

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<u>Welsh Ministers</u>	<p><b>CS063</b> On 21/06/2021, 14/11/2021 and on 17/11/2021 I received complaints from members of the public. The complaints met the conditions of section 93 of the Welsh Language Measure and were therefore valid complaints.</p> <p>Complaint 1: The Commissioner received a complaint by a member of the public claiming that there were English only audio announcements on their train journey from Pwllheli to Aberystwyth on 12 June 2021 (train leaving Pwllheli station at 7:24 am). The complainant also alleges that there were English only signs at the stations throughout the journey. The Welsh Ministers have confirmed that the train in question was fitted with a Train-FX audio system.</p> <p>Complaint 2: The Commissioner received a complaint by a member of the public regarding audio announcements in English only during her train journey from Swansea to</p>	04/10/2022	<p><b>Commissioner's Findings</b></p> <p>Standard 61: In order to comply with standard 61, the Welsh Ministers must ensure that all signs placed by them, including electronic signs, are placed in Welsh. Two members of the public contacted me to complain that signs on trains and in train stations had not been placed in Welsh. One complainant had travelled by train from Pwllheli to Aberystwyth on 12/06/2021 and had seen English only signs at stations. Another complainant had travelled from Aberystwyth to Birmingham on 27/10/2021. The complainant contacted me to complain that there were electronic signs on the train and at the station in Aberystwyth in English only. As it is not possible to know when the signs seen by the complainant were placed when travelling by train from Pwllheli to Aberystwyth, then it is not possible to ascertain whether there has been a failure to comply with standard 61 in the case of this complaint. Similarly, the electronic signs seen by the complainant on Aberystwyth station are not identifiable. However, in the case of the train journey from Aberystwyth to Birmingham on 27/10/2021, the electronic signs were on a train using the TrainFX information system and in English only. As the Welsh Ministers did not ensure that the electronic signs on the journey were in Welsh then I do not consider that the Welsh Ministers complied with standard 61 in this case.</p>

Cardiff on 12 November 2021. The Welsh Ministers have confirmed that the train in question used the ALSTOM audio system.

#### Complaint 3:

The Commissioner received a complaint by a member of the public regarding train services during his journey from Aberystwyth to Birmingham on 27 October 2021. The complainant claims that electronic signs on the train and at the train station in Aberystwyth were in English only. They also alleged that audio announcements on the train were in English only. The Welsh Ministers have confirmed that the train in question was fitted with a Train-FX audio system.

Standard 87: Standard 87 requires the Welsh Ministers to ensure that announcements over public address systems are made in Welsh and that the Welsh language is heard first. Three complainants contacted me to express disappointment after they heard English-only announcements on trains on three different journeys. In providing information on the sound systems being used, the Welsh Ministers confirmed that the announcements on these trains were not made in Welsh. As the announcements made over the public address systems on these trains were not made in Welsh, I determine that the Welsh Ministers failed to comply with standard 87 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 61 and 87.

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

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 61 and 87.

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

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

I require the Welsh Ministers to prepare a draft action plan for the purpose of ensuring that the Welsh Ministers

comply with the requirements of standard 61 when providing electronic signage on trains under their responsibility.

The draft action plan must contain the following information:

- A description of each of the steps the Welsh Ministers will take to ensure that electronic signs on trains comply with standard 61
- Who will be responsible and accountable for taking each of the actions (including any milestones).
- The resources (eg finance / staff) required to deliver each of the actions.

The action plan should include steps to ensure that—

- the Welsh Ministers carry out an audit of all the electronic signage systems on trains it must assess whether they comply with the requirements of standard 61,
- the Welsh Ministers comply fully with the requirements of standard 61 when providing electronic signage on trains under their responsibility within 9 months of the date of approval of the action plan.

Timescale:

The Welsh Ministers must prepare a first draft of the action plan and provide that draft to the Commissioner within 3 months of the date of publication of the Commissioner's final determination.

Standard 61: Recommendation in accordance with section 76 of the Welsh Language Measure

I recommend that the Welsh Ministers carry out an audit of all signage at the train stations between Pwllheli and Aberystwyth to check compliance with standard 61.

Standard 87: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

I require the Welsh Ministers to prepare a draft action plan for the purpose of ensuring that the Welsh Ministers comply with the requirements of standard 87 when making audio announcements on trains under their responsibility.

The draft action plan must contain the following information:

- A description of each of the steps the Welsh Ministers will take to ensure that audio announcements on trains comply with standard 61
- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (eg funding / staff / training) required to deliver each of the actions.

The action plan should include steps to ensure that—

- the Welsh Ministers carry out an audit of all the sound systems on trains it must assess whether they comply with the requirements of standard 87,
- the Welsh Ministers fully comply with the requirements of standard 87 when making audio announcements on

Vale of  
Glamorgan  
Council

**CS128** On 04/03/2022, 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 allegation was that a link on the Council's Welsh website had directed the complainant to an English page, and there was no Welsh language version

20/09/2022

trains under their responsibility within 18 months of the date of approval of the action plan.

Timescale:

The Welsh Ministers must prepare a first draft of the action plan and provide that draft to the Commissioner within 3 months of the date of publication of the Commissioner's final determination.

Any Action Plan is expected to be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the general guidance contained in the supplementary Advice Document

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 04/10/2022.

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

No appeal was made to the Tribunal.

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

Standard 52: In order to comply with standard 52, all text on the Council's website must be in Welsh; every Welsh page must be fully functional; and the website should not treat the Welsh language less favourably than the English language. In this case, there was more than one link on the Council's website that directed the user to an English language page that was not available in Welsh. There were also linguistic errors on the website, which could still

available. The webpage in question is supplied by a third party on behalf of the Council. Further inspection of the website has shown that further links direct the user to the third party's English pages, and that there are linguistic errors on the Welsh website.

be seen after the Council corrected the page. This is a failure to comply with standard 52.

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

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

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

Further action was taken following the determination that Vale of Glamorgan 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 review the links on the recycling website and ensure that each one directs the user to a fully functional Welsh language page.
2. The Council must review its procedures for dealing with third parties responsible for its webpages. The Council must ensure that the third party is aware of the Council's duty to comply with Welsh language standards, and put arrangements in place to ensure that the Council checks all new pages to make sure that they are fully functional in Welsh before they are published.
3. The Council must contact the third party in question to inform them of this determination, and reinforce the Council's position in terms of the requirement to comply with Welsh language standards with regard to third party websites.

Bridgend  
County Borough  
Council

**CS098** On 26/11/2021, 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 relates to a recent consultation

20/09/2022

4. The Council must review its internal guidance to include a section emphasising the fact that the Council is responsible for ensuring that third party websites operated on behalf on the Council comply with Welsh language standards.
5. The Council must re-check the page Baw Anifeiliaid, Anifeiliaid dy Marw, Biniau Gorlifo, neu Baraffernalia Cyffuriau -Adroddiad Cychwynnol -Cyflwyniad -Cyngor Bro Morgannwg (achieveservice.com)and ensure that there are no linguistic errors.
6. The Council must ensure that relevant members of staff are made aware of the revised internal guidance explaining how to comply fully with standard 52.
7. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-6 have been completed.

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Vale of Glamorgan Council on 20/09/2022.

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

No appeal was made to the Tribunal.

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

Standard 91: In order to comply with standard 91, the Council must consider and seek views in the consultation document on the potential effects of the proposal (whether positive or adverse) on opportunities to use the Welsh language and on treating the Welsh language no

by the Council on a proposal to move an infant department to the Mynydd Cynffig Primary School site, and to expand the size of the new building. The complainant alleges that the consultation did not consider the effect of the proposal on the Welsh language.

less favourably than the English language. The consultation document does not do enough to seek views or convey a conscientious consideration of the possible effects of the proposal on the Welsh language. There is no consideration of the possible effect of the proposal on the Welsh language in the community, and only a broad reference to the effect of the proposal on the Welsh language in the new building and on Welsh-medium education locally. This is a failure to comply with of standard 91.

Standard 92: In order to comply with standard 92, the Council must consider and seek views in the consultation document on how the policy could be formulated so that it would have positive, or more positive, effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The consultation document does not succeed in seeking views or convey a conscientious consideration on how the policy could be formulated so that it would have more positive effects on the Welsh language. This is a failure to comply with standard 92.

Standard 93: In order to comply with standard 93, the Council must consider and seek views in the consultation document regarding how the policy could be formulated in order to avoid adverse effects, or so that it would have less adverse effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The consultation document does not succeed in seeking views or convey a conscientious consideration on how the policy could be



formulated so that it would have less adverse effects on the Welsh language. This is a failure to comply with of standard 93.

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

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

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

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

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

Standards 91, 92, and 93: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must conduct a review of the internal guidance, adding to it so that there is more content rather than merely a list of policy making standards, so that staff have more instructions when preparing a consultation document. The guidance must reflect the fact that two elements need to be met under the three standards, namely to seek views, and to consider the impacts of the proposal on the Welsh language.
2. For the seeking views element, the Council must note that specific questions need to be asked in the consultation document which meet the requirements of the three standards. It must be noted here that

asking for a general response to the consultation is not sufficient to comply, but specific questions must be asked regarding the effects of the proposal on:

- a) Opportunities for persons to use the Welsh language, and
- b) Treating the Welsh language no less favourably than the English language.

The Council must note in the guidance that these questions need to be clearly asked in the consultation document so that the public can give their views on the effect of the proposal on the Welsh language.

3. For the consideration element, the Council must note in the guidance that conscientious consideration needs to be given to the potential effects of the proposal on the Welsh language, and to how the policy could be formulated so that it would have more positive and less adverse effects on the Welsh language. The guidance must explain that superficial statements about the Welsh language are not sufficient to comply, and that sufficient information needs to be included so that the public is aware of the position of the Welsh language in relation to the proposal.
4. The Council must provide training to relevant staff on how to comply with the Welsh language standards when drawing up consultation documents on policies relating to education in the county. It should raise staff awareness of the revised guidance in this training, and

ensure that they are aware of all requirements under standards 91-93.

5. The Council 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 issuing the final determination.

Standards 91, 92, and 93: Requirement to publicise the failure to comply in accordance with section 77(3)(d) of the Welsh Language Measure

6. The Council must publicise the failure to comply with standards 91, 92 and 93 by publishing this report in a prominent place on its main website. The Council must raise relevant staff awareness of the failure by publishing the report on its staff intranet and discussing it in internal committees.

Standards 91, 92, and 93: Publicise the Council's failure to comply in accordance with section 77(3)(c) of the Welsh Language Measure

7. I will publicise the failure to comply by publishing information about the investigation and my judgment on my website. I will do so in order to achieve my objective of educating organisations about the requirements of the policy making standards, and to improve compliance rates with the policy making standards.

Betsi Cadwaladr  
University  
Health Board

**CS053** On 18/05/2021, 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 29 January 2021, P visited the North Wales Cancer Treatment Centre (NTCTC) at Glan Clwyd Hospital, Bodelwyddan. At the end of the preparatory session for his radiology treatment, P alleges that the health board's radiographer asked P to sign 'Consent Form 1: Patient agreement to examination or treatment', which would: give the health board consent to provide treatment to P, and confirm that P agreed to the conditions of the treatment. Before P signed the form, P alleges that the radiographer told him that he should sign the English side of the document (rather than the Welsh side), stating: "Sign on the English side, since we all

06/09/2022

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

#### **Decision notice given**

The Decision Notice was given to Bridgend County Borough Council on 20/09/2022.

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

No appeal was made to the Tribunal.

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

Standard 60: This complaint related to a multi-part bilingual consent form that P received from D in order to provide consent for treatment in the hospital (namely Consent Form 1: Patient agreement to examination or treatment). In order to provide consent, P was required to complete and sign the relevant consent section on the form. In the case of this complaint, the 'Welsh language service' in question was the option for P to complete and sign the relevant section on the Welsh side of the bilingual consent form (the section titled 'Datganiad a llofnod y claf' or 'Statement and signature of patient' in English). To comply, D was required to promote that 'Welsh language service' to P by promoting the fact that P could complete and sign the relevant section on the Welsh side of the bilingual form (if he wished to do so). D failed to promote the use of the Welsh side of the form in its dealings with P. As a result, it failed in its duty to promote the 'Welsh language service' that should have been available for P to use. Rather than encouraging or informing P that he could complete and sign the Welsh

understand English.” P alleges that there was clear encouragement from the member of staff to sign the English side of the form. The complaint raises a suspicion that D did not promote the Welsh language service that it provides, and that it actively promoted the English language service at the expense of the Welsh language service. The ‘Welsh language service’ in question in this case was the option for P to complete the bilingual form in question in Welsh (rather than in English).

language version of the form, a member of staff encouraged P to complete and sign the English side of the form, by saying: “Sign on the English side, since we all understand English.” By stating specifically that P should complete and sign the English side of the form—instead of promoting the Welsh language service—D acted in direct opposition to the requirement and purpose of the standard, by actively promoting the use of the English language service (namely the option to complete the form in English) at the expense of the Welsh language service. However, I note that the health board considers that there are legitimate medical reasons for not promoting the Welsh language service in this case. Encouraging and allowing P to sign and complete the Welsh version of the bilingual consent form would have meant that not all the information needed to confirm consent for the treatment—namely P’s signature and the important details inputted by P and the health professional—would ultimately be transferred to P’s medical records. Whilst acknowledging this, D did not clearly articulate to P the clinical reasons why it was not possible to complete and sign the Welsh version of the form or why he needed to complete and sign the English (front) version of the form. Also, this was not expressed in a way that was conscientious of P’s wish to complete and sign the consent form in Welsh. That led to a situation where P was made to feel that his desire to use Welsh was not recognised and respected by the health board. As things stand, the structure and form of the current form means that patients need to be asked to complete and sign the front (English) version of the form to ensure

the patient's clear consent to the treatment. The structure of the form means that allowing a patient to complete and sign (and promoting, in accordance with standard 60, that a patient can complete and sign) the Welsh version of the form would have adverse implications concerning the confirmation of the patient's consent to treatment. Whilst recognising this unsatisfactory situation whereby the structure of the current form results in patients not being allowed to complete and sign the consent form in the language of their choice, as D is not responsible for producing the form in question, I do not have jurisdiction in accordance with the Welsh Language (Wales) Measure 2011 to require D to take enforcement action to ensure that the form is amended.

#### **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 60.

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

Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with standard 60.

#### **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 60: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must produce and provide guidance to staff on how to explain clearly to patients wishing to complete and sign bilingual multi-part consent forms in Welsh, why the structure of the current form does not enable that. The guidance is expected to describe how staff should explain this in a way that ensures that they acknowledge and respect patients' wishes to use Welsh when they are confirming their consent to treatments.
2. D must produce and provide guidance for staff on how to promote and facilitate the use of the Welsh language as they complete the consent process to treatments with patients. This may include guidance on how to refer patients to the Welsh copy of the consent form in order for them to be able to read it and how it could be ensured that patients can discuss the completion of consent forms with staff in Welsh (if Welsh-speaking staff are available). It may also include details of what documentation regarding the confirmation of patient consent to treatments is available in Welsh and that can be shared with patients.
3. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1-2 have been completed.

Timetable: Within 3 months of issuing the final determination.

**CS112** On 01/01/2022 and 24/01/2022 I received complaints from members of the public. The complaints met the conditions of section 93 of the Welsh Language

19/08/2022

Standard 60: Recommendations in accordance with section 77 of the Welsh Language Measure

1. I recommend that D encourages and seeks to influence the Welsh Risk Pool (which is the body ultimately responsible for producing bilingual multi-part consent forms for local health boards) to identify an appropriate structure and form to 'Consent Form 1: Patient consent to an examination or treatment' which will allow patients to complete and sign the form in Welsh without hindrance, and that will consequently allow D to be able to comply with standard 60 (by promoting that patients can complete and sign the form in Welsh).

I recommend that any amendment to the form also ensures that details of a patient's consent (and signature) are added to their medical records when a patient chooses to complete and sign the form in Welsh.

#### **Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 06/09/2022.

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

No appeal was made to the Tribunal.

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

Standard 88: Standard 88 requires the Council to consider what effects, if any, a policy decision would have on the opportunities for persons to use the Welsh language and on treating the Welsh language no less



Measure and were therefore valid complaints.

Both complaints related to the change to the Street Naming and Numbering policy of Monmouthshire County Council (the Council). The complaints related to the Council's decision to remove the need to translate into Welsh any English only road sign for additional or replacement signs.

favourably than the English language. In this case, the Council's Street Naming and Numbering policy was amended, but I am not satisfied that the Council has given conscientious consideration to what effects, if any, 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. Although some considerations have been identified, no evidence has been submitted to show conscientious consideration of these effects. This represents a failure to comply with standard 88.

Standard 89: The policy making standards deal with the way in which a body considers the effects of its policy decisions on the Welsh language. Standard 89 requires the Council to consider whether the policy decision could be formulated or changed so that it increases the positive effects on the Welsh language. In this case, the Council's Street Naming and Numbering policy has been amended, but I am not satisfied that the Council has given conscientious consideration to how the policy decision could be formulated or changed so that it increases the positive effects on the Welsh language. This represents a failure to comply with standard 89.

Standard 90: Having considered what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably under Standard 88, Standard 90 requires a body to make further considerations. The Council had to consider how the policy could be formulated (or how an existing policy could be changed)

so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and on treating the Welsh language no less favourably than the English language. In this case, the Council's Street Naming and Numbering policy was amended, but I am not satisfied that the Council has given conscientious consideration to how the policy could be amended so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably than the English language. This represents a failure to comply with standard 90.

#### **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 88, 89 and 90.

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

Further action was taken following the determination that Monmouthshire County 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 to prevent the continuation or repetition of the failure to comply. Details of the further action are set out below.

Standard 88: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. When formulating a new policy, or reviewing or revising an existing policy, the Council must document any consideration given to what effects, if any (whether positive or adverse), the policy decision would have on:
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
2. The Council must prepare guidance for all staff, officers and councillors involved in policy decisions on how to give conscientious consideration to what effects a policy decision would have on:
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
3. The Council must provide training on the guidance in step 2 to all staff, officers or councillors involved in policy decisions under the Welsh Language Standards.
4. The Council must consider whether it needs to amend its Impact Assessment document in order to encourage conscientious consideration under Standard 88.
5. Monmouthshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 - 4 have been completed.

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

Standard 89: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

6. When the Council formulates a new policy, or reviews or revises an existing policy, the Council must record any considerations it gives regarding how the policy could be formulated (or how an existing policy could be changed) so that the policy decision 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.
7. The Council must prepare guidance for all staff, officers and councillors involved in policy decisions on how to give conscientious consideration to how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive, or more 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.
8. The Council must provide training on the guidance in step 7 to all staff, officers or councillors involved in policy decisions under the Welsh Language Standards.
9. The Council must consider whether it needs to amend its Impact Assessment document in order to

encourage conscientious consideration under Standard 89.

10. Monmouthshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 6 - 9 have been completed.

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

Standard 90: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

11. When the Council formulates a new policy, or reviews or revises an existing policy, the Council must record any considerations it gives regarding how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on –
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
12. The Council must prepare guidance for all staff, officers and councillors involved in policy decisions on how to give conscientious consideration to how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on –
  - (a) opportunities for persons to use the Welsh language, and

(b) treating the Welsh language no less favourably than the English language.

13. The Council must provide training on the guidance in step 12 to all staff, officers or councillors involved in policy decisions under the Welsh Language Standards.
14. The Council must consider whether it needs to amend its Impact Assessment document in order to encourage conscientious consideration under Standard 90.
15. Monmouthshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 11 - 15 have been completed.

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

Welsh Language Commissioner to publicise the failure to comply:

As the complaints received regarding this matter have already received publicity in the press, therefore leading to public interest in the outcome of the investigation, the Welsh Language Commissioner will publicise the outcome of the investigation.

The Welsh Language Commissioner will publicise the Council's failure to comply with standards 88, 89 and 90 by issuing a statement to the press and on the Commissioner's website no less than 28 days after the date of publication of the Commissioner's final determination.

**CS107** On 20/12/2021 I received a complaint from members of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint.

There are three elements to this complaint, all linked to the complainants' experience of objecting to a planning application, namely:

1. An allegation that the complainants received e-mails and telephone calls in English from the Council's planning officer, although the original planning officer was a Welsh speaker, and corresponded in Welsh with the complainants.
2. An allegation that the Council officer had told the complainants that there was a delay in their Freedom of Information

### **Decision notice given**

The Decision Notice was given to Monmouthshire County Council on 19/08/2022.

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 1: Standard 1 states that Welsh correspondence must be responded to in Welsh, unless the individual has indicated that there is no need to do so. In this case, the complainants corresponded in Welsh with the Council, noting that part of the text was in English as they were quoting from an English document. The complainants did not say that they wished to change the language of correspondence to English. As a result, the Council should have responded to the e-mail in Welsh. But the Council responded in English only. This is therefore a failure to comply with standard 1.

Standard 2: Standard 2 applies for the first time an organisation corresponds with an individual. In doing so, an organisation must ask a customer whether they wish to receive correspondence in Welsh, and if so, then a record must be made of that, and they must correspond with the customer in Welsh from then onwards. Following receipt of the full facts of the complaint, it has emerged that standard 2 does not apply as it was the complainants that first contacted the Council. This is not a failure to comply with standard 2.

19/08/2022

request as the request had been made in Welsh.

3. An allegation that the complainants had received automatic e-mails in English in response to their Welsh e-mail.

Standard 5: Standard 5 applies when an organisation is not sure in which language a customer wishes to receive correspondence. In such circumstances, an organisation must send a Welsh language version of correspondence to the customer when it corresponds. Following receipt of the full facts of the complaint, it is clear that the Council was not sure what the complainants' preferred language was and should therefore have provided a Welsh version of the correspondence to the complainants, rather than assuming that English was their preferred language. This is a failure to comply with standard 5.

Standard 18: Standard 18 requires a body to deal with calls made to its main telephone line in Welsh in their entirety if that is the customer's wish. In this case, the complainants telephoned the Council's direct number more than once and received an English language service. The Council made no effort to ascertain the complainants' preferred language, and therefore the conversation continued in English. This is a failure to comply with standard 18.

Standard 20: Standard 20 requires that the Welsh language is not treated less favourably than the English language when greeting a person who contacts the body's direct line. Following receipt of the full facts of the complaint, it has emerged that the Council did not treat the Welsh language less favourably than the English language when greeting the complainants. This is not a failure to comply with standard 20.



Standard 21: Standard 21 states that when calling an individual for the first time, a body must ask the individual what their preferred language is for receiving calls from the Council. If the individual wishes to receive calls in Welsh, the body must hold telephone calls in Welsh with that person from then on. Following receipt of the full facts of the complaint, it has emerged that standard 21 does not apply as these are calls made by the complainants to the Council. This is not a failure to comply with standard 21.

Standard 7: Standard 7 states that a body must state that a person is welcome to respond to correspondence in Welsh, that the body will reply in Welsh, and that corresponding in Welsh will not lead to a delay, in correspondence, publications, or official notices inviting a response. It appears here that there has been a misunderstanding between the complainants and the Council as to the reason for the delay in the complainants' application. The Council has demonstrated full compliance with the requirements of standard 7. This is not a failure to comply with standard 7.

Standard 4: Standard 4 requires a body to send any correspondence that goes to a number of persons bilingually, regardless of the customer's preferred language. In this case, the complainants have received automatic emails in English only from the Council. The Council stated that this was because English had been identified as the complainants' preferred language in error. This does not actually affect my determination as language choice should not be taken into account when

sending correspondence to a number of persons. Instead, correspondence that goes to a number of persons must be sent in Welsh, regardless of the preferred language. 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 Denbighshire County Council has not failed to comply with standards 2, 7, 20 and 21, but that Denbighshire County Council has failed to comply with standards 1, 4, 5 and 18.

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

Further action was taken following the determination that Denbighshire County Council has failed to comply with standards 1, 4, 5 and 18.

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

1. The Council must review its current arrangement to ensure that it responds to any Welsh correspondence in Welsh. This is even if part of the correspondence is in English. If the customer has not clearly indicated that they do not wish to receive a Welsh language response, the Council must therefore respond in

Welsh. The Council must ensure that these requirements are made clear in any staff guidelines the Council has.

2. The Council must raise the awareness of the staff of the planning department of the requirements of standard 1 and the amended guidelines, and specifically explain the situation when part of the correspondence is in English, but that there is no statement that there is no need to respond in Welsh.
3. The 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 publishing the final determination.

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 version. This includes automatic emails that go to a number of people. This is the case regardless of customers' preferred language.
2. The Council must adapt its guidance to ensure that the requirements of standard 4 are fully explained to staff. The guidance must explain the following:
  - III. What type of correspondence is regarded as correspondence going to 'a number of persons'. Correspondence does not have to go to more than one person at the same time in order to fall into this category, and therefore automatic emails are included.
  - IV. The customer's preferred language does not affect the requirements of standard 4 if the correspondence

in question goes to a number of persons. This type of correspondence must be sent bilingually.

3. The Council must draw these changes to the guidance to the attention of relevant staff.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1, 2 and 3 have been completed.

Timetable: Within 3 months of publishing the final determination.

Standard 5: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Council must revise its arrangements in order to ensure that it follows the requirements of standard 5 when there is uncertainty about the customer's preferred language. Any staff guideline must reflect that the Council must provide a Welsh language version of correspondence when it is not sure what the customer's preferred language is, and this is up until the Council knows that the person does not wish to receive Welsh correspondence.
2. The Council must raise awareness of the staff of the planning department of the amended guide, and ensure that they fully understand the requirements.
3. The 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 publishing the final determination.

Standard 18: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

**CS100** On 29/11/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the

19/08/2022

1. The Council must adjust its arrangements for dealing with telephone calls in order to ensure that it provides a telephone service in Welsh in its entirety to a customer who calls the direct line telephone number of departments and staff if that is what the customer wishes. If the customer's wish is not clear, the Council must make a proactive effort to ascertain the customer's preferred language in order to ensure full compliance with this standard.
2. The Council ensure that the internal guide explains that a proactive effort is needed to ascertain the language choice of any customer who calls the direct line telephone number of the Council's departments and staff members. The Council must raise staff awareness of the requirements of this standard and the revised guide.
3. The 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 publishing the final determination.

#### **Decision notice given**

The Decision Notice was given to Denbighshire County Council on 19/08/2022.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 requires the Council to respond in Welsh to any Welsh language correspondence. In this

Welsh Language Measure and was therefore a valid complaint.

Two complaints were received from the complainant, both have now been combined to form one investigation. The elements under consideration are:

1. The complainant received an English letter in response to comments on a planning application.
2. Errors on the Welsh website:
  - a. A link to a recycling consultation was not available on the Welsh website;
  - b. English only text seen on Welsh pages of the website.

case, the correspondence from the complainant to the Council was in English, and therefore standard 1 does not apply. As a result, there is no failure to comply with the requirements of standard 1.

Standard 5: Standard 5 requires a body to send a Welsh version of any correspondence if the customer's preferred language is uncertain. In this case, the complainant's preferred language was unclear, and the complainant did not say that he/she did not wish to receive correspondence in Welsh from the Council. The Council must therefore respond to such correspondence in Welsh. As a result, this is a failure to comply with standard 5.

Standard 52: Standard 52 requires the Council 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. The evidence of the complainant and the Investigation and Enforcement Officer shows that there is more than one occasion where a link on the English language website does not appear on the corresponding Welsh language website. There was also English text on the Welsh website, and the Council's arrangements creates a risk of the same happening again. This treats the Welsh language less favourably than the English language, and therefore constitutes a failure to comply with standard 52.

### **Commissioner's Determination**

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

Borough Council has not failed to comply with standard 1, but that Torfaen County Borough Council has failed to comply with standards 5 and 52.

**Statement of further action**

Further action was taken following the determination that Torfaen County Borough Council has failed to comply with standards 5 and 52.

**Statement on the further action**

Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure. In the case of my determination that the Council has failed to comply with standard 5 and 52, I shall be taking further action for purpose of preventing the continuation of the failure to comply. Details of the further action are set out below.

Standard 5: Requirement to take action in accordance with section 77 of the Welsh Language Measure:

1. The Council must ensure that it sends correspondence in Welsh to customers until the Council knows that this is not necessary. Therefore, if the customer has not said their preferred language, the Council must correspond in Welsh until that choice is made clear.
2. The Council must adapt its internal guidance to reflect the above enforcement action, and raise awareness of relevant staff of these new guidelines.
3. The Council must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1 and 2.

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

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

1. Torfaen County Borough Council must ensure that the same links appear in the Welsh and English website, in order to ensure that users of the Welsh website users have the same access to Council services as users of the English website.
2. The Council must adapt its internal guidelines in order to reflect enforcement action 1, and ensure that relevant staff are aware of the requirement to not treat the Welsh language less favourably on the website.
3. The Council must ensure that there is no English text on the Welsh website. The Council must adapt its arrangements for publishing text on the website so that it does not publish at all until the Welsh text is ready to go on the Welsh website.
4. The Council must provide evidence that the arrangements have changed and that the relevant staff and Linguaskin are aware of this. The Council must adapt its internal guidelines in order to reflect enforcement action 3 as well.
5. The Council must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1-4.

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

**Decision notice given**



Welsh Ministers

**CS073** On 6 August 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 complaint from a member of the public claimed that there was a lack of translation arrangements by the Planning Inspectorate at a meeting relating to a planning appeal. The virtual meeting was held on 27 April 2021 for a period of 2/3 days. It is claimed that the appellant and a number of witnesses asked to give their evidence in Welsh. It is claimed that the software used by the Planning Inspectorate did not allow for a barrier free translation.

As a result it is claimed that some had faced a day's postponement in giving evidence, others gave evidence in English, and the defendant did not speak at all. It is claimed that 9 people had

The Decision Notice was given to Torfaen County Borough Council on 19/08/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 27: Standard 27 requires a body to actively ask each 'invited' person about their wish to use the Welsh language at the meeting. In producing the report it was made clear that it was necessary to interpret whether it was a meeting that was 'open' for anyone to attend or a meeting where persons were invited. There has been some confusion due to COVID-19 restrictions, and that prior registration was required in order to receive the link to join the meeting, and individuals were invited to speak, although it was a meeting that was open to the public to attend. Following full acceptance of the facts, it has emerged that an open meeting was held, and therefore standard 27 does not apply.

Standard 27D: Standard 27D requires the Welsh Ministers to provide a translation service in meetings when persons invited to the meeting have informed them that they wish to use the Welsh language at the meeting. Following full receipt of the facts, it has become apparent that the meeting held was an open meeting without invitations to specific persons, therefore, as a result, standard 27D is not applicable in this case.

19/08/2022

stated before the hearing that they wished to give evidence in Welsh. The complainant did not speak during the hearing but listened as an interested party in planning matters.

The complainant shared the names of the 9 members of public who wished to speak during the event with my officers. The complainant said that the Planning Inspectorate Inspector had said in a letter sent to the First Minister, Mark Drakeford, that there had been difficulties. In the letter he said that the difficulties had not disrupted the hearing or the outcome of his ruling. As someone listening in on the proceedings, the complainant has indicated that he disagrees with this conclusion.

Standard 32: Where persons have been invited to speak at a meeting, the body must ask those persons whether they wish to use the Welsh language at the meeting and the body must provide a simultaneous translation service from Welsh to English at the meeting. The Welsh Ministers asked the persons invited to the meeting whether they wished to use the Welsh language when speaking at the meeting. A simultaneous translation service was provided to that effect. There were problems with the translation service at the beginning of the meeting. Although the problem was resolved, and attendees were reminded that they could continue to contribute in Welsh, it was not possible to use the translation service for a period of time for that purpose. This equates to a failure by the Welsh Ministers to comply with the requirements of standard 32.

Standard 33: Section 28 of the Welsh Language (Wales) Measure 2011 provides that a “service delivery standard” means a standard that relates to a service delivery activity, and is intended to promote or facilitate the use of the Welsh language, or to work towards ensuring that the Welsh language is treated no less favourably than the English language when that activity is carried out. A “service delivery activity” means a person delivering services to another person, or dealing with any other person in connection with delivering services to that other person, or to a third person. Recent research by the Welsh Language Commissioner shows that a number of influences on users' language decisions, one example recorded is concern that trying to use Welsh where it is not available would lead to awkwardness or

embarrassment, or that using the Welsh language service would disadvantage them. The research also shows when the Welsh language service was not obvious or when any barrier, delay or difficulty was introduced, some participants decided to use English rather than persevere in order to receive a Welsh language service. So fewer people use Welsh when the Welsh language service is more of a hassle, as in this particular case. In my evaluative opinion, I determine that the translation service provided was a breach of the standard based solely on the fact that technical problems had impeded the smooth running of the meeting at the start.

#### **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 27 and 27D, but that Welsh Ministers has failed to comply with standards 32 and 33.

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

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 32 and 33.

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

In accordance with section 77 of the Welsh Language (Wales) Measure 2011 I shall be taking further action to prevent the continuation or repetition of that failure. Details of the further action are set out below.  
Standard 32 Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

The Chief  
Constable of  
Dyfed Powys  
Police

**CS078** On 25 August 2021 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language

18/08/2022

1. The Welsh Ministers must consider and specify the appropriate action to be taken when a meeting (virtual or otherwise) fails to continue in two languages as a result of a technical fault with a view to ensuring that Welsh language users have the right to use Welsh smoothly and as they wish.
2. Based on the conclusions of enforcement action 1, the Welsh Ministers must add a section to any guidance they have on the arrangements for holding bilingual meetings for the public, providing clear guidance on what staff should do to ensure that people can use Welsh when a technical fault disrupts a meeting.
3. The Welsh Ministers must provide a copy of the guidance as evidence to the Welsh Language Commissioner that they have completed enforcement action 1 and 2.

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

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 19/08/2022.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 means that, when the Police receive any correspondence in Welsh from a person, that he or she must reply in Welsh (if an answer is required), unless the person has indicated that an answer is not

Measure, and was therefore a valid complaint.

The complaint related to English language e-mails received from Dyfed Powys Police on 4 occasions in response to Welsh correspondence.

i) The complainant sent a Welsh message to the Police and received an automated English message on 22/08/2021: "I am out of the office until Tuesday 31/08/21 and will reply to emails when I return. If you require a response before then please phone 01267 226318".

ii) The complainant sent a message in Welsh to this address: [contactcentre@Dyfed-Powys.pnn.police.uk](mailto:contactcentre@Dyfed-Powys.pnn.police.uk) on 06/09/2021 and received the response: "Apologies, there are no Welsh speaking staff working tonight, can I assist at all?"

iii) On 07/09/2021 the complainant wrote to the Police responding to the message about the lack of Welsh from the Police. He received the following response: "Thank You for emailing Dyfed-Powys Police Communications Centre. Please accept this reply as confirmation that your email has been received.

required in Welsh. The Police sent correspondence, in this case, acknowledgement messages, and a letter, which was in English only. The messages were sent in email format. This highlights a failure by the Police to comply with standard 1.

Standard 7: Standard 7 requires the Welsh Ministers to state in correspondence that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. At the bottom of correspondence sent by Dyfed Powys Police, the following logo appears to show that it welcomes receiving correspondence in Welsh and is happy to communicate in Welsh. However, the Police do not declare "that corresponding in Welsh will not lead to delay" as the standard requires. This demonstrates a failure by the Police to comply with standard 7 as there is no compliance with all the requirements of standard 7.

Standard 154: Standard 154 requires a body to ensure that it has arrangements for overseeing its compliance with the service delivery standards with which it is under a duty to comply. It must also ensure that it has arrangements for promoting the services, and facilitating the use of the services it offers in accordance with the service delivery standards. A body must publish a document recording those arrangements on its website and make a copy of the document available at each of its offices. Dyfed Powys Police does not have published arrangements for supervising compliance with Welsh Language Standards. In the absence of a document

Your e-mail will be subjected to technical inspection measures before final delivery. This is done to prevent the introduction of computer viruses and other malware into our systems.

PLEASE BE AWARE THAT YOUR E-MAIL MAY NOT BE DELIVERED IMMEDIATELY AND IF YOUR MESSAGE IS TIME CRITICAL AND URGENT, THEN PLEASE CONTACT THE POLICE BY TELEPHONE ON 101.

Your query or question will be dealt with over the next 24 hours. You will either receive a direct reply from an advisor or your email will be forwarded to the appropriate department."

iv) On 08/09/2021 the complainant received an English letter in response to correspondence sent in Welsh.

recording the arrangements for the supervision of the Welsh language services offered by Dyfed Powys Police, no copy has been published. This highlights a failure to comply with standard 154.

Standard 156: The standard asks that a body publishes a document on its website which explains how it intends to comply with the service delivery with which it is under a duty to comply. On the Dyfed Powys Police website, there is a document entitled "Welsh Language Standards". Opposite all service delivery standards applicable to the Police, the document clearly sets out the steps the Police need to take to ensure compliance with the standards. This complies with the requirements of standard 156.

Enforcement action of the CSG812 investigation: The enforcement action requires Dyfed Powys Police to carry out a survey to identify all messages sent in response to reports uploaded on the Police website. The enforcement action also requires the Police to ensure that all correspondence received in Welsh receives a response in Welsh. Correspondence was sent in English on four occasions in response to correspondence sent in Welsh. The Chief Constable provided a copy of a bilingual text that it used in responding to correspondence in Welsh. No explanation or copy of any procedures on how to use the text was provided. The evidence provided is not sufficient evidence that the actions set out in July 2021 have been fully completed.

### **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 standard 156, but that The Chief Constable of Dyfed Powys Police has failed to comply with standards 1, 7, 154 and the enforcement action of the CSG812 investigation.

**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 1, 7, 154 and the enforcement action of the CSG812 investigation.

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

I require the Chief Constable of Dyfed Powys Police to prepare an action plan to ensure that the Police comply with the requirements of standard 1 when answering Welsh correspondence.

Taking into account the Welsh language resources and text already prepared by the Police, the plan should show how they want to ensure that all those who receive

correspondence, in whatever form, deal with the Welsh correspondence in Welsh.

The action plan should include the following information:

- A description of each of the steps Dyfed Powys Police will take to ensure that Welsh correspondence receives a response in Welsh
- Who will be responsible and accountable for taking each of the actions
- The resources (e.g., funding/staff) required to carry out each of the actions
- Proposals to redistribute staff with Welsh language skills
- Staff recruitment schemes
- Name of person in charge of the project

The action plan should include actions to ensure:

- Dyfed Powys Police assesses whether standard 1 can be complied with within existing systems.

Timetable: Dyfed Powys Police should prepare a draft action plan and provide that draft to the Commissioner within 3 months of the date of publication of the Commissioner's final judgement. The final action plan will have to be completed within 6 months of the date of publication of the final award.

Standard 7 –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 state in correspondence that corresponding through the medium of Welsh will not lead to a delay. It must



be ensured that all elements of his correspondence comply with the requirements of standard 7.

2. The Chief Constable of Dyfed Powys Police must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement action has been completed.

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

Standard 154: Requirement to take steps in accordance with section 79 of the Welsh Language Measure

3. The Chief Constable of Dyfed Powys Police must produce a document recording the arrangements for overseeing its compliance with Welsh language standards.
4. The Chief Constable of Dyfed Powys Police must publish the document on the website, and make a copy available at each Office.
5. The Chief Constable of Dyfed Powys Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 3-5 have been completed.

Timetable: Within 90 days of publishing the final determination.

#### **Decision notice given**

The Decision Notice was given to The Chief Constable of Dyfed Powys Police on 18/08/2022.

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

No appeal was made to the Tribunal.

Public Health  
Wales

**CS103** On 10/12/2022, 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. It is alleged that P sent a direct message in Welsh to the Public Health Wales Facebook account ([www.Facebook.com/lechydCyhoedduCymru](http://www.Facebook.com/lechydCyhoedduCymru)) on 10/12/2022. The message provided comments to Public Health Wales (D) regarding the lack of parking spaces outside an eye screening centre at Parc Menai, Bangor. P alleges that D responded to this message in English only.

21/07/2022

**Commissioner's Findings**

Standard 46: If a person contacts Public Health Wales (D) through social media in Welsh, the requirements of standard 46 require D to answer that person in Welsh (if a reply is required). On 10/02/22, the complainant (P) sent a direct message in Welsh to a Welsh language version of D's Facebook account ([www.Facebook.com/lechydCyhoedduCymru](http://www.Facebook.com/lechydCyhoedduCymru)). In response to that message, D sent an English only automated message to P. In order to comply with standard 46, D needed to ensure that any response made to P's Welsh language message was made in Welsh. D sent P an automated reply in English only and, as a result, failed in its duty to comply with the requirements of standard 46. Following receipt of the(English)automated reply from D, D was specifically asked to reply in Welsh to P's Welsh message. A further response was not sent to P. Due to the specific request from P for a further response to his message, and given that the initial automated reply did not relate to or deal with the subject matter of his message, there was an expectation upon D to provide a further response to P. As no reply was given to the Welsh message (in any language), this too was a failure by D to reply (in Welsh) to P in accordance with the requirements of standard 46.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Public Health Wales has failed to comply with standard 46.

**Statement of further action**

Further action was taken following the determination that Public Health Wales has failed to comply with standard 46.

**Statement on the further action**

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

1. D must put arrangements in place to ensure that, if a person contacts Public Health Wales (D) via social media in Welsh, D replies fully to that message in Welsh if the person in question has specifically requested a response to the message.
2. D must check weekly the automated replies sent from its social media accounts to ensure that they comply with the requirements of standard 46.
3. D must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 and 2 have been completed.

Timetable: Within 4 weeks of the date of issuing the final determination.

Standard 46: Recommendations in accordance with section 77 of the Welsh Language Measure

1. I recommend that D ensures that it routinely sends bilingual automated replies from its English-language accounts.
2. I recommend that D provides written evidence that satisfies the Welsh Language Commissioner that it has completed recommendation 1.

Timescale: Within 4 weeks of the date of publication of the final determination.

Cwm Taf  
Morgannwg  
University  
Health Board

**CS093** On 08/11/2021 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 submitted a complaint to the health board in English on 01/09/2021 to the health board's complaints email address (CTHB.Concerns@wales.nhs.uk) and received a reply in English. The complainant replied to this email in Welsh and the officer asked if he wished to receive further replies in Welsh. The complainant confirmed on 08/09/2021 that he wished to receive further replies in Welsh. I received a complaint from him on 08/11/2021 explaining that he had not received a reply to his email in Welsh.

15/06/2022

### **Decision notice given**

The Decision Notice was given to Public Health Wales on 21/07/2022.

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 1: If the health board receives correspondence in Welsh, standard 1 requires it to reply to that correspondence in Welsh, if an answer is required. In this case, the complainant sent correspondence in Welsh to the health board on 8/09/2021. He did not receive a reply within a reasonable time period and contacted me to complain two months later. According to the health board, the reason for such a delay in responding was not due to the language of correspondence but to an administrative error. The reason behind the delay is not a consideration in determining compliance with standard 1. As the complainant did not receive an acknowledgement or response to his Welsh language correspondence within a reasonable time period, I am of the view that the health board did not comply with standard 1 in this case.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cwm Taf Morgannwg University Health Board has failed to comply with standard 1.

### **Statement of further action**

Further action was taken following the determination that Cwm Taf Morgannwg University Health Board has failed to comply with standard 1.

**Statement on the further action**

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

1. The health board must undertake a review of the arrangements in place to reply to correspondence in Welsh from members of the public to ensure that the replies are fully compliant with standard 1.
2. The health board must adapt its guidelines for staff to include the need to respond in Welsh to Welsh correspondence within the corporate deadline for any correspondence if a response is required.
3. The health board should incorporate the need to consider standard 1 in the corporate complaints team's procedures.
4. Cwm Taf Morgannwg 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.

Standard 1: Recommendation under section 77(4)(a) of the Welsh Language Measure.

I recommend that the health board undertakes an exercise to increase public confidence in their Welsh language services and proactively promote that people are welcome to use Welsh when corresponding.

Cardiff Council

**CSG708** On 12/02/2020 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 is unhappy that an email he received from Cardiff Council in response to a Welsh language email used the Council's English identity in the email address (@cardiff.gov.uk).

01/06/2022

#### **Decision notice given**

The Decision Notice was given to Cwm Taf Morgannwg University Health Board on 15/06/2022.

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

No appeal was made to the Tribunal.

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

Standard 83: This standard requires the Council to not treat the Welsh language less favourably than the English language when forming their corporate identity. The complainant received an email from the Council with the email domain @cardiff. It came to light that the Council uses the English email domain @cardiff in all of their corporate emails. This constitutes a failure to comply with standard 83 as the Council presents their corporate identity in English only, which treats the Welsh language less favourably than the English language.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 83.

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

Further action was taken following the determination that Cardiff Council has failed to comply with standard 83.

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

Standard 83: Seek to enter into a settlement agreement under section 77 of the Welsh Language Measure

Under the circumstances, acting under section 77(3) of the Measure is not reasonable as it would not bring a solution to the problem. No reasonable method exists to easily change the email domain without causing risk to the rest of the Council's IT system.

For the reasons given in the final report, and following a successful consultation with the Council, I will therefore enter into a settlement agreement under section 77(4) of the Measure for the purpose of ensuring that the Council will comply when that becomes possible. The settlement agreement contains the terms given in the final report.

If the Council is not willing to sign the settlement agreement on these terms (or similar terms), the Commissioner reserves the right to seek further action on one of the other grounds contained in section 77 of the Measure.

Timeline for the Council to accept the terms of the draft settlement agreement, or to comment on the proposals: 28 days from the day of publishing this final report.

**Decision notice given**

The Decision Notice was given to Cardiff Council on 01/06/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claims to have received an automated response in English only by email from Cardiff Council (the Council). The automated response acknowledged a complaint made by the complainant to the Council in Welsh regarding a road sign where the Welsh language was incomprehensible.

Standard 1: Standard 1 requires a body to ensure it replies to any correspondence in Welsh from a person (if an answer is required) in Welsh, unless the person has indicated that there is no need to reply in Welsh. The complainant received an automated response in English only by e-mail from Cardiff Council. The automatic response acknowledged a complaint made by the complainant to the Council regarding a road sign where the Welsh language was incomprehensible. Although the subject of the complainant's complaint to the Council was in Welsh, there is a dispute if the complainant completed and entered the form on the Welsh or English side of the website. The Council has submitted evidence which they claim shows that the form was entered on the English side of the website. As I have no evidence to the contrary, I must find that this complaint was entered on the English side of the website although I must indicate that I consider this unlikely given the complainant's behaviour. I also accept that the use of the language choice button on the Council's website is an example of a proactive language choice and that it is therefore appropriate for the automatic acknowledgment e-mail response to be in either English or Welsh (in accordance with the user's language choice). As I therefore do not have evidence to the contrary, I must find that this complaint was entered on the English side of the website and that the Council has therefore acted appropriately in giving an automatic response in English only taking the complainant's preferred language from the preferred language button on the website. I cannot therefore determine a failure to comply with Standard 1 as the Council has not failed to answer Welsh correspondence in



Welsh. I must however note again, that I accept the complainant's honest evidence but that I was unable to determine a failure here because of the evidence presented by the Council.

### **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 1.

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

In the case of my determination that the Council has not failed to comply with standard 1, Section 76 of the Welsh Language Measure allows me to take further action where there has been no failure to comply for the purpose of improving the experience of Welsh users, in accordance with the spirit of the Measure. Details of the further action is set out below:

Recommendations in accordance with section 76 of the Welsh Language Measure

1. Cardiff Council must check and verify their automated response system to correspondence received through the Welsh language side of its website regularly. Any fault or error on the automated response or recording systems must be rectified in a timely manner to ensure that those who send correspondence via the Welsh side of the Council's website receive an automated Welsh response.
2. The Council should consider sending bilingual automatic recognition emails to messages that are inputted through the English side of the website to

**CS062** On 14/06/2021 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. On 26/03/2021, P attended a vaccination centre at the Thomas Parry Library, Aberystwyth, to receive their COVID-19 vaccine. After arriving at the centre, P registered at the desk and was given a leaflet about the vaccine. Allegation (i) The next step in the registration process was for P to go to another desk to provide their contact details, along with other information. Following this, P was given a '*NHS Staff COVID-19 Vaccine Form*' containing these details. P alleges that this form was in English only. P alleges that they asked for a Welsh language version of the form.

18/05/2022

promote the use of the Welsh language and awareness of the Welsh language.

Timetable: First evaluation within three months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 18/05/2022.

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

No appeal was made to the Tribunal.

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

Standard 38: If a body produces a form in Welsh and in English (whether separate versions or not), standard 38 requires a body, amongst other requirements, not to treat any Welsh language version of the form less favourably than the English language version of that form. On 26/03/2021, P received their COVID-19 vaccine at the mass vaccination centre located in the Thomas Parry Library, Aberystwyth. In order to confirm their consent to be vaccinated, P was given a form to complete and give to the nurse who would be administering the vaccine. The form given to P was in English only. P asked for a Welsh language version of the form, but was told that there was no Welsh language version of the form available.

Standard 50: Standard 50 requires a body to ensure that any reception service available in English in its reception areas is also available in Welsh. On 26/03/2021, the complainant received their first COVID-19 vaccine at the mass vaccination centre located in the Thomas Parry

In response to the request, P alleges that a member of staff explained to them that the form was available in Welsh, but the health board did not have a supply of the Welsh language version at the centre. Allegation (ii) It is also alleged that the person on reception at the centre did not speak Welsh.

Library in Aberystwyth. During their visit, P went to the registration desk to confirm that she had arrived for her appointment. The individual who was working on the registration desk on the date in question did not speak Welsh. As a result, that individual provided P with an English only service and they were not given a Welsh language service in line with their language choice. However, the desk in question did not constitute a “reception”, the meaning of which is noted in Schedule 1, Part 3, Paragraph 52 of the Welsh Language Standards (No. 7) Regulations 2018. In addition, the service provided to P did not constitute a “reception service” as noted in the Regulations.

#### **Commissioner’s Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Hywel Dda University Health Board has not failed to comply with standard 50, but that Hywel Dda University Health Board has failed to comply with standard 38.

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

Further action was taken following the determination that Hywel Dda University Health Board has failed to comply with standard 38.

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

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

1. D must ensure, if it gives a member of the public a form at one of its vaccination centres, that it gives a Welsh language version of the form to the member of

the public as a matter of course, and without the member of the public having to ask for a Welsh language version.

These forms include, but are not restricted to the following:

- NHS Staff COVID-19 vaccination form;
  - COVID-19 vaccination consent form for children and young people; and
  - any other forms distributed by D to patients at its vaccination centres.
2. D must conduct checks to monitor whether Welsh language versions of forms are being given to members of the public as default at its vaccination centres (in accordance with the requirements for standard 38).
  3. D must report on and scrutinise the results of the checks in order to consider any further action it needs to take to ensure an improvement in its compliance with standard 38 when sharing forms with members of the public at its vaccination centres.
  4. D must ensure that the English version of any forms made available to members of the public at its vaccination centres clearly states that the form is also available in Welsh.
  5. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1–4 have been completed. Timetable: Within 6 weeks of issuing the final determination.

**Decision notice given**

Cardiff Council

**CSG814** On 19/11/2020 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 valid. The complaint related to Cardiff Council's website, specifically a section of the website which webcasts or live-streams meetings, <https://cardiff.public-i.tv/core/portal/home>. It alleged that it was not possible to view a council cabinet meeting on the Welsh version of the website on the above date. The evidence showed that the following error message could be seen on the relevant webpage: "Video playback disrupted. Attempting to play it again,"(my translation). This differed from the English version of the website where the meeting could be viewed without disruption. This was the second time the complainant had complained to me about the webcasting service. They had previously complained that it was not possible to view a cabinet meeting on 24<sup>th</sup> of September 2020 on the Welsh version of the website. I decided not to investigate at that time on

16/05/2022

The Decision Notice was given to Hywel Dda University Health Board on 18/05/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 52: On 19/11/2020, the Council webcast a meeting of its cabinet on the English version of its website. The webcast was not available to view on the Welsh version of the website. As a result, the relevant Welsh page on the website was not fully functional and 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.

Standard 156: The Council must have a complaints procedure which addresses how it intends to deal with complaints about its compliance with the service delivery standards, amongst other matters. The Council has a procedure called the Corporate Comments, Complaints and Compliments Policy. The policy states that it applies to complaints relating to the Council's compliance with the standards. It also notes the different ways of making a complaint. The feedback form is not one of those methods.

**Commissioner's Determination**

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

the basis of representations I received from the Council stating that measures were in place to resolve the matter. It appeared that those measures had not succeeded in time for the 19<sup>th</sup> of November 2020 meeting. The complaint also alleged that English text appeared on a feedback form on the website to report any technical issues. The evidence showed that the words 'I am not a robot', 'City of Cardiff Council', and 'Privacy Policy' could be seen.

not failed to comply with standard 156, but that Cardiff Council has failed to comply with standard 52.

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

Further action was taken following the determination that Cardiff 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 undertake regular inspections of its webcasting service in order to ensure that it meets the requirements of the standard.
2. The Council must ensure that any changes to its webcasting service are designed in a way that takes into account the requirements of the standards.
3. The Council must remind Public-i of the requirements of the Welsh language standards and its responsibilities as a service provider on the Council's behalf.
4. The Council must provide written evidence that enforcement steps 1-3 have been completed.

Timetable: Within 3 months of the final determination date.

#### **Standard 52: Publicising in accordance with section 77 of the Welsh Language Measure**

The right to publicise this investigation is reserved as a means of educating other local authorities that use third parties to provide webcasting services.

Standard 52: Seek to enter into a settlement agreement under section 77 of the Welsh Language Measure

Under the circumstances, acting under section 77(3) of the Measure is not reasonable as it would not bring a solution to the problem.

The service with the English only words 'I'm not a robot' is provided by an external organisation (not on behalf of the Council), and Welsh is not available as an option by the provider at this time.

For the reasons given in the final report, and following a successful consultation with the Council, I will therefore enter into a settlement agreement under section 77(4) of the Measure for the purpose of ensuring that the Council will comply when that becomes possible. The settlement agreement will contain the terms given in the final report).

If the Council is not willing to sign the settlement agreement on these terms (or similar terms), the Commissioner reserves the right to ask for further steps on one of the grounds contained in section 77 of the Measure.

**Timeline for the Council to accept the terms of the draft settlement agreements, or to comment on the terms: 28 days from the day of publishing this final report.**

Standard 156: Recommendation in accordance with section 76 of the Welsh Language Measure

Welsh Ministers

**CS079** On 08/09/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claimed that information regarding station facilities on the Transport for Wales website was in English only.

16/05/2022

The Council should consider making it clear on the webcasting service feedback form that the form is not a method of complaining about compliance with the Welsh language standards.

**Decision notice given**

The Decision Notice was given to Cardiff Council on 16/05/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 52: Standard 52 requires the Welsh Ministers to ensure that the text of every page of the website was available in Welsh, that all pages in Welsh were fully functional and that the Welsh language was treated no less favourably than the English language on the website. None of the exemptions in relation to compliance with Standard 52 apply here. In this case, station facilities information on the Transport for Wales website is in English only. This is a failure to comply with Standard 52 as the information in question is not available in Welsh on the website. The information in question does not come under one of the exemptions in relation to compliance with Standard 52.

Standard 56: Standard 56 requires the Welsh Ministers to provide an interface and menus on each page of their website in Welsh. None of the exemptions to comply with Standard 56 apply here. In this case, the menus on the station facilities and information pages of the Transport for



Wales website are in English only. This is a failure to comply with Standard 56 as the menus in question are not available in Welsh on the website. The information in question does not come under one of the exemptions to compliance with Standard 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**

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

1. Welsh Ministers must ensure that the pages of their websites and online services relating to the station facilities of stations within Wales are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on those pages and services. This information must include up-to-date information.
2. Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement action 1.

Timetable: Within 1 month of issuing the final determination.

3. Welsh Ministers must ensure that the pages of their websites and online services relating to the station facilities of stations outside of Wales are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on those pages and services. This information must include up-to-date information.
4. Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement action 3.

Timetable: Within 3 months of issuing the final determination.

Standard 56: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. Welsh Ministers must ensure that they provide menus on the station facilities and information pages on the Transport for Wales website in Welsh.
6. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement action 5.

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 16/05/2022.

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

Arts Council of  
Wales

**CS074** On 12 August 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 expressed concern that the Arts Council of Wales (the Council) had advertised the vacant post of Director of Arts Development with Welsh as a desirable skill. The complainant alleges that the Council did not conduct a thorough assessment of the linguistic needs of the post before it was advertised.

13/05/2022

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 132: The Council advertised the post of Director of Arts Development with the Welsh language categorised as a highly desirable skill. Standard 132 places a duty on the Council to conduct an assessment of the linguistic needs of the post and to categorise the post in accordance with the list included in the wording of the standard. "Highly desirable" is not a category that meets the requirements of standard 132. In addition, it is not clear how the Council came to the conclusion that the post should be categorised as one where Welsh language skills are highly desirable, based on the findings of the assessment undertaken. There appears to be a conflict between the assessment findings and the category assigned to the post. I therefore conclude that the assessment was not carried out in accordance with the objectives of standard 132. I acknowledge that the Council has now decided to advertise the post with the Welsh language as essential, however, I must determine on compliance at the time the complainant submitted the complaint to me.

Standard 147: The Council advertised the post of Director of Arts Development in July 2021. Standard 147 required the Council to keep a record of the assessment undertaken of the linguistic needs of the post. The Council has submitted a copy of the assessment undertaken of the post of Director of Arts Development. I therefore conclude that the Council has not failed to comply with standard 147.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Arts Council of Wales has not failed to comply with standard 147, but that the Arts Council of Wales has failed to comply with standard 132.

### **Statement of further action**

Further action was taken following the determination that the Arts Council of Wales 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. Arts Council of Wales must categorise all new and vacant post advertised in accordance with the categories listed in standard 132.
2. Arts Council of Wales must undertake a full review of its processes for conducting an assessment of the linguistic requirements of new and vacant posts to ensure compliance with the requirements of standard 132.
3. Following the review, Arts Council of Wales must revise its template for assessing the linguistic requirements of new and vacant posts. The template must:
  - explain the exact requirements of the standards relating to recruitment and appointment and give guidance on the factors to be considered and the corresponding categories.

- set out the steps to be taken to ensure that the assessment carried out is objective, meaningful and detailed.
- ensure that the person conducting the assessment considers all the categories listed in standard 132.
- ensure that the assessment carried out focuses on the skills needed to fulfil the role as described in the job description.
- emphasise the need to adhere to the findings of the assessment when determining the category for the language requirement.
- ensure that the Welsh language is treated in the same way as all other skills that have been identified as being essential to fulfil the role.

The Commissioner's advice document on recruitment should be considered as the Council reviews and revises its processes for assessing the linguistic requirements of new and vacant posts.

4. Art Council of Wales 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

**Decision notice given**

The Decision Notice was given to the Arts Council of Wales on 13/05/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**CS086** On 28/09/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. I received a complaint from the complainant that two English only road signs, outside the Hollybush Inn at Cefn-y-Bedd, one for 'Nursing Home' and one displaying the 'Llay' and 'Rossett' place names, had been removed by the Council and replaced with a new English only sign containing this information. In sending the complaint to the Commissioner, the complainant provided a picture of the signs in question. In considering the complaint, my officials asked the complainant for further details on the new signs installed. In response to my enquiries the complainant said: The picture in your email is the old one that has been there for years, my point was that the council had a great opportunity to correct the fact that "Nursing Home" was in English only when the junction was changed to install traffic lights. They have reinstalled the signs so that "Llay", "Rossett" and "Nursing Home" are now on the same sign, like this... The complainant confirmed that the 'Give Way' sign seen in the original picture was

28/04/2022

### **Commissioner's Findings**

Standard 61: The requirements of standard 61 state that when erecting a new sign or renewing a sign, any text displayed on the sign must be displayed in the Welsh language (either on the same sign or on a separate sign). If the same text is displayed in both Welsh and English, the Welsh language text must not be treated less favourably than the English language text. New English only road signs had been installed following the roadworks carried out in front of the Hollybush Inn at Cefn-y-Bedd, rather than the installation of new bilingual signs in accordance with Standard 61. By installing new signs in English only, rather than bilingual ones, there was a failure to comply with the requirements of standard 61.

### **Commissioner's Determination**

Under section 73(2) of the Welsh Language Measure, the Commissioner has determined that Flintshire County Council has failed to comply with standard 61.

### **Statement of further action**

Further action was taken following the determination that Flintshire County Council 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. Flintshire County Council must remove the English only signs installed outside the Hollybush Inn and replace them with Welsh or bilingual signs.

no longer there, as a new traffic system was now in place, as seen in the picture.

2. Flintshire County Council must provide the Welsh Language Commissioner with sufficient written evidence and/or photographs that enforcement action 1 has been completed. Timetable: Within one month of issuing the final determination.
3. Flintshire County Council must ensure that any signs that have been (and are) installed at locations managed by Flintshire County Council comply with the requirements of standard 61.
4. Flintshire County Council must provide guidance to officers and any contractors used regarding the requirements of standard 61 when installing or reinstalling signs to ensure that they are aware of the actions required to comply with standard 61.
5. Flintshire County Council must consider including clauses in its contracts with third party organisations that impose fines or penalty clauses on the organisation if it fails to comply with the requirements of the standards on behalf of the Council.
6. Flintshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 3 - 6 have been completed. Timetable: Within three months of issuing the final determination.

**Decision notice given**

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

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Gower College  
Swansea

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

28/04/2022

### **Commissioner's Findings**

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

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

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

It must also ensure that Welsh language versions of the documents are treated no less favourably than the English language versions of those documents. The College published job application forms on its website with the initial page available in English only via the 'Apply Now' link. This demonstrates a failure by the College to comply with the requirements of standard 146A.



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

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

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

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

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

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

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

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

Timetable: Within 3 months of issuing the final determination.

Standard 146A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
3. Gower College Swansea must ensure that all application forms are published in Welsh, and that the Welsh language is treated no less favourably than the English language in accordance with the requirements of standard 146A.

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

Timetable: Within 3 months of issuing the final determination.

Standard 148: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
5. Gower College Swansea must ensure that all application forms provide space for individuals to indicate that they wish to use the Welsh language at an interview or assessment and explain that a translation service will be provided if it is required.

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

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

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

The Welsh  
Ministers

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

06/04/2022

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

**Standard 38:** Standard 38 requires the Welsh Ministers to ensure that any material on displayed in public is displayed in Welsh, and that any Welsh language version of the material is treated no less favourably than the English version. In this case, text has been displayed three times in English and only once in Welsh.

English-only text has also been placed on the information panels. This is a failure to comply with Standard 38 as the Welsh language is treated less favourably than the English language.

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

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

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

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

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

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

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

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

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

1. The Welsh Ministers must ensure that any material that is (and may be) displayed at Cadw locations complies with the requirements of standard 61.
2. The Welsh Ministers must conduct a full review of the way in which they provide training for freelance guides to ensure that they are aware of the need to comply with the Welsh Language Standards.

3. The Welsh Ministers must conduct a full review of how they ensure that a third-party providing services to the public on their behalf enables them to comply with the standards.

4. The Welsh Ministers must carry out the review to enable them to identify a method of setting requirements relating to the use of the Welsh language, on parties providing services on their behalf, which will ensure that the Welsh Ministers comply with the standards.

5. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement actions 1 - 4.

Timetable: Within 3 months of issuing the final determination.

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

6. The Welsh Ministers must ensure that any signs, which have been (and may be) placed in Cadw locations comply with the requirements of standard 61.

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

