

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<u>Cardiff and Vale College</u>	<p><u>CS084</u>: Recent verification surveys of recruitment pages by my officers on the Cardiff and Vale College website has raised suspicion of a failure to comply with Welsh language standards. It appears that there are sections of relevant job advertisements found on the College's website include English-only vocabulary on the Welsh language page. Phrases such as "Reference", "Expiry date", "location", "salary" and "benefits". 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 in 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 circumstances create suspicion of a</p>	31/03/2022	<p><b>Commissioner's Findings</b></p> <p><u>Standard 145A</u>: 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.</p> <p>My officers' recent verification surveys, from recruitment pages on the Cardiff and Vale College 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.</p> <p><u>Standard 146A</u>: If a body publishes the following, it must publish them in Welsh:</p> <ul style="list-style-type: none"> <li>• application forms for posts</li> <li>• material that explains their procedure for applying for posts</li> <li>• information about its interview process, or about other assessment methods when applying for posts, or</li> <li>• Job descriptions.</li> </ul>

failure by the College to comply with Welsh language standards.

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 with the initial page available in English only. 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.

Cardiff and Vale College'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 Cardiff and Vale College has failed to comply with standard but has not failed to comply with standards 145A, 146A and 148.

#### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale College has failed to comply with standard 145A, 146A and 148.

**Statement on the further action**

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

1. Cardiff and Vale College must ensure that all elements of its job advertisements comply with standard 145A.
2. Cardiff and Vale College 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. Cardiff and Vale College must ensure that all application forms are published in Welsh, and that the Welsh language is treated no less favourably than English in accordance with the requirements of standard 146A.
4. Cardiff and Vale College must provide written evidence to satisfy the Welsh Language Commissioner that it has completed 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. Cardiff and Vale College 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 explains that a translation service will be provided if it is required.

6. Cardiff and Vale College must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5. Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Cardiff and Vale College on 31/03/2022.

**Appeal**

No appeal was made to the Tribunal.

CS072: On 29 July 2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claimed that she had not been offered the opportunity to use Welsh as part of Coleg Gwent's complaints process following her complaint as a member of staff.

Coleg Gwent

31/03/2022

**Commissioner's Findings**

Standard 119: Standard 119 places a duty on Coleg Gwent to allow members of staff to make a complaint in Welsh and to respond to complaints about them in Welsh.

The College employment grievance policy includes a clear statement that staff have the right to make a complaint to the College in Welsh. The College also has arrangements in place to deal with a complaint from a member of staff through the medium of Welsh. I therefore conclude that the College did not fail to comply with standard 119.

Standard 119A: Standard 119A places a duty on Coleg Gwent to state in its documents setting out its complaints procedures, that members of staff have the right to make a complaint and to respond to a complaint in Welsh. The standard also places an additional duty on the College to

inform staff members of their right to make a complaint in Welsh.

The complainant alleges that the College had not informed her of the right to make her complaint, and to follow the complaints process, through the medium of Welsh. The College has not submitted evidence that it had informed the complainant of her right to make a complaint in Welsh, nor has it confirmed that it checked the complainant's language preference during the complaints process. I conclude that including a statement in its grievance policy alone is not sufficient to ensure full compliance with the requirements of standard 119A.

Standards 121: Standard 121 requires the College, when it receives a complaint from a member of staff, to ask that member of staff whether they wish to use Welsh at the meeting.

The College has confirmed that the whole process of dealing with the complainant's complaint was conducted through the medium of English as a result of the member of staff presenting her complaint in English to the College. No evidence was submitted indicating that the College had asked the member of staff about her preferred language. I conclude that Standard 121 applies irrespective of the language of the complaint made to the College, and therefore the College has failed to comply with the duty to ask the member of staff about her preferred language to use at the meetings to discuss her complaint.

**Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Coleg Gwent has not failed to comply with standards 119 but determines that Coleg Gwent failed to comply with standards 119A and 121.

**Statement of further action**

Further action was taken following the determination that Coleg Gwent has failed to comply with standard 119A and 121.

**Statement on the further action**

Standard 119A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Coleg Gwent must adopt a proactive approach to informing members of staff of their right to make and respond to a complaint in Welsh at the outset of the complaints process.
2. Coleg Gwent must ensure that all documents associated with the complaints process includes a statement referring to the right of staff members to make a complaint and respond to a complaint in Welsh.
3. Coleg Gwent must put strict measures in place to ensure that all staff who make a complaint to the College are offered the opportunity to follow the process through the medium of Welsh.  
Timetable: Within 12 weeks of issuing the final determination.

Standard 121: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. Coleg Gwent must ask every member of staff who makes a complaint to the collegewhether they wish to use the Welsh language at any meeting held to discuss that complaint.

5. Before arranging any meeting to discuss a complaint by a member of staff, Coleg Gwent must ask whether they wish to use the Welsh language at that meeting. Where the member of staff wishes to use the Welsh language, Coleg Gwent must put arrangements in place to enable this.

6.Coleg Gwent must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 – 5 have been completed.T imetable: Within12 weeks of issuing the final determination

**Decision notice given**

The Decision Notice was given to Coleg Gwent on 31/03/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

CS089: On 05/10 2021 I received a complaint from a member of the public. It met the conditions of section 93 of the

23/03/2022

**Commissioner's Findings**

Welsh Language Measure and was therefore a valid complaint. I received a complaint about English only correspondence sent to the complainant's child by Cardiff Council's Youth Service promoting events and business courses with Rebels Business School during November 2021. A copy of the letter sent to the complainant's son is attached as Appendix 1 to this report.

Standard 4: Standard 4 requires a body to send any correspondence that goes to several persons bilingually, regardless of the customer's language choice. In this case, the complainant's son has received an English only letter from Cardiff Council's Youth Service relating to training courses by Rebels Business School in collaboration with the Council's Youth Service. The Council acknowledges that this was an administrative mistake made by an individual. This does not in fact affect my determination as the Council should have a robust procedure in place to ensure compliance with standard 4 when sending correspondence to a number of persons and to ensure compliance with the requirements of the Standard. The Council has therefore failed to comply with standard 4.

#### **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 4.

#### **Statement of further action**

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

#### **Statement on the further action**

Standard 4: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must ensure that any correspondence sent to a number of persons is sent in Welsh, at the same time



as it sends any English version. This is true irrespective of the chosen language of those being corresponded with.

2. The Council must amend its guidelines in order to ensure that the requirements of standard 4 are fully explained to Council staff and that the requirements of the standard are fully understood by Council staff. The guidance must explain the following:

- i) What type of correspondence is considered as correspondence that goes to 'a number of persons'.
- ii) The steps that must be taken when corresponding with 'a number of persons'.

3. When dealing with any new system in terms of corresponding, whether electronic or on paper, with 'a number of persons', the Council must ensure that the procedure and way in which it communicates with citizens complies with the requirements of standard 4 at all times.

4. The Council must draw the attention of staff and line managers within relevant Council departments who send correspondence to a number of people to these changes to the guidelines.

5. Cardiff Council must provide the Welsh Language Commissioner with written evidence that enforcement actions 1 – 4 have been completed. Timetable: Within four weeks of the date of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Cardiff Council on 23/03/2022.

The Chief  
Constable of  
Dyfed Powys  
Police

CS065: On 1 July 2021 I received a complaint from a member of the public. It met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant lodged a complaint about three alleged incidents: On 01/07/2021 at 9.35am, the complainant telephoned Dyfed Powys Police. He claimed that he chose the Welsh option and had to wait some time before receiving a response, in English. When the call was answered, he felt that the Police's attitude was arrogant and he was asked "*oes gyda chi rywbeth i'w riportio neu chi ishie gwastraffu mwy o amser yn achwyn am y Gymraeg wenglish fi'n siarad*". This broadly translates as "do you have something to report, or do you want to waste more time complaining about the Wenglish Welsh that I'm speaking". " (do you have something to report, or you just want to waste more time complaining about the Welsh language I speak). On 21/07/2021, the complainant telephoned the Police at 1.00am and chose the Welsh option. The call was answered in English. The Police Officer said that she

21/03/2022

### Appeals made to the tribunal

No appeal was made to the Tribunal.

### Commissioner's Findings

Standard 8: Standard 8 requires the body to greet a person in Welsh when the person contacts the body on one of its relevant telephone numbers.

The complainant called Dyfed Powys Police on 1 July 2021 and 22 July 2021 choosing the Welsh option. He received the following greeting on both occasions: "Heddlu Dyfed Powys Police, how can I help you?" This highlights a failure by South Wales Police to comply with standard 8.

Standard 9: The standard required a body to inform callers that a Welsh language telephone service is available.

When a caller calls the 101 number, a bilingual automated message is received. The option gives the caller the opportunity to choose a Welsh language service from the outset. This is in accordance with the requirements of standard 9.

Standard 11: If a person contacts the body on one of its relevant telephone numbers, the body must deal with the call in Welsh once it is aware that the person wishes to receive a Welsh language service over the telephone, transferring the call to a member of staff who is able to deal with the specific subject matter in Welsh if required.

spoke Welsh and the conversation subsequently turned to Welsh. On 23/07/2021 the complainant received a telephone call from the Police from their station in Aberystwyth at 12.11pm. The caller's language was English. The complainant claimed that he explained that he had received a Welsh language service from the Police all week and asked for a Welsh language service on this occasion. It was explained to him that no one was available, and that someone might be available to contact him later. The complainant claimed that he insisted on a Welsh language service and heard the person who made the call turning to co-workers and shouting "does anybody here speak Welsh?". The complainant heard laughter in the background. No one was available to deal with the call in Welsh when the complainant called. The Police called the complainant back in Welsh after he insisted they do so. The Police wanted the complainant to speak to an Assistant Police Community Officer (PCSO) in Aberystwyth but none of them could speak Welsh

Police evidence, in the form of a recording of the calls, shows that the complainant's calls were dealt with in Welsh. This meets the requirements of standard 11.

Standard 17: When there is no Welsh language service available on one of the body's relevant telephone numbers, it must inform the person who is calling, in Welsh, when a Welsh language service will be available. When calling the 101 number, the caller receives a bilingual automated message giving the caller the opportunity to choose a Welsh language service, before diverting them to a Welsh-speaking call handler. The Police explained that where there is no-one available to deal with a call in Welsh and the call is not an emergency, the caller will be notified of this and a Welsh speaking colleague will be sought. If there is no Welsh speaking colleague available, a call back is offered when a Welsh speaking member of staff is available. This is in accordance with the requirements of standard 17.

Standard 21: When a body telephones an individual for the first time, it must ask the individual whether they wish to receive telephone calls in Welsh. If that is the individual's wish, it must conduct telephone calls with that individual from then onwards in Welsh. The complainant received a phone call from Dyfed Powys Police on 23 July 2021. He was not asked if he wished a call in Welsh. The caller's language was English. The telephone call made by the Police followed a series of calls from the complainant to the Police in Welsh. I conclude that no record had been kept of the

complainant's preferred language. This highlights a failure by Dyfed Powys Police to comply with standard 21.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that The Chief Constable of Dyfed Powys Police has not failed to comply with standards 9, 11, and 17 but determines that it has failed to comply with standards 8 and 21.

#### **Statement of further action**

Further action was taken following the determination that The Chief Constable of Dyfed Powys Police has failed to comply with standards 8 and 21.

#### **Statement on the further action**

Standard 8: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Dyfed Powys Police must produce guidance for staff who answer telephone calls on the Welsh language line and share it with all relevant staff. It must include guidance on how to greet persons on the Welsh language line in accordance with the requirements of the standards, and how to deal with telephone enquiries in Welsh.
2. The greeting that follows choosing the Welsh language option must clearly state: "Heddlu Dyfed Powys, sut allai eich helpu?", or "Heddlu Dyfed Powys Police, sut allai eich helpu / how can I help you?"

3. Dyfed Powys Police must hold regular sessions to remind staff of the requirements placed upon them by the standards.

4. The Chief Constable of Dyfed Powys Police must provide written evidence that satisfies the Welsh Language Commissioner that he has carried out enforcement actions 1, 2 and 3. Timetable: Within 3 months of issuing the final determination.

Standard 21: Requirement to take action in accordance with section 77 of the Welsh Language Measure.

5. The Chief Constable of Dyfed Powys Police must keep a record of the preferred language of each person he calls.

6. The Chief Constable of Dyfed Powys Police must remind staff to check the Police system for the preferred language of each person before he calls them to ensure that all calls to that person are in accordance with their preferred language.

7. The Chief Constable of Dyfed Powys Police must provide written evidence to satisfy the Welsh Language Commissioner that he has carried out enforcement actions 5 and 6. Timetable: Within 3 months of issuing the final determination

**Decision notice given**

The Decision Notice was given to The Chief Constable of Dyfed Police on 21/03/2022.

### Appeals made to the tribunal

No appeal was made to the Tribunal.

CS060: On 15/06/2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that he received a text message in English only from Cardiff Council (the Council) on 15/05/2021: "This is an important message from Cardiff Council regarding your council tax payments. Click here <https://cardiffcouncil.co.uk/t/bg1ut1dcf07> for further information. Please do not ignore this message". When submitting his complaint, the complainant said that he had not asked for communication in English only via SMS or any other form. The complainant alleged that the link in the text message led to an English web page on the cardiffcouncil.co.uk domain. On this page, a 'Google Translate' tool was being used to present Welsh information.

Cardiff Council

09/03/2022

### Commissioner's Findings

Standard 5: Standard 5 requires a body, if it does not know whether a person wishes to receive correspondence in Welsh, to provide a Welsh language version of the correspondence when corresponding with that person.

In this case, the complainant received an English only text message from the Council despite the Council not having any record that the complainant did not want to receive correspondence in Welsh. This is a failure to comply with standard 5 as the body did not know whether the complainant wished to receive correspondence 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 5.

### Statement of further action

Further action was taken following the determination that Cardiff Council has failed to comply with standard 5.

### Statement on the further action

1. Cardiff Council must conduct a full review of its language recording processes to improve the experience for Welsh language users.

2. Cardiff Council must provide further instructions to all its staff regarding the requirements of the correspondence standards to ensure full compliance with the standards.
3. If the Council's Revenue Service sends English only correspondence, as well as a statement in accordance with standard 7, the correspondence should note:
  - that the correspondence has been sent in English only as the Council has a record that the recipient does not wish to receive correspondence in Welsh.
  - contact details to contact the Council if that record is incorrect.
4. Cardiff Council must conduct a full review of the way in which it ensures that third parties that provide services to the public on behalf of the Council's Revenue Service enables it to comply with the standards.
5. Cardiff Council must conduct the review to enable it to identify a way of placing requirements relating to the use of the Welsh language on parties that provide services on its behalf, which will ensure that the Council's Revenue Services complies with the standards.
6. Cardiff Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 - 5 have been completed.  
Timetable: Within three months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Cardiff Council on 09/03/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Betsi Cadwaladr  
University  
Health Board

CS030 On 30/03/2021 I received 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 contacted the Commissioner after receiving a COVID-19 vaccine at the Mass Vaccination Centre at Ysbyty Enfys Llandudno on 22/03/2021. The complainant alleged that the 'Patient Notice' information sheet was distributed in English only. On 13/06/2021 the complainant visited the centre again and provided photographs of four temporary signs at the centre. Three of these signs were in English only, or predominantly in English, and one other sign was bilingual but the sign appeared as if the Welsh had been added and the Welsh text was not as neat as the English text.

09/03/2022

### **Commissioner's Findings**

Standard 37: In order to comply with standard 37 in this case the health board needed to provide the complainant with the Welsh version of the 'Patient Notice' leaflet as the Welsh Government had provided the leaflet in Welsh in order to comply with Welsh language standards. The complainant contacted me after receiving an English-only version of the 'Patient Notice' document on the way into the vaccination centre at Venue Cymru, Llandudno. The health board confirmed that the Welsh Government and not the health board were responsible for producing the document and that the document had been produced bilingually by the Government. In accordance with Regulations No. 7 of the Welsh Language Standards the health board was required to distribute the Welsh version of the document if the document had been produced in Welsh by another organisation having produced the text in Welsh in accordance with a duty to comply with Welsh language standards. As the health board distributed a leaflet that was available bilingually from the Government in English only, I determine that Betsi Cadwaladr University Health Board has failed to comply with standard 37.

### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with standard 37.

### **Statement of further action**



Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with standard 37.

**Statement on the further action**

1. Betsi Cadwaladr University Health Board must modify any training or guidance for staff that deals with the production or distribution of documents to the public to include the need to provide a Welsh language version of documents produced in Welsh by another organisation that have been produced in Welsh in accordance with a duty to comply with the conditions in Regulations No. 7, Schedule 1, Part 3 Paragraph 28.
2. Betsi Cadwaladr University Health Board must remind staff at the vaccination centres to distribute a Welsh version of any documents available in Welsh.  
Timetable: Within 1 month of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 09/03/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

CSG810(b) On 26 November 2020 I received 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 complaint alleged

11/03/2022

**Commissioner's Findings**

Standard 40: In November 2020, the complainant received a COVID-19 testing kit with an instruction sheet in English only. It has been acknowledged by Welsh Ministers that the instruction sheet was not available in

that it was not possible to book a COVID-19 test through the medium of Welsh on the [www.gov.uk](http://www.gov.uk) website. The complainant also alleged that the information leaflet included with the COVID-19 home testing kit was in English only. Pictures of the leaflet are provided in appendix 1 of this report. On 28 July 2021 I received a complaint from another member of the public alleging that it was not possible to order the COVID-19 lateral flow test through the medium of Welsh on the [www.gov.uk](http://www.gov.uk) website.

Welsh when the complainant received his testing kit. It states that this was because the UK Government's DHSC was responsible for producing and distributing the testing kits on behalf of Welsh Ministers. Due to the need to take immediate action at a UK-wide level, the document was produced in English only. The document in question is available in Welsh, and has been distributed with the testing kits to areas with a Welsh postcode since January 2021.

Standard 40 requires Welsh Ministers to produce any material for public use in Welsh. Standard 40 as it appears in Welsh Ministers' compliance notice is varied to include a specific list of relevant documents. The list includes "Brochures, leaflets, pamphlets or cards" and "Explanatory information for the public". I am satisfied that Standard 40 is relevant to the instruction sheet contained in COVID-19 testing kits. I therefore conclude that Welsh Ministers failed to ensure that the instruction sheet contained in COVID-19 home testing kits was available in Welsh in accordance with the requirements of standard 40.

Standards 52 and 56: Standards 52 and 56 require Welsh Ministers to ensure that its websites, including the interface and menus, are available in Welsh. The UK Government's DHSC is responsible for providing the COVID-19 testing kit ordering services on the [gov.uk](http://gov.uk) website on behalf of Welsh Ministers. Neither the pages nor the resources for ordering COVID-19 tests are available in Welsh. Welsh Ministers have stated in their response that the testing service was launched in English only due to the urgent need to provide the service. They state that there is a timetable in place to develop a

bilingual digital system for ordering lateral flow tests by the end of June 2022 and the PCR tests by the end of September 2022. I understand however, that there is a policy decision to discontinue the current use of tests at the end of March 2022. It also seems that the practice of testing will continue in some limited situations. e.g. for healthcare workers. I accept and understand that COVID-19 has meant that public bodies have had to plan and organise work differently, with priority given to protecting the public. However, I cannot accept that a delay of almost 2 years in providing a service in Welsh for the people of Wales is acceptable. I conclude that there has been a failure by Welsh Ministers to ensure that the web pages for ordering COVID-19 tests are available in Welsh in accordance with the requirements of standards 52 and 56.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 40, 52 and 56.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 40, 52 and 56.

#### **Statement on the further action**

Websites and on-line services (Standards 52 and 56):  
Requirement to act in accordance with section 77 of the Welsh Language Measure.

1. I require the Welsh Ministers to take steps to ensure that the web pages and resources on gov.uk to order later flow tests are available in Welsh by the end of June 2022 if these services continue to be provided in English.

2. I require the Welsh Ministers to take steps to ensure that the web pages and resources on gov.uk to order PCR tests are available in Welsh by the end of September 2022 if these services continue to be provided in English.

3. I require the Welsh Ministers to hold discussions and receive regular progress reports from the UKHSA in order to monitor progress against the timetable set by the UKHSA Chief Executive to develop the bilingual digital ordering systems for COVID-19 test on the gov.uk website.

Producing and Publishing Documents (Standard 40) and Websites and on-line services (Standards 52 and 56): Requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. I require the Welsh Ministers to conduct a full review of how it has operated during the period of the COVID-19 pandemic in the context of Welsh language standards.

5. After conducting the review, I require the Welsh Ministers to prepare a paper on the findings of the review and include a section on the lessons learned. Practical advice must also be produced explaining to staff how to plan and continue to operate in Welsh in emergency situations. The advice must be attached to the organisation's business continuity plan(s).

6. I require the Welsh Ministers to carry out a specific review of how it ensured that a body providing services on their behalf (such as the DHSC), enables them to comply

with Welsh language standards. The review should be undertaken to enable the Welsh Ministers to identify a method for imposing 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 in the future.

7. Arising from the findings of the review of action 5 above, I require the Welsh Ministers to adopt revised arrangements so that all parties providing services on Welsh Minister's behalf is clear about the specific requirements that they are required to implement, that will enable Welsh Ministers to comply with the Welsh language standards.

8. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 - 7 have been completed

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

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 11/03/2022.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Betsi Cadwaladr  
University  
Health Board

CSG695 In October 2019, the Welsh Language Commissioner (the Commissioner) became aware of the case of a patient living with dementia, in

03/02/2022

#### **Commissioner's Findings**

Standards 69, 70 and 71: In order to comply with standards 69, 70 and 71, the health board is required to consider and identify all the possible effects a policy

the care of the health board. It appeared at the time that the health board intended to transfer the patient to an out of district placement in a care setting in England. A representative for the patient was concerned about the impact of the decision on the patient's opportunities to use the Welsh language in the proposed care setting. 1.2 Following correspondence with the Health Board regarding the case, the Commissioner was informed on 23 December 2019 that the health board did not intend to locate the patient outside the area at that time. The Commissioner is of the view that the case raises wider questions about the consideration given to the linguistic needs of older people's mental health service patients when making decisions about care placements. 1.3 The fact that the Health Board appears to have decided that it was appropriate to move a Welsh speaking patient living with dementia to a care setting in England raises doubts as to the extent to which it had complied with some of the policy making standards that have been imposed on it. 1.4 Where the Commissioner suspects that there has been a failure to comply with Welsh language standards he may conduct an investigation under section 71 of the Welsh Language Measure.

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 organisation is required to consider how to ensure that the policy decision would have positive effects, or increased positive effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. The organisation is also required to consider how to ensure that the policy decision would have no adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. In this instance, the case of a patient living with dementia, in the care of the health board came to my attention. It appeared that the health board intended to send him out to be cared for in an out of area care setting in England. There was concern about the impact of the decision on the patient's opportunities to use Welsh in the proposed care setting. The health board provided information that showed that the health board was implementing Welsh Government policy rather than implementing its own policy and that it had considered all the relevant elements, including the Welsh language, when making the decision. As it is Welsh Government policy rather than Betsi Cadwaladr University Health Board policy that is being implemented here, and as the health board has considered the effect on the patient's linguistic needs when making the decision, I believe that the health board has not failed to comply with standards 69, 70 and 71 in this case.

**Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has not failed to comply with standards 69, 70 and 71.

**Statement of further action**

No further action was taken following the determination that Betsi Cadwaladr University Health Board has not failed to comply with standards 69, 70 and 71.

**Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 03/02/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Rhondda Cynon  
Taf County  
Borough Council

CS054 The complainant's complaint regards an alleged failure to receive social care services from Rhondda Cynon Taf County Borough Council ('the Council') through the medium of Welsh for her Mother. The complainant is a full-time carer for her Mother, who suffers from dementia. There are a number of different aspects to the complaint. Some aspects of the complaint raise a suspicion of failure to comply with the Welsh Language Standards. Other parts of the complaint are not covered by the Standards but are part of the

03/02/2022

**Commissioner's Findings**

Standard 26: When a body invites an individual to a meeting relating to well-being, standard 26 states that the body must ask the individual whether they wish to use the Welsh language at the meeting, and inform the individual that it will provide a translation service from Welsh to English and from English to Welsh for that purpose, if necessary. The context for this complaint is regular discussions and care that constitutes continuing care and support. The Council claims that these standards are not applicable here. The Council argues that provision of direct care does not constitute a meeting, as it is not been arranged in advance to discuss the individual's well-being. I also consider that provision of the care service itself

complainant's experience of requesting a Welsh language service.

The complainant alleges that the Council refused to provide a Welsh-speaking social worker for her Mother between 3/09/2020, when her original application for the service of a Welsh language social worker was submitted to the Council, and January 2021. It is alleged that two members of staff told her that Welsh-speaking social workers were not available, even though she had repeatedly requested the service. After the Council began providing a care service in Welsh in January 2021, the complainant alleges that as the Welsh speaking staff worked on a part-time basis, the Welsh language service provided was therefore slow. These issues raise a suspicion of failure to comply with the Welsh Language Standards.

The complainant also alleges that her complaints to a number of the Council's officers and senior officers regarding the lack of a Welsh language service had been ignored until she contacted my office. This does not raise a suspicion of failure to comply with the Welsh Language Standards but is part of the complainant's experience of requesting a Welsh language service.

does not constitute a meeting relating to well-being as referred to in the standards. The standards state: "If you invite an individual ("A") to a meeting". It is therefore considered that the regular provision of care services in a person's home cannot be regarded as an invitation to a meeting. The legislative duty to provide a care service through the medium of Welsh therefore derives from the Social Services and Well-being (Wales) Act 2014 rather than the standards. However, it is not clear from the evidence if a well-being meeting was held at all with the complainant and her Mother in this case.

Standard 26A: The requirements of standard 26A are that a body must arrange for a simultaneous translation service from Welsh to English and from English to Welsh to be available at a well-being meeting if a person has informed the body that they wish to use the Welsh language at the meeting and if the body does not conduct the meeting in Welsh without the assistance of a translation service. In terms of compliance with Standard 26A, I have not received sufficient evidence that a meeting relating to the well-being of the complainant's mother took place and I am therefore unable to rule that there has been a failure by the Council to comply with Standard 26A.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Rhondda Cynon Taf County Borough Council has not failed to comply with standards 26 and 26A.



The complainant began discussing her Mother's situation with my Officers in December 2020. My officers corresponded with the Council on behalf of the complainant solely on the basis of an enquiry in the first instance, before the matter was treated as a complaint from May 2021 onwards. In this report, I therefore refer to some correspondence from the complainant and the Council which is dated prior to the commencement of the statutory investigation.

Following some discussions with my Officers during the enquiry, I received a letter from the Council on 06/04/2021. This letter stated that a Welsh language service had been provided by a qualified social worker and one other Welsh speaking member of staff for the complainant and her Mother from January 2021. The letter also provides some information about the Council's procedures and the Council's position regarding some of the difficulties relating to this issue. Details of the letter are discussed as part of the investigation's evidence.

A summary of the main points of this letter was given to the complainant on 15/04/2021. The complainant noted on 29/04/2021 that the details provided by

#### **Statement of further action**

Further action was taken following the determination that Rhondda Cynon Taf County Borough Council has not failed to comply with standards 26 and 26A.

#### **Statement on the further action**

Advice in accordance with section 76 of the Welsh Language Measure

1. The Council should review its procedures to ensure that individuals who receive an invitation to a meeting relating to their well-being receive a clear and unambiguous request regarding their wish to use the Welsh language at the meeting.
2. The Council should review its procedures to ensure that linguistic needs and preferences within the well-being needs assessments it undertakes are recorded clearly and unambiguously.
3. The Council should raise awareness amongst its staff, particularly staff who are involved in social care and well-being, of the requirements of standards 26 and 26A, as well as the requirements of the Social Services and Well-being (Wales) Act 2014 in relation to the Welsh language.
4. The Council should amend its assessment form to include an additional active offer regarding language preference for the supporter/carer and/or those requesting a service. The Council should distinguish, wherever possible, between the preferred language of the person receiving care and support and that of their carer.
5. Rhondda Cynon Taf County Borough Council must provide written evidence that satisfies the Welsh

the Council were not correct and that the information did not reflect her experience of requesting provision through the medium of Welsh. Due to the complainant's dissatisfaction, my officials explained at this point that the enquiry would be treated as a complaint against the Council if the complainant was happy for us to do so. The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint.

The complainant provided emails and further information to my Officers relating to the complaint between May and July 2021.

Language Commissioner that it has taken action in accordance with this advice.

Timetable: Within three months from the date of publication of the final determination.

#### **Decision notice given**

The Decision Notice was given to Rhondda Cynon Taf County Borough Council on 03/02/2022.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

CS058 On 10 June 2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleges that the Wales Millennium Centre (WMC) had recruited eight 'creative associates' and that none of them were Welsh speakers. The complaint raises suspicion that the WMC has not given sufficient consideration to the need for Welsh language skills when assessing the linguistic requirements of the posts and when advertising and appointing to the posts.

01/02/2022

#### **Commissioner's Findings**

Standard 132: Standard 132 requires WMC to assess the need for Welsh language skills when assessing new and vacant posts. In order to conduct a thorough and meaningful assessment of the linguistic requirements of a new or vacant post an organisation needs to consider a number of factors. Although WMC has stated that it has carried out an informal assessment of the Creative Associate posts, it has not provided evidence of that assessment to provide assurance that the assessment undertaken was adequate. Although WMC states that some of the posts have been categorised as posts where Welsh language skills are essential, it has not specified the category of the remaining posts. I therefore conclude

Wales  
Millennium  
Centre

that WMC has failed to comply with the requirements of standard 132.

Standard 132A: Standard 132A requires WMC, when it has categorised a post as requiring that Welsh language skills are essential, desirable or need to be taught, that this must be stated in the advert and the job should be advertised in Welsh. WMC has provided me with evidence that the Creative Associate posts have been advertised through the medium of Welsh. WMC has also presented evidence that some of the posts have been categorised as posts where Welsh is an essential skill, and has specified this in the advertisement. Although the linguistic requirements of the other posts are unclear, there is no evidence that WMC had categorised the remaining posts as requiring that Welsh language skills are essential, desirable or need to be taught. It cannot therefore be concluded that WMC has failed to comply with the requirements of standard 132A in this case.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Wales Millennium Centre has failed to comply with standard 132 but has not failed to comply with standard 132A.

#### **Statement of further action**

Further action was taken following the determination that Wales Millennium Centre has failed to comply with standard 132.

#### **Statement on the further action**

Standard 132: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Wales Millennium Centre must ensure that a full assessment of the linguistic requirements of each new and vacant post is made on an individual basis.
2. Following an assessment of the linguistic requirements of new and vacant posts, Wales Millennium Centre must categorise each post individually in accordance with the categories set out in standard 132.
3. Wales Millennium Centre must ensure that staff responsible for conducting assessments of the linguistic requirements of new and vacant posts receive guidance and training on how to conduct a thorough and meaningful assessment.
4. Wales Millennium Centre must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 – 3 have been completed.

Timetable: Within 12 weeks of issuing the final determination. Standard 147 - Advice in accordance with section 4 (2) (j) Welsh Language Measure Wales Millennium Centre should take steps to ensure that a copy of all assessments of the linguistic requirements of new and vacant posts conducted in accordance with standard 132 (whether formal or informal) is kept on record to ensure compliance with standard 147.

**Decision notice given**

The Decision Notice was given to Wales Millennium Centre on 01/02/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Swansea Bay  
University  
Health Board

CS041 On 23/02/2021, I received 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. A complaint was received from a member of the public about an appointment letter for an Echocardiogram. The complainant was unhappy that there is a mixture of English and Welsh at the top of the letter and that the clinic's details are noted in English on the Welsh version of the letter. The complainant explained that the Echocardiogram appointment letter was one letter among many displaying the same issues.

18/01/2022

### **Commissioner's Findings**

Standard 6: In order to comply with standard 6 when producing an equivalent English and Welsh version of correspondence, the health board must not treat the Welsh version of the correspondence less favourably than the English version. The complainant contacted me to complain about an appointment letter received from Swansea Bay Health Board. The hospital's address at the top of the Welsh version of the letter was in English first, and the address of the clinic for the appointment was in English on the Welsh version of the letter. As the health board had included the English address for the hospital first at the top of the Welsh letter and had included the clinic's address in English only on the Welsh version of the letter, I consider that the health board has treated the Welsh version of the letter less favourably than the English version. I therefore determine that the health board has failed to comply with standard 6 in this case.

### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Swansea Bay University Health Board has failed to comply with standard 6.

### **Statement of further action**

Further action was taken following the determination that Swansea Bay University Health Board 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. Swansea Bay University Health Board must take steps to ensure that the template for its appointment letters complies with standard 6 and places the Welsh language first on the Welsh version of appointment letters.
2. Swansea Bay University Health Board must provide written evidence which satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within one month of publishing the final determination.

Standard 6: Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

3. I require Swansea Bay University Health Board to prepare a draft action plan for the purposes of ensuring that the appointment location field is included in Welsh on Welsh language versions of appointment letters. The action plan must include the following information:
  - o a description of each of the steps the health board will take to ensure that the Welsh language is not treated less favourably than the English language when inserting details of locations on appointment letters
  - o who will be responsible and accountable for taking each of the actions
  - o a clear timetable for the delivery of each of the actions (including any milestones)
  - o the resources (e.g. funding/staff) required to carry out

each of the actions.

The action plan should, among other actions, include steps to ensure that—

- o the health board carries out an audit of all the appointment letters it has in order to assess whether they comply with the requirements of standard 6,
- o the health board assesses whether it is possible to comply with standard 6 within the existing correspondence systems,
- o the health board discusses with other partners including Digital Health and Care which steps need to be taken to enable the health board to comply with standard 6.

Timetable: The health board must prepare a first draft of the action plan and submit that draft to the Commissioner within 3 months of the publication date of the Commissioner's final determination, namely by 18/04/2022.

4. The Health Board must ensure that the appointment location field is included in Welsh on Welsh language versions of appointment letters, in accordance with the requirements of standard 6.

Timescale: The health board must provide me with evidence that it has completed enforcement action 4 within one year of the date of approval of the action plan.

#### **Decision notice given**

The Decision Notice was given to Swansea Bay University Health Board on 18/01/2022.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

CS047 On 5 May 2021 I received 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. This is a complaint by P. The term P is used to protect the identity of the individual concerned who is an employee of Cardiff Council ("the Council") (D). In the complaint, he refers to a series of communications between D and P in relation to disciplinary proceedings against P. He alleges failures by D to communicate through the medium of Welsh, both face-to-face and in writing in accordance with P's wish in the specific communications and more generally, since disciplinary proceedings against him commenced in 2020. P also claims that D refused a request from P to hold a disciplinary hearing in Welsh, instead arranging simultaneous translation into Welsh.

13/01/2022

### **Commissioner's Findings**

Standard 100: The requirements of the standard in part (a) are that a body must ask its employees whether he or she wishes to receive any paper correspondence from the employer that relates to his or her employment and which is addressed to the individual personally in Welsh. If such correspondence is to be received in Welsh, in accordance with part (b) of the standard, the body must provide the correspondence from it in Welsh. The Council corresponded with the complainant in English. It did so because the complainant, on his HR profile, had indicated that he wished to receive English correspondence from the Council. It was therefore reasonable for the Council to correspond with the complainant in accordance with the language chosen on his HR profile. The Council asked the complainant what his chosen language was for correspondence, and therefore, this complies with standard 100 (a). Due to compliance with standard 100(a), the Council corresponded in accordance with the complainant's chosen language, therefore, there is no non-compliance with standard 100(b). In considering the evidence presented, there has been no failure to comply with standard 100.

Standard 116A: The requirements of standard 116A(a), are that a document should set out the arrangements for the disciplinary process and that any member of staff will have the opportunity to respond in Welsh to any allegations made against him or her. The Council provided the Council's disciplinary policy document



confirming compliance with the requirements of Standard 116A(a). I accept that the Council provided a copy of the policy to the complainant and that this policy is on the Council's intranet. There has been compliance with standard 116A(a) in this context. However, there are two parts to the standard and in considering the requirements of Standard 116A(b) and the evidence presented, the Council did not take proactive steps by informing the complainant of the right to respond to any allegations made against him in Welsh. The Council had a duty under standard 116A(b) to draw the complainant's attention to the relevant clause in its policy, regardless of the individual's chosen language of correspondence. This was not done by the Council, and therefore, there has been a failure to comply with standard 116A(b). Consequently, although the Council complied with the requirements of 116A(a), there has been a failure to comply with Standard 116A(b), therefore, I find that the Council has failed to comply with the requirements of Standard 116A because of the failure to deal with Standard 116A(b).

Standard 118: The requirements of standard 118 are that, when organising a disciplinary meeting in relation to the conduct of a member of staff, an organisation must ask the member of staff whether they wish to use the Welsh language at the meeting, explaining that the body will provide a translation service. In this case, the complainant was not asked whether he wanted to use Welsh at a disciplinary meeting with the Council. In addition, the Council did not explain to the complainant that there would be a translation service at the meeting when the

disciplinary process commenced. Although this changed when the complainant asked to have a meeting held in Welsh, this was not made clear to the complainant at the outset of the disciplinary process. Taking into account the complainant's complaint and the evidence submitted by the Council as a result of the complaint, I find that there the Council failed to comply with the requirements of standard 118.

#### **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 116A and 118 but has not failed to comply with standard 100.

#### **Statement of further action**

Further action was taken following the determination that Cardiff Council has failed to comply with standards 116A and 118.

#### **Statement on the further action**

Standard 116A: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. The Council must inform and remind officers responsible for the Council's disciplinary arrangements of the requirements of standard 116A when dealing with any disciplinary proceedings against a member of council staff.

2. The Council must, in any correspondence dealing with the Council's internal disciplinary process, clearly and unambiguously outline the right of the member of staff facing disciplinary action to receive correspondence

relating to the disciplinary process in Welsh. In addition, the Council should set out the individual's right to respond to any allegations made against the member of staff in Welsh, regardless of the member of staff's chosen language of correspondence on the Council's DigiGov system.

3. Cardiff 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 issuing the final determination. Standard 118 Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Cardiff Council must inform and remind officers responsible for the Council's disciplinary arrangements of the requirements of Standard 118 when dealing with any disciplinary proceedings against a member of council staff.

2. The Council must, when commencing a disciplinary process against a member of staff, outline in any correspondence to its employees, that the Welsh language may be used in any disciplinary proceedings, regardless of the language status of the member of staff on the Council's DigiGov system.

3. A translation service must be provided from Welsh to English if the member of staff disciplined wishes to hold a meeting in relation to the disciplinary process in Welsh. This must be made clear to employees at the start of any disciplinary process.

4. Cardiff 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 final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 13/01/2022.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

CS045 On 29/04/2021 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. On 16 April the complainant telephoned the Hywel Dda University Health Board testing and vaccination against COVID-19 inquiries helpline (0300 303 8322). According to the complainant the telephone automated messages were bilingual, except for the English-only message repeating 'you are currently number X in the queue'. According to the complainant the options were in English first therefore no one would listen to the Welsh options. After selecting the options and waiting, the complainant received an English greeting from an officer. The complainant inquired whether the officer spoke Welsh but he

16/12/2021

#### **Commissioner's Findings**

Standard 8: In order to comply with the standard the health board needed to ensure that the first greeting to the complainant was in Welsh. When the complainant called the helpline during April and June 2021 he was first greeted in English on an automated message. As the complainant received the first greeting in English when he called the health board's COVID-19 helpline during April and June 2021 I determine that Hywel Dda University Health Board failed to comply with standard 8 in this case.

Standard 9: Standard 9 requires the organisation to inform the person contacting the organisation on one of the relevant telephone numbers that a Welsh language telephone service is available. When the complainant contacted Hywel Dda University Health Board's COVID-19 helpline on more than one occasion during April and June 2021 the health board did not inform the complainant that a Welsh language telephone service was available. As the health board did not inform the

Hywel Dda  
University  
Health Board

did not. On April 29 at approximately 09:45, he telephoned the same line for more information. Again, he received an English greeting from an officer. Asked if the officer spoke Welsh, the officer replied 'a little'; the complainant continued to speak Welsh, but received an English response to many of the questions. On 6 May the complainant received a telephone call in English only from the Health Board rescheduling his appointment. The complainant telephoned the helpline again on 30 June at around 12 o'clock. He was not provided with a Welsh language telephone service on this occasion either.

complainant that a Welsh language telephone service was available I determine that Hywel Dda University Health Board failed to comply with standard 9 in this case.

Standard 10: In order to comply with standard 10 the health board needed to deal with the call in Welsh once it knew that the person wished to receive a Welsh language telephone service. In this case the complainant contacted the health board's COVID-19 helpline on three separate occasions. On each occasion the calls were answered by officers who could not deal with the calls in Welsh. As the health board failed to deal with the complainant's calls in Welsh once it had established that the complainant wished to receive a Welsh language telephone service I determine that Hywel Dda University Health Board failed to comply with standard 10 in this case.

Standard 19: In order to comply with standard 19 Hywel Dda University Health Board needed to pro-actively ask the complainant whether he wished to receive Welsh calls from the COVID-19 telephone service in future. In this case the complainant received a telephone call in English only from the COVID-19 helpline service. The complainant was not asked pro-actively whether he wished to receive Welsh language calls from the service in future. As the health board did not ask the complainant whether he wished to receive telephone calls from the body in Welsh in future I determine that Hywel Dda University Health Board has failed to comply with standard 19 in this case.

Standard 20: In order to comply with standard 20 the health board needed to ensure that any automated telephone system it has provides the complete automated service in Welsh. The complainant contacted me to complain that the message 'you are currently number X in the queue' was not in Welsh and to complain that the messages are in English first and that the Welsh messages would have no purpose as the caller would have already heard the English message. The first part of the complainant's complaint highlighted the fact that the health board does not comply with standard 20 as not all the automated messages on the COVID-19 helpline telephone system were in Welsh. For that reason, I determine that Hywel Dda University Health Board has failed to comply with standard 20 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 has failed to comply with standards 8, 9, 10, 19 and 20.

#### **Statement of further action**

Further action was taken following the determination that Hywel Dda University Health Board has failed to comply with standards 8, 9, 10, 19 and 20.

#### **Statement on the further action**

Standard 8: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Hywel Dda University Health Board must take steps to ensure that the first greeting on the COVID-19 telephone

message is in Welsh.

Standard 9: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

2. Hywel Dda University Health Board must check messages on the COVID-19 inquiries helpline in order to inform callers early on in the call that a telephone service is available in Welsh.

Standard 10: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Hywel Dda University Health Board must take steps to ensure that members of the public who wish to use Welsh when contacting the COVID-19 helpline receive a service that complies with standard 10.

Timetable: Within one month of the date of issuing the final determination.

Standard 10: Recommendation in accordance with section 77 of the Welsh Language Measure I recommend that Hywel Dda University Health Board considers whether their main telephone numbers, any helpline numbers or other call centre numbers comply with standard 10.

Standard 19: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. Hywel Dda University Health Board must provide guidance to COVID-19 helpline officers to ensure that they are aware of the steps that need to be taken to comply with standard 19.

Standard 20: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. Hywel Dda University Health Board must ensure that

the automated telephone system on telephone number 0300 303 8322 provides the complete automated service in Welsh.

6. Hywel Dda University Health Board must provide written evidence that satisfies the Welsh Language Commissioner that it has completed enforcement steps 1-5.

Timetable: Within two months of the date of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Hywel Dda University Health Board on 16/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

CS040 On 13/04/2021 I received 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 alleged that she and her sister failed to receive a Welsh language service when trying to book a Covid-19 test through the 119 helpline. She stated that they had contacted the service on four occasions between the 6th and 17th of March 2021 and that although they had selected Welsh, they had failed to receive a

16/12/2021

**Commissioner's Findings**

Standard 8: In order to comply with the standard the Welsh Ministers were required to ensure that the complainant was greeted in Welsh. The complainant contacted the 119 telephone service on a number of occasions during March 2021 and received a telephone service in English although she chose the Welsh option. It appears that the complainant received a Welsh greeting after choosing the Welsh option. The complainant was also greeted in English during the calls but the requirements of this standard apply only to the initial greeting. As the organisation appears to have greeted the caller by an automated message in Welsh first, I therefore



service in Welsh. She claims that their calls were transferred to Warrington, London and Glasgow, and that the officers failed to process their request for tests.

determine that the Welsh Ministers have not failed to comply with standard 8 in this case.

Standard 9: Standard 9 requires the organisation to inform the person contacting the body on one of the relevant telephone numbers that a Welsh language telephone service is available. In this case the complainant contacted the 119 telephone service helpline. The 119 telephone service provides automated options to press for a Welsh or English language service. As the 119 telephone service has provided an automated choice to continue with the call in Welsh then I am of the view that the organisation has complied with standard 9 in this case.

Standard 10: In order to comply with standard 10, the Welsh Ministers were required to ensure that the 119 telephone service dealt with the complainant's calls in Welsh in their entirety according to the individual's wish. The body must deal with the call in Welsh in its entirety once the organisation is aware that the individual wishes to use the Welsh language. When the complainant contacted the 119 telephone line on four occasions during March 2021 to try to arrange COVID-19 tests the complainant was offered an automated language choice on the telephone. However, once the complainant had chosen the Welsh option, the calls were transferred to non-Welsh speaking officers on each occasion. As the complainant's calls had been passed on to non-Welsh speaking officers after she had chosen the Welsh option, her calls were not handled in a manner that complied with standard 10.

Standard 14: In order to comply with standard 14, the organisation was required to note when publishing the telephone number of the 119 helpline, that they welcomed calls in Welsh on material such as websites, publications, forms, publicity material etc. During March 2021, when the complainant was trying to access a Welsh language service on the 119 helpline, there was no Welsh language service available on the telephone line. As the Welsh Ministers have indicated on a number of occasions that a Welsh language telephone service was not available at the time it is reasonable for me to conclude that the Welsh Ministers were not in compliance with standard 14 at the time. One of my officers checked the Welsh Government's website and social media accounts during September 2021 and found that the Government's social media accounts stated that they welcomed calls in Welsh. The Government website providing information on the 119 telephone line did not indicate that they welcomed calls in Welsh. As the Government's website did not state that they welcomed calls in Welsh on the 119 telephone line, I determine that D has failed to comply with standard 14 in this case.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 10 and 14 but has not failed to comply with standards 8 and 9.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 14 and has not failed to comply with standards 8 and 9.

**Statement on the further action**

Standard 8: Recommendations in accordance with section 76 of the Welsh Language Measure

I recommend that Welsh Ministers look again at the arrangements relating to the messages on the 119 telephone service and consider whether callers from Wales should be greeted in Welsh earlier in the call.

Standard 9: Recommendations in accordance with section 76 of the Welsh Language Measure

I recommend that the Welsh Ministers look again at the arrangements relating to the messages on the 119 telephone service and consider whether callers from Wales should be offered a language choice earlier in the call.

Standard 14 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 comply with standard 14 when they publish their main telephone number, or any helpline or call centre service numbers on the Government website.

2. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement action 1.

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 16/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CS032 On 02/04/2021, 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. The complaint related to the lack of a Welsh language service on telephone number 02921 841 234. The complainant (P) received a letter confirming the date of the appointment to receive his COVID vaccine. The letter asked P to telephone 02921 841 234 if he was unable to attend the appointment arranged. P contacted the telephone number on 26 March 2021 at 08:59. P alleges that: (i) the automated telephone system was not provided to P in Welsh (ii) that P had not been offered the option to speak to someone in Welsh, and (iii) that the member of staff who answered P's call did not greet P in Welsh. P's complaint also created further suspicions regarding non-compliance, namely: (iv) that the member of staff who answered P's call had not dealt with P's query in Welsh.

16/12/2021

**Commissioner's Findings**

Standard 9: When a person contacts D on its main telephone number (or on one of its main telephone numbers), or on any helpline numbers or call centre numbers, standard 9 requires D to inform the person during the call that a Welsh language service is available. On 26 March 2021, P contacted the telephone number 02921 841 234 to arrange an appointment to receive his COVID-19 vaccine. D did not inform P during the telephone call in question that a Welsh language service was available to him, and therefore he was not offered the opportunity for D to deal with him over the telephone in Welsh. This conduct constituted a failure by D to comply with the requirements of standard 9.

Standard 10: When a person contacts D on its main telephone number (or on one of its main telephone numbers), or on any helpline numbers or call centre numbers, standard 10 requires D to deal with the call in Welsh if that is the person's wish until such point as— (a) 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 (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter. On 26 March 2021, P contacted

the telephone number 02921 841 234 to arrange an appointment to receive his COVID-19 vaccine. P wished D to deal with his call in Welsh. D did not greet and did not deal with P's call in Welsh at all. He was provided with a service in English only. This conduct constituted a failure by D to comply with the requirements of standard 10, which imposed a clear requirement for D to deal with P's call through the medium of Welsh. None of the members of staff, which D had made responsible for dealing with calls on the telephone number in Welsh, had any Welsh language skills at all. This contributed to the failure in question.

Standard 20: Standard 20 requires a body to ensure that any automated telephone system it has provides the entire automated service in Welsh. An "automated" telephone system" means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options. On 26 March 2021, P contacted telephone number 02921 841 234 to arrange an appointment to receive his COVID-19 vaccine. The system on the telephone number did not provide the entire automated service in Welsh. The system provided the entire service in English only. This behaviour constituted a failure by D to comply with the requirements of standard 20.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Cardiff and Vale

University Health Board has failed to comply with standards 9, 10 and 20.

**Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standards 9, 10 and 20.

**Statement on the further action**

Standard 9: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff and Vale University Health Board must ensure that it informs persons calling the 02921 841 234 telephone number that a Welsh language service is available on the telephone number. The health board may achieve this by ensuring the following, but not being limited to ensuring:

- o that it provides persons with the option of receiving a Welsh (or English) language telephone service by pressing a specific button on the telephone;
- o that members of staff answering the call inform the person proactively when conversing with that person;
- o ensuring that the body conveys information that a Welsh language service will be available (or will continue to be available) when a member of staff transfers the call to another member of staff who can deal with the call in Welsh.

2. The health board must remind its staff serving the telephone number 02921 841 234 that they must inform persons calling them that a Welsh language service is available over the telephone.

3. The health board must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

Timetable: Within 3 months of the date of issue of the final determination.

Standard 9: Recommendation in accordance with section 77 of the Welsh Language Measure

1. I recommend that the health board conducts checks to monitor whether the health board informs persons calling telephone number 02921 841 234 that a Welsh language service is available (in accordance with the requirements of standard 9).

2. I recommend that the health board's Equality and Welsh Language Standards Strategy Group reports and scrutinises the results of the checks in order to consider any further action the health board needs to take to ensure an improvement in its compliance with standard 9 on telephone number 02921 841 234.

3. I recommend that the health board provides written evidence that satisfies the Welsh Language Commissioner that it has taken action on recommendations 1–2.

Timetable: Within 3 months of the date of issue of the final determination.

Standard 10: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff and Vale University Health Board must put arrangements in place to ensure that it can deal with calls on a telephone number 02921 841 234 in a manner that meets the requirements of standard 10.

2. The health board must conduct a review of the Welsh language skills of the team responsible for dealing with calls on telephone number 02921 841 234 in Welsh, in order to reach conclusions regarding the extent to which:

- o there are adequate Welsh language skills within the team to ensure continuous compliance with the requirements of standard 10;
- o that, in assessing the need for Welsh language skills when assessing the needs for a new or vacant post within the team, the posts (or a proportion of the posts) should be categorised as posts in which Welsh language skills are essential.

3. The Health Board must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1–2 have been completed.

Timetable: Within 3 months of the date of issue of the final determination.

Standard 10: Recommendation in accordance with section 77 of the Welsh Language Measure

1. I recommend that the health board conducts checks to monitor whether calls to telephone number 02921 841 234 are dealt with in Welsh (in accordance with the requirements of standard 10).

2. I recommend that the health board's Equality and Welsh Language Standards Strategy Group reports and scrutinises the results of the checks in order to consider any further action the health board needs to take to ensure an improvement in its compliance with standard 10 on telephone number 02921 841 234.

3. I recommend that the health board provides written evidence that satisfies the Welsh Language



Commissioner that it has taken action on recommendations 1–2.

Timetable: Within 3 months of the date of issue of the final determination.

Standard 20: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff and Vale University Health Board must ensure that the automated telephone system on telephone number 02921 841 234 provides the entire automated service in Welsh.

2. The health board must provide written evidence that satisfies the Welsh Language Commissioner that enforcement Action 1 has been completed.

Timetable: Within 3 months of the date of issue of the final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 16/12/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### Monmouthshire County Council

CS024 On 15 March 2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant made a complaint relating to Monmouthshire County Council's

16/12/2021

#### **Commissioner's Findings**

Standards 91, 92 and 93: These standards are a means to ensure that a body's consultation documents which relate to a policy decision consider and seek views on the potential effects that the decision will have on the Welsh language and opportunities to use it. Monmouthshire County Council published a consultation document on a proposed policy decision to increase the capacity of two

consultation on reviewing primary school places in Caldicot town, Monmouthshire. The consultation period ran from 18 January to 2 March 2021. It proposed to increase the capacity of two English-medium primary schools in the area, Dewstow Primary School and Archbishop Rowan Williams Primary School. The complaint alleges that the council failed to comply with policy-making standards and refers specifically to the lack of consideration and attempt to seek views on the position of the Welsh language in the consultation documents regarding increasing English-medium provision in Caldicot town by failing to consider the impact of its proposals on the Welsh language and the impact of the proposed increase in English-medium education provision on Ysgol Gymraeg y Ffin, Caldicot. The complaint refers to the following documents: ' Consultation document, 'Review of primary school places in Caldicot town'. ' Future generations evaluation dated 23 November 2021. ' Parents for Welsh Medium Education's (RhAG) response to the consultation document. The policy-making standards place requirements on the Council when

English-medium schools in Caldicot town as part of a scheme to ensure a reduction in the number of empty places in schools in the Caldicot area. I find that the consultation document did not include specific questions which sought the views of the public regarding how the proposed policy decision would affect opportunities for persons to use the Welsh language, or to treat the Welsh language no less favourably than the English language. The standards also include a requirement for the consultation documents to consider possible effects on the Welsh language. I am therefore of the opinion that the document needs to provide information regarding the possible effect of all the proposals on the Welsh language. In this case, I find that the consultation document did not include considerations for all proposals which were consulted upon. The standards impose a clear requirement that views must be sought within the consultation document regarding the possible effects as well as asking how the decision could be changed or revised so that it has increased 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 Monmouthshire County Council has failed to comply with standards 91, 92 and 93.

#### **Statement of further action**

consulting on proposed policy decisions. The standards state that the Council must consider, and seek views on, the possible effects on the Welsh language when publishing a consultation document. The complaint raised suspicions as to whether the consultation document published by the Council when presenting its proposals for the increase in English-medium education provision in the Caldicot area met the requirements of the standards in question.

Further action was taken following the determination that that Monmouthshire County Council has failed to comply with standards 91, 92 and 93.

**Statement on the further action**

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

1. Monmouthshire 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.
2. The Council must develop guidance or revise existing guidance, 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. Monmouthshire County Council must take steps to 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 should be considered when producing any questions used to seek opinion on the possible effects of the proposals.
4. Monmouthshire County Council must take steps to 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 should be considered when producing any questions used to seek opinion on the possible effects of the proposals.

5. Monmouthshire County Council must take steps to 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 it would have less 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 should be considered when producing any questions used to seek opinion on the possible effects of the proposals.

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

6. Monmouthshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1-5 have been completed.

Timetable: Within 4 months of issuing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Monmouthshire County Council on 16/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CS013 On 11/02/2021, 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. On 11/02/2021, the Commissioner received a complaint from a member of the public alleging that Welsh Ministers were publishing English only videos on their Facebook account 'Mae Addysg yn Dechrau yn y Cartref'.

The complainant highlighted 3 specific videos:

- 1 [https://fb.watch/5pSQPrRizN/11/02/2021:](https://fb.watch/5pSQPrRizN/11/02/2021)
- 2 [https://fb.watch/5pSOwopclM/19/02/2021:](https://fb.watch/5pSOwopclM/19/02/2021)
- 3 [https://fb.watch/5pSJb\\_B6MB/](https://fb.watch/5pSJb_B6MB/)

The Commissioner's Investigation and Enforcement officer's desk top research has also found that several other examples appear on the Facebook account that arouse suspicions of a failure to comply with Welsh language standards when publishing videos on the

09/12/2021

**Commissioner's Findings**

Standard 37: In order to comply with standard 37, the Welsh Ministers need to ensure that when they produce any publicity material (including videos) they produce them in Welsh, and that they treat the Welsh language version no less favourably. In this case, the complainant contacted me to complain that English only videos were posted on the Welsh Facebook account 'Mae Addysg yn Dechrau yn y Cartref'. As English only videos were published on the Facebook account, and as a Welsh version was not also published on the account, I determine that the Welsh Ministers have failed to comply with standard 37.

Standard 58: In order to comply with standard 58 the Welsh Ministers must ensure that they do not treat the Welsh language less favourably than the English language on social media. In this case a complaint was received regarding the publication of English only videos on the Welsh Facebook account 'Mae Addysg yn Dechrau yn y Cartref'. As standard 58 does not apply to video clips provided via social media, I consider that the Welsh Ministers have not failed to comply with standard 58 in this case.

Welsh Ministers

Facebook account 'Mae Addysg yn Dechrau yn y Cartref'.

The following list are examples of the videos in question:

4 <https://fb.watch/4SOM-Zgvct/>

5 <https://fb.watch/4SOPyQIWC5/>

6 <https://fb.watch/4SOQX0o53Z/>

7 <https://fb.watch/4SOSBa3l8V/>

8 <https://fb.watch/4SOU8UBmn4/>

9 <https://fb.watch/4SOWV5rAvs/>

Standard 69: In order to comply with standard 69 the Welsh Ministers must not treat a Welsh language version of an official notice less favourably than the English version. In this case the Welsh Ministers published English only videos that provided official information to the public. As the Welsh Ministers have published English only videos that provided official information to the public, I determine that the Welsh Ministers have failed to comply with standard 69 in this case.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 37 and 69 but has not failed to comply with standard 58.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 37 and 69.

#### **Statement on the further action**

Standard 37: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must amend their document 'Guidance for the use of the Welsh Language in Welsh Government communication and marketing work' to ensure compliance with standard 37 when publishing videos on their website or social media accounts.

Standard 69: Requirement to take action in accordance with section 77 of the Welsh Language Measure

2. The Welsh Ministers must amend their document 'Guidance for the use of the Welsh Language in Welsh Government communication and marketing work' to ensure compliance with standard 69 when publishing videos on their website or social media accounts.
3. The Welsh Ministers must provide written evidence satisfying the Welsh Language Commissioner that they have completed enforcement actions 1 and 2.

Timescale: Within 3 months of the date of publishing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 09/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Public Health  
Wales NHS  
Trust

CSG769 On 16/09/2020, 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 (P) alleged that they received a mobile phone call at 12.20pm on 11 September 2020 from a company conducting research, on behalf of Public Health Wales NHS Trust (D), regarding the impact of COVID-19 on people's well-being. It is alleged that P said that they would be happy to complete the

01/12/2021

**Commissioner's Findings**

Standard 19: If a body telephones an individual for the first time, standard 19 includes a requirement that the body must ask the individual whether they wish to receive telephone calls from them in Welsh. P received a call to her mobile phone at 12.20pm on 11 September 2020 from a third party conducting research on behalf of Public Health Wales NHS Trust, regarding the impact of COVID-19 on people's wellbeing. The third party interviewer did not ask P during the call whether she wished to receive telephone calls from them in Welsh. Instead, in response to P's own request for the third party to deal with her in Welsh, the third party said, referring to completing the

research, but arrangements would need to be made for a Welsh speaker to telephone them. P alleged that the caller said that this was not possible, as the company was conducting the research in English only.

survey by telephone, “we can do it in English if you want to do it yourself”. This led to confusion that the survey was being offered and conducted in English only, and that there was no option available to P for the third party to complete the survey with her in Welsh. That led in turn to P terminating the call prematurely, before the third party was able to explain the procedure for P to be able to complete the survey in Welsh.

#### **Commissioner’s Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Public Health Wales NHS Trust has failed to comply with standard 19.

#### **Statement of further action**

Further action was taken following the determination that Public Health Wales has failed to comply with standard 19.

#### **Statement on the further action**

Standard 19: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
1. Public Health Wales NHS Trust (PHW) must put arrangements in place to ensure that, when it arranges for a third party to provide a service on its behalf, that the requirements of the standards (with which ICC is under a duty to comply) that apply to the service in question is clear to the third party providing that service. ICC must ensure that:

- any agreements or contracts made between ICC and the third party:



- specify which specific standards apply to the service that ICC has arranged for the third party to provide on its behalf
- describe the Welsh language service that the third party needs to provide in accordance with the agreement/contract to ensure that ICC complies with the standards applicable to the service in question
  - ICC provides advice and guidance to third parties on how to provide services that comply with the standards with which ICC is under a duty to comply (e.g. providing guidance, procedures, advice documents or other practical advice to third parties relating to the implementation of Welsh language standards).

2. PHW must provide the Welsh Language Commissioner with sufficient written evidence that the enforcement action has been completed.

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Public Health Wales on 01/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

CS028/CS029 I received two complaints from members of the public. They met the conditions of section 93 of the Welsh

01/12/2021

**Commissioner's Findings**

Standard 4: It had come to my attention that it was suspected that correspondence sent to individuals after

Language Measure and were therefore valid complaints. The complaints related to the COVID-19 lateral flow tests for teachers and secondary school pupils in Wales.

CS028: The complainant says that her son received a COVID-19 lateral flow test kit through his secondary school. The complainant alleges that the information leaflet included in the test pack is not available in Welsh nor is the website for inputting the son's test results available in Welsh.

CS029: The complainant alleges that there is no Welsh language digital form for recording the results of a 'lateral flow' test as a teacher to the [www.gov.uk](http://www.gov.uk) website.

Further suspected failures: It has also come to my attention that those submitting lateral flow test results on the [gov.uk](http://gov.uk) website receive a text message and/or email message confirming receipt of the results and offering further advice. It is suspected that the content of these messages is not in Welsh.

they input the result of their COVID-19 lateral flow test on the [www.gov.uk](http://www.gov.uk) website was sent in English only. The Welsh Ministers have stated in their response to the evidence notice that they accept and agree that the correspondence in question was sent in English only. It is explained that the UK Government's DHSC is responsible for the COVID-19 lateral flow testing process and that it is acting on behalf of the Welsh Ministers in providing the service to the public in Wales. It appears that the correspondence in question has now been sent in Welsh since 28 June 2021, and therefore compliance has been restored. However, it is clear to me that, at the time I was considering whether to conduct an investigation into complaints CS028 and CS029, the Welsh Ministers did not comply with standard 4 when corresponding with individuals after they input the results of the COVID-19 lateral flow tests onto the [www.gov.uk](http://www.gov.uk) website. I have already referred in paragraph 4.32 to the need for me to reach a decision based on the information and circumstances that were relevant at the time the complainant submitted their complaint to me. I therefore conclude that the Welsh Ministers have failed to comply with standard 4.

Standard 40: Standard 40 requires the Welsh Ministers to ensure that, when producing a document that is for public use in English, it must be produced in Welsh. The Welsh Ministers accept that the complainant of complaint CS028 received a COVID-19 lateral flow test pack which had an English only instruction sheet. The Welsh Ministers have explained that the instruction sheet has been produced in Welsh and is available electronically on the UK

Government website ([www.gov.uk](http://www.gov.uk)). Therefore, I conclude that there is no failure to comply with standard 40 as the document in question has been produced in Welsh in accordance with the requirements of the standard.

Standard 48: Standard 48 requires the Welsh Ministers not to treat any Welsh language version of a document less favourably than the English language version. Although a Welsh version of the instruction leaflet has been produced, it is not as accessible as the English version as the Welsh version is only available online, whereas the English version is printed and included in all lateral flow test packs distributed to the public in Wales.

Standard 50: Standard 50 requires the Welsh Ministers to ensure that any form it produces for public use is produced in Welsh. The Welsh Ministers have acknowledged that the form for recording the results of the COVID-19 lateral flow tests were not available in Welsh on the UK Government website [www.gov.uk](http://www.gov.uk) at the time the complainants submitted their complaints. The Welsh Ministers have provided me with an update to confirm that the form has been available in Welsh since 23 September 2021. It appears therefore that the Welsh Ministers have taken steps to prevent the failure from continuing. However, it was established in a Welsh Language Tribunal case (TyG/WLT/20/05) that the Commissioner must consider the matter on the basis of the information and circumstances that were relevant when the complaint was made to him. As a result, I must conclude that the Welsh Ministers failed to comply

standard 50 as the Welsh form was launched six months later than the English form.

Standard 52: Standard 52 requires the Welsh Ministers to ensure that any form it produces for public use is produced in Welsh. The Report a COVID-19 rapid lateral flow test result - GOV.UK (www.gov.uk) page of the www.gov.uk website is provided to the public in Wales by the UK Government on behalf of the Welsh Ministers. The evidence submitted to me has enabled me to conclude that the web page for recording the results of COVID-19 lateral flow tests was not available in Welsh at the time the complainants submitted their complaints. The Welsh Ministers have provided me with an update to confirm that the web page has been available in Welsh since 23 September 2021. It appears therefore that the Welsh Ministers have taken steps to prevent the failure from continuing. However, in accordance with the Welsh Language Tribunal decision (case TyG/WLT/20/05), I must conclude that the Welsh Ministers failed to comply standard 52 as the Welsh form was launched six months later than the English form.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 4, 48, 50 and 52 but has not failed to comply with standard 40.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 4, 48, 50 and 52.

**Statement on the further action**

Producing and publishing documents (standard 48):

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

1. The Welsh Ministers must take steps to ensure that the Welsh language version of the instruction sheet for conducting a COVID-19 lateral flow test is treated no less favourably than the English language version.
2. The Welsh Ministers must take steps to ensure that the Welsh version of the instruction sheet for conducting the COVID-19 lateral flow test is available in such a way that it is as accessible as the English version.
3. The Welsh Ministers must take steps to raise public awareness in Wales that a Welsh language version of the COVID-19 lateral flow test instruction sheet is available for them to use.

Producing and publishing forms (standard 50) and

Websites and on-line services (standard 52):

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

4. The Welsh Ministers must take steps to ensure that the gov.uk website highlights from the outset that the public can submit the results of the COVID-19 lateral flow test through the medium of Welsh.
5. The Welsh Ministers must take steps to raise awareness and promote the availability of the online

service for the delivery of COVID-19 lateral flow test results in Welsh.

Correspondence sent by a body (standard 4), producing and publishing documents (standard 48), producing and publishing forms (standard 50) and Websites and on-line services (standard 52): Requirement to take steps in accordance with section 77 of the Welsh Language Measure

6. The Welsh Ministers must take steps to ensure that the UK Government's DHSC enables the Welsh Ministers to comply with the requirements of the Welsh language standards when providing services to the public in Wales on its behalf. The method of making the requirements clear (in this case a Memorandum of Understanding has been used) should be specific to the requirements of those acting on behalf of the Welsh Ministers, so that there is no risk of Welsh Ministers failing to comply with standards' Welsh.

7. I require the Welsh Ministers to conduct a full review of how it has operated during the period of the COVID-19 pandemic in the context of Welsh language standards.

8. After conducting the review, I require the Welsh Ministers to prepare a paper on the findings of the review and include a section on the lessons learned. Practical advice must also be produced explaining to staff how to plan and continue to operate in Welsh in emergency situations. The advice must be attached to the organisation's business continuity plan(s).

9. I require the Welsh Ministers to carry out a specific review of how it ensured that a body providing services on their behalf (such as the DHSC), enables them to comply

with Welsh language standards. The review should be undertaken to enable the Welsh Ministers to identify a method for imposing 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 in the future.

10. Arising from the findings of the review of action 5 above, I require the Welsh Ministers to adopt revised arrangements so that all parties providing services on Welsh Minister's behalf is clear about the specific requirements that they are required to implement, that will enable Welsh Ministers to comply with the Welsh language standards.

11. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 - 10 have been completed

Timescale: Within 12 weeks of the date of issue of the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 01/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

CSG773 On 28 September 2020 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and

01/12/2021

**Commissioner's Findings**

Standard 1: Standard 1 requires Welsh Ministers to reply to correspondence in Welsh when it receives correspondence in Welsh. The complainant received an

was therefore a valid complaint. The complainant states that she received an e-mail from Cadw after booking a ticket on Cadw's website. She alleges that the e-mail she received confirming her order contained the headings '*Billing address*' and '*Shipping address*' in English only, and that Cadw's address at the bottom of the email was also in English. The complainant also alleged that there are spelling errors on the Welsh pages of Cadw's website. The complainant submitted a screenshots with her complaint.

email from the Welsh Ministers on 19 September 2020 confirming an online ticket that was ordered through the medium of Welsh via the Cadw website. Although the vast majority of the correspondence was in Welsh, some sections were in English only. Welsh Ministers acknowledge that there were errors in the email sent and have taken steps to resolve those errors to ensure that all email content is now available in Welsh. Although steps have now been taken to prevent the continuation of the failure, I must conclude that Welsh Ministers failed to comply with standard 1 at the time the complainant received the email relevant to this investigation.

Standard 52: Standard 52 places a duty on Welsh Ministers to ensure that the text of every page on its websites is in Welsh, is fully functional and that the Welsh language is not treated less favourably than the English language. There were minor linguistic errors on the Cadw website menu at the time the complainant visited the website. Welsh Ministers acknowledge that these errors have appeared on its website and have taken steps to correct the errors. It appears therefore, that measures have already been put in place to prevent the continuation of the failure. However, it must be concluded that Welsh Ministers did not fully comply with standard 52 at the time the complainant visited the website.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 1 and 52.



**Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 1 and 52.

**Statement on the further action**

Standard 1: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must conduct a review of its arrangements for corresponding with the public in Wales in relation to on-line tickets sales to ensure that subsequent correspondence fully complies with standard 1.
  2. Welsh Ministers must ensure that any Welsh medium templates produced for the purpose of corresponding with the public in Wales regarding on-line orders are correct in terms of content and quality.
  3. Welsh Ministers must put measures in place to monitor compliance with standard 1 when a third-party provider delivers a service to the public in Wales on its behalf.
  4. Welsh Minister must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 – 3 has been completed.
- Timetable: Within 3 months of issuing the final determination.

Standard 52: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. Welsh Ministers must put measures in place to regularly monitor the content of its website including checking the quality of the text on its Welsh language pages to ensure full compliance with standard 52.

6. Welsh Ministers must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 5 has been completed.  
Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 01/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG803 On 16/11/2020 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore valid. The complainant complained that he failed to obtain a service in Welsh by telephoning the Clwyd Pension Fund after calling a number on a letter he had received from them. The Clwyd Pension Fund service is provided by Flintshire County Council ("The Council").

01/12/2021

Flintshire  
County Council

**Commissioner's Findings**

Standard 19: Standard 19 requires that direct line calls in Welsh must be dealt with in Welsh until such point as 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 no Welsh speaking member of staff is available to provide a service on that specific subject matter. In this case, the Council failed to conduct the initial telephone call in Welsh with the complainant, given that the only Welsh element of the call was the greeting. My determination is that there has been a failure to comply with standard 19 in this case.

**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 19.

**Statement of further action**

Further action was taken following the determination that Flintshire County Council has failed to comply with standard 19.

**Statement on the further action**

1. Flintshire County Council must undertake the following:
  - Reconsider the requirements of Standard 19
  - Review its guidelines to reflect the requirements of the standard
  - Change its telephone call handling arrangements to comply with the requirements of Standard 19
  - Train relevant staff on the requirements of the standard
2. Flintshire County Council must provide me with evidence that enforcement action 1 has been completed. Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Flintshire County Council on 01/12/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

CSG782 On 30 September 2020 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that a Welsh Minister

30/11/2021

**Commissioner's Findings**

Standard 58: Standard 58 requires the Welsh Ministers not to treat the Welsh language less favourably than the English language when using social media. Welsh Ministers are required to comply with standard 58 in all circumstances, except social media used for anticipated

had published a message on her Twitter account (@walesintheworld) in English only. A screenshot of the message in question was provided. In considering the complainant's evidence, it came to the Commissioner's attention that the name of the Twitter account in question had changed from the name of the Minister (Eluned Morgan) as it was in September 2020 to the English only name of 'Welsh Government International' by March 2021.

audiences located outside Wales. The @walesintheworld account was the official account of the Minister for Welsh language and international relations. Whilst a proportion of the anticipated audience for this account is likely to be outside Wales, it is also concluded that a large proportion of the anticipated audience is based in Wales and are also Welsh speakers. On 29 September 2020 the Welsh Ministers published a message on the Twitter account in question in English only. I conclude that the information published in the message was of interest to the public in Wales and therefore the exception in standard 58 did not apply to this message. I therefore conclude that the Welsh Ministers have failed to comply with standard 58 in this case.

Standard 83: Standard 83 requires the Welsh Ministers to ensure that the Welsh language is not treated less favourably than the English language when it forms, presents or amends its corporate identity. Between June 2016 and June 2021 Welsh Ministers presented its corporate identity via a Twitter account using an English-only username (@walesintheworld) and account name (Welsh Government International). Welsh Ministers have already taken steps to prevent the continuation of the failure, however at the time the complainant submitted their complaint, the Welsh Ministers were failing to comply with standard 83.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 58 and 83.

**Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 58 and 83.

**Statement on the further action**

Standard 58: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must revise its document '*Guidance for the use of the Welsh Language in Welsh Government communication and marketing work*' to ensure compliance with standard 58 when producing text when:

- responding publicly to a message on its social media, or
- sharing messages on its social media.

2. Welsh Ministers must amend clauses 3.24 and 3.25 of the guidance to make it clear that any text produced by the Welsh Ministers needs to be in Welsh when responding to messages or re-tweeting messages on its social media (except social media used on for anticipated audiences based outside Wales).

3. Welsh Ministers must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 and 2 have been completed.

Standard 83: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. Welsh Ministers must revise its document '*Guidelines for the use of the Welsh language in Welsh Government communications and marketing work*', to include guidance on the need to ensure that account names and

usernames (or 'handles') used on its social media complies with the requirements of standard 83.  
5. Welsh Ministers must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 4 has been completed.

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 30/11/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers  
(Student  
Finance Wales)

CS011 On 9 February 2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant made a complaint alleging that he telephoned the Student Loans Company helpline on 0300 100 0611 on the morning of 9 February 2021. After choosing the Welsh language option, he chose option 2 – Repayments, and received an automatic message stating “*I can't find the audio sorry*”. He was unable to continue with the call.

25/11/2021

**Commissioner's Findings**

Standard 10: Standard 10 requires Welsh Ministers to ensure that they deal with calls to their helpline numbers in Welsh in their entirety, if that is the caller's wish. On the morning of 9 February 2021, the complainant telephoned the Student Loans Company helpline on 0300 100 0611. After choosing the Welsh language option, he chose option 2 – Repayments, and received an automatic message stating “*I can't find the audio sorry*”. He was unable to continue with the call. As a result of a technical failure on the system, Welsh Ministers stated that they agree with the complainant's allegations that a Welsh language service was not available on the telephone repayment line 0300 100 0611 on 9 February 2021.  
Standard 157: The standard requires a body to ensure that it has arrangements for overseeing the way it

complies with the standards, promoting the services that it offers in accordance with those standards, and facilitating the use of those services. It also requires a body to publish a document that records those arrangements on its website, and ensure that a copy of that document is available in each of its offices that are open to the public. The Welsh Ministers do not have published arrangements for overseeing Student Finance Wales' compliance with the Welsh language standards. In the absence of a document that records the arrangements for overseeing compliance and promoting and facilitating the Welsh language services offered by Student Finance Wales, no copy has been published. This shows a failure to comply with the requirements of standard 157.

#### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 10 and 157.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 157.

#### **Statement on the further action**

Standard 157: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must produce a document that oversees Student Finance Wales' compliance with standard 157.
2. Welsh Ministers must publish the document on its website, on the Student Finance Wales web page.

3. Welsh Ministers must ensure that a copy of the document promoting and facilitating the Welsh services offered, is available to students.
4. Welsh Ministers must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1-3 have been completed.  
Timetable: Within 90 days of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 25/11/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Torfaen County  
Borough Council

CS046 Following an enquiry from a member of the public about swimming lessons in the Torfaen Borough Council ("The Council") area, one of my officers had reason to examine the provision of the Council's leisure services and the use of Welsh in those services. The enquiry came from a member of the public who wanted to book Welsh language swimming lessons, but it was not possible to do so. Looking into the enquiry and looking specifically at the booking portal, my officer came across the booking portal and found that Torfaen Leisure Trust ("The Trust") was responsible for providing the leisure services in the

22/11/2021

**Commissioner's Findings**

Standard 52: Standard 52 requires that a body must ensure that the pages of its websites and online services are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than English on those pages and services. In this matter, Torfaen County Borough Council is responsible for compliance in ensuring that the text of each page of the Council's services is available in Welsh. The evidence presented to me allows me to conclude that the webpage for leisure services in the Torfaen area is not available in Welsh. In addition, based on the responses provided by the Council, I feel that there is no sufficient commitment to provide the leisure services, booking portal or website in Welsh in the future and there is no firm commitment and date to produce a website or booking portal in Welsh because of



Torfaen area on behalf of the Council. Following the original enquiry regarding booking swimming lessons on the Trust's booking portal, my officer realised that there were a number of shortcomings on the Trust's website, including the following:

- The website was not available in Welsh;
- There was no mention of providing swimming lessons in Welsh.

In considering the website and the provision for booking leisure services in the Torfaen area, it was decided to investigate the provision and why the Welsh language is treated less favourably than the English language when booking the Council's leisure services online in Torfaen.

the standards imposed. I therefore conclude that Torfaen County Borough Council has failed to comply with standard 52.

**Standard 55:** Standard 55 requires Torfaen County Borough Council to ensure that any Welsh language page on a website corresponds to an English page noting this or providing a direct link to the Welsh page on the corresponding English page. The evidence presented to me allows me to conclude that there is no Welsh language page on the Trust's website. As a result, there is no need to note or include a direct link to a Welsh language page from the Trust's corresponding English page. On the basis of the above findings, and in considering the wording of Standard 55, this is not a failure to comply with standard 55.

#### **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 52 but has not failed to comply with standard 55.

#### **Statement of further action**

Further action was taken following the determination that Torfaen 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. Torfaen County Borough Council must ensure that all website pages provided on its behalf by Torfaen Leisure Trust comply with the requirements of standard 52.
2. Torfaen County Borough Council must ensure that the service booking portal provided on its behalf by Torfaen Leisure Trust complies with the requirements of standard 52 from the date it is available for public use.
3. Torfaen County Borough Council must undertake a review of its arrangements that enable an activity to be carried out on behalf of the Council, or for a service to be carried out on its behalf by a third party, to ensure that the requirements to comply with Welsh language standards are included in the arrangements made between the third party and the Council.
4. Torfaen County Borough Council must remind relevant staff (including Torfaen Leisure Trust staff) of the statutory duty to comply with standard 52 and 55.
5. Torfaen County Borough Council must take steps to raise the awareness of staff responsible for enabling an activity to be carried out on behalf of the Council, or for a service to be carried out on its behalf by a third party, to ensure that the requirements to comply with Welsh language standards are clear.
6. In accordance with Section 76(3)(a) of the Welsh Language Measure, it is recommended that Torfaen County Borough Council takes the necessary steps to ensure that Torfaen Leisure Trust creates and develops a Welsh language website on the services provided by the Trust in accordance with the spirit of the Welsh Language Measure 2011.

7. The Council must provide the Welsh Language Commissioner with sufficient written evidence that it has carried out enforcement actions 1 and 6.

Timetable: Enforcement actions 1, 3, 4, 5, 6 and 7 must be complied with within 3 months. Enforcement action 2 must be complied with by the day on which the English language service is available for public use.

**Decision notice given**

The Decision Notice was given to Torfaen County Borough Council on 22/11/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CS018 On 05/03/2021 I received 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. This is a claim that the Council did not specify, when advertising the post of Chief Executive in a Recruitment Pack, that the candidate was required to speak Welsh.

22/11/2021

**Commissioner's Findings**

Standard 136A: Standard 136A requires the Council, if a post has been categorised as one where Welsh language skills are essential, desirable, or need to be learnt, to specify that when advertising the post; and also to advertise the post in Welsh. The Council in this case has categorised the post of Chief Executive as one where Welsh language skills are essential, and therefore standard 136A is in operation here. The three matters under consideration are:

1. The Council has not specified the language category in the Recruitment Pack;
2. The Council has not specified the language category on the Welsh version of the website;
3. The Council has not specified the language category in Welsh at all when advertising the post.

Gwynedd Council

The first two matters are a failure to comply with the standard as the Council must specify the language category when advertising the post, and this includes in the Recruitment Pack and on the Welsh version of the website. The third matter is a failure to comply with the standard as standard 136A(b) is applicable for the whole advertisement, and therefore the sentence specifying the language category must be in Welsh on the advertisement.

Standard 137: Standard 137 requires the Council, when advertising a post, to state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English. The Council acknowledges that such a statement is not included in the advertisement of the post. It argues that its inclusion in subsequent correspondence meets the requirements of the standard. This is not the case, as the standard makes it clear that the statement must be included when advertising the post. This, therefore, is a failure to comply with standard 137.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Gwynedd Council has failed to comply with standards 136A and 137.

#### **Statement of further action**

Further action was taken following the determination that Gwynedd Council has failed to comply with standards 136A and 137.

### **Statement on the further action**

Standard 136A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. When the Council is advertising posts that follow a different advertising procedure to usual, the Council must ensure the following:

a) The Council must specify the language category of the post in all the post advertisements, keeping in mind that the list in the Code of Practice contains only examples, and therefore there are other post advertisements applicable, for example a Recruitment Pack.

b) The Council must use the exact wording of the standard when specifying the language category, that is, that Welsh language skills are essential, desirable or need to be learnt.

c) The Council must specify the language category in Welsh in all the advertisements in order to fully comply with the standard.

2. The Council must amend its Recruitment and Appointment Policy to reflect the above three points, so that it ensures full compliance with standard 136A in the future for posts that follow a different advertising procedure to usual.

3. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1 and 2.

Timetable: Within 1 month of issuing the final determination.

Standard 137: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. When the Council is advertising posts that follow a different advertising procedure to usual, the Council must ensure the following:

a) The Council must ensure that it includes a statement when advertising posts that applications may be submitted in Welsh, and that an application made in Welsh will not be treated less favourably than an application made in English.

5. The Council must amend its Recruitment and Appointments Policy to ensure that the requirements of standard 137 are clear and to ensure full compliance in future when advertising posts by following a different procedure to usual.

6. The Council must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 4 and 5.

Timetable: Within 1 month of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Gwynedd Council on 22/11/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG774 and CS019 On 22/09/2020, 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

10/11/2021

#### **Commissioner's Findings**

##### CS019

Standard 4: Standard 4 requires a body to send any correspondence that is sent to several persons bilingually, regardless of the customer's language choice. In this case, the complainant has received an email in English

complainant alleges to have received an email in English only from the Council on 15/09/2020 confirming a payment in relation to a garden waste collection service. This complaint formed investigation CSG774.

On 07/03/2021, 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. The complainant alleges to have received an email in English only from the Council on 01/03/2021 in relation to garden waste. This complaint formed investigation CS019.

As both investigations relate to the same complainant and the same telephone calls, I decided to combine the two reports but providing separate determinations for the two investigations.

only from the Council in relation to a garden waste collection service. The Council said that this was because English had been noted as the complainant's language choice in error. In actual fact, this does not affect my determination as language choice should not be considered when sending correspondence to several persons. The Council has therefore failed to comply with standard 4.

Requirement in the decision notice of investigation CSG719: The enforcement action imposed on the Council states clearly that it needs to ensure that letters sent to several persons are sent in Welsh and English in order to comply with standard 4. In this case, the complainant received correspondence that was being sent to several persons in English only. This is a failure by the Council to comply with the requirement in the decision notice of investigation CSG719.

#### CSG774

Standard 2: Standard 2 is relevant to cases where an organisation corresponds with an individual for the first time. When doing so, an organisation must ask a customer whether they wish to receive correspondence in Welsh and, if so, it must make a record of that and correspond with the customer in Welsh from then onwards. After receiving the facts in full from the Council, it has become apparent that this was not the first time the Council had corresponded with the complainant, and therefore standard 2 is irrelevant. There is no failure to comply with standard 2 in this case.

Standard 5: Standard 5 requires the Council to send a Welsh language version of correspondence if it does not know whether a person wishes to receive correspondence in Welsh. It has become apparent during the investigation that the complaint relates to correspondence sent to several persons, and therefore standard 4 is the relevant standard, not standard 5. Therefore, there has been no failure to comply with standard 5.

#### **Commissioner's Determination**

##### CS019

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 4 and a requirement in the decision notice of investigation CSG719.

##### CSG774

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has not failed to comply with standards 2 and 5.

#### **Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 4 and a requirement in the decision notice of investigation CSG719.

#### **Statement on the further action**

##### CS019



Standard 4: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Council must ensure that any correspondence sent to several persons is sent in Welsh at the same time as any English language version. This is the case regardless of the customer's language choice.

2. The Council must amend its guidelines to ensure that the staff are given a full explanation of the requirements of standard 4. The guidelines must explain the following:

I. The type of correspondence that is considered to be correspondence sent to 'several persons'.

Correspondence does not need to be sent to more than one person at the same time in order to fall into this category.

II. The customer's language choice does not affect the requirements of standard 4 if the correspondence in question is being sent to several persons. This type of correspondence must be bilingual.

3. The Council must inform relevant members of staff of these changes to the guidelines.

4. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1, 2 and 3 have been completed.

Timetable: Within 1 month of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 10/11/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

CS051 On 13/05/2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that Cardiff Council had published an invitation to tender in English only. The complainant noted that the tender affected a centre designated for the Welsh language, namely the Old Library (yr Hen Lyfrgell) in Cardiff.

05/11/2021

**Commissioner's Findings**

Standard 56: The requirements of standard 56 are that an organisation must provide an interface and menus on every page of its website in Welsh. In this case, the Council notes that the system is bilingual, with language choices available internally and externally, and that current problems with the external drop-down menus are resolved. This means that there is no failure to comply with the requirements of standard 56.

Standard 76: The requirements of standard 76 are that any invitations to tender by a body must be published in Welsh and that a Welsh language version of the tenders must be treated no less favourably than tenders submitted in English. In this case, the variation to the standard for Cardiff Council states that standard 76 must be complied with in the following circumstances: (a) If the subject matter of the tender for a contract suggests that it should be produced in Welsh, or (b) If the anticipated audience, and their expectations, suggests that the document should be produced in Welsh. As it is the "Old Library" building, which in the past was a centre for the Welsh language, the clauses (a) and (b) above are applicable. Because the tender was not originally advertised in Welsh, (through the tender document or the website), there is a failure to comply with the requirements of standard 76, and the Council makes it clear that this was an oversight. There is another failure on the basis that the Welsh language is treated less favourably in the revised bilingual tender document provided to me. This is on the

basis that the English text appears before the Welsh text on the Council's revised tender document. The Council is honest and clear in its explanation that there has been an oversight in this situation, and has issued documentation to remind staff and third parties of the requirements of the Welsh language standards when tendering.

Standard 70: The requirements of standard 77 are that a body must state in an invitation to tender that a tenderer is able to submit a tender in Welsh and that such a tender will not be treated less favourably than a tender submitted in English. In this case, such a statement was absent from the tender document and the EJ Hales website. This is a failure to comply with the requirements of standard 77 because neither the tender document nor any information on the EJ Hales website indicated that a tender may be submitted in Welsh and that such a tender would be treated no less favourably than a tender submitted in English.

Standard 50: The requirements of standard 50 are that all forms produced by a body for public use must be produced in Welsh. The interpretation of the standard, however, explains that the standard does not apply in a tendering situation. In this case, it is a tendering situation so there is no failure to comply with standard 50.

#### **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 76 and 77 but has not failed to comply with standards 56 and 50.

**Statement of further action**

Further action was taken following the determination that Cardiff Council has failed to comply with standards 76 and 77.

**Statement on the further action**

Standard 76: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff Council must review its internal checklist and guidance for third parties to include the requirements of the Welsh language standards regarding tendering.
2. Cardiff Council must set out to external organisations advertising or administering tenders on behalf of the Council all the requirements of standard 76, and the variation of terms, including the need for Welsh language website pages when advertising or administering tenders on behalf of the Council on a website.
3. Cardiff Council must create a format suitable for its tender documents that does not treat the Welsh language less favourably, in accordance with the requirements of standard 76. This includes informing third parties who create tender documents for the Council of the nature of the requirements.
4. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.

Timetable: Within three months of issuing the final determination.

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

Wrexham  
County Borough  
Council

CSG798 On 03/11/2020 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. This is a complaint about the Welsh language standard on the Freedom Leisure website which provides a service on behalf of the Council. The complainant referred specifically to the swimming lessons page:

<https://www.freedomleisure.co.uk/welsh/centres/canolfan-hamdden-a-gweithgareddau%E2%80%99rwaun/newyddion/mae-gwersi-nofio-yn-%C3%B4!!/>.

28/10/2021

5. Cardiff Council must review its tender guidance, making the requirements of standard 77 clear to internal staff and third parties.
  6. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.
- Timetable: Within three months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 05/11/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### **Commissioner's Findings**

Standard 52: Standard 52 requires a body to ensure that the pages of its websites and online services are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than English on those pages and services. In this case, there are numerous linguistic errors to be seen on the Freedom Leisure website, which provides a service on behalf of the Council. There is also an example of a page full of information on the English side of the website, but blank on the Welsh side of the website. This is a clear failure to comply with standard 52.

#### **Commissioner's Determination**

The complainant provided the following examples: “Or 7fed o Medi”  
“Mae pob amser dosbarth yn syfrdanol o 10 munud...”

A desktop investigation by the investigation and enforcement officer showed that there was a suspicion that more pages on the website failed to comply with the standard.

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. The Council must check all relevant Freedom Leisure pages in order to ensure that the Welsh language is treated no less favourably across the website. This includes ensuring that no linguistic errors exist, and that all information is complete on the Welsh side of the website.
2. The Council must strengthen the process of proofreading the text of the Freedom Leisure website before it is published in order to ensure that no linguistic errors exist in the future.
3. The Council must remind relevant staff (including Freedom Leisure staff) of the statutory duty to comply with standard 52 at all times.
4. The Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1, 2 and 3.

Timetable: Within one month of the date of issue of the final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 28/10/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG772(a) On 11/09/2020 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that the council's Welsh twitter account shared a message in English only by the Welsh Government, even though there was a Welsh version available.

26/10/2021

**Commissioner's Findings**

Standard 58: Standard 58 requires a body to ensure that it does not treat the Welsh language less favourably than the English language when using social media. In this case, the Council has shared a message from the Welsh Government in English only on its Welsh Twitter account, even though a Welsh language version of the message was available. This is a failure to comply with standard 58.

**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 58.

**Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 58.

**Statement on the further action**

Standard 58: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. I require the Council to ensure that any message that is retweeted on its Welsh Twitter account is shared in Welsh if a Welsh language version is available.

2. I require the Council to revise its guidelines in order to provide a clear explanation of the requirements of standard 58.
3. I require the Council to raise awareness of the latest guidelines amongst its staff in order to ensure that they are aware of the requirements of standard 58.
4. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1, 2 and 3 have been completed. Timetable: Within 1 month of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 26/10/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG801 On 11 November 2020 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 complaint alleged that lockdown guidance published on the Welsh Government website on 19 October 2020 was not available in Welsh when a message was published on the Welsh Government's Twitter account (@WelshGovernment) at 12:51pm on 19 October 2020 which had a link to the guidance in question. The

22/10/2021

**Commissioner's Findings**

Standards 52 and 56: Standard 52 requires Welsh Ministers to ensure that web pages are available in Welsh and that the Welsh language is not treated less favourably than the English language. Standard 56 requires Welsh Ministers to ensure that the interface and menus on the website are available in Welsh. It is acknowledged by Welsh Ministers that information was published on the website in English only for a period of 2 hours and 42 minutes on 19 October 2020 before publishing the corresponding Welsh version. A failure to publish the Welsh language guidance on the firebreak at the same time as the English guidance means that the Welsh

Welsh Ministers



complainant provided a screenshot of the pages in question.

Further context: On 19 October 2020 the Welsh Government announced its intention to enforce a firebreak to prevent the spread of the COVID-19 virus. It would be in force from 23 October 2020 to 9 November 2020. The guidance which is the basis of the complainant's complaint was temporary to give advice and guidance to the public for this specific firebreak.

language was treated less favourably than the English language in this case. Therefore, I conclude that there has been a failure by Welsh Ministers to comply with standards 52 and 56.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 52 and 56.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 52 and 56.

#### **Statement on the further action**

Websites and on-line services (standards 52 and 56): Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must take steps to ensure that immediate information for the public's attention in Wales is published on the website in Welsh before or at the same time as the information is published in English.
2. Welsh Ministers must conduct a full review of the arrangements in place and actions taken during the COVID-19 pandemic in the context of publishing urgent information for the public on the website.
3. After conducting the review, I require the Welsh Ministers to prepare a paper on the findings of the review and include a section on the lessons learned. Practical advice must also be produced explaining to staff how to plan and continue to operate in Welsh in emergency

situations. The advice must be attached to the organisation's business continuity plan(s).

4. Welsh Ministers must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 to 3 have been completed.

Timetable: Within 12 weeks of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 22/10/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers CS001 On 19 December 2020 and 7 January 2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleges that the Welsh language is treated less favourably than the English language at Welsh Ministers' press conferences. A link to recordings of Welsh Ministers' press conferences on the YouTube website was provided.

22/10/2021

#### **Commissioner's Findings**

Standard 33: Standard 33 requires the Welsh Ministers to ensure that simultaneous translation is available at all meetings open to the public and to inform those present that the service is available and that they are welcome to use the Welsh language. In order to be a meeting open to the public for the purposes of standard 33, I conclude that members of the public must be "present" at the meeting whether in person or virtually (such as via a direct video link) if it enables two-way discussion or interaction and there is direct contact. I conclude that members of the public were not present at the press conferences that were the subject of this investigation as they could only follow them by broadcast and therefore those conferences did not fall within the provisions of standard 33. As standard 33 does not apply to the press conferences in

question, I cannot determine that the Welsh Ministers have failed to comply with the standard.

Standard 36: Standard 36 places a duty on the Welsh Ministers to ensure that, when arranging a public event, the Welsh language is treated no less favourably than the English language at that event, including in relation to services offered to persons present at the event. I conclude that members of the public were not present at the press conferences that were the subject of the investigation as they could only follow them by broadcast and therefore those conferences did not fall within the provisions of standard 36. As standard 36 does not apply to the press conferences concerned, I cannot determine that the Welsh Ministers have failed to comply with the standard.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has not failed to comply with standards 33 and 36.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has not failed to comply with standards 33 and 36.

#### **Statement on the further action**

Press conferences: Advice under section 76 of the Welsh Language Measure

I advise the Welsh Ministers to consider how it can improve how it promotes and facilitates the use of the

Welsh language in its future press conferences. I advise them to research alternative methods and best practices when conducting bilingual or multilingual press conferences.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 22/10/2021.

**Appeals made to the tribunal**

The complainant has appealed to the Welsh Language Tribunal, under section 99(2) of the Welsh Language Measure, against the finding that there had been no failure to comply.

CSG768 On 14/09/2020, I received a complaint from a member of the public (P). It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint alleged that English only signs had been erected at the COVID-19 testing centre at Cardiff City Stadium when P visited the centre on 11/09/2020.

21/10/2021

**Commissioner's Findings**

Standard 61: On 11/09/2020, P saw that English only signs had been erected at the COVID-19 testing centre at Cardiff City Stadium. A number of signs had been erected on the site on that date, and the text displayed on the signs was not displayed in Welsh. Standard 61 required D to ensure that the text displayed on the signs erected at the centre was displayed in Welsh. However, D failed to ensure that in this case. The UK Government's Department for Health and Care (DHSC) was responsible for erecting and displaying text on signs at the site. DHSC was providing the service on behalf of D, under arrangements made between D and DHSC. In accordance with section 1(5) of the Welsh Language Standards Regulations (No. 1) 2015, D was therefore duty-bound to ensure that DHSC complied with standard 61 when erecting signs, and displaying text on those

Welsh Ministers

signs, at the centre in question. I find that D did not have sufficient control over the services provided on its behalf by DHSC, and this contributed to D's failure to ensure that the service relevant to this investigation was provided in Welsh in accordance with the requirements of standard 61.

#### **Commissioner's Determination**

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

#### **Statement of further action**

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

#### **Statement on the further action**

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

1. Welsh Ministers must ensure that any signs, which have been (and will be) erected in the COVID-19 testing centres in Wales, comply with the requirements of standard 61. This includes ensuring that:

- the text on any signs, which have been (and will be) erected at the COVID-19 testing centre at Cardiff City Stadium, is displayed in Welsh.

2. Welsh Ministers must ensure that DHSC provides Welsh Ministers with evidence to confirm that all signs, located at the testing centres operated by DHSC on behalf of Welsh Ministers, comply with the requirements of standard 61.

Standards relating to signs displayed by a body (standards 61–63): Requirement to take action in accordance with section 77 of the Welsh Language Measure

3. Welsh Ministers must discuss the findings of this investigation at the next weekly operational and policy meeting held with DHSC. Actions and a specific timetable should be agreed to ensure that Welsh Ministers comply with standards relating to signs at testing centres in future.

The meeting must include an item to discuss the Memorandum of Understanding between Welsh Ministers and DHSC and the need to finally agree on the content of the schedule that relates to DHSC providing COVID-19 services to the public in Welsh on the Welsh Ministers' behalf.

4. Welsh Ministers must undertake a full review of how they (and DHSC) have implemented the requirements of the standards relating to signs during the period of the COVID-19 pandemic. Following the review, Welsh Ministers must prepare a findings paper and include a section about lessons learned.

5. Welsh Ministers must produce practical advice for staff that explains how to plan and continue to operate in accordance with the standards relating to signs in urgent situations. The advice must be attached to the organisation's business continuity plan(s).

6. Welsh Ministers must undertake a full review of how they ensure that third parties providing services to the public on their behalf (such as DHSC) enable them to comply with the standards relating to signs.

	<p>The review must be undertaken to enable Welsh Ministers to identify a means of specifying requirements relating to the use of Welsh language, on parties that provide services on their behalf, which will ensure that Welsh Ministers will comply with the standards in the future.</p> <p>7. Welsh Ministers must provide written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement actions 1–6.</p> <p>Timetable: Within 3 months of issuing the final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 21/10/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Snowdonia National Park Authority</u></p> <p>CS034 On 08/04/2021, 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. The complaint was regarding the fact that the complainant had not been able to pre-book a parking space at Snowdonia National Park Authority (“the Authority”) Pen y Pass car park. The Authority provided a link from its website to the JustPark website, where it was possible to pre-book a parking space. The JustPark website displayed Welsh and</p>	<p>15/10/2021</p> <p><b>Commissioner’s Findings</b> Standard 50: The requirements of standard 50 is that any form produced by the organisation for public use must be produced in Welsh. This is also a requirement for services provided by a third party. In this case, the form in question, namely the information input fields to book a parking space, is available in English only via the link to the JustPark website. This is a failure to comply with the requirements of standard 50.</p> <p>Standard 52: The standard requires that all pages on a webpage must be available and fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. This includes</p>

English descriptive text about the car park, but the interface for all the booking structure and the website itself was in English only.

services provided by third party organisations, namely the parking booking page. In this case, the parking booking page was not provided in Welsh by Snowdonia National Park Authority. This is a failure to comply with the requirements of standard 52.

Standard 56: The standard requires that a body must provide the interface and menus on every page of their website in Welsh. This includes services provided by third party organisations, namely the parking booking page. In this case, the parking booking interface was not provided in Welsh by Snowdonia National Park Authority. This is a failure to comply with the requirements of standard 56.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Snowdonia National Park Authority has failed to comply with standards 50, 52 and 56.

#### **Statement of further action**

Further action was taken following the determination that Snowdonia National Park Authority has failed to comply with standards 50, 52 and 56.

#### **Statement on the further action**

Standard 50, Standard 52 and Standard 56: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure.

1. Snowdonia National Park Authority must prepare a draft action plan for the purpose of ensuring that the following are available and fully functional in Welsh:



- The information input form to pre-book parking
- The interface and menus for all parking pre-booking pages
- All pages of the website relating to the parking pre-booking process

Timetable: Snowdonia National Park Authority must submit a draft action plan in accordance with Section 80 of the Welsh Language Measure within 3 months of receiving the final decision notice.

2. Snowdonia National Park Authority must ensure that the following actions are implemented and that the three elements are in accordance with the requirements of the Welsh language standards.

- The information input form to pre-book parking is available and fully functional in Welsh
- The interface and menus for all the parking pre-booking pages are available and fully functional in Welsh
- All pages of the website relating to the parking pre-booking process are available and fully functional in Welsh

3. Snowdonia National Park Authority must provide me with evidence that it has completed enforcement action 2. Timetable: Within a year of the date of approval of the action plan.

#### **Decision notice given**

The Decision Notice was given to Snowdonia National Park Authority on 15/10/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CS039 On 13/04/2021 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 was dissatisfied that the COVID-19 vaccine standby registration form was not available in Welsh. The complainant provided the following link <https://cavuhb.nhs.wales/covid-19/cavuhb-covid-19-mass-vaccination-programme/covid-19-forms/i-would-like-to-be-on-a-standby-list-for-the-covid-19-vaccine/> The complainant felt that this deprived Welsh speakers of receiving the vaccine.

14/10/2021

### **Commissioner's Findings**

Standard 36: In order to comply with standard 36 the health board was required to ensure that the form in question was produced in Welsh. The complainant contacted me to complain that he had not been able to find the Welsh version of the form to register on a standby list for a COVID-19 vaccine. The health board confirmed that this form was not available in Welsh at the time as it had not been translated in time to be placed on the website at the same time as the English version. As the form to register for the standby list for the COVID-19 vaccine was not produced in Welsh at the time I determine that the health board has failed to comply with standard 36 in this case.

Standard 38: In order to comply with standard 38 Cardiff and Vale University Health Board needs to ensure that forms produced in both English and Welsh do not treat the Welsh version of the form in a way that is less favourable than the English version of it. This means that the Welsh version should not be treated less favourably in terms of appearance, size, position and prominence, when and in what format it will be published, provided or displayed. The Welsh version should be treated no less favourably than the English version in relation to the time taken to complete it. English versions must contain a statement explaining that a Welsh version is available. When the complainant contacted the Commissioner to complain that the COVID-19 vaccine standby registration form could not be found it was suspected that the Welsh form was not available to the same extent as the English version. The health board explained that the form was not

available at all. In submitting its response to the evidence notice the health board provided a link to the Welsh and English versions of the form. The link to the Welsh form did not function so the Welsh version of the form was treated less favourably in terms of its prominence. In addition, the English version did not include a statement to explain the availability of the Welsh version either. On the basis that the Welsh version is not available in the same way as the English version, and on the basis that the English version of the form did not contain a statement clearly explaining that the form was also available in Welsh I determine that the health board has failed to comply with standard 38 in this case.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has failed to comply with standards 36 and 38.

#### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standards 36 and 38.

#### **Statement on the further action**

Standard 36: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The health board must put steps in place to ensure that forms to be completed by an individual are produced in Welsh so that they are available to the public at the same time as the corresponding English form.

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

2. Cardiff and Vale University Health Board must take steps to ensure that English forms include a clear statement that a Welsh version of the form is also available.

3. Cardiff and Vale University Health Board must take steps to ensure that Welsh forms are treated no less favourably than the English version on its website.

4. Cardiff and Vale University Health Board 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 final determination.

Advice under Section 4 of the Welsh Language Measure  
I advise Cardiff and Vale University Health Board to take steps to ensure that the new pages on their website relating to the vaccination process for COVID-19, comply with standard 41.

**Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 14/10/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CSG763 On 28/08/2020, a complaint was received from a member of the public(P). It met the conditions of section 93 of the Welsh Language Measure, and was therefore a valid complaint. It is claimed that Cardiff and Vale University Health Board's (D) new website is mainly in English only. P told me that he had complained to D directly, since the beginning of 2020, about shortcomings on its website. He noted that he had received a response from D during that period which promised that a new Welsh language website would soon be published, and that P would soon be able to browse information on the website in Welsh as he wished. P was therefore satisfied with D's response, knowing that there was an assurance from D that a new website would be available in Welsh within a few months. However, in August 2020, P discovered that D had published the new website mainly in English only, which prompted him to complain again to D. Following D's response, P felt that he had to complain about the failures directly to me. P noted his frustration that D had proceeded to publish a completely new website, knowing it was only available in English. P also added that he felt that D regarded compliance with standards to be optional, and something which could

13/10/2021

**Commissioner's Findings**

Standard 40: The requirements of standard 40 mean that a body must ensure that:

- the text of the homepage of its website is available in Welsh
  - any Welsh language text on its homepage (or, where relevant, its Welsh language homepage) is fully functional, and
  - the Welsh language is treated no less favourably than the English language in relation to the homepage.
- On 28/08/2020, the homepage on D's new website (<https://bipcaf.gig.cymru>) was browsed. The text on the homepage was not available in Welsh in full on this date. Much of the text published on it was in English only. This amounted to a failure by D to comply with the requirements of standard 40. When the homepage was checked on 3/08/2021, D continued to fail to comply with standard 40. Not all text on the homepage was available in Welsh. Many of the sub-headings at the top of the page remained available in English only. Not all the text, which forms part of the search facility, had been published in Welsh. Also, there was text on the homepage interface which was only available in English. Also, D still failed to comply with the requirement for it to treat the Welsh language no less favourably than the English language in relation to the homepage. We found that the Welsh language was treated less favourably than English language:
- in terms of the links used on the homepage, and
  - in terms of the accuracy of the text included on the homepage.

be ignored if they cause too much difficulty. He also felt that the solutions that D was suggesting were not going to mean that the Welsh language was treated with respect or ensure that D complied with the standards. P noted that because he did not feel that he had received a satisfactory response to the complaints he had made directly to the health board, he had reached the “end of his tether” with trying to get D to comply and did not want to waste more of his time trying to do so. That is therefore what prompted him to make a complaint directly to me.

In particular, some hyperlinks used on the Welsh homepage still lead users to English versions of web pages, even though Welsh versions of these pages are available. There were also examples of misspelling on the homepage.

Standard 41: If D publishes a new page on its website, or amends a page on its website, it has a duty in accordance with the requirements of standard 41 to ensure that:

- the text of that page is available in Welsh
- any Welsh language version of that page is fully functional, and
- the Welsh language is treated no less favourably than the English language in relation to that page.

On 28/08/2020, D’s new website was browsed (<https://bipcaf.gig.cymru>). The website did not fully comply with the requirements of standard 41 on this date as D did not ensure that every page on it was available in Welsh. When the homepage was checked on 3/08/2021, D continued to fail to comply with standard 41. D continued to fail to ensure that all pages on the website were available in Welsh. Nor did it ensure that all pages on the Welsh version of the website were fully functional. For example, links on some of the pages remained broken and resulted in an error message. Furthermore, D did not ensure that the Welsh language is treated no less favourably than the English language with regards to the pages on the website. It continued to treat the Welsh language less favourably than the English language with regards to the links used on the Welsh pages of the website and the content of the information contained on the Welsh language pages of the website. For example:

- some Welsh language pages included links that led users to an English language page or material, despite the page or material in question being available in Welsh; and
- the 'Cymraeg' button on English language pages did not always direct a user to the corresponding Welsh pages.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has failed to comply with standards 40 and 41.

### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standards 40 and 41.

### **Statement on the further action**

Standard 40: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must ensure that all text on its Welsh homepage of its website (<https://bipcaf.gig.cymru/>) is available in Welsh. This includes, but is not limited to, ensuring that:

- all sub-headings at the top of the homepage are available in Welsh
  - all text that forms part of the search facility is available in Welsh
  - all text on the homepage interface is available in Welsh.
2. D must ensure that the Welsh language is not treated less favourably than the English language in relation to the Welsh homepage on its website, including ensuring

that the Welsh language is treated no less favourably than the English language as regards:

- the links used on the homepage; and
- the accuracy of the text included on the homepage.

This includes, but is not limited to, ensuring that:

- the hyperlinks linked to the 'NHS Wales', 'Health Boards' and 'Trusts' buttons at the top of the homepage contain hyperlinks that direct the user to the Welsh language version of the NHS 111 Wales website;
- hyperlinks linked to the 'NHS 111 Wales' button include a hyperlink directing the user to the Welsh language version of the Health in Wales website;
- the text at the top of the restricted homepage is corrected from 'Gwymplen' to 'Cwymplen'.

3. D must provide written evidence satisfying the Welsh Language Commissioner that it has completed enforcement actions 1-2.

Timetable: Within 3 months of the date of publishing the final determination.

Standard 41: Requirement to take action in accordance with section 77 of the Welsh Language Measure

5. D must ensure that all pages on its new website (<https://bipcaf.gig.cymru/>) are available in Welsh.

6. D must ensure that all pages on the Welsh language version of its website are fully functional This includes ensuring that links on the pages are not broken.

7. D must ensure that the Welsh language is not treated less favourably than the English language in relation to the pages on its website, including ensuring that the



Welsh language is treated no less favourably than the English language as regards:

- the links used on the pages of its website
- the content of the information contained on the Welsh language pages of the website

This includes ensuring that:

- each link on its website leads users to Welsh language content (if the content is available in Welsh)
- all information contained on the English language pages of the website is included on the corresponding Welsh pages.

8.D must provide written evidence satisfying the Welsh Language Commissioner that it has completed enforcement actions 1-3.

Timetable: Within 3 months of the date of publishing the final determination.

**Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 13/10/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CS037 On 12/04/2021 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language

13/10/2021

**Commissioner's Findings**

Standard 36: In order to comply with standard 36 the health board was required to ensure that the form in question was produced in Welsh. The complainant

Measure, and was therefore a valid complaint. A complainant made a complaint about the lack of a Welsh form for the Covid19 vaccination standby list. According to the complainant the health board posted a link to a vaccination form on its Twitter account and the link led to an English form.  
[https://twitter.com/BIP\\_CaF/status/13805166231199621121](https://twitter.com/BIP_CaF/status/13805166231199621121) In response to the Twitter message, the complainant asked the health board whether there was a Welsh form. The complainant did not receive a response to his Welsh language message. According to the complainant the page on the health board's website led from the English form to the home page.

contacted me to complain that he had not been able to find the Welsh version of the form to register on a standby list for a COVID-19 vaccine. The health board confirmed that this form was not available in Welsh at the time as it had not been translated in time to be placed on the website at the same time as the English version. As the form to register for the standby list for the COVID-19 vaccine was not produced in Welsh at the time I determine that the health board has failed to comply with standard 36 in this case.

Standard 38: In order to comply with standard 38 Cardiff and Vale University Health Board needs to ensure that forms produced in both English and Welsh do not treat the Welsh version of the form in a way that is less favourable than the English version of it. This means that the Welsh version should not be treated less favourably in terms of appearance, size, position and prominence, when and in what format it will be published, provided or displayed. The Welsh version should be treated no less favourably than the English version in relation to the time taken to complete it. English versions must contain a statement explaining that a Welsh version is available. When the complainant contacted the Commissioner to complain that the COVID-19 vaccine standby registration form could not be found it was suspected that the Welsh form was not available to the same extent as the English version. The health board explained that the form was not available at all. In submitting its response to the evidence notice the health board provided a link to the Welsh and English versions of the form. The link to the Welsh form did not function so the Welsh version of the form was

treated less favourably in terms of its prominence. In addition, the English version did not include a statement to explain the availability of the Welsh version either. On the basis that the Welsh version is not available in the same way as the English version, and on the basis that the English version of the form did not contain a statement clearly explaining that the form was also available in Welsh I determine that the health board has failed to comply with standard 38 in this case.

Standard 42: In order to comply with standard 42, the health board needs to ensure that if there is a Welsh language page on its website that corresponds to an English page, then it must clearly state on the English page that the page is also available in Welsh. It must also provide a direct link to the Welsh page on the corresponding English page. The complainant contacted me to explain that he had been directed to the Welsh language homepage of the health board's website when he had tried to switch from the English page to the Welsh page. When the complainant submitted his complaint, the health board did not have a corresponding Welsh language page on the website. In order to comply with standard 42 the health board needed to ensure that there was a corresponding Welsh page to the English page that the complainant had visited, as well as providing a direct link to the Welsh page on the corresponding English page. However, in this case there was no corresponding Welsh page. I am therefore of the view that the health board did not fail to comply with the standard as the standard applies only when a corresponding Welsh page exists.

Standard 46: In order to comply with standard 46 the health board is required to provide a reply in Welsh to any message received through social media in Welsh that requires a reply. This includes where a person contacts the body by responding to a message that the body has published on its account. In this case, the complainant contacted the health board via social media in Welsh by responding to a message the body had published on its account. The complainant received no response to the question he asked in Welsh. As the complainant did not receive a response to a Welsh language message that required a reply which was submitted via social media, I therefore determine that the health board has failed to comply with standard 46 in this case.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has not failed to comply with standard 42, but that Cardiff and Vale University Health Board has failed to comply with standards 36, 38 and 46.

#### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standards 36, 38 and 46.

#### **Statement on the further action**

Standard 36: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The health board must put steps in place to ensure that forms to be completed by an individual are produced in Welsh so that they are available to the public at the same time as the corresponding English form.

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

2. Cardiff and Vale University Health Board must take steps to ensure that English forms include a clear statement that a Welsh version of the form is also available.

3. Cardiff and Vale University Health Board must take steps to ensure that Welsh forms are treated no less favourably than the English version on its website.

Standard 46: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. Cardiff and Vale University Health Board must take steps to ensure that it responds to Welsh language messages submitted through social media in Welsh.

5. Cardiff and Vale University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1-4.

6. Cardiff and Vale University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1-5.

Timetable: Within 3 months of issuing the final determination.

		<p>Advice under Section 4 of the Welsh Language Measure I advise Cardiff and Vale University Health Board to take steps to ensure that the new pages on their website relating to the vaccination process for COVID-19, comply with standard 41.</p> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff and Vale University Health Board on 13/10/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Vale of Glamorgan Council</u></p> <p>CS025 On 18/03/2021, a complaint was received from a member of the public. It met the terms of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant complained that there was an English only road sign on Raisdale Road, Penarth, as a result of new road works.</p>	<p>14/09/2021</p>	<p><b>Commissioner's Findings</b> Standard 61: The requirements of standard 61 are that, when erecting a new sign or renewing a sign, any text displayed on the sign must be displayed in Welsh (either on the same sign or on a separate sign). If the same text is displayed in both English and Welsh, the Welsh text must not be treated less favourably than the English text. An English only road marking, "No Entry", had been painted on a part of Raisdale Road, Penarth. This is a failure to comply with standard 61.</p> <p><b>Commissioner's Determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has failed to comply with standard 61.</p> <p><b>Statement of further action</b></p>

Further action was taken following the determination that Vale of Glamorgan Council has failed to comply with standard 61.

**Statement on the further action**

In the case of my judgement that Vale of Glamorgan Council failed to comply with standard 61, I will take no further action.

**Decision notice given**

The Decision Notice was given to Vale of Glamorgan Council on 14/09/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers  
(Cadw)

CSG789 On 14/10/2020, a complaint was received from a member of the public. It met the terms of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint was submitted by a member of the public who had contacted Cadw on behalf of a 'papur bro' (local paper). The complainant alleged that they received a response in English only to a query submitted in Welsh to Cadw. The complainant claimed that she submitted a query in Welsh about Plas Nannau by e-mail to Cadw on 09/09/2020. The complainant received a response from the Welsh Ministers on 12/09/2020. The response

13/09/2021

**Commissioner's Findings**

Standard 1: Where an organisation receives correspondence in Welsh which requires a response, the organisation must reply in Welsh, unless the person who sent the correspondence has said that it is not necessary to do so. In this case, the complainant sent a Welsh e-mail on behalf of a 'papur bro' which required a response. She received an automatic bilingual response to the Welsh e-mail, as well as a telephone call, but received a follow-up response to her query in English only. As the organisation has sent a response in English only in response to Welsh correspondence from the complainant, I determine that the Welsh Ministers have failed to comply with standard 1 in this case.

was in English only. The complainant provided a copy of the correspondence between her and D. The complainant received another e-mail in Welsh from another member of D's staff apologising that she had received a response in English. In that e-mail, D explains that the enquiry was passed on to D's press office as it was a query from a 'papur bro'. On 21/09/2020 the complainant received a Welsh version of the response sent on 12/09/2020 along with another apology from the officer who had sent the English only e-mail.

Standard 40: If a body produces any document for public use, it must ensure that the document is produced in Welsh. In this case the complainant submitted a query to the press department in Welsh and received a written response in English. As the correspondence sent to the complainant was a response to a press enquiry rather than a press release, I do not consider that standard 40 applies in this case so I rule that the Welsh Ministers have not failed to comply with standard 40 in this case.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has not failed to comply with standard 40, but that Welsh Ministers has failed to comply with standard 1.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 1.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, I have decided to take further action for the purpose of preventing the failure from continuing or being repeated. Details of the further action are below.

Standard 1: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
1. The Welsh Ministers must remind the press department's staff of the requirements of standard 1 and the steps that must be taken to comply with the standard.



2. The Welsh Ministers must check and redistribute the guidance on dealing with correspondence to press department staff.

3. The Welsh Ministers must provide written evidence satisfying the Welsh Language Commissioner that they have completed enforcement actions 1-2.

Timetable: Within 1 month of the date of publishing the final determination.

Advice under Section 4 of the Welsh Language Measure I advise the Welsh Ministers to undertake a review of how Cadw send out newsletters in the context of standard 4 and to act on the findings of the review.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 13/09/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### City and County of Swansea Council

CSG697 On 26 January 2020 a complaint was received from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore valid. The complaint related to the City and County of Swansea Council's (the council's) decision to dispose of Ysgol Gynradd Gymraeg Felindre (YGG Felindre) from its property portfolio following the school's closure in August 2019. The complainant was concerned that the council has

03/09/2021

#### **Commissioner's Findings**

Standards 88, 89 and 90: The council drew up a new policy when it decided to dispose of YGG Felindre into private ownership. This was a strategic high level decision exercising statutory powers to sell property that fell within the scope of the Welsh Language Standards Regulations definition of a 'policy decision'. The council therefore had a duty to consider what effects, if any, the policy decision would have on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably than English. The council's evidence showed that the impact of the new policy decision of making YGG

chosen to sell the site rather than securing it for communal or other public use. It did not appear to the complainant that the council had consulted with the local community about the effect of its decision on the Welsh language, or that it had carried out a Welsh language impact assessment.

Felindre a privately owned building on the Welsh language was not considered as prescribed by standards 88, 89 and 90.

#### **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 failed to comply with standards 88, 89 and 90.

#### **Statement of further action**

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standards 88, 89 and 90.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, 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.

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

- 1.The council must establish a robust process for ensuring that any strategic planning decisions relating to the management of its community property stock are subject to a Welsh language impact assessment as prescribed by standards 88, 89 and 90.
- 2.The council must establish a robust process for ensuring that any decisions relating to the use of using statutory powers to sell community property are subject to

a Welsh language impact assessment as prescribed by standards 88, 89 and 90.

3. The council must assess the impact of its asset management plan on the Welsh language when the next plan is reviewed or revised, in accordance with the requirements of standards 88, 89 and 90.

4. The council must provide sufficient written evidence that it has completed enforcement actions one and two.

Timetable: Within three months of the final determination date.

Standards 88, 89 and 90: Requirement to publicise the failure to comply in accordance with subsection 77(3)(d) of the Welsh Language Measure

5. The Council must publicise its failure to comply with standards 88, 89 and 90 by publishing this report in a prominent place on its main website.

Timetable: Within six weeks of the final determination date.

#### **Decision notice given**

The Decision Notice was given to the City and County of Swansea Council on 03/09/2021.

#### **Appeals made to the tribunal**

Swansea Council has appealed to the Welsh Language Tribunal, under section 95 (2) of the Welsh Language Measure, against the finding that it had failed to comply with standards 88, 89 and 90. The basis of the appeal is that the Council failed to comply with these standards.

Swansea Council has appealed to the Welsh Language Tribunal, under section 95 (4) of the Welsh Language Measure, against the enforcement action imposed on them as a result of the judgment that they have failed to comply with standards 88, 89 and 90. The basis of the appeal is that the enforcement action is unreasonable or disproportionate.

#### **Tribunal Decision**

Following an appeal hearing before the Welsh Language Tribunal on 7 June 2022, the Tribunal dismissed the Council's appeal and affirmed the Commissioner's decision.

[Here is a link to the decision of the Welsh Language Tribunal.](#)

[Here is a link to the Commissioner's report which formed the basis of the Council's appeal.](#)

Vale of  
Glamorgan  
Council

CSG775 On 22 September 2020, a complaint was received from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore valid. It related to the council's choice of street name, 'Melrose Walk', in a new housing development in the village of Sully. The complainant was unhappy because the choice of an English street name

27/08/2021

#### **Commissioner's Findings**

Standard 89: There is no basis to believe that the council has formulated, revised, or reviewed a policy. Only when undertaking these specific activities must it comply with the requirements of standard 89. It followed a street naming and numbering policy in force since 2005 which provides for the adoption of street names that are not necessarily Welsh as long as they have a connection with the heritage of the area. The choice of the name 'Melrose Walk' was not inconsistent with the policy. As the council

appeared to be contrary to council policy. They explained that the council's street naming policy favoured the use of names that have a connection with the heritage and history of the area, and which use the Welsh language as appropriate.

did not formulate, revise, or review a policy, the provisions of the standard did not apply, and it did not fail to comply.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has not failed to comply with standard 89.

#### **Statement of further action**

In accordance with section 76 of the Welsh Language Measure I have decided to take further action to advise and make recommendations to the council. Details of the further action are below.

#### **Statement on the further action**

Standard 89: Advice and recommendations in accordance with section 76 of the Welsh Language Measure

1. The council should review its street naming and numbering policy to ensure that it is comprehensive and takes account of its duties in relation to the Welsh language.
2. The council should ensure that it complies fully with the requirements of policy making standards 88, 89 and 90 when reviewing its street naming and numbering policy.
3. The council should take account of other local authority street naming policies when reviewing its own policy.
4. The council should put this report before elected members so that they are aware of the legal context relating to the Welsh language when consulted on new street names.

5. I suggest that the council re-considers the draft street naming and numbering policy to ensure that it recognises the official status of the Welsh language in Wales and refers to the correct legislation and principles relating to the language.

6. I suggest that the council's proposed Street Naming Panel routinely consider the following sources when suggesting new street names:

- List of Standardised Welsh Place Names
- Guidelines for Standardising Place Names in Wales
- List of Historic Place Names
- Historic Environment Records in Wales: Compilation and Use

#### **Decision notice given**

The Decision Notice was given to Vale of Glamorgan Council on 27/08/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### Cardiff Council

CS036 On 4 January 2021 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. It was in relation to problems experienced by the complainant in trying to renew his landlord registration in Welsh on the Rent Smart Wales website on 3 January 2021. The complainant stated that:

27/08/2021

#### **Commissioner's Findings**

Standard 52 and 55: On 3 January 2020 the council sent a link to the complainant which directed him to the English language version of the Rent Smart Wales website, contrary to his preferred language. When using the website on the same date, the complainant experienced problems with the option to change the language of the site which meant that he was either directed to pages that were in English or that displayed an error message. The council explained that these issues were due to a database error. In order to access the Welsh language

- he had received an email reminding him to renew his registration, which included a link to an English-only page on the Rent Smart Wales website. He stated that there was no button to change languages on the page in question;
- the subsequent pages that were part of the re-registration process led to pages that were in English and that the 'Welsh' button either redirected him back to the English language page or led to an error page displaying the text 'Page not found'; and
- the section to indicate language preference at the end of the re-registration process notes English as the default language.

pages of the website the complainant had to take additional steps, which English language users would not have had to take. He had to look for and click on the 'Welsh' option and after doing so continued to be directed to pages that were either in English or not functioning. Not all Welsh pages on the website were therefore fully functional, namely requirement (b) standard 52. This eventually led to the complainant renewing his registration in English. Although the 'Welsh' option indicated that English language pages were also available in Welsh, it did not work in a way that provided a direct link to the Welsh language page on the corresponding English page, namely the requirement of standard 55. This was a failure by the council to comply with standards 52 and 55.

#### **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 52 and 55.

#### **Statement of further action**

On the basis that the council has taken steps to prevent the continuation or repetition of the failure to comply I have decided to take no further action in this instance. The council corrected the database error that caused the failure and undertook to test the website in the future to ensure that the same error does not affect the website again.

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 27/08/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG813 On 4 December 2020 a complaint was received 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 alleged that he and other students studying a Postgraduate Certificate in Education (PGCE) course through the medium of Welsh at Cardiff Metropolitan University were treated less favourably than the students studying the same course through the medium of English. The complainant alleged that the vast majority of the PGCE course correspondence was not available in Welsh. He also alleged that students on the Welsh-medium course were given details of their assignments later than students on the English medium course and that an extension to the deadline was not offered to the Welsh students despite the delay in setting the work. The complainant also stated that there was a delay in informing the Welsh-medium students of their school placements and that students

26/08/2021

#### **Commissioner's Findings**

Standard 4: Standard 4 requires the University, when sending the same correspondence to several persons, to send a Welsh language version of the correspondence at the same time as it sends the English language version. The University has submitted evidence to me which shows that English only correspondence was sent to Welsh medium students on 22 October 2020 (appendix 17) with the vast majority of the text in English only. The email relates to school placements for PGCE students. In addition, I have received evidence from the University which creates a strong suspicion that other e-mails were sent to students in English only (appendix 16 and 19). The complainant has also provided me with evidence of English only e-mails sent to them (together with other students) on 22 October 2020 and again between 28 May 2021 and 14 June 2021. These emails related to student assignments and school placements. In sending those e-mails to students in English only, I conclude that the University has failed to comply with standard 4.

Standard 90A: The University is required to ensure that written work submitted in Welsh is treated no less favourably than work submitted in English in accordance with the requirements of standard 90A. I interpret this to

Cardiff  
Metropolitan  
University



studying the course through the medium of English had been made aware of their placements much earlier.

mean that an individual who wishes to submit his/her work in Welsh should be given the same amount of time to complete the work as an individual who wishes to submit his/her work in English. The complainant alleges that the University had delayed informing some Welsh medium students of the details of their first assignment. They claim that some students had to wait a week and more for the information. The University denies the complainant's allegations stating that the Welsh and English students received information about their first assignment at the same time but acknowledges that there was a 24-hour delay in informing Welsh-medium students of their lead schools. The University also acknowledges that there has been a further delay in sharing the school placement details of some students, but explains that this delay affected both Welsh and English students. I have not received evidence to categorically demonstrate when the students received information about their assignment. Neither have I received evidence that Welsh-medium students received the information a week later than the English medium students. However, I am satisfied that some Welsh-medium students received the information on 22 October 2020. It must be assumed that no-one would have received the information before then as the timing of the information sharing coincided with the timing of sharing information about the students' lead school (published on 21 and 22 October 2020). Without robust evidence to prove when the students received the details of their first assignments, I am unable to determine that the University has failed to comply with standard 90A.

Supplementary standards 154, 155 and 156: Standards 154, 155 and 156 impose a duty on the University to keep a record of complaints submitted relating to the Welsh language and compliance with the Welsh language standards. The University states that it had not received any complaints through its complaints procedure about the matters included in the complainant's complaint. The complainant has also submitted evidence suggesting that no complaint was formally submitted to the University. As the complainant had not submitted a formal complaint to the University, the requirements of the standards did not apply. As a result, I must determine that the University has not failed to comply with standards 154, 155 and 156.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Metropolitan University has not failed to comply with standards 90A, 154, 155 and 156, but that Cardiff Metropolitan University has failed to comply with standard 4.

#### **Statement of further action**

Further action was taken following the determination that Cardiff Metropolitan University has failed to comply with standard 4.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure to comply with standard 4.

Section 76 of the Welsh Language Measure also allows me to take further action where there has been no failure to comply. In respect of standards 90A 154, 155 and 156, I am of the opinion that it is appropriate for me to take further action in order to provide advice to the University with the aim of ensuring that the organisation does not fail to comply in the future. Details of the further action are set out below.

Standard 4: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff Metropolitan University must conduct a full review of its arrangements for corresponding with University students regarding matters relating to their courses, in order to ensure compliance with standard 4.
2. Cardiff Metropolitan University must take specific steps to remind staff of the requirements of the Welsh language standards and offer them clear guidance on how to comply with standard 4 when corresponding with students regarding their courses.
3. Cardiff Metropolitan University must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-2 have been completed.

Timetable: Within 3 months of issuing the final determination.

Standard 90A: Advice in accordance with subsection 76(3)(b) of the Welsh Language Measure I advise Cardiff Metropolitan University to put measures in place to ensure that students studying corresponding English and

			<p>Welsh medium courses always receive details regarding their course assignments at the same time.</p> <p>Standards 154, 155 and 156: Advice in accordance with subsection 76(3)(b) of the Welsh Language Measure I advise Cardiff Metropolitan University to take action to:</p> <ul style="list-style-type: none"> <li>- raise the awareness of the University's staff of the actions to be taken where students have raised concerns with them about a Welsh language service or provision in order to ensure that the matters are recorded and that the University responds to those concerns.</li> <li>- raise students' awareness of their right to submit complaints relating to the Welsh language to the University and encourage them to do so through the corporate complaints procedure.</li> </ul> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff Metropolitan University on 26/08/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>The Electoral Commission</u></p>	<p>CSG723 On 24 March 2020 a complaint was received from a member of the public. It met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to matters associated with an application to register a new political party entitled 'Welsh National Party' and the complainant alleged that:</p>	<p>26/08/2021</p>	<p><b>Commissioner's Findings</b> Standards 84, 85 and 86: The Commission is required to consider and to note all the relevant effects a policy decision can have on opportunities for people to use the Welsh language, or treating the Welsh language no less favourably than the English language when formulating a new policy or reviewing or revising an existing policy. It is required to consider how to ensure that the policy decision would have positive effects, or increased positive</p>

- a) the Electoral Commission (the Commission) had refused permission for the 'Welsh National Party' to use the Welsh name 'Plaid Genedlaethol Cymru'
- b) the decision was based on the Commission's policy guidance which is set out on a page of the Commission's website entitled 'Criteria for registering the name, descriptions or emblems of a party'.
- c) the page of the website, and therefore the policy guidance, had been amended or updated on 8/8/2019
- ch) the Commission has failed to comply with the policy making standards included in the Commission's Welsh language standards compliance notice when:
  - (i) making its decision to allow registration of the name 'Welsh National Party'
  - (ii) making its decision to refuse consent to register the name 'Plaid Genedlaethol Cymru'
  - (iii) revising or updating its policy guidance 'Criteria for registering the name, descriptions or emblems of a party'.

effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. It is also required to consider how to ensure that the policy decision would not have adverse effects, or would have decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. The Commission published its guidance 'Overview of names, descriptions and emblems' in 2016. Minor revisions were made to that document in 2018. The Commission has explained that these were revisions to wording and that they were not changes to the policy itself. In considering the changes made to the document, I conclude that the changes were not synonymous with a revision or a review of policy as none of the changes made meant any change to the Commission's processes or to the way it exercises its functions. Standards 84, 85 and 86 are only relevant when the Commission formulates a new policy or when it reviews or revises a policy. Therefore, I conclude that there was no failure to comply with the Welsh language standards.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Electoral Commission has not failed to comply with standards 84, 85 and 86.

#### **Statement of further action**

Section 76 of the Welsh Language Measure allows me to take further action where there has been no failure to

comply. In respect of my determination that the Commission has not failed to comply with standards 84, 85 and 86, I am of the opinion that it is appropriate for me to take further action in order to provide advice to the Commission with the aim of ensuring that the organisation does not fail to comply in the future.

**Statement on the further action**

Standards 84, 85 and 86: Advice in accordance with subsection 76(3)(b) of the Welsh Language Measure

1. I advise the Electoral Commission to undertake a full review of its processes for assessing the impact of policy decisions on the Welsh language in order to ensure compliance with the requirements of standards 84, 85 and 86. That review should consider to what degree the initial screening form, the equality impact assessment form and the guidance on undertaking an impact assessment are sufficient in respect of meeting the specific requirements of the three standards and to amend them accordingly. Consideration should be given to the advice and guidance included in my advice document 'Policy Making Standards: Creating opportunities for using the Welsh language and treating the Welsh language no less favourably than the English language'.
2. I advise the Electoral Commission to consider formalising the arrangements in respect of consulting with the Commission's team in Wales on policy decisions which are relevant to Wales.
3. I advise the Electoral Commission to amend the document 'Overview of names, descriptions and emblems' after undertaking the review of its arrangements regarding assessing impact on the Welsh language, in

order to ensure that the document reflects the Commission's revised arrangements. The guidance should also refer to the Commission's duty to comply with the Welsh language standards when making decisions and therefore the implications of doing so on the process for registering political parties in Wales.

**Decision notice given**

The Decision Notice was given to The Electoral Commission on 26/08/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG807 On 19/11/2020 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 stated that he received correspondence in English only from Wrexham County Borough Council ("the Council") on 16/11/2020 reminding him to apply for a school place for his child for September 2021. Two of the letters were written in English and Welsh and explained that the Council had not yet received an application from him. The complainant alleges that the letters were folded so that the English version appeared on the outside, therefore

24/08/2021

**Commissioner's Findings**

Standard 50: The requirement of standard 50 is that any form produced for public use must be produced in Welsh. The fact that standards 50A and 50B are reliant standards means that there are also requirements to ensure that the English version clearly states that the form is also available in Welsh; it is also necessary to ensure that the Welsh language version is treated no less favourably than the English language version, and that there is no differentiation between the Welsh and English versions in relation to any requirements that are relevant to the form. I received initial evidence in the Council's original response on 07/12/2020, but that evidence did not include the Welsh language registration form which the Council indicated did exist. I received further evidence on 17/06/2021 which included the Welsh language

promoting and facilitating the use of English at the expense of the Welsh language. He also states that a copy of a letter was attached to a registration form for accepting a school place and that both documents were in English only. This final element is the subject of this investigation – the English-only registration form.

version of the registration form. There is no failure to comply with standard 50 because the Council has provided me with evidence by sending the Welsh version of the form. If we had investigated standard 50A in this case, it is likely that we would have found a failure to comply with the requirements of that standard.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has not failed to comply with standard 50.

#### **Statement of further action**

In the case of my determination that Wrexham County Borough Council has not failed to comply with standard 50, I shall be taking further action to clarify the requirements of related standards.

#### **Statement on the further action**

Standard 50: Further action in accordance with section 76 of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that staff understand the requirements of the standards that are reliant on standard 50, namely standard 50A and standard 50B, by disseminating information about those requirements.

Timeline: Within 3 months of the date of publication of the final determination

#### **Decision notice given**



The Decision Notice was given to Wrexham County Borough Council on 24/08/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CSG754 On 07/08/2020, a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure. It was therefore a valid complaint. The complaint alleges that there is no page on the Cardiff and Vale University Health Board (D) website which provides information on the availability of primary care services through the medium of Welsh. The complaint also raised suspicion that D had failed to comply with its duty to comply with standards 40 and 41 which relate to websites.

20/08/2021

#### **Commissioner's Findings**

Standard 65: When a body knows that a primary care provider is willing to provide a primary care service or part of a primary care service through the medium of Welsh, the body must:

- designate and maintain a page on its website containing that information; and
- publish that page in Welsh.

On 7 August 2020, P searched for a (Welsh) page on D's old website containing that information, but failed to find it. D had designated and maintained a page on its website on 7 August 2020 containing information on which GPs known to D were willing to provide primary care services in Welsh. The page had been published in Welsh. However, D knew of other primary care providers willing to provide their primary care services in Welsh. But, D failed to publish the information on those providers on the page in question. The information on the page—namely a page especially designated by D to show those willing to provide their primary care services in Welsh—was incomplete. In addition, on 7 August 2020, D had not designated nor maintained any page on its new website containing information on primary care providers known to D willing to provide their primary care services in Welsh. Due to D's failure to publish a relevant page (in any language) on its new website, it also failed to publish the

page in Welsh. By 26 January 2021, D was still failing to comply with standard 65. It published a page on its new website which only contained information on a proportion of the primary care providers known to D willing to provide primary care services in Welsh. The page only contained information on GPs. In addition, D had published that page in English only. D is still not complying with the requirements of standard 65 in full. There has been no clear progress in complying with the standard since the page was published on its new website on 26 January 2021.

Standard 40: In accordance with the requirements of standard 40, D has a duty to ensure:

- the text of the homepage of its website is available in Welsh
- any Welsh language text on its homepage (or, where relevant, its Welsh language homepage) is fully functional, and
- the Welsh language is treated no less favourably than the English language in relation to the homepage of its website.

When I checked the Welsh version of the homepage on D's new website (<https://bipcaf.gig.cymru/>) on 4 June 2021, it did not meet the requirements of standard 40 in full. D does not ensure that each piece of text on the Welsh homepage of its website is available in Welsh. Most of the information published on the Welsh homepage is in English only. D does not ensure that each piece of text in Welsh on the Welsh homepage is fully functional. Some links on the homepage are broken and take users to an error message page. No error message

appears when clicking on the corresponding links on the English homepage. The corresponding links on the English homepage are fully functional and take users to the correct pages. D does not ensure that the Welsh language is treated no less favourably than the English language in relation to the homepage of its website. The Welsh language is treated less favourably than the English language in terms of the links used on the Welsh homepage. Some links used on the Welsh homepage take users to English versions of web pages, even if there are Welsh versions of these pages available. The Welsh language is treated less favourably than the English language in terms of the accuracy of text on the homepage. There are examples of spelling mistakes on the homepage. The Welsh language is treated less favourably than the English language in relation to the content found on the Welsh homepage. The Welsh and English homepage contains a carousel showing the latest news articles published by D. Every time D publishes a new news article on its website, D updates the carousel on the English homepage to provide information on that article. Yet, D does not always update the corresponding carousel on the Welsh homepage. Therefore, this means that some of the latest news articles are not mentioned at all on the Welsh homepage. This means that users of the Welsh homepage are not made aware of the latest information on the health board in the same way as users of the English homepage. This means that the Welsh language is treated less favourably than the English language. As D has failed to ensure compliance with these aspects of standard 40 by 4 June 2021, I consider

that D was also in breach of the standard when P browsed the website on 7 August 2020.

Standard 41: If D publishes a new page on its website, or amends a page on its website, it has a duty to ensure the following in accordance with standard 41:

- the text of that page is available in Welsh
- any Welsh language version of that page is fully functional, and
- the Welsh language is treated no less favourably than the English language in relation to that page.

When I checked a selection of pages on D's new website (<https://bipcaf.gig.cymru/>) on 4 June 2021, they did not meet the requirements of standard 41 in full. D does not ensure that each page on the website is available in Welsh. Of all the pages checked on the Welsh version of D's website, almost every one has been published in English only (or partly in English). D does not ensure that every page on the Welsh version of its website is fully functional. Links on many of the pages are broken and take users to an error message. The majority of corresponding English pages are free of such errors. Also, the search function on the Welsh website is not fully functional. English terms have to be used to search for information, and find information, on pages not yet translated into Welsh by D. If Welsh terms are used to search for the information on those pages, they do not appear in the search results. D does not ensure that the Welsh language is treated no less favourably than the English language in relation to the pages on its website. The Welsh language is treated less favourably than the

English language in terms of the links used on its website. All of the links on the pages which D has not yet translated into Welsh take users to English content, despite the fact that the content is available (or should be available) in Welsh. This issue is also apparent on the pages which D has already translated into Welsh. Some pages already translated into Welsh have links which take users to English content, although it is available in Welsh. The Welsh language is treated less favourably than the English language in terms of the content found on Welsh pages on the website. Information provided on some of the English pages is completely absent from the Welsh pages. Also, when D updates content on the English version of its website, it does not ensure that the Welsh version of its website is also updated at the same time. This means that outdated information appears on some Welsh language pages, which may mean that in certain cases information provided to the public is incorrect. Two major factors which have contributed to failings in this instance are:

- historical failings, over an extended period of time, to plan and prepare for meeting the requirements, and to take sufficient action in advance to ensure that the content of the new website was available in Welsh; and
- D's informed decision to launch the website, before making sure that all of the pages complied with standard 41.

D continues with the practice of creating and publishing brand new content on its website in English, without ensuring that the content is translated into Welsh first. As D has failed to ensure compliance with all of the aspects of standard 40 by 4 June 2021, I consider that D was also

in breach of the standard when P browsed the website on 7 August 2020.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has failed to comply with standards 65, 40 and 41.

### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standards 65, 40 and 41.

### **Statement on the further action**

In the case of my determination that D has failed to comply with standard 65, I will take further action for the purpose of preventing the continuation of the failure. I will also let it be known that D has failed to comply with standard 65. Details of the further action are below.

Standard 65: Publicising that D has failed to comply in accordance with section 77 of the Welsh Language Measure

1. I will publicise that D has failed to comply with standard 65, by sharing Section 3 of this report with the following persons:

- Digital Health and Care Wales
- Local Health Boards in Wales
- Director General of Health and Social Services and Chief Executive NHS Wales (Dr Andrew Goodall CBE)

Standard 65: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must ensure that it publishes Welsh language versions of the following pages on its new website (<https://bipcaf.gig.cymru/>):

- <https://cavuhb.nhs.wales/about-us/equality-diversity-and-humanrights/languages-spoken-by-gps-in-cardiff-and-the-vale-of-glamorgan/>;

- <https://cavuhb.nhs.wales/our-services/primary-careservices/languages-spoken-by-gps-in-cardiff-and-vale-of-glamorgan/>;

- Pages published on D's website that are created by DHCW's plugin (e.g. <https://bipcaf.gig.cymru/hospitals-and-health-centres/local-healthservices/>)

2. D must ensure that the designated page containing information on the primary care providers (known to D) willing to provide their primary care services in Welsh in part or in full, contains information about (but not limited to information about):

- GPs;

- pharmacists;

- dentists; and

- optometrists.

3. D must ensure that it publishes a Welsh version of any page designated and maintained to contain information on the primary care providers willing to provide primary care services or certain primary care services through the medium of Welsh.

4. If D chooses to comply with standard 65 for the future by using the plugin developed by DHCW, D must:

- update the primary care maintenance screens via the Cascade Content Management System (CMS) to ensure

that the feature on the plugin (which relates to primary care services in Welsh) works fully;

- consider having a formal arrangement (e.g. agreement) with DHCW that ensures that DHCW delivers services on behalf of D in a way that complies with the requirements of standard 65;
- hold a discussion with DHCW to confirm and agree the further developments to the plugin that are required to ensure that the pages produced by the plugin (and the information displayed on them) ensure D's compliance with the requirements of standard 65.

5. D must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1–4 have been completed.

Timetable: Within 3 months of the date of publication of the final determination.

Standard 65: Advice in accordance with section 77 of the Welsh Language Measure

1. D should assess whether every primary care provider in the health board area has provided written notification stating whether or not they provide primary care services in Welsh. D should identify those that have done so and those that have not.
2. If a primary care provider has not notified D in writing whether or not they provide primary care services in Welsh, D should contact the provider and ask for that information (and ensure it receives a response).

Timetable: D should undertake this within 3 months of the date of publication of the final determination.



In the case of my determination that D has failed to comply with standards 40 and 41, I will take further action for the purpose of preventing the continuation of the failure. Details of the further action are below.

Standard 40: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must ensure that each piece of text on the Welsh homepage on its website (<https://bipcaf.gig.cymru/>) is available in Welsh. If text which appears on the homepage is pulled from other parts of D's website, D must ensure that this text is available in Welsh.
2. D must ensure that each piece of text in Welsh on the Welsh homepage on its website is fully functional.
3. D must ensure that the Welsh language is treated no less favourably than the English language in relation to the Welsh homepage on its website, including ensuring that the Welsh language is treated no less favourably than the English language in terms of:
  - the links used on the Welsh homepage; and
  - the content found on the Welsh homepage.
4. D must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-3 have been completed.

Timetable: Within 3 months of the date of publication of the final determination.

Standard 41: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must ensure that each page on its website (<https://bipcaf.gig.cymru/>) is available in Welsh.

2. D must ensure that every page on the Welsh version of its website is fully functional. This includes ensuring:

- that links on the pages are not broken
- that search functions are fully functional in Welsh.

3. D must ensure that the Welsh language is treated no less favourably than the English language in relation to the pages on its website, including ensuring that the Welsh language is treated no less favourably than the English language in terms of:

- the links used on the pages of its website
- the content found on the Welsh language pages of the website.

This includes ensuring:

- that every link on its website takes users to Welsh language content (if available)
- that all of the information contained on English pages on the website also appears on corresponding Welsh language pages.

4. D must agree an action plan with the third party responsible for translating and publishing the website in Welsh on behalf of D. The action plan must contain:

- a description of every step the third party is expected to take to ensure that D complies with all of the requirements of standard 41 within 3 months of the date of publication of the final determination, and
- a specific timetable for completing each step (including any milestones).

5. D must provide training to those responsible for creating, translating or publishing content on its website on the requirements of standard 41.

6. D must amend its processes for publishing content on its website to ensure that it is not possible to publish new content (or update content) on its English website without ensuring that the same is done on its Welsh website at the same time.

7. D must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1–6 have been completed.

Timetable: Within 3 months of the date of publication of the final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 20/08/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### Torfaen County Borough Council

CS020 On 10/03/2021 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 complained that he had received two letters in English only about arrangements during the pandemic from Torfaen County Borough Council ("the Council") through Ysgol Panteg. He complained to the Council on receipt of the first letter, dated 11th February 2021. After complaining about

20/08/2021

#### **Commissioner's Findings**

Standard 5: The requirements of standard 5 state that if a body does not know whether a person wishes to receive correspondence in Welsh, it must provide a Welsh language version of the correspondence when corresponding with that person. Letters were sent in English only on two occasions to parents at Ysgol Panteg. This represents a failure to comply with the requirements of standard 5.

#### **Commissioner's Determination**

the first letter the complainant received a message from the Council on 25<sup>th</sup> February stating: "Please, may I sincerely apologise for the failure, and I want to work with the Education department to ensure that this does not happen again." However, the complainant later received another English-only letter from the Council through Ysgol Panteg, dated 8th March, discussing a return to school and Covid-19 testing. I received copies of both letters as evidence from the complainant.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Torfaen County Borough Council has failed to comply with standard 5.

**Statement of further action**

Further action was taken following the determination that Torfaen County Borough Council has failed to comply with standard 5.

**Statement on the further action**

In the case of my determination that Torfaen County Borough Council has failed to comply with standard 5, I shall be taking further action in order to prevent the continuation of the failure to comply. 4.1 Details of the further action are outlined below.

Standard 5: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Torfaen County Borough Council must remind staff of the specific requirements of standard 5, suggesting practical solutions that can be implemented when translations are urgently required from Council staff.
2. Torfaen County Borough Council must provide written evidence which satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

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

It is recommended that the Council also considers my advice on not sending English only letters to schools, but

waiting for the Welsh translation, this element to be considered in relation to all schools in general.

**Decision notice given**

The Decision Notice was given to Torfaen County Borough Council on 20/08/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG786 On 07/10/2020 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 relates to errors in the Welsh text on Penalty Charge Notice leaflets. The allegations include the following:

- i. Envelope with the words "Affix postage stamp here" in English only
- ii. Grammatical errors, spelling errors and poor translation on the Penalty Charge Notice and the yellow sheet
- iii. The telephone numbers for challenging the Penalty Charge Notice are different in the English and Welsh texts, and the complainant alleges that the rate of the Welsh number is more expensive

18/08/2021

**Commissioner's Findings**

Standard 5: Standard 5 requires a body to send a Welsh language version of any correspondence if there is uncertainty about the customer's preferred language. The complainant sent his letter of appeal in English only, and it was therefore reasonable for the Council to respond to that letter in English as well. This is not a failure to comply with standard 5, as it is reasonable for the Council to respond in English to the complainant's English correspondence.

Standard 6: Standard 6 requires that the Welsh language is treated no less favourably than the English language by the Council when producing correspondence. The envelope in question contains a sentence for the attention of the complainant which is in English only. This represents a failure to comply with standard 6.

Standard 7: Standard 7 requires a body creating correspondence, publications, or official notices inviting persons to respond or return correspondence to state that

Denbighshire  
County Council

- iv. No statement in the Penalty Charge Notice that returning correspondence in Welsh is welcomed
- v. Failure to send correspondence in Welsh to the complainant
- vi. A web page relating processing payments treats the Welsh language less favourably than the English language by including incomprehensible and incorrect text.

it welcomes correspondence in Welsh, that the body will reply in Welsh, and that corresponding in Welsh will not lead to delays. The PCN is an official notice prescribed by an enactment and is therefore exempt from the requirements of standard 7. There is no failure here to comply as the requirements of standard 7 do not apply to the PCN.

Standard 12: Standard 12 requires the Council to ensure that it does not treat the Welsh language less favourably than the English language when advertising telephone numbers, helpline numbers, or call centre services. Standard 12 relates specifically to advertising telephone numbers, and the Council is in compliance with the standard when advertising the telephone numbers. This does not represent a failure to comply with standard 12.

Standard 48: Standard 48 requires a body to ensure that no document treats the Welsh language less favourably than the English language. The PCN relevant to this complaint is an official notice prescribed by an enactment, not a document, and is not therefore subject to the requirements of standard 48.

Standard 50B: Standard 50 requires a body to ensure that it does not treat the Welsh language less favourably than the English language when producing forms. This includes in relation to the time allowed for responding to the content of the form. The Welsh sentence: “Cewch ostyngiad o 50% os talwch cyn pen 14 diwrnod wedi dyddiad y rhybudd”, means that an individual has 14 days after the day on which the fine is issued to pay. But the

English sentence: "Payments received within 14 days of an issue of the penalty charge notice are eligible for a 50% discount", means that an individual has 14 days from the day on which the fine is issued to pay. Information on the Council's website confirms that the English version is correct. This treats the Welsh language less favourably as the Welsh sentence gives the wrong impression that there is an additional day to pay the fine. This represents a failure to comply with standard 50B.

Standard 52: Standard 52 requires the Council to ensure that the text of each page of its website is available in Welsh; that every Welsh language page is fully functional; and that the Welsh language is not treated less favourably than the English language on the website. The Council accepts that the sentence on the 'Gwneud Taliad' page contains errors in Welsh, and also suggests that a recent overhaul of the website has corrected the example of a linguistic error provided by the complainant. An inspection of the website has shown that there are still minor errors on the website. The Council also accepts its error in relation to the link to the English document and confirms that a Welsh version of the document is available, but that there has been an ICT error. All of this leads to the conclusion that the Council has failed to comply with standard 52.

Standard 69: Standard 69 requires the Council to ensure that any official notice is published or displayed in Welsh, and that a Welsh version of the notice is treated no less favourably than any English language version. The PCN is an official notice prescribed by an enactment. As a

result, it is not subject to the requirements of standard 69. There is therefore no failure to comply with standard 69.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Denbighshire County Council has not failed to comply with standards 5, 7, 12, 48 and 69, but that Denbighshire County Council has failed to comply with standards 6, 50B and 52.

### **Statement of further action**

Further action was taken following the determination that Denbighshire County Council has failed to comply with standards 6, 50B and 52.

### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action in order to prevent the failure from continuing or being repeated. Details of the further action are outlined below.

Standard 6: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Denbighshire County Council must undertake a review of the envelopes it uses within the parking fines department to ensure that they do not contain text in English only. If it finds envelopes containing English text only, the Council must stop using them, and ensure that it only uses envelopes which conform to standard 6.
2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.



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

Standard 50B: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. The Council must correct the sentence in question: “Cewch ostyngiad o 50% os talwch cyn pen 14 diwrnod wedi dyddiad y rhybudd”, in order to ensure that it is consistent with the English sentence.

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

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

Standard 52: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. Denbighshire County Council must correct all the linguistic errors found on the WPPP website.

6. The Council must improve its process of proof reading the website in order to ensure that content is not displayed on the website if it contains errors in Welsh. This should prevent any errors from appearing on the website in future.

7. The Council must ensure that the ‘Gweithdrefnau Gorfodaeth Parcio Sifil’ link leads the user to the Welsh version of the document in order to comply with standard 52.

8. The Council must provide written evidence to satisfy the Welsh Language Commissioner that enforcement actions 5, 6 and 7 have been completed.

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

#### Further action

In accordance with section 76 of the Welsh Language Measure I have decided to take further action in order to ensure that the Council does not act in a way that goes against the spirit of the Welsh Language Measure. Details of the further action are outlined below.

#### Standard 7: Recommendations in accordance with section 76(3)(a) of the Welsh Language Measure

1. I recommend that the Council adds the information under standard 7 to the PCN in order to ensure that it does not act in a way that goes against the spirit of the Welsh Language Measure 2011. This includes a statement that anyone is welcome to correspond in Welsh, that the body will reply in Welsh, and that correspondence in Welsh will not lead to delays.

#### Standard 12: Recommendations in accordance with section 76 of the Welsh Language Measure

2. I recommend that Denbighshire County Council takes the necessary steps to ensure that the charge rates for calls to the Council's Welsh-language telephone numbers do not exceed the rate for the corresponding English numbers, in order to operate in accordance with the spirit of the Welsh Language Measure 2011.

#### Standard 69: Recommendations in accordance with section 76 of the Welsh Language Measure

3. I recommend that Denbighshire County Council ensures that the PCN and the yellow sheet are corrected in order to ensure that there are no linguistic errors, and that the Council ensures that the PCN and the yellow sheet are proofread by a person who is appropriately qualified to undertake the work.

4. I recommend that the Council ensures that all official notices prescribed by an enactment are correct in Welsh, and that they do not treat the Welsh language less favourably than the English language in accordance with the spirit of the Welsh Language Measure 2011.

#### **Decision notice given**

The Decision Notice was given to Denbighshire County Council on 18/08/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG727 On 01/04/2020 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleges that an English only circular was distributed through his letterbox. The letter and leaflet contained information about Covid-19. A copy of the letter and leaflet received by the complainant is attached.

18/08/2021

#### **Commissioner's Findings**

Standard 4: Standard 4 requires the Council to ensure that any correspondence sent to several persons is sent in Welsh. The Council acknowledges in this case that a letter and leaflet relating to Covid-19 was distributed in English only, following a decision to send all correspondence relating to Covid-19 in English only. This is a clear failure to comply with standard 4.

Standard 5: Standard 5 requires the Council to send a Welsh language version of any correspondence if there is no certainty regarding the customer's language choice. The correspondence in question in this complaint was

Neath Port  
Talbot Council

sent to a number of persons, and therefore standard 4 is relevant rather than standard 5.

#### **Commissioner's Determination**

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

#### **Statement of further action**

Further action was taken following the determination that Neath Port Talbot Council has failed to comply with standard 4.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are below.

Standard 4: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure.

1. I require the Council to prepare an action plan in order to prepare Welsh language correspondence in an emergency. The plan must:
  - Assess the ability of the translation unit to act in an emergency; and
  - Make contingency preparations that can be implemented in order to prepare Welsh language correspondence in an emergency

- Establish a process for prioritising documents and correspondence that need translating where the translation unit is under pressure, as in an emergency situation.

The action plan must set out a timetable for delivering the steps of the plan, and who will be responsible and accountable for its implementation.

Timetable: Within 3 months of issuing the final determination.

Standard 4: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Neath Port Talbot Council must amend its emergency response plans and strategies so that they address the need to comply with the requirements of the standards.

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

Timetable: Within 3 months of the date the final determination was issued.

#### **Decision notice given**

The Decision Notice was given to Neath Port Talbot Council on 18/08/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Carmarthenshire  
County Council

CS009 On 01/02/2021, a complaint was received from a member of the public. It met the terms of section 93 of the Welsh Language Measure and was therefore a

18/08/2021

#### **Commissioner's Findings**

Standard 1: If the Council receives correspondence in Welsh, standard 1 requires it to reply to that correspondence in Welsh, if a reply is required. The

valid complaint. The complainant claimed that they received correspondence and a form in English only from Carmarthenshire County Council. Firstly, in relation to an enquiry about a disabled bus pass made by the complainant, they received a letter and disability assessment form in English only from the Council. Secondly, in relation to an enquiry regarding a disabled parking blue badge, they received an e-mail in English only from the Council.

complainant asked the Council in Welsh for the letter and the disability assessment form, but the Council replied to this correspondence in English. The complainant also requested the blue badge form in Welsh, but the Council replied to this correspondence in English. The Council has failed to comply with standard 1 on both of the above occasions.

Standard 5: Standard 5 requires the Council to send correspondence in Welsh if there is no certainty regarding the customer's preferred language. In this case, standard 5 does not apply to the circumstances of the complaint as it is standard 1 that applies.

Standard 50: Standard 50 requires the Council to produce a Welsh copy of any form which is for public use. In this case, the Council has confirmed that a Welsh version of the form is available, and the Council therefore complies with standard 50.

Standard 50A: Standard 50A states that the Council must clearly state on an English form that a Welsh form is available. There is no such statement on the English disability assessment form received by the complainant, and the Council acknowledges this. This is a failure to comply with standard 50A.

#### **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 standards 5

and 50, but that Carmarthenshire County Council has failed to comply with standards 1 and 50A.

**Statement of further action**

Further action was taken following the determination that Carmarthenshire County Council has failed to comply with standards 1 and 50A.

**Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action for the purpose of preventing the failure from continuing or being repeated. Details of the further action are below.

Standard 1: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Carmarthenshire County Council must provide training for its staff in order to fully explain the requirements of standard 1, in particular that any Welsh language correspondence from a customer must always be responded to in Welsh, unless the customer has stated that it is not necessary to do so.
2. The Council must provide written evidence satisfying the Welsh Language Commissioner that it has completed enforcement action 1.

Time frame: Within 3 months of the date of publishing the final determination.

Standard 50A: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Carmarthenshire County Council must add a clear statement on the English disability assessment form

indicating that a Welsh version of the form is available in order to comply with standard 50A.

2. The Council must carry out an assessment of the other forms relevant to the concessionary fares service to check that no more English forms fail to comply with standard 50A by not stating clearly that a Welsh version is available.

3. The Council must provide written evidence satisfying the Welsh Language Commissioner that it has completed enforcement actions 1 and 2.

Time frame: Within 3 months of the date of publishing the final determination.

In accordance with section 76 of the Welsh Language Measure I have decided to take further action for the purpose of reducing the possibility of future failure to comply by the Council. Details of the further action are below.

Standard 5: Recommendations in accordance with section 76 of the Welsh Language Measure  
I recommend that Carmarthenshire County Council considers sending a Welsh language version of correspondence to customers if there is inconsistency in the language of the customer's correspondence.

**Decision notice given**

The Decision Notice was given to Carmarthenshire County Council on 18/08/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.



Welsh Ministers

CSG612, CSG617, CSG622 On 12/08/2019, 18/08/2019 and 27/08/2019 complaints were received from members of the public. The complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid. The complaints related to the lack of use of the Welsh language by the International Convention Centre Wales (ICC), and included the following:

- i. that their Twitter account @ICCWales is in English only
- ii. their official website contains very little Welsh
- iii. the branding and logo are in English only
- iv. and that they placed English only signs outside the building

03/08/2021

**Commissioner's Findings**

Standard 94: The standard requires a body to produce and publish a policy on awarding grants which ensures that the body considers the Welsh language when going through the process of awarding a grant. Welsh Ministers explained that this is not a grant funding, but an investment. ICC is a joint venture between Welsh Ministers and The Celtic Manor Resort Limited. I conclude that Welsh Ministers have not failed to comply with standard 94 as the arrangement in question was an investment and not a grant.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has not failed to comply with standard 94.

**Statement of further action**

In the case of my determination that Welsh Ministers have not failed to comply with standard 94, I shall be taking no further action.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 03/08/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Carmarthenshire  
County Council

CSG765 On 31/08/2020 a complaint was received 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 complained that he had received an English telephone call in response to a Welsh letter he had sent to Carmarthenshire County Council ("The Council") about the state of his home.

02/08/2021

### **Commissioner's Findings**

Standard 21: The requirements of standard 21 are to enquire (at first contact) if the person wishes to receive calls in Welsh, to record that, and maintain calls in Welsh with the person from then on if they so wish. I consider that the evidence from the Council in this case supports the facts set out by the Council, namely:

- After being unable to contact the complainant by telephone, the Council had sent a bilingual letter to the complainant dated 22/04/2020 asking him to contact them about the issue from home.
- That the complainant telephoned the Council on 24/04/2020 and had been offered a call in Welsh about the issue but had continued with the conversation in English.

This is not a failure to comply with standard 21 as it was the complainant's choice to continue conversing in English on this occasion despite being offered a Welsh call. Therefore, it was not the Council that telephoned the complainant in English. Furthermore, regarding the requirement to record language choice, I consider that the Council has done so, as they had offered a Welsh language service to the complainant when speaking to him on the telephone, evidence of which is in the screenshot with the note dated 24/04/2020.

### **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 21.

### **Statement of further action**

On the basis that I received items of evidence from the Council that it had offered a service in Welsh to the complainant on this occasion, following recognition of his preferred language, but the conversation continued in English, I will not act further.

**Decision notice given**

The Decision Notice was given to Carmarthenshire County Council on 02/08/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG772b, CSG791, CSG793 On 11/09/2020 and 19/10/2020 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. There were three different elements to the complaints. The complainant complained of an erroneous sign on a parking ticket machine, an English only sign at roadworks, and an English-only map and key showing a change in pathways.

30/07/2021

**Commissioner's Findings**

Standard 38: The requirements of standard 38 are that any material displayed in public must be displayed in Welsh, and that the Welsh language version of the material must not be treated less favourably than the English version. In this case a message to the translator had been left on the Welsh text on temporary material on a parking machine. This is a failure to comply with the requirements of standard 38.

Standard 61: The requirements of standard 61 are that the text on any sign must be displayed in Welsh, either on a separate sign, or on the same sign. The Welsh text on the sign must be treated no less favourably than the English text. There was only an English sign indicating "diverted traffic" at the location at the time, with no Welsh version of the text. This is a failure to comply with the requirements of the standard.

Standard 69: The requirements of standard 69 are that an official notice must be displayed in Welsh, and in doing so the Welsh version must be treated no less favourably. Although the official notice had bilingual text, the map and key were in English only. This, therefore, is a failure 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 has failed to comply with standard 38, 61 and 69.

#### **Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 38, 61 and 69.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, 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 61: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
1. Wrexham County Borough Council must consider introducing clauses in their contracts with third party organisations, which impose penalty clauses on the organisation when they do not comply with the requirements of the standards on behalf of the Council.

Wrexham  
County Borough  
Council

CSG748 On 24/07/2020 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 information relating to Covid-19 was available in English on the Council's website, but the same information had not been updated in Welsh.

26/07/2021

2. Wrexham County Borough Council 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.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 30/07/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### **Commissioner's Findings**

Standard 52: Standard 52 requires Wrexham County Borough Council to ensure that the text of every page of the website is available in Welsh, that all pages in Welsh on the website are fully functional and that the Welsh language is treated no less favourably than the English language on the website. In this case, the Council has published information regarding Covid-19 in English only on its website, and has not updated the corresponding Welsh page. This is a failure to comply with standard 52, as the information in question is not available in Welsh on the website.

#### **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**

In accordance with section 77 of the Welsh Language Measure, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are below.

Standard 52: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. I require Wrexham County Borough Council to ensure that all text relating to Covid-19 on its website is available in Welsh. This includes information which has already been published, and any information which will be published in the future. There should not be any delay between publishing the information in Welsh and English.
2. The Council must review its arrangements for publishing information on its website in an emergency, in order to ensure that the requirements of the Welsh language standards are not forgotten in an emergency. The Council must remind the staff of these arrangements.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 and 2 have been completed.

Timetable: Within 1 month from the date of publication of the final determination.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 26/07/2021.

Chief Constable  
Dyfed Powys  
Police

CSG812 On 4 December 2020, a complaint was received by a member of the public. It met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint was made in regard to an English only message the complainant received from the Chief Constable of Dyfed Powys Police on 2 December 2020. The complaint was received by email. In the email, the complainant said he uploaded a report in Welsh onto the Dyfed-Powys Police website under the 'Reporting a Crime' Section on 1 December 2020, and received an English only confirmation of receipt (see below) on 2 December 2020:  
Thank you for your report. This has been logged under our ref: DP-XXXXXXXX-XXX and has been sent for the attention of the local policing team. Kind Regards.

21/07/2021

### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 1: Standard 1 requires the Police to reply in Welsh (if a reply is required) when it receives correspondence from a person in Welsh, unless the person has indicated that there is no need to reply in Welsh. In this case, the Police sent an English only acknowledgement message. The message was sent in email form. The email confirmed the receipt of a Welsh report uploaded on the Police's website. This highlights a failure by the Police to comply with standard 1.

Standard 4: Standard 4 involves the way in which a body sends correspondence to more than one person. A body must send Welsh correspondence at the same time as it sends the English correspondence. The Police sent standard English only correspondence to the complainant. The standard correspondence was produced to be sent to many persons. The email confirmed the receipt of a Welsh report uploaded on the Police's website. This highlights a failure by the Police to comply with standard 4.

Standard 5: If a body is unaware of a person's language preference, it must ensure that a Welsh version of any correspondence it sends to that person is provided. The Police sent standard English only correspondence to the complainant, without knowing whether they wished to receive Welsh correspondence. The correspondence, in

email form, confirmed the receipt of a Welsh report uploaded on the Police's website. This highlights a failure by the Police to comply with standard 5.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Chief Constable of Dyfed Powys Police has failed to comply with standard 1, 4 and 5.

### **Statement of further action**

Further action was taken following the determination that The Chief Constable of Dyfed Powys Police has failed to comply with standard 1, 4 and 5.

### **Statement on the further action**

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

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

1. The Chief Constable of Dyfed Powys Police must conduct a review to identify every standard message it sends in response to reports uploaded onto the Police's website.

2. The Chief Constable of Dyfed Powys Police must ensure all correspondence received in Welsh, in whichever form, is replied to in Welsh in order to comply with standard 1.



3. The Chief Constable of Dyfed Powys Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 has been completed.  
Timescale: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to The Chief Constable of Dyfed Powys Police on 21/07/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG739 On 25/06/2020 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 claimed that the following tweets, made by a Welsh Minister, treated the Welsh language less favourably than the English language:

1. <https://twitter.com/walesintheworld/status/1275415962364321792>
2. <https://twitter.com/walesintheworld/status/1273305660705341440>
3. <https://twitter.com/walesintheworld/status/1275818552235343873>

It is claimed that the tweets are aimed at a Welsh speaking audience where the speaker in the video uses English only,

21/07/2021

**Commissioner's Findings**

Standard 58: Standard 58 requires the Welsh Ministers to treat the Welsh language no less favourably than the English language when using social media. The standard must be complied with, with the exception of social media used for anticipated audiences based outside Wales. The @walesintheworld account was the official account of the Minister for international relations and the Welsh language. Whilst a proportion of the anticipated audience for this account is likely to be outside Wales, I also conclude that a large proportion of the anticipated audience is based in Wales and are also Welsh speakers. On 23/06/2020 the Welsh Ministers published a message on the Twitter account in question (message 1) which treated the Welsh language less favourably than the English language as the Welsh text contained less information than the English text. On 17/06/2020 the Welsh Ministers published a message on the Twitter

Welsh Ministers

and the subtitles appear in English. In the third tweet, there is bilingual text in English and French, but no Welsh.

account in question (message 2). The text of the message was bilingual and the Welsh and English versions corresponded in full. The message also shared a video in English only. An equivalent Welsh version of the video was not available so I conclude that the Welsh Ministers did not treat the Welsh language less favourably than the English language when sharing that video with the Welsh message. On 24/06/2020 the Welsh Ministers published a message on the Twitter account in question (message 3) in English without publishing an equivalent message in Welsh. In doing so, I conclude that the Welsh Ministers had treated the Welsh language less favourably than the English language. Although the Welsh Ministers have indicated that they have amended the 'Guidance on the use of the Welsh language in Welsh Government communication and marketing' following my previous investigations it appears that failings are still present. I acknowledge that the Welsh Ministers intend to continue to revise this guidance, however, that does not provide sufficient assurance that compliance will have been resolved.

#### **Commissioner's Determination**

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

#### **Statement of further action**

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

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, 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 58: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must conduct a full review of their social media accounts taking into account the anticipated audiences for each account and specifying the extent to which the anticipated audiences are located in Wales.
  2. Where the anticipated audience is judged to be in Wales the Welsh Ministers should ensure that messages published on those accounts are published in Welsh.
  3. When preparing text for publication on their social media accounts, the Welsh Ministers must ensure that the Welsh messages correspond exactly to any English messages (if equivalent English messages are published).
  4. The Welsh Ministers must revise their Guidance on the use of the Welsh language in Welsh Government communication and marketing to reflect the above requirements.
  5. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that they have completed enforcement action 1-4.
- Timetable: Within 3 months of issuing the final determination.

Standard 37 - advice in accordance with section 4(2)(j) of the Welsh Language Measure.

I advise Welsh Ministers to review their Guidance on the use of the Welsh language in Welsh Government communication and marketing.

The guidance should include the following:

- Advice and guidance for staff on how to identify the need for Welsh language provision.
- A clear statement that all publicity material (including videos) produced should be produced in Welsh, and to ensure that the Welsh language is treated no less favourably in the production of that material (excluding material produced to an audience outside Wales).
- A clear statement that every effort should be made to use Welsh speakers to contribute to Welsh language videos, and advice on how to try to ensure that.
- Further guidance on what should be done if a person speaking on the video is unable to speak Welsh.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/07/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

City and County  
of Swansea  
Council

CSG729 On 14/05/2020 a complaint was received from a member of the public. The complaint met the conditions of section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had emailed correspondence in Welsh to the Council on 13/052020. The

21/07/2021

#### **Commissioner's Findings**

Standard 1: When the Council receives correspondence in Welsh, and the Council needs to reply to that correspondence, it must reply in Welsh, unless the person who sent the correspondence has told him that it is not necessary. The complainant sent correspondence in Welsh to the Council. He did not say that the Council did not need to answer it in Welsh. The Council responded to

correspondence related to direct debit payments of Council tax. He received a response in English only on two occasions. Following receipt of the second message, the complainant sent a response to the Council asking why he had received a reply from them in English only.

the complainant's correspondence by email in English. This indicates a failure by the Council to comply with standard 1.

Enforcement action taken by the Council following the CSG201 investigation: The enforcement action requires the Council to ensure that it responds to all correspondence written in Welsh, in Welsh. On 13/05/2020, the complainant received two correspondence in English from the Council. This demonstrates a failure by the Council to comply with an enforcement action.

#### **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 failed to comply with standard 1 and the enforcement action taken by the Council following the CSG201 investigation.

#### **Statement of further action**

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standard 1 and the enforcement action taken by the Council following the CSG201 investigation.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action to prevent the failure continuing or being repeated. Further action is detailed below.

Standard1 –Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Swansea Council must ensure that it responds to all correspondence in Welsh that needs to be answered in Welsh in order to comply with standard 1.
2. The Council must undertake training to raise the awareness of Council staff to existing guidance.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that it has completed enforcement action 1 and 2.

Timetable: within 3 months of the date of publication of the final determination.

**Decision notice given**

The Decision Notice was given to the City and County of Swansea Council on 21/07/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

CSG647 On 27 September 2019 a complaint was received from a member of the public. It met the conditions in section 93 of the Welsh Language Measure and was therefore valid. It related to the way in which Cardiff Council (the council) dealt with two parking appeals and consisted of two elements. Firstly, the complaint alleged that notices by the council rejecting the appeals contained information in English. The complainant provided a copy of the

08/07/2021

**Commissioner's Findings**

Standard 1: When the 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 indicated that it is not necessary to do so. The council received two parking appeals from the complainant in Welsh. It was required to respond to that correspondence either by accepting or rejecting the complainant's appeals. The council replied to the complainant by sending two refusal notices. Although the correspondence was in Welsh on the whole, it contained

council's correspondence. It contained a series of images taken by the council. The correspondence claimed that the images showed the complainant's car illegally parked. The photo headings and details were in English. The English text that was visible included, 'For reference', 'Date time stamp', 'on 28 August 2019 at 16:12:26' and 'Cardiff City Council'. Four similar pages were included in the council's correspondence. Secondly, the complaint alleged that the council had taken longer to deal with the parking appeals because they were in Welsh. The complainant noted that the rejection notices were dated 28 August 2019, as this was the date on the correspondence. However, according to information from the Traffic Penalty Tribunal the date was 21 August 2019. They queried (my translation): Had the Council processed the appeal in English, contrary to the requirements of the standards and the Data Protection Act 2018, thus leading to a seven-day delay? The complainant explained their suspicion that the council had acted in this way as the Traffic Penalty Tribunal's on-line system recorded the notice dates as 21 August 2019. When they used the system on 26 September 2019, they saw that they needed to explain to the tribunal why their

text that was in English only. This was a failure by the council to comply with the standard.

### **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.

### **Statement of further action**

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

### **Statement on the further action**

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

Standard 1 –Requirement to take steps in accordance

with section 77 of the Welsh Language Measure

1.The council must take steps to ensure that any original evidence it releases as part of a correspondence is in Welsh if that is the chosen language of the receiver.

2.The Council must provide sufficient written evidence that enforcement action one has been completed.

Timetable: Within three months of the final determination date.

### **Decision notice given**

The Decision Notice was given to Cardiff Council on 08/07/2021.

appeals against the notices should be considered beyond the statutory 28-day period allowed. The complainant claimed that that the date was corrected by the council on 27 September 2019, and that the on-line system, on that date, showed the notice dates as being 29 August 2019.

### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

City and County  
of Swansea  
Council

CSG482 On 5 January 2019 a complaint was received from a member of the public. The complaint met the conditions of section 93 of the Welsh Language Measure and was therefore valid. The complaint related to alleged failures on pages about planning applications on the City and County of Swansea Council (the Council) website. There were two aspects to the complaint. Firstly, it alleged that the website was not fully functional in Welsh. This, according to the complainant, was because of the software used by the Council to create the website's bilingual interface. The complainant stated that software treated the Welsh language less favourably than the English language. They claimed that it was not possible to view the details of some planning applications on the Welsh language version of the website due to an error with the software. They claimed that Welsh language webpages took two

08/07/2021

### **Commissioner's Findings**

Standard 52: Standard 52 requires the Council to ensure that (a) the text of every page on its website is available in Welsh, (b) all pages on its website are available and fully operational in Welsh, and (c) the Welsh language is not treated less favourably than the English language on its website. On the balance of probability, the Council's website was affected by an error with the software used to create a bilingual interface. This meant that details of a planning application could not be viewed on the Welsh version of the website for a period on 5 January 2019. This was a failure by the Council to comply with the requirements of the standard. At the time of the error the text of a web page was not available in Welsh (a), and the page was not fully functional in Welsh (b). Users of the Welsh version of the website were disadvantaged by not having access to information for a time. As a result, the Welsh language was treated less favourably than the English language on the website (c). English language documents appeared on the Welsh version of the Council's website in relation to a specific planning application. This was not a failure by the Council to comply with requirement (a) of the standard because the



seconds longer to load than equivalent English pages, and that this was the reason for the error. They included links to the Welsh and English versions of a specific page to show that the error only affected the Welsh page. The complainant shared a link to a tweet they posted about the matter at 3:44 on 5 January 2019. A screen grab was attached to the tweet which showed the error message explaining that the page could not be displayed due to an error. The second aspect of the complaint related to specific planning application documents. It alleged that documents relating to application 2018/2629/FUL appeared in English on the website. The complainant stated that they wanted to make a complaint about the Council Planning Department's failure to do anything in Welsh, and from the documents on the website they referred to:

- a press release; and
- letters addressed to persons who had not stated that they wished to receive correspondence in solely in English.

They provided a link to the details of the planning application on the Council's website. There were 14 documents in relation to the application. They included

documents did not form part of webpage's text. Instead, they were separate documents, to which links were provided. The investigation showed that text on a page of the Council's website which contained details of planning application documents was not available in Welsh. This was a failure by the Council to comply with requirement (a) of the standard.

Standard 69: The investigation found that an official notice was in English on the Welsh version of the Council's website. The official notice was also an official notice prescribed by an enactment, a planning application notice under the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, and therefore exempt from the requirements of the standard. This was not a failure by the Council to comply with the standard.

### **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 69, but that the City and County of Swansea Council has failed to comply with standard 52.

### **Statement of further action**

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standard 52.

### **Statement on the further action**

10 letters from the Council's Directorate of Place, one planning application notice and one email from a Council officer.

In accordance with sections 76 and 77 of the Welsh Language Measure I have decided to take further action to prevent the continuation or repetition of the failure to comply and to make a recommendation to the Council. Details of the further action are set out below.

Standard 52: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. The council must review its use of software on the Welsh version of its website to identify whether it is the cause of server deadline errors.

2. The Council must review the pages of its website which contain planning application details and ensure that the text of those pages is available in Welsh in its entirety.

3. The Council must provide written evidence to assure the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

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

Standard 69: Recommendation in accordance with subsection 76(3)(b) of the Welsh Language Measure  
Where an official notice prescribed by an enactment is subject to a specific vocabulary, the council should ensure that it includes the Welsh version of that specific vocabulary if it exists.

#### **Decision notice given**

The Decision Notice was given to the City and County of Swansea Council on 08/07/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG734 On 17 June 2020 a complaint was received from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore valid. It related to the Welsh language version of the City and County of Swansea Council's (the council) website. Specifically pages about the COVID-19 pandemic.

It alleged:

- that several pages about the coronavirus contained information that was solely in English, [www.abertawe.gov.uk/CynqorarCoronafeirws](http://www.abertawe.gov.uk/CynqorarCoronafeirws) and
- that the council had a Facebook group that contained information that was in English, [www.facebook.com/groups/2468930126753492/?ref=group\\_header](https://www.facebook.com/groups/2468930126753492/?ref=group_header).

The complainant had 19 screenshots of the website to support their complaint.

17/06/2021

### **Commissioner's Findings**

Standard 52: On 17 June 2020 information about coronavirus was available in English on the Welsh language version of the council's website. As a result, the text of each page of the website was not available in Welsh. As information was available in English and not in Welsh for an extended period, the Welsh language was treated less favourably than the English language on the website. This was a clear 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 the City and County of Swansea Council has failed to comply with standard 52.

### **Statement of further action**

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standard 52

### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action to prevent the continuation or repetition of the failure to comply. Details of the further action are set out below.

Standard 52: Requirement to prepare an action plan  
1.1 require the council to prepare an urgent translation action plan. The action plan must include action points to

City and County  
of Swansea  
Council

ensure that un-translated text is not placed on the Welsh language version of the website.

It should outline measures to:

- assess the translation unit's capacity; and
- prioritise certain types of information for translation where the unit's capacity is impacted, such as in an emergency.

The action plan must include a timetable for the completion of each action point and allocate responsibility and accountability.

Standard 52: Requirement to take steps

2.If the council shares information for its staff on its website, and that information is accessible to members of the public, it must ensure that it is in Welsh and meets the requirements of the standard.

3.The council must carry out regular audits of its coronavirus webpages to ensure they meet the requirements of the standard.

4.The council must provide sufficient evidence to demonstrate its compliance with enforcement actions two and three.

Timetable: Within 3 months of the final determination date

#### **Decision notice given**

The Decision Notice was given to the City and County of Swansea Council on 17/06/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG633 This investigation considers the policy decision of Rhondda Cynon Taf County Borough Council (the Council) to restructure schools as part of its 21st Century Schools scheme in Pontypridd. One of the decisions associated with the restructuring was a recommendation to close Ysgol Pont Sion Norton and to open a new Welsh-medium school on the existing Heol-y-Celyn School site in Rhydfelen by 2022. Here's how the Council outlined its intention as part of the plan:

Rhondda Cynon  
Taf County  
Borough Council

The closure of Ysgol Gymraeg Pont Sion Norton and the establishment of a new Welsh-medium primary school on the existing Heol-y-celyn School site. The Welsh stream of Heol-y-celyn School will also transfer to the new school. This will increase capacity and improve the provision of Welsh-medium education. It will also remove the two-stream provision.

The Council undertook a public consultation on this intention (and others involved in the scheme) between 15 October 2018 and 31 January 2019. On 21 March 2019 the Council's cabinet decided to accept the recommendation to close Ysgol Pont Sion Norton and invest

17/06/2021

### **Commissioner's Findings**

Standard 88, 89 and 90: Following consideration of all the evidence presented to me by the Council, it is clear that it has carried out an assessment of the impact of the proposal to close Ysgol Pont Sion Norton on Welsh-medium education in the restructuring of schools in the Pontypridd area. The Council has stated on several occasions and in several documents that the proposal is part of the Welsh Language in Education Strategic Plan which plans to increase the number of pupils studying through the medium of the Welsh language within the borough. I accept that the proposal will increase the number of places available for Welsh-medium education within the catchment areas of the two existing Welsh-medium primary schools. I agree with the Council's analysis that Welsh-only education in a school is likely to be more successful in promoting the use of the Welsh language than two-stream education as currently exists at Heol-y-Celyn School. This will also contribute to the realisation of the Welsh Language in Education Strategic Plan's aim of expanding education through the medium of the language. I accept that the Council has discussed and analysed the impact of the proposal on the children's education and discussed issues such as play areas and the accessibility of the buildings with the aim of improving the provision of Welsh-medium education to the communities concerned. Travel distance, and the implications of that on parental choice, is also a relevant factor that has been taken into account. Concerns raised during the consultation about the impact of the proposals on the families of Ysgol Pont Sion Norton were noted. The community impact assessment identified the possible

£10.7 million in the construction of a new school on the existing Heol-y-Celyn School site. This led to the publication of a statutory notice for the declaration of objections on 30 April 2019. Following consideration of responses to the statutory notice, the Council decided to proceed with the scheme on 18 July 2019.

reluctance among parents to send their children to a Welsh-medium school that would require them to travel further to get to school, with the consequence that they would instead choose English-medium provision closer to home. This was also considered in the Objection Report, where the Council noted that around 69% of Ysgol Pont Sion Norton's pupils currently travelled by bus, and those that do not (as they lived within the 1.5mile walking distance in the catchment area) were not eligible for free transport from their home to the new school. I note however that there is no evidence that meaningful consideration was given to the potential impacts on the Welsh language of the reorganisation proposals that did not relate to Welsh-medium education. I have not been provided with evidence that, when the proposals to restructure the English-medium school were advanced, consideration was given to the effects of these proposals on the Welsh language, and whether any negative effects could be mitigated and any positive effects enhanced. I would like to stress that the Welsh language standards are not only relevant to areas of decision-making that relate directly to the Welsh language (for example, Welsh-medium education). When making a policy decision, a body which is subject to standards 88-90 should consider the potential effects of that decision on the Welsh language, even if the decision does not appear to concern the language directly. If we are serious that the Welsh language is everyone's ownership and a factor in planning services, the Welsh language must be considered when undertaking all relevant decisions, particularly important long-term decisions such as those

relating to education provision. In my judgment, the evidence that I have considered does not show that conscientious consideration was given to the impacts of the school reorganisation proposals (including the decision to relocate Ysgol Pont Sion Norton) on the use of the Welsh language by the communities surrounding the schools affected. The Community Impact Assessment and the extract from the Objection Report extract take account of some effects, but many of the effects that ought reasonably to have been identified and considered have been overlooked. In particular, the evidence does not show that conscientious consideration was given to the extent to which Welsh is currently used in the local community around Ysgol Pont Sion Norton, and the extent to which the school contributes to that. In the context of school closure proposals, data and statistics often help to identify the impacts of the policy decision on the Welsh language. Indeed, the Council relied on data and statistics for other aspects of its proposals, such as the statistical data in the community impact assessment which assessed the percentage of pupils living in the appropriate school catchment area, or the statistical data in the consultation document (page 13) which stated that the percentage of pupils choosing to remain within the sixth form of their current school was low. It seems to me that no specific data or statistics were obtained in relation to the effects of the reorganisation proposals on the Welsh language. In particular, there is no evidence that data were gathered on the extent to which Welsh is used locally and then proper consideration given to how the reorganisation proposals could change that. Whilst there is no explicit obligation in the standards to collect data or

statistics on the extent to which Welsh is currently used, it is difficult to see how a decisionmaker could meaningfully identify the effects of a policy decision on the Welsh language without at least some data or statistics to enable the status quo to be understood. In relation to the decision to close Ysgol Pont Sion Norton specifically, I think that the Council should have considered the following effects when assessing the impact of the decision on the use of the Welsh language in the community:

- Impact of relocating the wrap-around care provided by Ysgol Pont Sion Norton
- Impact of relocating the after-school activities from the Ysgol Pont Sion Norton area.
- Impact of relocating the community group activities from the Ysgol Pont Sion Norton area.

None of these factors directly relate to education provision but are all relevant when considering the impact of a school closure. All activities contribute in some way to opportunities for persons to use the Welsh language outside school hours. Although the evidence acknowledges that the location of these activities would have to change because of the school's closure, it does not show consideration of the impact of the change on opportunities to use the language in the affected area. For example, the Council identified a need to mitigate the main impact of the closure of the school, namely that it would be more difficult for many pupils to attend the new site. As this has the potential to have an adverse effect on the up-take of Welshmedium education in the area, it was proposed that transport would be made available to all pupils who would be affected by the change. I would have



expected to see similar recognition and consideration of the impact of moving wrap-around care (the breakfast club and the 'clwb carco') and the after-school clubs from the Ysgol Pont Sion Norton site. This was not done. Similarly, the Council identified that Welsh for Adults lessons are held on site but there is no assessment of the impact of ending the lessons in their current setting on opportunities to use the language locally. It is not for me to take a view on what the outcome of considering these effects should have been, but it is for me to assess whether they were conscientiously considered. I am not satisfied that they were. It is not sufficient, in my view, simply to conclude that increasing places available for primary Welsh-medium education is the only impact regarding equality; and to say that as the children within the catchment area of Ysgol Pont Sion Norton can attend the new school by transport, this necessarily means that the whole offer has a positive impact on the part of the Welsh language. I have identified above factors that certainly have the potential to adversely affect opportunities to use the language locally and which should have been considered fully before the decision was made. Policy decisions relating to education provision can have complex effects on the use of the Welsh language in a community, on choices made in relation to Welsh-medium education and on attitudes towards the Welsh language locally. These can be a mixture of positive, neutral and negative impacts. I am not satisfied that a sufficient effort was made to identify the mixture of impacts in this case. The purpose of ensuring that the negative effects of a policy decision on the Welsh

language are identified is to enable steps to be taken to mitigate those effects before the decision is made. Similarly, the purpose of identifying positive effects is to enable steps to be taken to enhance those effects further. The standards make it open to the Council to continue with the decision or, it may conclude that the adverse effects, properly identified, are so significant that it should revisit the decision. The Council could also revisit the decision to consider whether it can be remade to have positive, or more positive effects, on the Welsh language than was proposed in the first place, or whether additional mitigation measures can be secured to prevent or reduce the adverse impact of the decision. As I note above, I consider that the standards require the Council to identify the effects of each of its policy decisions, and therefore in this case, it was required to assess the reorganisation proposals as a whole, including the decisions relating to English-medium schools. In my judgment, the evidence does not show that the Council made a conscientious effort to identify and then consider the effects that its policy decisions in this case would have on opportunities for people to use the Welsh language or on not treating the Welsh language less favourably than the English language. Nor am I satisfied that the evidence shows that the Council made a conscientious effort to consider how the decision could be made to have more positive, or less adverse, effects on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Rhondda Cynon Taf County Borough Council has failed to comply with standards 88, 89 and 90.

**Statement of further action**

Further action was taken following the determination that Rhondda Cynon Taf County Borough Council has failed to comply with standards 88, 89 and 90.

**Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action for the purpose of preventing the failure from continuing or being repeated. Details of the further action are below.

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

1. The Council must adopt a robust process for conducting and recording the consideration of any effects that a policy decision would have on opportunities for persons to use the Welsh language, and on treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and Councillors on how the consideration process should be carried out and recorded.
2. The Council must adopt a robust process for conducting and recording the consideration of how a policy decision could be formulated so that it has increased positive effects on opportunities for persons to use the Welsh language or on treating the Welsh

language no less favourably than the English language. The process must include clear guidance for officers and Councillors on how the consideration process should be carried out and recorded.

3. The Council must adopt a robust process for conducting and recording the consideration of how a policy decision could be formulated so that it does not have any adverse effects, or has less adverse effects, on opportunities for persons to use the Welsh language or on treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and Councillors on how the consideration process should be carried out and recorded.

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

Standards 88, 89 and 90: Requirement to publicise the failure to comply with standards in accordance with section 77(3)(d) of the Welsh Language Measure

4. The Council must publicise its failure to comply with standards 88, 89 and 90 by publishing this report prominently on its public website, including an item on the investigation in the news section of that website.

Timescale: Within six weeks of the date of publication of the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Rhondda Cynon Taf County Borough Council on 17/06/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Swansea Bay  
University  
Health Board

CSG744 On 6/7/2020 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 left a message on an answering machine in Welsh for the Health Board's complaints department on 30 June 2020. The complainant received Welsh language correspondent in response to the telephone call. The letter included the following sentence "Could you also let us know if you and your son want to speak Welsh only or if you are happy to proceed in English?". The complainant is of the view that this sentence is offensive and notes that the Health Board would not have asked an individual who had left a message on an answering machine in English whether they wished to continue discussions with the Health Board in English. The correspondence did not include a statement explaining that the Health Board welcomed correspondence in Welsh or English.

10/06/2021

### **Commissioner's Findings**

Standard 7: In order to comply with standard 7 Swansea Bay University Health Board needed to ensure that any correspondence inviting a response or correspondence, including a statement that it welcomes receiving correspondence in Welsh, that it will reply to correspondence in Welsh and that correspondence in Welsh will not lead to delay. In this case the Health Board sent correspondence to the complainant requesting information. The correspondence did not contain a statement that complied with standard 7. As the correspondence sent by the Health Board to the complainant did not include a statement welcoming correspondence in Welsh, I am of the view that the Health Board has not complied with standard 7.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Bay University Health Board has failed to comply with standard 7.

### **Statement of further action**

Further action was taken following the determination that Swansea Bay University Health Board has failed to comply with standard 7.

### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, 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 7: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Swansea Bay University Health Board must take steps to ensure that all correspondence sent by the Health Board complies with standard 7.
2. Swansea Bay University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1.

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

#### **Decision notice given**

The Decision Notice was given to Swansea Bay University Health Board on 10/06/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CSG728 On 12/05/2020, a complaint was received from a member of the public (P). The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. P was not satisfied that she had received a letter in English only from Cardiff and Vale University Health Board (D) on 23/04/2020. This letter was in regards to the postponement of the

10/06/2021

#### **Commissioner's Findings**

Standard 5: D sent correspondence to P on 23/04/2020, informing her of the impact of the pandemic on its health visiting services. It did not provide a Welsh version of that correspondence to P. D's conduct constituted a failure to comply with standard 5; D was required to provide a Welsh version of the letter to P, in accordance with the standard, and it failed to do so on this occasion. The main factor which contributed to the failure was that D had not arranged for the letter to be translated into Welsh before

Health Visiting Service's services (which included the 6-month developmental reviews for babies) due to the pandemic.

being sent to P. Therefore, when D decided to send the letter to P on 23/04/2020, it sent an English only version of the letter. Because health visiting appointments had to be cancelled urgently, D did not consider that it had time to send P's letter to be translated [into Welsh before being sent to P]. When P had received the letter, namely on 23/04/2020, an appointment had not been arranged to visit P at her home. D was therefore not corresponding with P to cancel an appointment at short notice. The letter was not one that D urgently needed to send to P, or at the very least, to send to P by 23/04/2020. The information which D had shared in the letter was not information that was completely necessary for P to know on the exact date on which she had received the letter. It would not have made a significant difference to P had that information been sent to her a day, or even a few days, later. Had D decided to postpone sending the letter, it is likely that it would have had enough time to arrange a Welsh translation of the letter before it was sent to P. Had D postponed sending the letter until after 23/04/2020, it would have been possible to send a Welsh version of the letter (along with any English version) in accordance with P's wishes and in accordance with standard 5.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has failed to comply with standard 5.

#### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standard 5.

**Statement on the further action**

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

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

- 1.Cardiff and Vale University Health Board must review all standard letters the health visiting service sends to persons and ensure that they are available in Welsh.
- 2.The Health Board must review its staff guidelines to ensure that an explanation is given regarding how and when to request the translation of letters into Welsh. These guidelines must deal with factors that staff must consider when a letter needs to be sent urgently or in an emergency.
- 3.The Health Board must provide written evidence which satisfies the Welsh Language Commissioner that enforcement actions 1–2 have been completed.

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

Standard 5 –Advice under section 77(4)(b) of the Welsh Language Measure

- 1.The Health Board should review its protocol or its business continuity plan to ensure that it is able to



correspond with persons in Welsh during emergencies or urgent situations. The review should ensure that its translation arrangements and processes are robust enough to ensure compliance with the requirements of standard 5 during such situations.

Timeline: The Health Board should complete the review within 3 months of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 10/06/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

#### Carmarthenshire County Council

CSG738 On 23/06/2020 I received 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 contacted the Commissioner to complain that he had received a letter in English only from Llesiant Delta Wellbeing which is a Local Authority Trading Company owned by the Council. The complainant explained that he had asked to receive all correspondence from the Council in Welsh.

10/06/2021

#### **Commissioner's Findings**

Standard 5: The requirements of standard 5 are if a body doesn't know whether a person wishes to receive correspondence from it in Welsh, when it corresponds with that person it must provide a Welsh language version of the correspondence. In this case, the complainant has received an English only referral letter from Llesiant Delta Wellbeing. This is a failure 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 Carmarthenshire County Council has failed to comply with standard 5.

#### **Statement of further action**

Further action was taken following the determination that Carmarthenshire County Council has failed to comply with standard 5.

**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 5: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Carmarthenshire County Council must remind Llesiant Delta Wellbeing staff of the specific requirements of standard 5 and the steps that must be followed in order to comply with the standard and ask them to verify all their documents in terms of the requirements of standard 5.
2. Carmarthenshire County Council must check and send a copy of the language guidance to staff at Llesiant Delta Wellbeing and raise awareness and understanding of the contents of the guidance that exists, emphasising the requirement of standard 5 and the need to correspond bilingually where the client's chosen language is not known.
3. Carmarthenshire County Council must consider its other third party contracts and take action 1 & 2 above with any other arm's length company acting on its behalf.
4. Carmarthenshire County Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.

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

**Decision notice given**

The Decision Notice was given to Carmarthenshire County Council on 10/06/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Newport City Council

CSG699 On 30/01/2020 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 Newport City Council's draft budget consultation. According to the complainant the link on the Welsh page went to the English only document and there were a number of differences between the Welsh PowerPoint presentation and the English one. The complainant was not able to view the Welsh version of the proposals document.

10/06/2021

**Commissioner's Findings**

Standard 44: The complainant contacted me claiming that the proposals document for the Council's consultation on its draft budget could not be located. On investigation I understand that the Council did not provide the document in Welsh as it considered that the document was exempt from the need to comply with standard 44 as it was a technical document that had been produced in relation to consultation papers. Having considered the document and definitions of what is meant by a "technical document" I do not consider the document to be a technical one. On the basis that I do not consider the proposals document to be a technical document drawn up in connection with consultation papers I determine that the Council has failed to comply with standard 44 in this case.

Standard 47: Standard 47 requires a body to assess whether the subject matter of the document or its audience suggests that it should be produced in Welsh if no other standard has required it to produce the document in Welsh. In this case there was uncertainty as

to which document the complaint related. In investigating this case it emerged that the document had been produced in relation to consultation papers and compliance with standard 44 has been discussed. As the document was a consultation document produced in connection with a consultation document, standard 47 does not apply. I determine that Newport City Council has not failed to comply with standard 47 in this case.

Standard 48: When Newport City Council publishes a document, it 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 there were differences between the Welsh and English presentations and the Council confirmed that the wrong Welsh presentation had been posted when the correct English presentation was posted. It appears from the Council's evidence that the presentation of the previous year's budget consultation was posted on the Council's website as part of the consultation. As the wrong Welsh presentation was included as part of the consultation, the Council treated the Welsh version of the document less favourably than the English version.

Standard 52: In order to comply with standard 52, the Council must ensure that the text of every page of the website is available and fully functional in Welsh ensuring that the Welsh language is treated no less favourably than the English language on those pages. In this case the complainant's complaint led to a suspicion that the

Council was not compliant with standard 52. The information received during the investigation showed that it was not a website problem that caused the complainant to view the document in English only. As a result of the investigation showing that it was because of an exception to standard 44 that the complainant was directed to the English version rather than as a result of problems with the Welsh language website, there is no failure to comply in relation to standard 52.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council has not failed to comply with standard 47 and 52, but that Newport City Council has failed to comply with standard 44 and 48.

#### **Statement of further action**

Further action was taken following the determination that Newport City Council has failed to comply with standard 44 and 48.

#### **Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action to prevent the continuation or repetition of the failure to comply. Details of the further action are set out below.

Standard 44 –requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Newport City Council must draw up clear criteria for its staff explaining when a consultation document should be exempt from the need to comply with standard 44.
2. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.  
Timetable: Within 3 months of issuing the final determination

Standard 44 – recommendation in accordance with section 77 of the Welsh Language Measure  
Newport City Council should indicate on any document that is exempt from the need to comply with standard 44 that is not available in Welsh as it is a technical consultation document.

- Standard 48 – requirement to take steps in accordance with section 77 of the Welsh Language Measure
3. Newport City Council must take steps to remind staff responsible for consultations that the correct Welsh documents need to be posted on the Council's website when the English documents are posted.
  4. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 3 has been completed.  
Timetable: Within 1 month of issuing the final determination

**Decision notice given**

The Decision Notice was given to Newport City Council on 09/06/2021.

## Appeals made to the tribunal

No appeal was made to the Tribunal.

Welsh Ministers  
(Cadw)

CSG692 On 20/01/2020, 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 telephoned three Cadw maintained sites, namely Conwy Castle, Beaumaris Castle and Harlech Castle, and alleged that they did not receive a Welsh language from any of the sites. The telephone calls were made on 18/01/2020. The complainant alleges that none of the three staff members who answered the telephone was able to speak Welsh, and therefore the complainant was unable to obtain the information they wished to have in Welsh. The complainant alleges that there were no other members of staff who could respond to their queries in Welsh.

09/06/2021

### Commissioner's Findings

Standard 10: Standard 10 requires Cadw, under the compliance notice issued to the Welsh Ministers, to deal with telephone calls in Welsh in their entirety if that is the caller's wish. In this case, the complainant telephoned three different sites managed by Cadw, and did not receive a Welsh language service during any of the three calls. Therefore, this is a failure to comply with standard 10.

### Commissioner's Determination

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standard 10.

### Statement of further action

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 10.

### Statement on the further action

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

Standard 10 –requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Welsh Ministers to draft an action plan to ensure Cadw complies with the requirements of standard 10 in answering calls to its main telephone number (or one of its main telephone numbers), or to any helpline numbers or call centre numbers for all of its sites. The plan should outline the arrangements in place to ensure that all call handlers understand enough Welsh to conduct the initial conversation in Welsh if that is the caller's wish to establish the nature of the enquiry. The plan should then set out the arrangements in place to transfer the call following the initial contact to another Welsh-speaking member of staff (if it needs to be transferred and if that is the caller's wish), if the member of staff who answered the call cannot continued to deal with the enquiry in full through the medium of Welsh.

The action plan should include the following information:

- The main steps of the process when planning the work
- The timetable for completing the work
- The budget for completing the work
- The name of the person responsible for the project

Timetable: The Welsh Ministers should prepare the draft action plan within 3 months of the date of the publication of the Commissioner's final determination. I will act in accordance with section 80 of the Welsh Language Measure in relation to the plan.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 09/06/2021.



## Appeals made to the tribunal

No appeal was made to the Tribunal.

CSG725 On 27/03/2020 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. A complaint was received from a member of the public following an application made to renew a blue badge parking permit for people with a disability. The complainant alleged that they had received a letter in English only, along with a form for renewing their blue badge in English only, by post on 19 February 2020. Also, this letter did not refer to the fact that the complainant was able to apply in Welsh if they wished. The complainant complained directly to Cardiff Council by e-mail and subsequently received a letter in Welsh. However, the complainant alleged that this letter contained a number of language errors, that it was much shorter than the original English letter, and included less information and directions, and that there was no date on the Welsh language form included with the letter. The complainant alleged that the standard of translation in this letter was "very poor, with a lot of English used

10/05/2021

## Commissioner's Findings

Standard 4: The standard requires the Council to send a Welsh version of the correspondence at the same time as any English version is sent. The complainant has received English only correspondence from the Council regarding the renewal of a blue badge. This constitutes a failure to comply with standard 4 as no Welsh version of the correspondence was originally sent to the complainant.

Standard 6: The standard requires the content of the material and the standard of the material to treat the Welsh language no less favourably. After the complainant complained about receiving correspondence in English only, they received a Welsh letter full of linguistic errors, which contained less information than the English letter. This is a failure to comply with standard 6, as the Welsh version of the letter is different to the English version and treats the Welsh language less favourably.

Standard 50: The standard requires that all forms produced by an organisation for public use are produced in Welsh. In this case, an old version of the form has been sent to the complainant. I do not accept the Council's argument set out in 2.10 above that this means that the form is available. A different version of a form is a different form, so the correct form was not available in Welsh. This means that Cardiff Council failed to comply with standard 50, as the correct form was not available at the time.

Cardiff Council

throughout". The complainant also noted that they had not received an apology following the complaint made regarding the English only letter. In the original English letter, the letter noted that it was possible to apply to renew online, using the UK Government website (gov.uk); there was no reference to this in the Welsh letter. After completing the form online in Welsh, the complainant received confirmation in English only, thanking them for applying, and asking for feedback on the process in English. They also received confirmation in English that their new permit had been ordered. The complainant alleged that they were unhappy with the blue badge renewal process as there had been no respect for their right to use the Welsh language.

**Standard 50A:** The standard requires that when an organisation produces a Welsh version and a separate English version of a form, it must ensure that the English version clearly states that the form is also available in Welsh. The English form shown as evidence by the Council notes that the form is also available in Welsh. This complies with the standard. Therefore, the Council has complied with the standard as the form sent included text clearly noting that the form is also available in Welsh.

**Standard 50B:** The standard requires the content of the material and the standard of the material to treat the Welsh language no less favourably. After the complainant complained about receiving correspondence in English only, they received a Welsh form which was shorter than the English version. This is a failure to comply with standard 50B, as the Welsh version of the form is different to the English version and treats the Welsh language less favourably.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has not failed to comply with standard 50A, but that Cardiff Council has failed to comply with standard 5, 6, 50 and 50B.

#### **Statement of further action**

Further action was taken following the determination that Cardiff Council has failed to comply with standard 5, 6, 50 and 50B.

### **Statement on the further action**

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

#### Standard 4

1. Cardiff Council must remind its staff in the relevant department of the requirements of standard 4 by producing clear guidelines for staff regarding the requirements of standard 4 and spreading awareness and understanding of it.
2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.

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

#### Standard 6

3. Cardiff Council must remind its staff in the relevant department of the requirement of standard 6 by producing clear guidelines for staff regarding the requirements of standard 6 and spreading awareness and understanding of it.
4. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 3.

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

#### Standard 50

5. Cardiff Council must remind its staff in the relevant department of the requirements of standard 50 by producing clear guidelines for staff regarding the

requirements of standard 50 and spreading awareness and understanding of it.

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

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

#### Standard 50B

7. Cardiff Council must remind its staff in the relevant department of the requirements of standard 50B by producing clear guidelines for staff regarding the requirements of standard 50B and spreading awareness and understanding of it.

8. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 7.

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

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 10/05/2021.

#### **Appeals made to the tribunal**

No appeal was made to the Tribunal.

Carmarthenshire  
County Council

CSG726 On 03/04/2020 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

14/04/2021

#### **Commissioner's Findings**

Standard 1: The standard requires the Council, if they receive correspondence in Welsh, to reply in Welsh (if an answer is required), unless the person has said that an answer is not required in Welsh. The complainant

complaint. On 03/04/2020 the complainant received an English-only email and form from the Council following a telephone call in English with a non-Welsh speaking officer. The complainant is not complaining about the language of the call with the officer, but rather the language of the correspondence and the form. The complainant had already received a copy of the English form at the end of 2019 and contacted the Council by telephone to ask them to re-send the form. According to the complainant, they wrote to Housing Options in Welsh in November 2019 before receiving the English form in return.

received correspondence in English only from the Council in December 2019, in response to a letter they had sent in Welsh. This is contrary to their guidance (see 2.11). One thing that complicates matters here is that the complainant was originally directed to the department in question by a third party, and preferred language had not been noted at that time. This fact does not affect the requirements of the standard. This is a failure to comply with standard 1 because the complainant had not received correspondence in Welsh in response to their correspondence sent in Welsh.

Standard 5: The standard requires organisations to provide a Welsh version of correspondence when they correspond with a person if they do not know whether the person wishes to receive correspondence from them in Welsh. The Council claims that the complainant's preferred language on their online form indicates English, and they have provided evidence of that. They state that all individuals wishing to use their home letting service must create an account on the "Canfod Cartref" website, so that they can tailor the options for them. Any individuals who register must complete all the details on the screen before moving on to full registration. I asked the complainant and the Council additional questions relevant to standard 5 on 20/10/2020:

- I asked the Council whether it was possible that a member of staff in the housing options team had made the language selection on "Canfod Cartref" on behalf of the complainant.
- I asked the complainant whether at any time they had chosen English as the preferred language of

communication on the Council's online form in relation to housing. The answer I received from the complainant on 20/10/2020 was that they had not done this, "no, never". The answer I received from the Council on 21/10/2020 was that the individual is responsible for creating the account and submitting personal details – this includes fields such as name, date of birth, main address, and preferred language. Their officers do not usually complete these areas on behalf of individuals. The screen also appears every time the client logs in and the details can be changed, they said. The Council states that the only other explanation possible is that old data had been imported from the system they previously had in place. However, they note that as the individual was in regular contact with them, the details should have been updated since they were transferred to the "Canfod Cartref" website.

□ On 08/03/202 I asked the complainant one additional question to establish whether he was using the "Canfod Cartref" system. The question is below. You mentioned to me on 20/10/2020 that you have never chosen the English language option on the Council's "Canfod Cartref" online service. Do you have a habit of using the "Canfod Cartref" online system at all – whether regularly, or occasionally, when contacting the Council about your home requirements? If not, what contact methods do you use? The answer from the complainant was: "I look at "Canfod Cartref" regularly". There is no evidence that the Council had checked the complainant's preferred language on the system, so they should have provided a Welsh-language version of correspondence when they corresponded with the complainant. The

Council states in their response that they had no reason to question the complainant's preferred language as he used both English and Welsh when communicating. However, the Council is aware of a number of complaints from the complainant about not having a service in Welsh, so its language choice records should be checked on all the Council's systems. There is no absolute evidence to show that the complainant themselves chose the English option, and they deny doing so. This is a failure to comply with standard 5, as there is no evidence that the Council has checked the complainant's preferred language on the system. They should therefore have provided a Welsh and English-language version of correspondence when they corresponded with the complainant.

Standard 50: The requirements of the standard are that all forms that an organisation produces for public use are produced in Welsh. I asked the Council an additional question on 21/10/2020 relevant to standard 50:

□ I asked the Council whether there was a Welsh version of the Personal Housing Plan form in place at the time the English version was sent to the complainant, and if so, they were asked to provide me with a copy of that Welsh form.

□ I heard back from the Council on 27/10/2020. A copy of the Welsh form was sent to me, noting that the questions and content are tailored to the individual's needs. It is not a public 'form' in the same way as a housing benefits form for example, and is therefore modified following their conversations with the client.

□ They stated: "the questions were available in both Welsh and English since before this complaint came through".

This means that Carmarthenshire County Council has complied with standard 50, because the correct form was available at the time.

Standard 50A: According to the requirements of the standard, when an organisation produces a Welsh-language version and a separate English-language version of a form, they must ensure that the English language version clearly states that the form is also available in Welsh. The English form shown as evidence by the complainant is without any text stating that the form is also available in Welsh. This is not compliant with the standard. The Council has therefore failed to comply with the standard as there was no text on the English form stating that the form was also available in Welsh.

Standard 50B: The standard requires the content of the material and the standard of the material not to treat the Welsh language less favourably. In this case the form I received did not treat the Welsh language less favourably in any way.

### **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 50 and 50B, but that Carmarthenshire County Council has failed to comply with standard 1, 5 and 50A.



**Statement of further action**

Further action was taken following the determination that Carmarthenshire County Council has failed to comply with standard 1, 5 and 50A.

**Statement on the further action**

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

1. Carmarthenshire County Council must remind Council staff, including the housing department, of the requirements of standard 1 and the steps that must be followed in order to comply with the standard.
2. Carmarthenshire County Council must check and re-send a copy of the guidance to Council staff, including the housing department, and raise awareness and understanding of the content of the guidance that exists.
3. Carmarthenshire County Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed

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

**Standard 5**

4. Carmarthenshire County Council must remind Council staff, including the housing department, of the requirements of standard 5 and the steps that must be followed in order to comply with the standard.
5. Carmarthenshire County Council must check and re-send a copy of the guidance to Council staff, including the housing department, and raise awareness and understanding of the content of the guidance that exists.

6. Carmarthenshire County Council must undertake a review of the various systems that record clients' language choice, synchronise them, and ensure that they have an accurate record of their clients' current language choice. This includes checking any data that may have been entered from past systems and checking any default language settings.

7. Carmarthenshire County Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 4, 5 and 6 have been completed. Timetable: Within 3 months of issuing the Commissioner's final determination

#### Standard 50A

8. Carmarthenshire County Council must remind Council staff, including the housing department, of the requirements of standard 50A and the steps that must be followed in order to comply with the standard.

9. Carmarthenshire County Council must check and re-send a copy of the guidance to Council staff, including the housing department, of the relevant department and raise awareness and understanding of the content of the guidance that exists.

10. Carmarthenshire County Council must conduct an inspection of forms across the Council, including the housing department, and ensure that they meet the requirements of standard 50A by ensuring that all English forms produced for public use indicate that they are also available in Welsh.

11. Carmarthenshire County Council must provide written evidence that satisfies the Welsh Language

Commissioner that enforcement actions 8,9 and 10 have been completed.  
Timetable: Within 3 months of issuing the Commissioner's final determination

**Decision notice given**

The Decision Notice was given to Carmarthenshire County Council on 14/04/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

CSG714 On 26/02/2020 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. A complaint was received by a member of the public claiming she had called Visit Wales on the number 03330 063001 at 11.56 on 26/02/2020. This is the Tourist Information Line. The complainant claimed that the person who answered the call did not greet her in Welsh. She asked for a Welsh speaker but no-one was available.

09/04/2021

**Commissioner's Findings**

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 another member of staff in order to deal with it, that member of staff must deal with the call in Welsh. The complainant contacted the main Visit Wales telephone number, which is 03330 063001. She was not greeted in Welsh and she asked for a Welsh speaker. She was told that no-one was available. The Welsh Ministers stated they had not received any calls in Welsh on 26/02/2020 and that they had a procedure where callers are greeted in Welsh first, then in English, when answering calls. They explained, if a call was received by a Welsh speaker, and the person dealing with the call didn't speak Welsh, they would explain in English that they don't speak Welsh and that they would transfer the call to a Welsh speaker. When one of the Commissioner's officers called the Visit Wales telephone line, the call

Welsh Ministers

handler said in English that they didn't speak Welsh. This is contrary to the requirements of standard 10.

#### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with Standard 10.

#### **Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with Standard 10.

#### **Statement on the further action**

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

1. The Welsh Ministers must prepare an action plan showing the steps they will take in order to comply with standard 10 in relation to dealing with telephone calls where the caller wishes to receive a service in Welsh. The action plan should include the following information:
  - The main steps of the process when planning the work
  - The timeline for completing the work
  - The budget for completing the work, if necessary
2. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.

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

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 09/04/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.