

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<p><u>Flintshire County Council</u></p>	<p>CS086 On 28/09/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. I received a complaint from the complainant that two English only road signs, outside the Hollybush Inn at Cefn-y-Bedd, one for 'Nursing Home' and one displaying the 'Llay' and 'Rossett' place names, had been removed by the Council and replaced with a new English only sign containing this information. In sending the complaint to the Commissioner, the complainant provided a picture of the signs in question. In considering the complaint, my officials asked the complainant for further details on the new signs installed. In response to my enquiries the complainant said: The picture in your email is the old one that has been there for years, my point was that the council had a great opportunity to correct the fact that "Nursing Home" was in English only when the junction was changed to install traffic lights. They have</p>	<p>28/04/2022</p>	<p>Commissioner's Findings Standard 61: The requirements of standard 61 state that when erecting a new sign or renewing a sign, any text displayed on the sign must be displayed in the Welsh language (either on the same sign or on a separate sign). If the same text is displayed in both Welsh and English, the Welsh language text must not be treated less favourably than the English language text. New English only road signs had been installed following the roadworks carried out in front of the Hollybush Inn at Cefn-y-Bedd, rather than the installation of new bilingual signs in accordance with Standard 61. By installing new signs in English only, rather than bilingual ones, there was a failure to comply with the requirements of standard 61.</p> <p>Commissioner's Determination Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Flintshire County Council has failed to comply with standard 61.</p> <p>Statement of further action Further action was taken following the determination that Flintshire County Council has failed to comply with standard 61.</p> <p>Statement on the further action</p>

reinstalled the signs so that "Llay", "Rossett" and "Nursing Home" are now on the same sign, like this... The complainant confirmed that the 'Give Way' sign seen in the original picture was no longer there, as a new traffic system was now in place, as seen in the picture.

Standard 61: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Flintshire County Council must remove the English only signs installed outside the Hollybush Inn and replace them with Welsh or bilingual signs.

2. Flintshire County Council must provide the Welsh Language Commissioner with sufficient written evidence and/or photographs that enforcement action 1 has been completed. Timetable: Within one month of issuing the final determination.

3. Flintshire County Council must ensure that any signs that have been (and are) installed at locations managed by Flintshire County Council comply with the requirements of standard 61.

4. Flintshire County Council must provide guidance to officers and any contractors used regarding the requirements of standard 61 when installing or reinstalling signs to ensure that they are aware of the actions required to comply with standard 61.

5. Flintshire County Council must consider including clauses in its contracts with third party organisations that impose fines or penalty clauses on the organisation if it fails to comply with the requirements of the standards on behalf of the Council.

6. Flintshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 3 - 6 have been completed.

Timetable: Within three months of issuing the final determination.

Decision notice given

The Decision Notice was given to Flintshire County Council on 28/04/2022.

CS085 Recent verification surveys of recruitment pages by my officers on the Gower College Swansea website has raised suspicion of a failure to comply with Welsh language standards. Sections of relevant job notices found on the College's website appear to contain English only vocabulary on their Welsh language page. Phrases such as "Reference", "Expiry date", "location", "salary" and "benefits". (See Appendix 1 at the end of the report). The College's online job advertisements appear to highlight that the only option for an applicant to submit initial information when applying for jobs is through the medium of English only after selecting the 'apply now' button on the College's website. The College appears to use 'vacancy filler' software for this purpose and does not provide applicants with a Welsh language option. There is uncertainty as to whether the College's application forms contain information regarding the opportunity to indicate whether candidates would like an interview/ assessment in Welsh. The

28/04/2022

Appeals made to the tribunal

No appeal was made to the Tribunal.

Commissioner's Findings

Standard 145A: Standard 145A requires a body, when it categorises a post as one where Welsh language skills are essential, desirable or need to be learnt, to specify that when advertising the post and advertising the post in Welsh. My officers' recent verification surveys, of recruitment pages on the Gower College Swansea website highlighted that parts of relevant job notices found on the College's website contained English-only phrases on the Welsh language page. Phrases such as "Reference", "Expiry date", "location", "salary" and "benefits". This demonstrates a failure by the College to comply with the requirements of standard 145A.

Standard 146A: If a body publishes the following, it must publish them in Welsh:

- application forms for posts
- material that explains their procedure for applying for posts
- information about its interview process, or about other assessment methods when applying for posts, or
- job descriptions.

It must also ensure that Welsh language versions of the documents are treated no less favourably than the English language versions of those documents. The College published job application forms on its website

circumstances create suspicion of a failure by the College to comply with Welsh language standards.

with the initial page available in English only via the 'Apply Now' link. This demonstrates a failure by the College to comply with the requirements of standard 146A.

Standard 148: Standard 148 requires a body to ensure that its application forms for posts provide a space for individuals to indicate that they wish to use the Welsh language at an interview or at any other method of assessment, and explain that it will provide a translation service from Welsh to English for that purpose if it is required. Gower College Swansea's job application forms do not highlight the fact that persons are invited to indicate whether they wish to use Welsh at an interview, noting that this will be provided for. This highlights the College's failure to comply with standard 148.

Commissioner's Determination

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Gower College Swansea has failed to comply with standards 145A, 146A and 148.

Statement of further action

Further action was taken following the determination that Gower College Swansea has failed to comply with standards 145A, 146A and 148.

Statement on the further action

Standard 145A: Standard 145A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Gower College Swansea must ensure that all elements of its job advertisements comply with standard 145A.
2. Gower College Swansea must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.

Timetable: Within 3 months of issuing the final determination.

Standard 146A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Gower College Swansea must ensure that all application forms are published in Welsh, and that the Welsh language is treated no less favourably than the English language in accordance with the requirements of standard 146A.

4. Gower College Swansea must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 3.

Timetable: Within 3 months of issuing the final determination.

Standard 148: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. Gower College Swansea must ensure that all application forms provide space for individuals to indicate that they wish to use the Welsh language at an interview or assessment and explain that a translation service will be provided if it is required.

6. Gower College Swansea must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 5.

The Welsh
Ministers

CS081 On 13/09/21 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claims that information panels where most of the text was in English and an inaccurate bilingual sign in terms of meaning and expression were displayed at one of Cadw's centres, Hafoty Medieval House in Anglesey on 5 September 2021.

06/04/2022

Timetable: Within 3 months of issuing the final determination.

Decision notice given

The Decision Notice was given to Gower College Swansea on 28/04/2022.

Appeals made to the tribunal

No appeal was made to the Tribunal.

Commissioner's Findings

Standard 38: Standard 38 requires the Welsh Ministers to ensure that any material on displayed in public is displayed in Welsh, and that any Welsh language version of the material is treated no less favourably than the English version. In this case, text has been displayed three times in English and only once in Welsh. English-only text has also been placed on the information panels. This is a failure to comply with Standard 38 as the Welsh language is treated less favourably than the English language.

Standard 61: Standard 61 requires that the Welsh Ministers when erecting a new sign or renewing a sign (including temporary signs), ensure that any text displayed on the sign must be displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, a body must not treat the Welsh language text less favourably than the English language text.

In this case, a sign was placed at the Cadw Hafoty site in Anglesey where the text was not clear or accurate in terms of meaning and expression. This is a failure to comply with Standard 61 as the Welsh language is treated less favourably than the English language on the sign.

Standard 63: Standard 63 requires the Welsh Ministers to ensure that the Welsh text on signs is accurate in terms of meaning and expression. In this case, a sign was placed at the Cadw Hafoty site in Anglesey where the Welsh text was not accurate in terms of the words and phrases used. This is a failure to comply with Standard 63 as the Welsh text on the sign is inaccurate in terms of meaning and expression.

Commissioner's Determination

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that The Welsh Ministers has failed to comply with standards 38, 61 and 63.

Statement of further action

Further action was taken following the determination that The Welsh Ministers has failed to comply with standards 38 and 61.

Statement on the further action

Standard 38: Standard 38: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must ensure that any material that is (and may be) displayed at Cadw locations complies with the requirements of standard 61.
2. The Welsh Ministers must conduct a full review of the way in which they provide training for freelance guides to ensure that they are aware of the need to comply with the Welsh Language Standards.
3. The Welsh Ministers must conduct a full review of how they ensure that a third-party providing services to the public on their behalf enables them to comply with the standards.
4. The Welsh Ministers must carry out the review to enable them to identify a method of setting requirements relating to the use of the Welsh language, on parties providing services on their behalf, which will ensure that the Welsh Ministers comply with the standards.
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 final determination.
Standard 61: Requirement to take steps in accordance with section 77 of the Welsh Language Measure
6. The Welsh Ministers must ensure that any signs, which have been (and may be) placed in Cadw locations comply with the requirements of standard 61.
Timetable: Within 3 months of issuing the final determination.

Decision notice given

The Decision Notice was given to The Welsh Ministers on 06/04/2022.

Appeals made to the tribunal

No appeal was made to the Tribunal.