The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a response to a Welsh language email sent to the Leader of the Council on 16/10/2017. He re-sent the email on 15/12/2017 and again on 12/03/2018 and 25/04/2018. On 12/03/2018 and 25/04/2018 he also sent the message to talktous@bridgend.gov.uk. The email asked the Council to respond to</p>	<p>18/4/2019</p>	<p>Commissioner's findings Standard 1: Standard 1 requires the Council to respond in Welsh to any correspondence sent in Welsh, unless that person has indicated that there is no need to reply in Welsh. The Leader of the Council received emails from the complainant on 15/12/17, 12/03/18 and 25/04/18. No reply was sent to the complainant until 25/04/18. According to the Council, the reason for the delay was the workload of the Director preparing the response rather than the language of the correspondence. The complainant sent Welsh language correspondence to the Council on three occasions and did not receive a response. Since the complainant did not receive a response to correspondence sent in Welsh I am not of the view that the Council complied with Standard 1.</p> <p>Commissioner's determination</p>

questions regarding Welsh-medium education.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Bridgend County Borough Council has failed to comply with standard 1.

Statement of further action

Further Action was taken following the determination that Bridgend County Borough Council has failed to comply with standard 1.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Bridgend County Borough Council must create clear guidelines which will assist staff to comply with standard 1.

2. Bridgend County Borough Council must take steps to raise staff awareness of the requirements of standard 1.

3. Bridgend County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 2 have been completed.

Timetable: Within 6 months from the date of publication of the Commissioner's final determination

Decision notice given

The Decision Notice was given to Bridgend County Borough Council on 18/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Powys County Council

The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a reply to an email sent in Welsh to the Leader of the Council on 16/10/2017. He sent the same email again on 15/12/2017, 12/03/2018 and 25/04/2018. The email asked the Council to respond to questions regarding Welsh-medium education.

18/4/2019

Commissioner's findings

Standard 1: Standard 1 requires the Council to answer Welsh language correspondence in Welsh if the person has not indicated that there is no need to reply in Welsh. In this case the Leader of the Council received the first email on 16/10/17 and within 24 hours this was translated and a bilingual version sent to the relevant department. However, for whatever reason, the complainant did not receive a reply to his Welsh language correspondence. The complainant sent Welsh language correspondence to the Council on three occasions and did not receive a response. Since the complainant did not receive a response to correspondence sent in Welsh I am not of the view that the Council complied with Standard 1.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys County Council has failed to comply with standard 1. Statement of further action Further Action was taken following the determination Powys County Council has failed to comply with standard 1.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Powys Council must create clear guidelines which will assist staff to comply with standard 1.
2. Powys Council must take steps to raise staff awareness of the requirements of standard 1.
3. Powys Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that

enforcement steps 1 – 2 have been completed.
Timetable: Within 6 months from the date of publication of the Commissioner's final determination

Decision notice given

The Decision Notice was given to Ppwys County Council on 18/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

The Commissioner received a complaint on 26/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he (and fellow residents) received a fixed penalty notice from Cardiff Council on 10/01/2018 for failing to control their refuse under the Environmental Protection Act 1990. It is alleged: i. that the Welsh language notice received contained errors in terms of meaning and expression and did not contain the same information as the English Notice; ii. that English language text appeared on the Welsh letter; iii. that the Notice's date of issue did not appear on the Welsh side; iv. that the link from the Welsh page to

5/4/2019

Commissioner's findings

Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this instance a Fixed Penalty Notice, that treated the Welsh version less favourably than the English version and there were errors in the Welsh version in terms of meaning and expression as well as a number of examples where there was missing text in the Welsh. This highlights a failure by the Council to comply with the requirements of standard 6.
Standard 12: Standard 12 requires the Council to treat the Welsh language no less favourably than the English language when advertising telephone numbers. The Welsh version of the Council's Fixed Penalty Notice included the telephone number for obtaining the English service and therefore treated the Welsh language less favourably than the English. This highlights a failure by

Cardiff Council

carry out the process of paying the fine led to an English language page on the Council's website; v. that he failed to receive a Welsh language service over the telephone to pay the fine.

the Council to comply with the requirements of standard 12.

Standard 22: Standard 22 requires the Council to ensure that its automated telephone system provides a full service in Welsh. The complainant failed to hear the Welsh language message on the answer machine when he phoned 029 2097 2087, the number recorded on the correspondence received. This is due to the fact that the number given led to the English telephone line rather than a failure by the Council to provide an automated message in Welsh.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standards 6 and 12 but is complying with standard 22.

Statement of further action

Further Action was taken following the determination Cardiff Council has failed to comply with standards 6 and 12.

Statement on the further action

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure 1. Cardiff Council must conduct a review of its arrangements for producing documents and notices ensuring that it does not treat a Welsh language version less favourably than an English language version.

2. Cardiff must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement actions.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Standard 12 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Cardiff Council must ensure that when it advertises its telephone numbers, helplines or contact centre services the correct telephone number for the Welsh service must be recorded on each of its documents or adverts.

2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action 1.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Cardiff Council on 05/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Cardiff Council

The Commissioner received a complaint on 23/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that

5/4/2019

Commissioner's findings

Standard 1: The Commissioner finds in this case that Cardiff Council has replied in English to correspondence sent to it in Welsh. This was due to the fact that it appears that the member of staff dealing with the complainant's application was unaware of the requirements of the Welsh language standards when replying to correspondence. Enforcement steps CSG190: The Commissioner finds in

they had submitted a form on 18 July 2018 to Cardiff Council in Welsh via the link:
<https://www.caerdydd.gov.uk/CYM/Busnes/Trwyddedau/busking/Pages/default.aspx>. The purpose of completing the form was to apply for a street 'busking' permit for a specific date in July 2018. The complainant received a standard acknowledgement reply by email in Welsh on 18 July 2018 acknowledging receipt of the form. The standard acknowledgement was followed by an email in English from the email address of one of Council's officers asking that the complainant to resend the information provided in English as the officer did not speak Welsh. The complainant submitted a complaint to this officer in Welsh in response to the English language email, drawing the officer and Council's attention to their duties under the standards. The complainant alleges that they did not receive a reply to this email. The complainant also notes that they did not receive a reply to their application for a permit, and the date for which the permit was needed passed without the complainant receiving a response.

this case that the Council has not sufficiently implemented the enforcement action that I set out following the CSG190 investigation as there is no evidence that the Council is monitoring or reviewing its correspondence arrangement regularly to ensure compliance.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 1 and enforcement steps CSG190.

Statement of further action

Further Action was taken following the determination that Cardiff Council has failed to comply with standard 1 and enforcement steps CSG190.

Statement on the further action

Standard 1 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Cardiff Council must conduct a campaign aimed at those members of staff that provide services directly to the public, in order to raise their awareness of the requirements of the Welsh language standards and the Council's processes for compliance.
2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Failure to comply with a requirement in a decision notice - requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Cardiff Council must develop self-regulatory arrangements to enable it to monitor its own performance in relation to replying to Welsh language correspondence.
4. Cardiff Council must take steps to address any matters arising in relation to non-compliance when monitoring its own performance.
5. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 3 and 4.

Timetable: Within 3 months of issuing the Commissioner's final determination.

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 05/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Wrexham
County Borough
Council

The Commissioner received a complaint on 13/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant contacted the Commissioner regarding a new street sign in Gresford. The complainant

5/4/2019

Commissioner's findings

Standard 62: Standard 62 requires the Council to position the Welsh language text so that it is likely to be read first when erecting a sign. In this case the Council placed a street name sign in Gresford with the English language text above the Welsh language text. As the Council placed a new sign where the English language text was positioned so that it was likely to be read first, the Council did not comply with standard 62.

provided a photograph of the sign and it can be seen from the photograph that the English “Hollyfields” has been placed above the Welsh and that there is a spelling error in the Welsh “Maes y Cleyn”.

Standard 63: Standard 63 requires the Council to ensure that the Welsh language text on signs is accurate in terms of expression and meaning. In this case there was a spelling error on the street sign in question. As there is a spelling error in the Welsh language text on the street sign, the Council did not comply with standard 63 in this case.

Commissioner’s determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 62 and 63.

Statement of further action

No further action was taken following the determination that Wrexham County Borough Council has failed to comply with standards 62 and 63 because enforcement steps are already in action.

Statement on the further action

Decision notice given

The Decision Notice was given to Wrexham County Borough Council on 05/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Cardiff
University

The Commissioner received a complaint on 19/09/2018 from a person which satisfied the conditions of section 93(3)

5/4/2019

Commissioner’s findings

Standard 5: Standard 5 requires that the University ensures that it provides a Welsh language version of

to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that she received an English only letter from the University following completion of the Welsh for Adults National Tutors Qualification course.

correspondence if the University does not know whether the recipient wishes to receive Welsh language correspondence from it or not. In this instance, the University did not send a Welsh version of the correspondence, although it knew that Welsh was the complainant's chosen language. As the University did not send a Welsh version of the correspondence to the complainant, despite the fact that the University knew that the complainant's chosen language was Welsh, the Commissioner is not of the view that the University has complied with the aim of standard 5 in this case.

Commissioner's determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff University has failed to comply with standard 5.

Statement of further action

No further Action was taken following the determination that Cardiff University has failed to comply with standard 5 on the basis that the University has taken steps to ensure that the same mistake will not happen again.

Statement on the further action

Decision notice given

The Decision Notice was given to Cardiff University on 05/04/2019.

Appeals made to the tribunal

No appeal was made to the Tribunal.