

Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Standards enforcement investigation: Report and decision notice

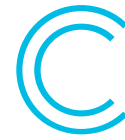
This report was prepared in accordance with sections 73 and 74 of the Welsh Language (Wales) Measure 2011

The investigation of a suspicion of failure to comply with standards set by Welsh Ministers was conducted in accordance with section 71 and Schedule 10 of the Welsh Language (Wales) Measure 2011.

Blaenau Gwent County Borough Council

Case number: CS092

Date: 31/10/2022



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Background

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate the use of Welsh. This is done by raising awareness of the official status of the Welsh language in Wales, by imposing standards on organisations, and by regulating compliance with the Welsh Language Measure. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the Commissioner's work:

- in Wales, the Welsh language should be treated no less favourably than the English language;
- persons in Wales should be able to live their lives through the medium of Welsh if they choose to do so.

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Legislative context

Part 4 of the Welsh Language Measure

- i. Part 4 of the Welsh Language Measure sets out a legal framework for imposing a duty on some organisations to comply with one or more standards in relation to the Welsh language. Organisations subject to standards are known as 'relevant persons'. The standards apply to the following areas:
 - service delivery;
 - policy making;
 - operational;
 - promotion;
 - record keeping.
 - ii. The duties resulting from the standards require that relevant persons should not treat the Welsh language less favourably than the English language, and should promote and facilitate the use of the Welsh language.
 - iii. Compliance notices given to relevant persons by the Commissioner under Part 4 of the Welsh Language Measure specify the standards requiring compliance, together with the days from which it is required to comply with each standard or to comply with each standard in a particular respect ('imposition days'). Copies of the compliance notices that are in force will be on the Commissioner's website.
 - iv. Whilst a compliance notice specific to a relevant person is in force, that person will be required to comply with the standards specified within it.
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Part 5 of the Welsh Language Measure

- v. Part 5 of the Welsh Language Measure gives the Commissioner statutory regulatory functions to ensure that relevant persons comply with their duties. Duties may include compliance with Welsh language standards (as stated above), and also requirements imposed on persons by the Commissioner in accordance with section 77 of the Welsh Language Measure as a result of a failure to comply with a relevant requirement. The Commissioner's Enforcement Policy provides advice and information regarding how the Commissioner will exercise those regulatory functions.
- vi. The regulatory functions resulting from Part 5 of the Welsh Language Measure are:
- to consider whether or not to investigate if there is a complaint regarding the conduct of relevant persons;
 - to investigate suspected failures by relevant persons to comply with duties, to determine investigations and to produce investigation reports;
 - to consider whether or not to take further action (by giving recommendations or advice) if an investigation finds that there was no failure to comply;
 - to take one of the three steps below if an investigation finds that there was a failure to comply:
 - take no further action;
 - do one or more of the following:
 - require the relevant person to prepare an action plan for the purpose of preventing the continuation or repetition of the failure;
 - require the relevant person to take steps for the purpose of preventing the continuation or repetition of the failure;
 - publicise the relevant person's failure to comply with the relevant requirement;
 - require the relevant person to publicise the failure to comply with the relevant requirement;
 - impose a civil penalty on the relevant person.
 - do one or more of the following:
 - give the relevant person or any other person recommendations;
 - give the relevant person or any other person advice;
 - seek to enter into a settlement agreement with the relevant person.
 - to make applications to a county court for orders to enforce compliance;
 - to comply with the duties resulting from appeals and applications for reviews made to the Welsh Language Tribunal;
 - to produce an enforcement policy document;
 - to create and maintain a register of enforcement action.
- vii. The Commissioner will follow the required statutory processes in exercising the Commissioner's regulatory functions.
- viii. The Commissioner's Enforcement Policy contains full information regarding the way in which the Commissioner will exercise the Commissioner's regulatory functions under Part 5 of the Welsh Language Measure.
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1 Summary

- 1.1 This section summarises the background to the investigation and my findings regarding the compliance of Blaenau Gwent County Borough Council (the Council) with the Welsh Language Standards set out in the investigation's Terms of Reference.

Background to the Investigation

- 1.2 The Welsh Language Commissioner's Regulatory Framework 2021 outlines the methods I use to monitor organisations' compliance with the Welsh Language Standards. Those methods include direct checking, namely accessing services as a real customer in order to ascertain what the real experience is for those who wish to use the Welsh language when receiving services from bodies subject to the Welsh language standards. Direct checking exercises are carried out for services such as telephone services, reception areas, websites and correspondence.
- 1.3 The results of monitoring and assessing the Council's service raised suspicions of a failure to comply with service delivery Standards 8, 11 and 17 relating to the Council's telephone services. On the basis of this suspicion, I decided to hold an investigation due to the lack of Welsh telephone services available to our mystery caller on three occasions. The CS092 investigation was therefore opened to consider the suspected failure by the Council to comply with the telephone Standards.
- 1.4 In the Council's original evidence in response to the investigation, however, it became apparent that there was a lack of staff who could speak Welsh and who could provide a telephone service that complied with the requirements of the standards, working as part of the telephone call taking team. The Council relied on staff from other departments who volunteered to support the service, although that was not what happened to our mystery caller during his calls to the Council. In one of the calls made by our mystery caller, the agent showed no awareness that our mystery caller had spoken in Welsh. The Council also showed the original evidence that there was a failure in the Council's understanding of the requirements of the telephone service Standards.
- 1.5 As none of the members of the centre dealing with telephone calls were able to speak Welsh, this raised suspicions that there were wider problems in terms of recruiting, training and awareness of the Welsh language within the organisation. The investigation's Terms of Reference were therefore amended to include additional standards to try to discover whether there were structural problems that prevented the Council from being able to offer a quality Welsh language service to users.

The Commissioner's Findings

- 1.6 From my investigation, I have seen here a list of failures to comply with the Welsh Language Standards in the areas of telephone services, promoting services, assessing the language skills of staff, providing training opportunities and assessing the language needs of posts. This investigation is one of the greatest examples of a failure to comply that I have come across and shows complacency and disrespect on the part of the Council towards the Standards system. I call on the Council to

respond and change its attitude towards compliance with the Welsh Language Standards as a matter of urgency.

- 1.7 In order to succeed in offering quality Welsh language services, an organisation must consider the Welsh language from the top of the organisation downwards. Here, I saw a lack of leadership to ensure that adequate arrangements were put in place to comply with the Welsh Language Standards, to scrutinise that compliance and to provide sufficient resources to be able to offer a Welsh language telephone service. This investigation has shown a lack of long-term structures, planning and vision for the Welsh language in the work areas covered by the Operational Standards (such as training and recruitment). I am of the opinion that the lack of long-term planning in these areas has led directly to a Welsh language telephone service that failed to comply with the Standards.
- 1.8 Staff are a key part of the public face of an organisation, especially so the 'front-line' staff of an organisation dealing with telephone calls and customer service. Staff can influence the language people use when accessing services with an organisation. It is important that staff are trained and directed to behave in a way that encourages users to use the Welsh language. Greeting people in Welsh and offering a Welsh language service by default or proactively is key to ensuring that users choose a Welsh language service. Having robust structures in place for assessing language skills, recruitment and language training, along with building staff confidence in Welsh is therefore vital in order to increase those who can provide a Welsh language service within an organisation.
- 1.9 One of the main influences on the ability of organisations to provide suitable Welsh language provision is the number of their staff who have Welsh language skills. The strategies of providers offering Welsh language services should focus on assessing the Welsh language skills of their staff in order to take advantage of existing skills, build staff confidence and add to the capacity of the Welsh language through recruitment and training.
- 1.10 However, in the evidence presented as part of the inquiry I saw here a failure to assess the language skills of staff, to offer and record Welsh language training to staff and to adequately assess the language requirements of posts. The evidence submitted by the Council raised questions regarding the Council's arrangements for planning training and tracking progress, and their ability to plan and identify those staff who need training to meet the requirements of roles. If there is a lack of recording Welsh language training, there must also be a lack of evaluation of these courses in order to ensure continuous improvement. If the courses are not recorded it also suggests that the Council does not set any targets in terms of staff learning or improving their Welsh. This is despite the fact that, in looking at the evidence submitted and the evidence gathered by the mystery caller and my officers, there is a shortage of staff who can or who are confident enough to offer a Welsh language telephone service in accordance with the Standards. The impression I have from the evidence that has been presented to me is that there is a lack of consideration of the Welsh language in the planning of staffing and training.
- 1.11 This shortcoming in terms of planning, training and assessing language needs means that it is inevitable that the Council will fail to provide a Welsh language service that complies with the Standards. I am of the opinion that the Council will continue to do so if there is no change in the organisation's attitude towards the Welsh language.

- 1.12 In the context of services, the lack of structures in terms of staff planning, training and recruitment has a direct impact on the Welsh language services that the Council can offer.
- 1.13 Furthermore, the evidence suggests that staff awareness of the Welsh language is also low within the organisation. When telephoning the Council, the mystery caller did not receive any acknowledgement that he had used the Welsh language in his calls. The Council's evidence on training provided to staff on Welsh language awareness was also very scant. In the report *'English by default: Understanding the use and non-use of Welsh language services'* by Citizens Advice dated 2015, it is noted:
- "A lack of language awareness or sensitivity on the part of staff members can impact negatively on consumer experience and also deters future use of Welsh on the part of the consumer."*
- 1.14 Customers expect that they can use services quickly and easily, and that there are clear routes to the service. The Council needs to improve its provision if they want Welsh speakers to use the Welsh language services and to offer a welcoming, inclusive service. A low-quality Welsh language service can lead to a lack of confidence or trust in Welsh language services that becomes a barrier to using them.
- 1.15 It is vitally important that the Council takes a more proactive and positive approach to the Welsh language within the organisation. It is necessary that the Council creates a culture where there is awareness and respect for the Welsh language and for Welsh language users. The Council must consider the processes and procedures in place in terms of the Welsh language among its staff to ensure that Welsh language services are accessible to users and that it is a quality service.
- 1.16 It is vitally important that the Council increases the levels of its staff who have Welsh language skills in order to comply with the requirements of the Welsh language standards. Increasing the levels will lead to improving Welsh language services and creating opportunities for users to speak Welsh. The investigation's Enforcement Action requires the Council to create an Action Plan that ensures that the Council undertakes a root and branch review of its arrangements for complying with the Welsh language standards, and to prepare longer-term strategies and plans for the Welsh language in the context of assessing the Welsh language skills of staff, training and assess new job skills. The Council must take these steps so that there are enough Welsh speakers to ensure compliance with the Welsh Language Standards across the organisation and provide a quality Welsh language telephone service to users. The Enforcement Action also gives senior managers in the organisation a specific role in scrutinising progress against that strategy.
- 1.17 Due to my dissatisfaction with several elements of the Council's compliance with the Welsh Language Standards within the investigation, I will publicise the results of this investigation. I believe that the lack of strategic planning in terms of the Welsh language is of public interest in Wales.

2 Terms of reference

Suspicion of failure to comply with Welsh language standards

- 1.2 The Welsh Language Commissioner's Regulatory Framework 2021 outlines the methods we use to monitor organisations' compliance with the Welsh Language Standards. Those methods include direct checking, namely accessing services as a real customer in order to ascertain what the real experience is for those who wish to use the Welsh language when receiving services from bodies subject to the Welsh language standards. Direct checking exercises are carried out for services such as telephone services, reception areas, websites and correspondence etc.
- 1.3 The results of service monitoring and assessment of Blaenau Gwent County Borough Council (the Council) have raised suspicions of failure to comply with service delivery standards 8, 11 and 17 relating to telephone calls.
- 1.4 Three telephone calls were made to the Council's main telephone number namely 01495 311556. At the beginning of the three calls, our caller chose the Welsh option on the automated system and therefore noted their preference for a Welsh language service. The service received by our caller on all calls is set out below.
- 1.5 During the first call on 13/09/2021 at 10:49am:
 - Our caller started the conversation in Welsh and asked whether the Council was distributing dog faeces bags. No greeting was received in Welsh, no Welsh language service, or any acknowledgement that the caller had spoken in Welsh. It was also noted that the caller had felt uncomfortable asking for a Welsh language service especially considering that this option had already been noted.
- 1.6 During the second call on 01/10/2021 at 09:23am:
 - Our caller called the telephone line. There was no answer after 6 minutes and the call was brought to an end.
- 1.7 During the third call on 05/10/2021 at 09:08am:
 - Our caller started the conversation in Welsh but no bilingual greeting was received. Our caller asked in Welsh for the e-mail of the Chief Executive 'Michelle Morris'. The receptionist's response was "I will see if she is available". Our caller had no choice but to intervene in the call by turning to English to explain that he was asking for the e-mail address of Michelle Morris and not to speak to her. In response, the receptionist provided the Chief Executive's e-mail address immediately with no acknowledgement that our caller wanted a service in Welsh.
- 1.8 The evidence gathered as part of our monitoring scheme did not provide a high assurance of compliance with the standards. The evidence raised suspicions that a Welsh language telephone service in accordance with the Standards is not being provided to users by the Council. This is an issue that is likely to affect many of the

borough's residents. In order to ensure the Council's compliance with the Standards, I decided to open a statutory investigation into the suspicion of failure.

Relevant standards

- 1.9 The Council has a duty to comply with the following standards, which was also the case on the date relevant to the complaint:

Standard 8

When a person contacts you on your main telephone number (or on one of your main telephone numbers), or on any helpline numbers or call centre numbers, you must greet the person in Welsh.

Imposition day: 03/03/2016

Standard 11

When a person contacts you on your main telephone number (or on one of your main telephone numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if the person so wishes -

- (a) until it is necessary to transfer the call to a member of non-Welsh speaking staff who can provide service on a specific subject; and
- (b) until no Welsh speaking member of staff is available to provide service on that particular subject.

Imposition day: 03/03/2016

Standard 17

When no Welsh language service is available on your main telephone number (or on one of your main telephone numbers), on any helpline numbers or call centre numbers, you must inform the caller (whether by means of an automated message or otherwise) when a Welsh language service will be available.

Imposition day: 03/03/2016

Decision to investigate

- 1.10 Based on the above, I decided to conduct an investigation under section 71 of the Welsh Language Measure, in order to determine whether there had been a failure by the Council to comply with the standards noted. I issued a notice of the decision to investigate, and of the proposed terms of reference, to the Council on 11/11/2021.
- 1.11 I gave notice of the investigation's final terms of reference to the Council on 15/11/2021. The final terms of reference can be seen as an appendix to this report.

Additional investigation standards

- 1.12 Having received the Council's first evidence in response to the Evidence Notice, however, I decided to extend the investigation's Terms of Reference.

- 1.13 The Council noted in its evidence in response to the original Evidence Notice that none of the members of the Council's contact centres dealing with calls from the public can speak Welsh fluently. We understand that the Council is reliant on staff in other roles with the Council, who are Welsh speakers, to volunteer to answer Welsh telephone calls but that there were no staff within the relevant department who had Welsh language skills. This created suspicion of a failure to comply with further standards and therefore, following receipt of the evidence, I decided to revise the investigation's Terms of Reference to include consideration of compliance with additional standards.
- 1.14 The Council has a duty to comply with the following standards, which was also the case on the dates on which the mystery calls were made:

Standard 81

You must promote and advertise any Welsh language service you provide, and do so in Welsh.

Imposition day: 30/03/2016

Standard 82

If you provide a service in Welsh which corresponds to a service you provide in English, any publicity or document you produce, or website you publish, which refers to the English language service must note that a corresponding service is available in Welsh.

Imposition day: 30/03/2016

Standard 127

You must assess the Welsh language skills of your employees.

Imposition day: 30/03/2016

Standard 130

You must provide opportunities during working hours -
(a) for your employees to receive basic Welsh language lessons, and
(b) for employees who manage others to receive training on using the Welsh language in their role as managers.

Imposition day: 30/03/2016

Standard 131

You must provide opportunities for your employees who have completed basic Welsh language training to receive further training free of charge to develop their language skills.

Imposition day: 30/03/2016

Standard 132

You must provide training courses in order for your employees to develop -
(a) awareness of the Welsh language (including awareness of the history of the language and its place in the culture of Wales);

(b) an understanding of the duty to operate in accordance with the Welsh language standards;

30/09/2016

(c) an understanding of how the Welsh language can be used in the workplace.

Imposition day: 30/09/2016

Standard 133

When providing information to new employees (for example, by means of an induction process), you must provide information to raise their awareness of the Welsh language.

Imposition day: 30/09/2016

Standard 136

When assessing the requirements for a new or vacant post, you must assess the need for Welsh language skills, and categorise it as a post where one or more of the following applies

-

(a) Welsh language skills are essential;

(b) Welsh language skills need to be learnt when appointed to the post;

(c) Welsh language skills are desirable; or

(ch) Welsh language skills are not necessary.

Imposition day: 30/03/2016

Standard 136A

If you have categorised a post as one in which Welsh language skills are essential, desirable or need to be learnt, you must -

(a) specify that when advertising the post, and

(b) advertise the post in Welsh.

Imposition day: 30/03/2016

- 1.15 I decided to conduct an investigation under section 71 of the Welsh Language Measure, in order to determine whether there had been a failure by the Council to comply with the additional standards noted above. I issued a notice of the decision to extend the investigation's Terms of Reference and provided a copy of the proposed revised terms of reference, to the Council on 02/02/2022.
- 1.16 I gave notice of the investigation's final terms of reference to the Council on 02/03/2022. The final revised terms of reference can be seen as an appendix to this report.

3 Evidence taken during the investigation

Evidence notice

- 2.1 On 15/11/2021, I issued an evidence notice to the Council. The evidence notice required the Council to provide the following evidence:

Information and documents

1. In the letter from the Welsh Language Commissioner to the Council dated 11/11/2021 evidence was presented that the service received by our mystery caller on 13/09/21, 1/10/21 and 5/10/21 raised suspicion that a Welsh language telephone service in accordance with the Standards is not being provided by the Council. Does the Council accept the evidence submitted by the Welsh Language Commissioner? If the evidence is accepted and if the Council accepts that a Welsh language telephone service in accordance with the Standards is not being provided, please explain why there is a failure to comply.
2. What procedure is in place to ensure the Council's compliance with the Welsh Language Standards relating to telephone services? Please provide a copy of any relevant policies or documents.
3. What instructions or guidelines have been given to Council staff on how to ensure compliance with the Welsh Language Standards when answering telephone calls?
Please provide evidence and copies of these instructions or guidelines to staff.
4. When do staff receive the information discussed in question 3 and how often are staff reminded of these instructions or guidelines?
5. What training has been given to Council staff on how to ensure compliance with the Welsh Language Standards when answering telephone calls? When and how often do staff receive this training?
6. What is the Council's monitoring or inspection process to ensure that calls from users wanting a Welsh language service receive a telephone service in Welsh in accordance with the Standards? Please provide evidence.
7. How many members of staff can speak Welsh within the Council Offices and deal with the public's Welsh language telephone calls?
8. How is the workforce within the Council organised so that a member of staff who can speak Welsh is available at any time for dealing with calls in Welsh from the public?
9. If the Council accepts that the Commissioner's telephone caller has received service which raises a suspicion of failure to comply with Welsh

Language Standards, what steps have been taken or will be taken in the future to ensure that the same behaviour does not occur again?

10. Please provide any additional information or evidence you wish us to consider when determining your compliance with the standards noted in the inquiry's terms of reference.
11. Please provide a copy of any policy, procedure, guideline or other document you wish us to consider when determining your compliance with the standards noted in the inquiry's terms of reference.

2.2 In response, I received evidence from the Council on 20/12/2021. Also, copies of the following documents were provided:

- Annex A – Code of Conduct;
- Annex B – Telephone Answering Flowchart;
- Annex C – Bilingual greetings;
- Annex D – Useful phrases;
- Annex E – Welsh Language Measure Compliance Notice;
- Annex F – Staff Guidance on Welsh Language Standards.

2.3 I considered all the information provided in response to the evidence notice.

The evidence received

2.4 In response to question 1 within the Evidence Notice, the Council stated that it accepts the evidence submitted and acknowledges its failure to comply with the Welsh Language Standards.

2.5 The Council said in relation to Standard 17 however, they believe that the call came during a period when the contact centre received a large number of calls leading to longer waiting times for all customers who needed to speak to a contact centre agent. The Council claimed that this had led to an inconsistency in service as the call would have been answered as soon as the next agent was available. The Council explained that all calls are processed by the Contact Centre's general call handling processes where there is no favourable treatment for Welsh or English calls received. The Council stated that it was not clear whether a Welsh language service would have been offered as the mystery shopper had not waited on the line long enough for this to be assessed.

2.6 In response to questions 2 and 3 within the Evidence Notice, the Council stated that its staff Code of Conduct outlines the Council's statutory policies and sets out the guidelines which must be adhered to. However, the Council stated that after consideration, there could be a greater emphasis on adhering to their Compliance Notice in relation to the Welsh Language Standards.

2.7 The Council stated that the Welsh Language Guidelines are also promoted on the front page of the intranet which is accessible to staff and provides information on the telephone services procedures and the Welsh Language Standards.

- 2.8 The Council explained that a Telephone Answering Flow Chart and a bilingual Greetings document is provided to all contact centre Agents and that they are all aware of the Welsh language requirements.
- 2.9 I asked in question 4 when did staff receive the information and how often are staff reminded of these instructions or guidelines. The Council explained that the information was available to staff via the intranet. The Council stated that it was compulsory to ensure that new staff were aware of the Welsh Language Standards and policies during their induction period. The Council explained that it was the responsibility of Heads of Service to ensure that services complied fully with the Welsh Language Standards but no explanation was given of the arrangements made by the relevant Head of Service in this case. The Council explained that the contact centre Agents were informed of the above document in the form of e-mails and team meetings or on-line. The Council stated that an internal bi-monthly communications campaign was currently being developed to promote the Welsh Language Standards, alongside the instructions and guidance available in the new year.
- 2.10 In response to question 5 regarding what training has been given to staff on how to ensure compliance with the Welsh Language Standards when answering telephone calls and how often staff receive this training, the Council stated that limited training had been provided to Council staff on an intermittent basis. The Council explained that opportunities through the Welsh Government's Learning Welsh website were also being promoted to encourage staff to learn Welsh. A basic Welsh language training course for staff was currently being developed which was being tailored to support staff to be able to answer Welsh language calls confidently and competently.
- 2.11 The Council stated that the training would be delivered face to face on-line, but there would be PowerPoint slides available for reference which would also include embedded audio files from general telephone conversations. The Council claimed that further bespoke sessions were also being developed to address the needs of a particular service area. Additional training is currently available for staff with intermediate and advanced Welsh language skills, particularly for staff who volunteer to support the Corporate Welsh Speakers List and these would be promoted in the new year.
- 2.12 The Council explained that before covid-19 and before moving to work more flexibly, some contact centre Agents and face-to-face receptionists were undertaking basic training courses on speaking Welsh. One of these Agents had recently moved across to the Council's new Community Hub services supporting the provision of a Welsh language service in this area.
- 2.13 In response to question 6 regarding the Council's processes for monitoring or inspecting telephone calls, the Council explained that the Professional Lead for Engagement, Equality and the Welsh Language supported the contact centre to consider the requirements of a Welsh language service during a customer service review project in order to facilitate service excellence. That support related to ensuring compliance with the changes to the Welsh language response system and included consideration of the telephone services provided and assisting them to improve the service.

- 2.14 As part of our annual Welsh Language Self-Assessment in August 2021, the Professional Lead for Engagement, Equality and the Welsh Language undertook a 'direct check' of the Welsh telephone service. This internal inspection highlighted concerns about meeting standards 8 and 11 with one particular agent. This was reported to Senior Staff where guidance was provided on how to address the concerns. The Council explained that, as a result, all Agents were reminded of the importance of greeting and adhering to the Welsh Language Standards bilingually. Bespoke training courses are being developed and are included in the Agents' Training Needs Analysis. The Council stated that this was included in the Customer Service review in order to continue to improve Customer Experience.
- 2.15 In response to questions 7 and 8 the Council explained that no member or agent of the Blaenau Gwent contact centre dealing with calls from the public speaks Welsh fluently. There was 1 member of staff who used to follow basic Welsh language skills training, as was noted, and that they were now part of the Council's Community Hubs service. However, the Council explained that 12 members of staff volunteered to assist the Council in providing Welsh language services as part of their Corporate Welsh Speakers List. Of those, a high proportion dealt with calls from the public. The Council stated that the list aimed to ensure that a Welsh speaking member of staff was available at any time to deal with Welsh language calls from the public.
- 2.16 In question 9 I asked whether the Council accepted that the mystery caller received a service that raised suspicions of failure to comply with the Welsh Language Standards, what action had been taken or would be taken in the future to ensure that the same conduct does not happen again. The Council stated that there would be a Review of the Council's Code of Conduct to include information specifically on meeting the Welsh Language Standards and Compliance notice. Regular internal training will be available to staff on the requirements of the Welsh Language Standard and Welsh language training (beginners, intermediate and advanced).
- 2.17 Furthermore, the Council stated that there would be a review of the full end-to-end process for providing a Welsh language telephone service in accordance with standards 8, 11 and 17. The Council stated that if they were unable to provide a Welsh language service, due to circumstances beyond their control, then an automated message would explain that the service is not available and when it will be available.
- 2.18 The Council stated that an internal bi-monthly communications campaign would be developed to promote and reinforce the Welsh Language Standards, guidance on the procedure for providing a Welsh language telephone service, information and training opportunities. There will also be regular 'direct check' internal inspection by a Professional Lead for Engagement, Equality and the Welsh Language to ensure that the Council meets its Welsh language requirements in relation to the provision of telephone services.
- 2.19 A 'Telephone Answering Flow Chart', 'Bilingual Greetings', and 'Useful Phrases' were provided to contact centre Agents immediately after our investigation became known. The Council stated that there were also regular discussions at 1 to 1 meetings with the contact centre Agents to ensure that they understood the importance of complying with the Welsh language standards regularly and that they are adhered to.

2.20 No further evidence was submitted in answer to questions 10 and 11.

2.21 Due to some of the evidence submitted (as detailed above), I served a second Evidence Notice on the Council on 02/03/2022. The Second Evidence Notice required the Council to provide the following evidence:

Information and documents

1. Does the Council believe that the process detailed in the Telephone Call Answering Process flowchart submitted as part of the Council's evidence dated 20/12/21 complies with Standard 11?
2. Please provide details of how the Council promotes its Welsh language services.
3. Please provide details of how the Council promotes its Welsh language telephone service.
4. Please provide evidence that any publicity or document produced by the Council, or a website published, which refers to an English language telephone service, also states that a corresponding service is available in Welsh.
5. In the Council's evidence dated 20/12/21, it was noted that no agents at the contact centre dealing with calls from the public were fluent in Welsh. It was explained that 12 members of staff volunteered to assist the Council in providing Welsh language service as part of their Corporate Welsh Speakers List. Please provide full information on how this volunteering process works taking into account the other duties of those staff and their availability to volunteer.
6. As it is volunteers who provide the Council's Welsh language telephone service, how does the Council ensure the quality of that telephone service and its compliance with the requirements of the Standards.
7. Please provide details of what organisation the Council has in place to assess the Welsh language skills of its employees.
8. How many posts within the contact centre have been advertised in the last three years? Of the posts advertised, how many have been advertised as posts where (a) Welsh language skills are essential; (b) Welsh language skills need to be learnt when appointed to the post; (c) that Welsh language skills are desirable; (d) that Welsh language skills are not necessary.
9. Please provide a copy of your linguistic needs assessments for each post advertised for the contact centre in the last three years.
10. When advertising posts for the contact centre where Welsh language skills for the posts were essential, desirable or needed to be learnt, please provide evidence that the Council noted this in the job adverts. Please also

provide evidence that the posts have been advertised in Welsh. Please provide this evidence for the posts that have been advertised for the contact centre in the last three years.

11. In the last three years, when a post was advertised for the contact centre as a post where Welsh language skills were essential, how many applications were received from applicants with the necessary Welsh language skills?
12. In the last three years, when a post was advertised for the contact centre as a post where Welsh language skills were not necessary, please explain how you made that assessment in relation to language skills.
13. How many Council staff have received basic Welsh lessons in the last three years? Please indicate in which departments these staff worked.
14. How many Council staff have completed further Welsh language training in order to develop their Welsh language skills in the last three years? Please indicate in which departments these staff worked.
15. How many of the staff who deal with receiving telephone calls to the Council's general numbers have received Welsh language skills training in the last three years? Of those staff who have received training, please state the level of Welsh language courses.
16. To what extent has language skills development been incorporated into the requirements of the posts and job descriptions within the Contact Centre.
17. Please provide details of all training sessions provided to staff on (a) awareness of the Welsh language (including awareness of the history of the language and its place in the culture of Wales); (b) an understanding of the duty to act in accordance with Welsh language standards; (c) an understanding of how the Welsh language can be used in the workplace in the last 3 years. Please give details of the posts held by the staff who attended the training and their areas of work.
18. Please provide details of all Welsh language awareness training sessions that have been given to contact centre staff in the last 3 years.
19. Please provide full details of the guidelines and/or training provided to new staff on Welsh language awareness and compliance with the Welsh Language Standards.
20. Please provide any additional information or evidence you wish us to consider when determining your compliance with the standards noted in the investigation's terms of reference.
21. Please provide a copy of any policy, procedure, guideline or other document which you wish us to consider when determining whether you have complied with the standards noted in the investigation's terms of reference.

2.22 In response, I received evidence from the Council on 27/04/2022. Also, copies of the following documents were provided:

- Annex A – Introduction to the Welsh language (including telephone answering procedure)
- Annex B – Workforce Competency Framework (non-management)
- Annex C – Bilingual Greetings and Key Words;
- Annex D – Useful Phrases
- Appendix 1 – Recruitment Authorisation;
- Appendix 2 – Job Description.

2.23 I considered all the information submitted in response to the evidence notice.

The evidence received in response to the Second Evidence Notice

2.24 The Council has asked me to note in their response that the evidence requested over the last three years was information during the years of the Covid-19 pandemic when the Council was dealing with an emergency.

2.25 I asked firstly whether the Council believed the process detailed in the Telephone Call Answering Process flowchart submitted as part of the Council's first evidence dated 20/12/21 complied with Standard 11. The Council replied that it was not of the opinion that the Flow Chart complied with the Standards. The Council explained that the telephone procedure introduced in December 2021 was in place before the letter from the Welsh Language Commissioner's Office on 27 August 2019 which provided an explanation on how to interpret Standard 11 was received.

2.26 The Council explained that since then a revised Telephone Answering Procedure Flowchart had been developed which complies with Standard 11 and has been shared with all staff. The Council stated that this procedure is promoted and referred to at team meetings. A copy of this revised procedure was attached with the Council's response.

2.27 In response to the second question, the Council stated that it publishes and shares information about its Welsh language services through social media, their web page, leaflets and advertisements. No evidence was given of this and there are no references to this relevant information on their websites submitted by the Council. The Council explained that the Community Hubs delivery model has been in place since July 2021 and operated in the communities across Blaenau Gwent from 6 Libraries and from an Organisation. Community Hub staff promote Welsh language services in the face-to-face customer service setting, through adverts displaying opening times and through banners used in the Libraries.

2.28 The Council explained that the Hub dealing with the Council's telephone service promotes Welsh language services by automated message. The Council stated that

all callers were greeted in Welsh before being offered the option to take up the call with a Customer Service agent in Welsh or in English.

- 2.29 The Council stated that promoting and advertising Welsh language services was not treated less favourably than English language services and was promoted regularly with equal prominence and accessibility. For example, the Council stated that its welcome screen website offers visitors a clear language choice and gives users the opportunity to use the Welsh language when accessing the website's services.
- 2.30 In response to question 3 which asked how the Council promoted its Welsh language telephone service, the Council responded:
- Corporate Contact Centre automated message – by telephoning 01495 311556, the Council's main contact details you will be greeted in Welsh immediately with an option to press 1 for Welsh and press 2 for English.
 - Contact Centre agents answering the telephone bilingually – following the Telephone Answering Procedure Flowchart
 - Contact Centre agents, in greeting the caller provide information that a Welsh language service is available if they wish to continue the conversation in Welsh
 - The Contact Centre promotes the Welsh language and welcomes correspondence from users in Welsh
 - Contact details on the Council's Website are available in Welsh and in English
- 2.31 In response to question 4 within the Second Evidence Notice, the Council stated that its website and all the Council's publicity materials were in Welsh and in English.
- 2.32 The Council stated that there are social media messages from the Corporate Communications teams when publicising the Council's telephone system across all social platforms in Welsh and in English but no evidence has been submitted to demonstrate these messages.
- 2.33 The Council claimed that the Council's Corporate e-mail address, info@blaenau-gwent.gov.uk, also promoted the Council's telephone service by providing the choice of Welsh and English. The Council stated that it promoted the Corporate Contact Centre's telephone service to residents on specific projects, including the option of speaking to an agent in their chosen language. The Council stated that the Customer Relationship Management system operated within the Contact Centre also promoted the choice of Welsh or English and could record the language choice of residents for telephone conversations.
- 2.34 In question 5, I asked the Council about the 12 members of staff who had volunteered to assist the Council in providing Welsh language service as part of their Corporate Welsh Speakers List. I asked the Council to provide full information regarding how this volunteering process works considering the other duties of those staff and their availability to volunteer.

- 2.35 The Council explained that there was a Corporate Welsh Speakers List of staff who volunteered to support the Contact Centre. The Council stated that the List included staff who were fluent in Welsh from across the organisation and who worked in a variety of different service areas. The Council said that all volunteers had clerical roles and usually handled calls as part of their day-to-day duties. The Council claimed it was possible to contact them via Microsoft Teams. The list is available on the Council's intranet via the Telephone Directory.
- 2.36 The Council claimed that when telephoning the Contact Centre an automated message is provided which specifically informs the customer that a Welsh language service is available or will continue to be available in Welsh. If a customer chooses to receive the service in Welsh, they will be transferred to a call centre agent. The Council explained that the call centre agent greets the customer bilingually and establishes the nature of the call. At that point, the customer waits while the agent makes every effort to transfer the customer to a volunteer on the Corporate Welsh Speakers List from the relevant department, who can continue to deal with the call in Welsh. However, depending on the nature of the call, it may be necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter. The Council referred specifically to Annex A.
- 2.37 The Council stated that the Corporate Welsh Speakers List is reviewed and updated twice a year, but volunteers are encouraged to inform the Policy and Partnerships Team if they change roles or leave the organisation. Communication campaigns are also promoted to encourage existing or new staff to volunteer. All volunteers are also encouraged to attend higher Welsh language training opportunities to further develop skills and confidence and allow them to do so within work time which is also aimed at increasing the use of Welsh in the workplace. The Council explained that since then, one member of staff in the Contact Centre service has asked to take part in Welsh language training. The Council stated that all 6 Community Hub Officers had also expressed the same request and this was currently being supported to establish Welsh Language training for them. This will improve and support the delivery of Customer Services across the Council in the face-to-face setting and over the telephone.
- 2.38 In question 6, I asked the Council, as it is volunteers who provide the Council's Welsh language telephone service, how does the Council ensure the quality of that telephone service and its compliance with the requirements of the Standards. The Council stated that all volunteers were fluent in Welsh and that all staff had a duty to provide a quality service to all their customers, in accordance with their Workforce Competence Framework (not managerial).
- 2.39 The Council further claimed that internal verification checks were carried out annually by the Policy and Partnerships Team where mystery calls were made to the Contact Centre in Welsh to monitor and assess the quality of the telephone service provided. Any areas identified for development or improvement were considered and discussed by the Customer Experience and Transformation Service Manager. The Council stated that these arrangements were established following receipt of '*Compliance Supervision - A good practice advice document*' from the Welsh Language Commissioner's Office which enables them to comply with our statutory requirements.
- 2.40 In question 7, I asked the Council to provide details of what arrangements it had in place to assess the Welsh language skills of its employees.

- 2.41 The Council stated that the Council's workforce data, including the selection of Welsh language correspondence and Welsh language skills and capabilities, were stored on a system called iTrent. New staff were encouraged to provide this information when joining the organisation and existing staff were encouraged to update their information regularly through communication notifications. The Council stated that iTrent was able to analyse all workforce data and produce reports that are used to assess the Welsh language skills of its employees.
- 2.42 In question 8, I asked how many posts within the contact centre had been advertised in the last three years? Of the posts advertised, how many have been advertised as posts where (a) Welsh language skills are essential; (b) Welsh language skills need to be learnt when appointed to the post; (c) Welsh language skills are desirable; (d) Welsh language skills are not necessary.
- 2.43 The Council stated that the Contact Centre had advertised on two occasions over the 3 years and that both posts had been categorised as posts where Welsh language skills were desirable.
- 2.44 In question 9, I asked the Council to provide a copy of their linguistic needs assessments in respect of each post advertised for the contact centre in the last three years. The Council attached a copy of its 'Recruitment Authorisation form and report' document in relation to recruitment to the team.
- 2.45 I asked for evidence in question 10, where Welsh language skills for the posts were essential, desirable or Welsh language skills needed to be learnt, that the Council had noted this in the job adverts. I also asked the Council to provide evidence that the posts had been advertised in Welsh. The Council has provided a copy of the 'Job Description' document for 4 posts within the Contact Centre which were advertised in 2022.
- 2.46 In question 11, I asked, when a post was advertised for the contact centre in the last three years as a post where Welsh language skills were essential, how many applications were received from applicants with the necessary Welsh language skills? The Council stated that on both occasions where Contact Centre posts had been advertised over the last three years, none of the applicants had Welsh language skills.
- 2.47 In question 12, I asked the Council, when a post was advertised for the contact centre in the last three years as a post where Welsh language skills were not necessary, to explain how that assessment was made in relation to language skills. The Council replied that all posts within the Contact Centre had been advertised with Welsh language skills desirable
- 2.48 I asked the Council in question 13 how many Council staff had received basic Welsh lessons in the last three years and asked them to note in which departments these staff worked. The Council stated that since 2019 it had promoted the Welsh Government's Welsh at Work language course on-line. Staff from across the entire organisation were allowed to attend training during normal working hours. The Council claimed that a number of basic Welsh resources were also available to members of staff such as on their intranet 'Bilingual greetings and key words' and 'Useful Phrases'.

- 2.49 The Council stated that they do not know how many Council staff have received basic Welsh lessons in the last three years as this is not something that is currently recorded. Within Customer Services, the Council stated that all staff (the Contact Centre and Community Hubs) were currently receiving basic training in Welsh. With all Community Hub staff and 1 Contact Centre member of staff moving on to more advanced longer term Welsh courses in the near future. This will form part of their future training and development plans and support the delivery of Customer Services to users.
- 2.50 In question 14, I asked the Council how many of its staff had completed further Welsh language training in order to develop their Welsh language skills in the last three years? I asked the Council to indicate in which departments these staff worked. The Council stated that it was not aware how many Council staff had completed further Welsh language training as this was not something they recorded. However, the Council stated that further Welsh language training opportunities were currently being promoted across the organisation.
- 2.51 The Council stated that within their Customer Services all staff (in the Contact Centre and Community Hubs) were currently receiving basic training in Welsh. The council claimed that all Community Hub staff and 1 Contact Centre member of staff were moving on to more detailed long-term Welsh courses in the future. This would form part of their future training and development plans and support the delivery of Customer Services to our residents.
- 2.52 In question 15, I asked how many of the staff dealing with answering telephone calls to the Council's general numbers had received Welsh language skills training in the last three years? Of those staff who had received training, I asked the Council to state the level of Welsh language learning courses.
- 2.53 The Council stated that all staff dealing with telephone calls to the Council's Contact Centre telephone number had received basic Welsh language skills training during the last three years. The Council stated that this process was currently ongoing and had been extended to staff within the IAA Social Services and Benefits Services teams. This would be an ongoing process over the coming years to support refresher training and the training and development needs of staff members.
- 2.54 I asked the Council in question 16 to what extent had language skills development been incorporated into the requirements of the posts and job descriptions within the Contact Centre. The Council stated that Welsh language skills had been a desirable skill within Job Descriptions as part of the recruitment process. However, developing language skills is not part of staff members' training needs allowance and staff development.
- 2.55 I asked the Council in question 17 to provide details of all training sessions provided to staff on (a) awareness of the Welsh language (including awareness of the history of the language and its place in the culture of Wales); (b) an understanding of the duty to act in accordance with Welsh language standards; (c) an understanding of how the Welsh language can be used in the workplace in the last 3 years. I also asked the Council to give details of the posts and the area of work of the staff who attended.
- 2.56 The Council stated that the Council's Workforce Development Strategy promoted and encouraged staff to seek out training and development opportunities, including

in Welsh, and this is facilitated through our existing arrangements for managers. The Council stated, in line with question 13, we refer staff to any known training opportunities available.

- 2.57 I then asked for details of all Welsh language awareness training sessions that had been given to contact centre staff in the last 3 years.
- 2.58 The Council stated that language improvement sessions were currently being held with all members of Customer Service staff, including Community Hubs, the Contact Centre and Benefits Services. The Council claimed that basic Welsh language training and common phrases were given at Team Meetings and 1 to 1 sessions to support the delivery of Customer Services to residents.
- 2.59 In question 19 I asked for details of the guidelines and/or training provided to new staff on Welsh language awareness and compliance with the Welsh Language Standards. The Council stated that all new staff received a Corporate Induction session when (a) (b) and (c) were included by the Manager under our Corporate Policies i.e. the Well-being of Future Generations Act; Welsh Language Standards etc.

Service Delivery Standards

4 Compliance with standard 8: Assessment, findings and determination

Wording of the standard

- 4.1 Here is the wording of the standard as it appears in the compliance notice issued to the Council:

Standard 8

When a person contacts you on your main telephone number (or on one of your main telephone numbers), or on any helpline numbers or call centre numbers, you must greet the person in Welsh.

Imposition day: 03/03/2016

Interpretations

- 4.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 states in paragraph 4.2.2 – 4.2.6:

“Standard 8

- 4.2.2. *A body must greet a person in Welsh when that person contacts the body on one of its relevant telephone numbers.*
- 4.2.3. *The term 'greet' may include phrases which acknowledge and welcome the caller, before the body starts to deal with the call. For example, a body may greet a person by saying 'Bore Da/Prynhawn Da/Noswaith Dda', followed by the body's name in Welsh (if it exists). The term 'greet' does not include dealing with the call itself.*
- 4.2.4. *A body may greet persons in Welsh via a pre-recorded automated message or through a member of staff greeting that person in Welsh when answering the call.*
- 4.2.5. *The requirements of this standard apply to the initial greeting only. The language of the remainder of the call will depend on the person's language choice in accordance with standard 10 or 11 (depending on which standard has been imposed on the body).*
- 4.2.6. *The requirements of standard 20 apply to greetings given to a person who makes contact via a direct line telephone number belonging to a body's department or a member of staff.”*

Requirements of the standard

- 4.3 A body must ensure when a person contacts them on their main telephone number (or on one of their main telephone numbers), or on any helpline numbers or call centre numbers, that the caller receives a greeting in Welsh.

Considering compliance with the standard

- 4.4 Evidence was presented of the results of our 'direct checking' of the Council's telephone services, namely accessing services as a real customer, for example by using a telephone or reception service.
- 4.5 Three telephone calls were made to the Council's main telephone number namely 01495 311556. At the beginning of the three calls, our caller chose the Welsh option on the automated system and therefore noted their preference for a Welsh language service. The service received by our caller on all calls is set out below.
- 4.6 During the first call on 13/09/2021 at 10:49am, our caller started the conversation in Welsh and asked whether the Council was distributing dog faeces bags. No greeting was received in Welsh, no Welsh language service, or any acknowledgement that the caller had spoken in Welsh. It was also noted that the caller had felt uncomfortable asking for a Welsh language service especially considering that this option had already been noted.
- 4.7 During the second call on 01/10/2021 at 09:23am, our caller called the telephone line. There was no answer after 6 minutes and the call ended.
- 4.8 During the third call on 05/10/2021 at 09:08am, our caller started the conversation in Welsh but no bilingual greeting was received. Our caller asked in Welsh for the e-mail of the Chief Executive using 'Michelle Morris'. The receptionist's response was "I will see if she is available". Our caller had no choice but to intervene in the call by turning to English to explain that he was asking for the e-mail address of Michelle Morris and not to speak to her. The receptionist provided the e-mail address immediately with no acknowledgement that our caller wanted a service in Welsh.
- 4.9 In response to question 1 within the Evidence Notice, the Council stated that it accepted the evidence submitted and acknowledged its failure to comply with the Welsh Language Standards relating to telephone service.
- 4.10 The evidence of our mystery caller is clear that the caller did not receive a Welsh greeting message from the individual who answered the call on two of the three calls to the main telephone number. The other call was not answered.
- 4.11 However, the mystery caller's record notes that the automated message received at the beginning of the call complies with the standards. Although an automated message does not have to provide a 'greeting' in order to comply with the Standards, it is possible that a Welsh greeting was given in that message.
- 4.12 However, my officers tried the same main telephone number for the Council 01495 311556 again on more than one occasion in May 2022 when preparing this report. My officers received a lengthy message in English only regarding dealing with a high level of calls relating to the £150 'Cost of Living payment'. This message was not in Welsh. This lengthy message appeared to be a message that had been put in place temporarily to provide additional information (in English only) to callers over a busy period.
- 4.13 Furthermore, the message following the 'temporary' message asking a caller to choose the Welsh or English option was also given in English only. At the beginning of that automated message, the name of the Council was given in Welsh before a

greeting in English only and the remainder of the message gave instructions regarding language choice in English only. Therefore, no greeting was given in Welsh. Considering that the date of those calls follows the opening of this investigation and follows the Council's evidence where the Council suggested that improvements had been made to the Welsh language telephone service, this was very disappointing.

4.14 In considering the evidence as a whole, therefore, specifically in considering that there was no Welsh greeting in the message in May 2022 either, the Council was not in compliance with Standard 8 at the time of the calls which resulted in the commencement of this investigation.

Findings

4.15 A body must ensure when a person contacts them on their main telephone number (or on one of their main telephone numbers), or on any helpline numbers or call centre numbers, that the caller receives a greeting in Welsh.

4.16 Our mystery caller did not receive a greeting in Welsh on more than one occasion when trying one of the Council's main telephone numbers as part of our direct checking. In weighing up our evidence, it appears that the mystery caller would not have received a greeting in Welsh on the automated message either.

4.17 That is a failure to comply with Standard 8.

Determination of whether there has been a failure to comply with standard 8

4.18 I determine that the Council has failed to comply with Standard 8 on the basis that our mystery caller did not receive a greeting in Welsh on two telephone calls.

Further action

4.19 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

4.20 In the case of my determination that the Council has failed to comply with standard 8, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

4.21 Details of the further action are set out below.

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

1. The Council must develop a standard Welsh language telephone greeting.
2. The Council must train all Council staff dealing with telephone calls from the public on how to give the standard Welsh telephone greeting accurately and in compliance with Standard 8.
3. The Council must raise awareness within its staff of the importance of providing a Welsh greeting and of including a Welsh greeting at the beginning of calls.

4. The Council must evaluate any automated greeting messages to check that a greeting in Welsh is placed on the automated message if a greeting is given in English.
5. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 4 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

5 Compliance with standard 11: Assessment, findings and determination

Wording of the standard

- 5.1 Here is the wording of the standard as it appears in the compliance notice issued to the Council:

Standard 11

When a person contacts you on your main telephone number (or on one of your main telephone numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if the person so wishes -

- (a) until it is necessary to transfer the call to a member of non-Welsh speaking staff who can provide service on a specific subject matter; and
- (b) until no Welsh speaking member of staff is available to provide service on that specific subject matter.

Imposition day: 03/03/2016

Interpretations

- 5.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 states in paragraph 4.2.2 – 4.2.6:

5.3 “**Standard 11**

- 4.2.17. *If a person contacts the body on one of its relevant telephone numbers, the body must deal with the call in Welsh once it is aware that the person wishes to receive a Welsh language service over the telephone, transferring the call to a member of staff who is able to deal with the specific subject matter in Welsh if required.*
- 4.2.18. *A person would be likely to wish to receive a service in Welsh over the telephone should they start a conversation with the body in Welsh first. Should a person start a conversation in English first, a body must not interpret that to mean that the person does not wish to receive a telephone service in Welsh.*
- 4.2.19. *If the person's wish to receive a Welsh language service is not already clear (e.g. if they do not start the conversation in Welsh or if they do not ask for a Welsh language service before the body does so), a body is expected to establish that wish more proactively, by asking about the person's wish specifically. A body is expected to establish a person's wish to receive a Welsh language telephone service at the earliest possible opportunity. However, it should be noted that a body must greet persons in Welsh over the telephone in accordance with*

standard 8 before establishing whether the person wishes to have the call dealt with in Welsh.

- 4.2.20. *Unlike standard 10, if there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, a body may transfer the call to a member of staff who cannot deal with the call in Welsh, but who can provide a service on the specific subject matter.*
- 4.2.21. *It should be emphasised that a body must ensure that there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, before transferring the call to a member of staff who cannot deal with the call in Welsh. In order to facilitate this, a body may choose to keep a record of those members of staff who are able to deal with calls in Welsh (e.g. a staff directory based on department, service or subject matter).*
- 4.2.22. *It should be noted that the phrase ‘specific subject matter’ does not include general contact or a general enquiry. A body is expected to provide a Welsh language service when dealing with general enquiries, up to a point where a body needs to transfer a call to a non-Welsh speaking member of staff who can deal with a subject which needs a level of expertise or specific knowledge in order to deal with the enquiry. Such examples may include a specific planning application or a specific social services case where only that non-Welsh speaking member of staff has the relevant knowledge needed to deal with the call.”*

Requirements of the standard

- 5.4 A body must ensure that when a person contacts them on their main telephone number (or on one of their main telephone numbers), or on any helpline numbers or call centre numbers, the body must deal with the call in Welsh if the person so wishes - (a) until it is necessary to transfer the call to a non-Welsh speaking member of staff who can provide a service on a specific subject matter; and (b) until there is no Welsh speaking member of staff available to provide a service on that specific subject matter.

Considering compliance with the standard

- 5.5 The information presented in 3.4 - 3.9 above is also relevant in the context of this Standard.
- 5.6 No relevant evidence has been submitted by the Council which disproves any evidence submitted about the mystery caller's experience when using the Council's main telephone number. It is clear to me that the Council has failed to comply with this Standard in the context of telephone calls as no telephone service at all was received in Welsh.
- 5.7 Reference must also be made here to one of the cases on which the Welsh Language Tribunal adjudicated (case number TyG/WLT/18/5) which provides further clarity on the correct interpretation of Standard 11. An organisation must ensure that a person who has telephoned their main telephone number (or one of the main

numbers) is able to hold the initial conversation in Welsh. The call must be answered in Welsh in the first instance by a member of staff who is fluent enough to establish, in Welsh, who is calling and the nature of the call; i.e. the subject the caller wishes to discuss. It is not sufficient to have in place a process where a member of staff explains in Welsh, having learnt a few pre-prepared phrases, that they are transferring the call to another person who does speak Welsh to deal with the call, because they themselves are not fluent enough to do so. The purpose of the standard is to ensure that members of the public can conduct an initial conversation and explain the nature of their call in Welsh without having to be transferred to another member of staff.

- 5.8 Although a Welsh language service had not been provided at all by this Council, I asked the Council in the first Evidence Notice regarding what instructions or guidance had been given to Council staff on how to ensure compliance with the Welsh Language Standards when answering telephone calls.
- 5.9 In responding to the first Evidence Notice the Council sent me a copy of the Telephone Answering Flow Chart explaining that this document was provided to all Contact centre Agents. See document as Appendix 1 below. In the Flowchart, after giving a bilingual greeting, the Flow Chart states that if the caller replies in Welsh, then the agent should ask *“Would you like to continue the call in Welsh?”*. If the answer is ‘yes’, the flowchart advises the agent: *‘Advise the caller that they will be transferred to a Welsh speaker, if available. “I’m sorry I don’t speak Welsh. I’ll try and put you through to a colleague who does”*’.
- 5.10 It is clear that this document did not provide guidelines that ensured that those individuals answering the telephone complied with Standard 11. Even if the mystery caller had received a greeting in Welsh and received any Welsh language service on the call, had the agent followed the guideline, the call would still not have complied with the Welsh Language Standards. The guidance given to staff did not comply with Standard 11 although guidance on the interpretation of this Standard was sent to all bodies subject to the Standards in 2019.
- 5.11 In the Second Evidence Notice to the Council I asked the Council if they were of the opinion that the process detailed in the Telephone Answering Process flowchart submitted by the Council complied with Standard 11. The Council replied that it was not of the opinion that the document complied. The Council explained that the telephone procedure introduced in December 2021 was in place before the letter providing guidance on the interpretation of the Standard was sent by the Office of the Welsh Language Commissioner in August 2019.
- 5.12 The Council explained that since then a revised Telephone Answering Procedure Flowchart had been developed which complied with Standard 11 and had been shared with all staff. The Council stated that this procedure was promoted and referred to at meetings of the Customer Services team from Face to Face (Community Hubs) and the Corporate Contact Centre. A copy of this revised procedure was attached (Appendix 2 below).
- 5.13 As guidance was issued to all bodies in 2019, it is a matter of concern to me that the Council had not looked at their telephone answering guidelines until this was raised with them as part of this investigation, more than two years later. It is concerning that there are inadequate systems in place to respond to any correspondence or advice from the Welsh Language Commissioner's office. It also suggests that neither

adequate care, consideration nor respect is given to compliance with the Standards, nor to the guidelines and guidance given to them in order to assist them in complying with the Welsh language standards.

Findings

- 5.14 A body must ensure that when a person contacts them on their main telephone number (or on one of their main telephone numbers), or on any helpline numbers or call centre numbers, the body must deal with the call in Welsh if the person so wishes - (a) until it is necessary to transfer the call to a non-Welsh speaking member of staff who can provide a service on a specific subject matter; and (b) until there is no Welsh speaking member of staff available to provide a service on that specific subject matter.
- 5.15 Our mystery caller did not receive any Welsh language service on his/her telephone calls to the Council. It is also clear that the telephone answering flowchart guide available to staff answering the telephone during the period of the mystery calls did not comply with Standard 11.
- 5.16 That is a failure to comply with Standard 11.

Determination of whether there has been a failure to comply with standard 11

- 5.17 I determine that the Council has failed to comply with Standard 11 on the basis that the body did not deal with our mystery caller's calls in Welsh until it was necessary to transfer the call to a non-Welsh speaking member of staff who could provide a service on a specific subject; and (b) until there was no member of Welsh speaking staff available to provide a service on that specific subject.

Further action

- 5.18 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 5.19 In the case of my determination that the Council has failed to comply with standard 11, I will be taking further action for the purpose of preventing the continuation of the failure to comply.
- 5.20 Details of the further action are set out below.

Standard 11: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must put in place guidelines for all staff on how to deal with telephone calls in accordance with Standard 11.
2. The Council must ensure that it has resources to deal with all calls received in accordance with Standard 11. The Council must ensure that there are sufficient Welsh speakers in the call centre to deal with telephone calls from persons who wish to conduct the call in Welsh, in accordance with standard 11.

3. The Council must provide training to all staff dealing with telephone calls on how to provide a Welsh language service in accordance with Standard 11.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

6 Compliance with standard 17: Assessment, findings and determination

Wording of the standard

6.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 17

When there is no Welsh language service available on your main telephone number (or on one of your main telephone numbers), on any helpline numbers or call centre numbers, you must inform the caller (whether by means of an automated message or otherwise) when a Welsh language service will be available.

Imposition day: 03/03/2016

Interpretations

6.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 states in paragraph 4.2.39 – 4.2.44:

“Standard 17

- 4.2.39. *When there is no Welsh language service available on one of the body's relevant telephone numbers, it must inform the caller when a Welsh language service will be available. A situation where a Welsh language service is not available may include: when the office is closed and therefore there is no telephone service available at all, or when there is no Welsh-speaking member of staff available to deal with the call (in accordance with the requirements of standard 11).*
- 4.2.40. *In such situations, a body must state when the Welsh language service will be available. For example, a body may do so by explaining*

the office's core opening hours or explaining during which times or on which days the Welsh language service will be available next.

- 4.2.41. *A caller may be 'informed' via: an automated message, or a member of staff telling the caller over the phone.*
- 4.2.42. *The relevance of this standard varies from one case to the next, depending on the availability of a Welsh language telephone service (e.g. in accordance with standards 10 or 11) and the nature of the telephone services offered by a body.*
- 4.2.43. *In a situation where a body is not required to provide a telephone service in Welsh in accordance with the requirements of standard 11 (i.e. where there is no Welsh speaking member of staff available to provide a service on a specific subject matter in Welsh), a body must inform when a Welsh language service will be available.*
- 4.2.44. *If there is a Welsh speaking member of staff available to provide a service on a specific subject matter in Welsh, but they do not happen to be available at the time of the call (e.g. they do not work on that day or the member of staff is on another call), the body must inform the caller when that member of staff (or another member of staff who can deal with the call in Welsh) will next be available. The body is expected to do so before transferring the call to a member of staff who does not speak Welsh. By doing so, a body can offer the caller the choice of either being transferred to a member of staff who does not speak Welsh or wait for the next available Welsh speaking member of staff."*

6.3 Regulations state that one or more of the following: Standard 10, Standard 11 and also Standard 16 and Standard 17 are subject to Standard 14.

Requirements of the standard

6.4 A body must ensure when there is no Welsh language service available on their main telephone number (or on one of their main numbers), or on any helpline numbers or call centre numbers, that they inform callers (by way of an automated message or otherwise), when a Welsh language service will be available.

Considering compliance with the standard

6.5 The information presented in 3.4 - 3.9 above is also relevant here.

6.6 In the context of Standard 17, however, the Council stated in response to the first Evidence Notice, that they believe the call came during a period when the contact centre received a large number of calls. The Council stated that this had resulted in longer waiting times for all customers who needed to speak to a contact centre agent. It claimed further that this had led to an inconsistency in service as the caller would have been dealt with as soon as the next agent was available, and so there was no need for him to have given up the call. The Council explained that there was no favourable treatment for Welsh or English calls received. The Council stated that it was not clear (in the context of our mystery caller's second call, which was not answered) whether a Welsh language service would have been offered as the

mystery caller had not waited on the line long enough for this to be assessed. However, if more of those answering telephone calls speak English than speak Welsh and there is no system where calls in Welsh are prioritised, it is very likely that calls where the user chooses an English language service would be answered earlier than a call where the user chooses a Welsh language service.

- 6.7 I accept the Council's evidence that it may be a busy time and that a call where callers chose the English button would not have been answered in the same time in terms of the third call. However, there were two other calls where the mystery caller did not receive a Welsh language service but the mystery caller was not informed when the Welsh language service would be available.

Findings

- 6.8 A body must ensure when there is no Welsh language service available on their main telephone number (or on one of their main numbers), or on any helpline numbers or call centre numbers, that they inform callers (by way of an automated message or otherwise), when a Welsh language service will be available.
- 6.9 On two of the three calls made by the mystery caller, no Welsh language service was received but neither was information given regarding when a Welsh language service would be available.
- 6.10 This is a failure to comply with Standard 17.

Determination of whether there has been a failure to comply with standard 17

- 6.11 I determine that the Council has failed to comply with Standard 17 on the basis that the caller was not informed (whether by means of an automated message or otherwise) when a Welsh language service would be available even though a Welsh language service was not available on the Council's main telephone number.

Further action

- 6.12 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 6.13 In the case of my determination that the Council has failed to comply with standard 17, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

Details of the further action are set out below.

Standard 17: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. When no Welsh language telephone service is available, the Council must inform callers when a Welsh language service will be available in accordance with standard 17.
2. The Council must provide guidance to all staff dealing with relevant telephone calls on the new procedure.

3. The Council must provide staff with training on the new procedure.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

7 Compliance with standard 81: Assessment, findings and determination

Wording of the standard

7.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 81

You must promote any Welsh language service you provide, and advertise that service in Welsh.

Imposition day: 30/03/2016

Interpretations

7.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 states in paragraph 4.18.2:

“Standard 81

4.18.2. *A body must promote and advertise any Welsh language service that it provides, and do so in Welsh*

7.3 The meaning of the terms ‘promote and advertise’ is defined in the Welsh Language Standards Regulations Code of Practice (No. 1) 2015 in paragraph 4.18.7:

“4.18.7. *[...] ‘Promoting’ and ‘advertising’ include a body actively promoting and raising awareness of the Welsh language service by highlighting the fact that a Welsh language service is available and encouraging use of that service.*”

7.4 Examples of compliance are given in paragraph 4.18.8 of the Code. The examples include publishing and sharing information on some or all of the services offered by the body in Welsh via a leaflet, web page, social media, signs, advertisements etc. The examples also include ensuring that Welsh language services are given prominence, are easily accessible, are actively promoted and are available constantly.

Requirements of the standard

- 7.5 A body must ensure that it promotes any Welsh language service it provides, and advertises that service in Welsh.

Considering compliance with the standard

- 7.6 The Code of Practice notes that promoting and advertising “*include a body actively promoting and raising awareness of the Welsh language service by highlighting the fact that a Welsh language service is available and encouraging use of that service.*”
- 7.7 Therefore, 'promoting and advertising' is more than just that a Welsh language service being available on the website or that there are bilingual messages on social media. There is an expectation upon an organisation under the measure to *raise awareness* of the Welsh language service and to *encourage* more to use that service.
- 7.8 "Promoting or facilitating the use of the Welsh language" is one of the objectives of the Welsh language standards. Increasing the use of Welsh language services is one of the aims of the Welsh Government's strategy, Cymraeg 2050, which identifies the need for “intelligent marketing”, “customer-centred approach”, and understanding what would make more people use Welsh language services.
- 7.9 The Code of Practice provides examples of how to comply with this Standard. Although there is no requirement for an organisation to be doing all of these examples in order to comply with the Standard, it is reasonable to expect the organisation to take some of the actions recommended in the Code of Practice to promote their services.
- 7.10 In their evidence in response to the Second Evidence Notice, the Council stated that they publish and share information about their Welsh language services through social media, their web page, leaflets and advertisements. The Council stated that the staff of Community Hubs promote Welsh language services in the face-to-face customer service setting in the form of advertisements. The Council stated that their website welcome screen offers visitors a clear language choice and gives users the offer of using the Welsh language when accessing the website's services.
- 7.11 In terms of Welsh language telephone services, the Council claimed that an automated message when telephoning the Council's main telephone number provided a greeting in Welsh immediately, with an option to press 1 for Welsh and press 2 for an English language service. The Council also claimed that Contact Centre Agents answered the telephone bilingually - following the Telephone Answering Procedure Flowchart. The Council stated that Contact Centre agents, in greeting the caller inform him/her that a Welsh language service is available if they would like to continue the conversation in Welsh. As noted above, however, the evidence gathered by my officers as a mystery caller and in May 2022 suggests that this Welsh language service does not always operate as the Council claims. Therefore, it must be inquired whether there are systems in place to check and evaluate whether these actions are, in practice, happening as the Council claims.
- 7.12 The Council's evidence claims that they take some of the actions listed in the code of practice as examples of how to comply with Standard 81 such as:

- publishing and sharing information on some or all of the services offered by the body in Welsh via a leaflet, web page, using social media, signs, advertisements etc
- using a splash welcome screen namely a front page published for the purpose of offering a clear language choice, in order to ensure that the body makes an active offer to users to use the Welsh language before they gain access the website's services or self-service mechanism

- 7.13 However, there are some notable examples where no evidence has been presented by the Council that they are being done to promote the services. It is noted that no evidence has been submitted that the Council makes use of Working Welsh materials. Neither is there evidence of the Council using the Welsh language as the default language when providing telephone services in order to promote and highlight the Welsh language service, where there is no requirement for it to do so under another standard, and where the person has not asked for the service in Welsh (e.g. begin every conversation in Welsh over the telephone). There is no evidence of the Council ensuring that the users' journey to using Welsh language telephone services is of the same standard and quality as the service in English. Nor of the ensuring that Welsh language telephone services are given prominence, are easily accessible, are proactively promoted and are available consistently.
- 7.14 As already explained, the Council does not have to be doing all of the examples set out in the Code of Practice in order to comply with the Standard. However, it is reasonable to expect the organisation to take some of the actions recommended in the Code of Practice to promote their services.
- 7.15 Some of the findings of this investigation also suggest that the experiences of Welsh speakers would be mixed in trying to access some of the Council's Welsh language telephone services, such as the service on the Council's main telephone number. This leads to a lack of confidence or trust in Welsh language services which becomes a barrier to using them. Inconsistent Welsh language provision can be a significant barrier to promoting the use of Welsh language provision.
- 7.16 In the report *'English by default: Understanding the use and non-use of Welsh language services'* by Citizens Advice dated 2015, it is noted: *"inconsistency of offer can impact on usage. When people encounter a lack of consistency in terms of quality or continuity in Welsh language services, their confidence and trust in those services are diminished and this acts as a barrier to further use"*.
- 7.17 Promoting the telephone service where users may have had previous negative experience in the Council's Welsh language services is therefore vitally important. It is important to encourage users to turn again to the Welsh language service and to convince them that they will receive a quality Welsh language service.
- 7.18 The Welsh Language Commissioner's Good Practice Council document *'Promoting the use of Welsh language services'* dated September 2020 states that we want organisations to consider which services could be offered in Welsh in the first instance, without users having to make a choice to use the Welsh language. It is also an advice document stating that users have said that they are keen to see Welsh language services celebrated and promoted more prominently.

7.19 The advice document also states that organisations can actively promote all their Welsh language services through a specific campaign. I suggest that, in a body such as the Council where the organisation is not a stronghold of the Welsh language and where questions have been raised regarding the standard or consistency of the Welsh language telephone service and the methods of promotion, a specific promotion campaign about the Welsh language telephone services would be advantageous when the body is confident that its Welsh language service complies with the service delivery Standards.

Findings

7.20 A body must ensure that it promotes any Welsh language service it provides, and advertises that service in Welsh.

7.21 Here the Council has noted that they are taking some steps to promote their Welsh language telephone services but there are some obvious examples where the Council has not taken steps to promote and advertise that service. There are also questions about how the Council evaluates examples submitted by the Council.

7.22 Although the above is not tantamount to a failure to comply with Standard 81 as some steps are being taken by the Council to promote and facilitate the Welsh language services, there is further work that the Council could be doing under Standard 81 especially considering the findings of our investigation that the Welsh language service offered by the Council is inconsistent.

Determination of whether there has been a failure to comply with standard 81

7.23 I determine that the Council has not failed to comply with Standard 81 on the basis that some steps are being taken to promote any Welsh language telephone service they provide, and they do advertise that service in Welsh.

Further action

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

7.25 In the case of my determination that the Council has not failed to comply with standard 81, I will be taking further action for the purpose of improving the Council's promotion processes.

7.26 Details of the further action are set out below.

Standard 81: Recommendation in accordance with section 77 of the Welsh Language Measure

1. I recommend that a specific promotion campaign about the Welsh language telephone services would be advantageous. Such a campaign should be carried out when the body is confident that its Welsh language telephone services comply with the service delivery Standards.

8 Compliance with standard 82: Assessment, findings and determination

Wording of the standard

8.1 Here is the standard as it appears in the compliance notice issued to [D]:

Standard 82

If you provide a service in Welsh which corresponds to a service you provide in English, any publicity or document you produce, or website you publish, which refers to the English language service must note that a corresponding service is available in Welsh.

Imposition day: 30/03/2016

Interpretations

8.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 4.18.3:

“Standard 82

4.18.3. *A body must ensure that any reference made by the body to a service in English also refers to the corresponding service in Welsh, if it provides such a service.”*

Requirements of the standard

8.3 A body must ensure, if it provides a service in Welsh that corresponds to a service you provide in English, any publicity or document the body produces, or website it publishes, which refers to the English service must also state that a corresponding service is available in Welsh.

Considering compliance with the standard

8.4 In its evidence, the Council stated that its website and all the Council’s publicity material was available in Welsh and in English. The Council claimed that messages on social media, in giving publicity to the Council’s telephone system across all social platforms, were in Welsh and in English.

8.5 The Council claimed that the Council’s Corporate e-mail address, and info@blaenau-gwent.gov.uk, also promoted the Council’s telephone service by providing the choice of Welsh and English.

8.6 As this investigation has not looked specifically at publicity, documents drawn up or website published, and that the Council has provided evidence suggesting that they comply with Standard 82, I have no reason to find a failure to comply with this Standard.

Findings

8.7 A body must ensure, if it provides a service in Welsh that corresponds to a service you provide in English, any publicity or document the body produces, or website it publishes, which refers to the English service must also state that a corresponding service is available in Welsh.

8.8 As this investigation has not looked specifically at publicity, documents drawn up or website published, and that the Council has provided evidence suggesting that they comply with Standard 82, I have no reason to find a failure to comply with this Standard.

Determination of whether there has been a failure to comply with standard 82

8.9 As this investigation has not looked specifically at publicity, documents drawn up or website published, and that the Council has provided evidence suggesting that they comply with Standard 82, I have no reason to find a failure to comply with this Standard.

8.10 I will be taking no further action in respect of this Standard.

Service Delivery Standards: Requirement to prepare an Action Plan in accordance with section 77 of the Welsh Language Measure

Due to failures across several of the Service Delivery Standards, the requirement to prepare an Action Plan below deals with the failures seen across those Standards that have been subject to this investigation.

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 also contained in the supplementary Advice Document.

1. Blaenau Gwent County Borough Council must prepare a draft Action Plan of its arrangements for the purpose of ensuring that the Council complies with the Service Delivery Standards that have been the subject of this investigation;
2. The action plan must set out the actions the Council will take to enable them to comply with the Service Delivery Standards that is the subject of this inquiry.

3. The actions within the Action Plan must include a commitment from the Council to:
- hold a root and branch review of its arrangements for complying with the Service Delivery Standards that have been the subject of this investigation;
 - prepare a plan for how the organisation wants to ensure compliance with the Service Delivery Standards where this investigation is found a failure to comply with them across the organisation;
 - prepare a human resources plan on how the Council is going to ensure adequate resources to comply with the telephone standards.
 - increase its understanding of the requirements of the standards relevant to the investigation here.
4. The action plan must contain the following information:
- who will be responsible and accountable for taking each of the actions in the plan
 - ensuring that members of the Senior Management Team have a role in scrutinising the Council's progress against that scheme.
 - a timetable for the delivery of each of the actions within the plan with each one of the actions to be carried out in no more than 12 months from the date the plan is approved.

Timetable: The Council must submit a draft action plan in accordance with the requirements under Section 80 Welsh Language Measure within 3 months of receipt of the final decision.

Operational Standards

9 Compliance with standard 127: Assessment, findings and determination

Wording of the standard

9.1 Here is the standard as it appears in the compliance notice issued to [D]:

Standard 127

You must assess the Welsh language skills of your employees.

Imposition day: 30/03/2016

Interpretations

9.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.2:

“Standard 127

6.8.2. *A body must assess the Welsh language skills of its employees.*

6.8.3. *The outcomes of the assessment may enable a body to plan its workforce so that there are sufficient levels of Welsh language skills to respond to any needs by:*

- *identifying the current Welsh language skills of the workforce, and through this identifying who can provide services in Welsh*
- *identifying the body’s needs in terms of Welsh language skills, including assessing the need for Welsh language skills for new or vacant posts, in accordance with standard 136, and*
- *planning to maintain and increase the workforce’s Welsh language skills in order to meet those needs.”*

9.3 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.4:

“6.8.4. A body may assess the following Welsh language skills:

- *speaking*
- *listening*
- *reading*

- *writing*
- *understanding.*

6.8.5. *A body is expected to assess the level of Welsh language skills of its employees according to each kind of skill being assessed. This can ensure that a body has a complete picture of employee capabilities.”*

9.4 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.9:

“6.8.9. A body must ensure that the assessment allows it to record the number of employees who have Welsh language skills in accordance with standard 151.”

9.5 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 states in paragraph 6.8.12 – 6.8.14:

“6.8.12. In order to comply with the requirements of standard 151 (record keeping), a body must keep a record of the number of employees who have Welsh language skills at the end of each financial year.

6.8.13. Therefore, in order to comply with the requirements of standard 151, as well as keeping updated records, a body must undertake such an assessment at least once a year. However, the Commissioner may ask a body to provide the above information at any time from the imposition day onwards, in accordance with the requirements of standard 172.

6.8.14. The information should be kept up-to-date, ensuring that any changes to Welsh language skills data are updated as required. Such changes may include a situation whereby: an employee's language skills level changes (e.g. following attendance at Welsh lessons in accordance with standards 130 or 131), an employee leaves the body, a new employee joins the body, an employee moves to another location, directorate, department, or team (and those changes affect the body's record).”

Requirements of the standard

9.6 A body must ensure that it assesses the Welsh language skills of its employees.

Considering compliance with the standard

9.7 In response to the question in the Evidence Notice regarding how they assess the Welsh language skills of their employees, the Council stated that the Council's workforce data, including the choice of Welsh language correspondence and Welsh language skills and capabilities, was stored on a system called iTrent. The Council stated that new staff are 'encouraged' to provide this information when joining the organisation and that existing staff are 'encouraged' to update their information regularly through communication notifications. The Council stated that iTrent was able to analyse all workforce data and produce reports that are used to assess the Welsh language skills of its employees.

- 9.8 However, the requirement of Standard 127 is that a body assesses the level of Welsh language skills its employees have according to each type of skill assessed. This can ensure that a body has a complete picture of the capabilities of employees. Furthermore, In order to comply with the requirements of standard 151 (record keeping standard), a body must keep a record of the number of employees who have Welsh language skills at the end of each financial year.
- 9.9 Therefore, in order to comply with the requirements of this standard, standard 151, as well as keeping updated records, a body must undertake such an assessment at least once a year. The standard therefore requires more than simply 'encouraging' staff to complete that information on a system which, it appears from reading the Council's evidence, occurs here. There is a requirement under the Standards to assess these skills, to record the skills and to re-assess annually in order to ensure that this record is up to date.
- 9.10 Clause 6.8.11 of the Code of Practice notes that it is for the body itself to decide who carries out the assessment. This may include employees self-assessing their Welsh language skills as is the case here.
- 9.11 Assessing the Welsh language skills of staff under the standards is essential in order to take advantage of the skills they already have, to build staff confidence and add to the capacity of the Welsh language through recruitment and training. Without accurate assessment of Welsh language skills, it is difficult for an organisation to consider which staff need further training and what level of language training those members of staff require. It is also difficult for an organisation to assess accurately what additional linguistic skills are needed within the workforce when looking at recruitment issues without a consistent and accurate assessment.

Findings

- 9.12 A body must ensure that it assesses the Welsh language skills of its employees.
- 9.13 Although the Council has submitted evidence that it 'encourages' staff to fill in details of their language skills on their iTrent system, the Council has not submitted any evidence that an assessment of their employees' Welsh language skills takes place annually.
- 9.14 There is a lack of planning and a lack of awareness of how to identify the relationship between the language skills of staff and the Welsh language service that needs to be provided. The main influence on the ability of organisations to provide appropriate Welsh language provision is the number of their staff who have Welsh language skills. In the context of services, the lack of structures in terms of assessing staff language skills have a direct impact on the Welsh language services that the Council can offer. The strategies of providers offering Welsh language services should focus on assessing the Welsh language skills of their staff in order to take advantage of existing skills, build staff confidence and then add to the capacity of the Welsh language through recruitment and training.
- 9.15 In order to comply with the Standard and to go on to provide Welsh language services, it is not enough just to 'encourage' or even 'identify' staff language skills. The Standards require the Council to assess these skills, to record the skills and to re-assess annually in order to ensure that this record is up to date. Assessment is not just about gathering information. The information must be analysed and conclusions

reached regarding the significance of the data and the language skills possessed by staff within the organisation.

- 9.16 No evidence has been submitted showing 'how' an assessment is carried out. Nothing has been submitted showing how the organisation uses that information to determine what language skills they need. No evidence has been submitted showing how and when the Council looks and considers the data and no evidence showing that this is reported upon to senior officers and elected members.
- 9.17 If the Council is unable to comply with this standard, it is very unlikely that it will ever be able to comply with the other standards as if there is insufficient data on staff skills, the Council cannot adequately plan in terms of staff required in the organisation in order to comply with the Standards.
- 9.18 It is very disappointing and concerning that the Council has not realised or respected the importance of the requirement of this Standard. Neither is there any evidence that they understand the long-term consequences of not complying fully with this Standard in the context of the other Standards. It is clear that the Council does not have a strategy to fill its language skills gaps.
- 9.19 That is a failure to comply with Standard 127.

Determination of whether there has been a failure to comply with standard 127

- 9.20 I determine that the Council has failed to comply with Standard 127 on the basis that the Council does not ensure that it assesses the Welsh language skills of its employees.

Further action

- 9.21 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 9.22 In the case of my determination that the Council has failed to comply with standard 127, I will be taking further action for the purpose of preventing the continuation of the failure to comply.
- 9.23 Details of the further action are set out below.

Standard 127: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must ensure that it has a procedure in place to assess the Welsh language skills of its employees.
2. The Council must ensure that those skills are assessed annually.
3. The Council must record the results of those annual assessments.

4. The Council must provide written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

10 Compliance with standard 130: Assessment, findings and determination

Wording of the standard

10.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 130

You must provide opportunities during working hours -
(a) for your employees to receive basic Welsh language lessons, and
(b) for employees who manage others to receive training on using the Welsh language in their role as managers.

Imposition day: 30/03/2016

Interpretations

10.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.30:

“Standard 130

6.8.30. A body must provide opportunities during working hours: for its employees to receive basic Welsh language lessons, and for employees who manage others to receive training on using the Welsh language in their role as managers.”

10.3 The term ‘basic Welsh language lessons’ is defined in the Code of Practice as lessons to learn basic Welsh language skills, such as listening, understanding, reading, speaking and writing skills. The aim of these lessons would be to allow an employee to undertake basic functions through the medium of Welsh.

Requirements of the standard

10.4 A body must provide opportunities during working hours for its employees to receive basic Welsh language lessons, and for employees who manage others to receive training on using the Welsh language in their role as managers.

Considering compliance with the standard

10.5 There are two parts to the requirements of this standard. Firstly, the Council must provide opportunities during working hours for its employees to receive basic Welsh lessons. Secondly, those who manage other people must receive training on using the Welsh language in their role as managers.

10.6 In its evidence, the Council claimed it had been promoting the Welsh Government's on-line Welsh at Work language course since 2019. The Council said that its staff from across the entire organisation was allowed to attend training during normal working hours. The Council claimed that a number of basic Welsh resources were also available to members of staff such as on their intranet 'Bilingual greetings and key words' and 'Useful Phrases'.

10.7 The Council stated that they do not know how many Council staff have received basic Welsh lessons in the last three years as this is not something that is currently recorded. The Council went on to claim, however, that all staff dealing with receiving telephone calls to the Council's Contact Centre telephone number had received basic Welsh language skills training during the last three years. The Council stated that this process was currently ongoing and had been extended to staff within the IAA Social Services and Benefits Services teams. The Council stated this would be an ongoing process over the coming years to support refresher training and the training and development needs of staff members.

10.8 It is surprising and concerning that the Council has no record of how many Council staff have received basic Welsh lessons during the last three years. I suggest that it is unusual for staff training courses not to be centrally recorded by an organization such as the Council and I ask whether it is only Welsh language training that is not recorded by the Council and if so, why?

10.9 Neither the Measure nor the Code of Practice define what is required in the context of 'providing opportunities' under this Standard. In the context of the remainder of the evidence submitted by the Council, however, it appears that there is a shortage of staff within those who provide a telephone service, who have basic skills in Welsh. I would therefore have expected the Council to place more emphasis and prioritise giving staff opportunities to receive Welsh language training and offer that proactively, encouraging staff to take those opportunities. Recording the language skills correctly after assessing those skills allows the organisation to identify where more staff with basic Welsh language skills are needed. It enables the Council to then go on to provide opportunities during working hours for those staff to attend basic Welsh language lessons.

10.10 I accept the Council's evidence that a percentage of the information submitted covers the period of dealing with a pandemic and that normal patterns of training may not be in place. However, if robust procedures are in place, an organisation is more likely to succeed. As the Council does not even record who has received basic Welsh language training at present, I suggest that there is no robust procedure within this organisation to ensure compliance with the Standard.

10.11 The second part of the Standard requires those who manage other people must receive training on using the Welsh language in their role as managers. The Council has not submitted any evidence that it provides opportunities for managers to use the Welsh language in managing. Therefore, I must conclude that relevant training on management through the medium of Welsh is not offered to managers.

Findings

10.12 A body must provide opportunities during working hours for its employees to receive basic Welsh language lessons, and for employees who manage others to receive training on using the Welsh language in their role as managers.

10.13 As the Council does not have a record of how many staff have received basic Welsh language training over the last three years, it raises suspicions that there is no robust procedure in place in terms of compliance with Standard 130 and in terms of offering opportunities for staff to receive basic Welsh language training.

10.14 No evidence has been submitted that staff who manage other people have the opportunity to receive training on the use of Welsh in their role as managers.

10.15 This is a failure to comply with Standard 130.

Determination of whether there has been a failure to comply with standard 130

10.16 I determine that the Council has failed to comply with standard 130.

Further action

10.17 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

10.18 In the case of my determination that the Council has failed to comply with standard 130, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

10.19 Details of the further action are set out below.

Standard 130: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must create a procedure to provide opportunities during working for its employees to have basic Welsh language lessons, and for employees who manage other people to receive training on using the Welsh language in their role as managers.
2. The Council must record how many staff are offered this training and how many staff receive this training annually.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

11 Compliance with standard 131: Assessment, findings and determination

Wording of the standard

11.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 131

You must provide opportunities for your employees who have completed basic Welsh language training to receive further training free of charge to develop their language skills.

Imposition day: 30/03/2016

Interpretations

11.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.37 – 6.8.40:

“Standard 131

6.8.37. *A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, in order to develop their language skills.*

6.8.38. *This may include training at the following levels:*

- *Entry (A1)*
- *Foundation (A2)*
- *Intermediate (B1)*
- *Advanced (B2)*
- *Proficiency (C1)*
- *or any other level which develops the employee’s Welsh language skills further beyond the level reached following the 'basic Welsh language lessons' provided in accordance with standard 130.*

6.8.39. *The kind of training may also include training to develop the language skills of employees who are already fluent in Welsh, but that want to:*

- *refine their Welsh language skills, or*
- *develop confidence to use their language skills to draft documents and correspondence bilingually.*

6.8.40. *The body may ensure that the training is provided during normal working hours, but that is not required in order to comply with the standard. However, the body is expected to ensure that the hours offered to the employee would not place them at a disadvantage.”*

Requirements of the standard

11.3 A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, in order to develop their language skills.

Considering compliance with the standard

11.4 In its evidence, the Council stated that it was not aware how many Council staff had completed further Welsh language training as this was not something they recorded. However, the Council stated that further Welsh language training opportunities were currently being promoted across the organisation.

11.5 The Council stated that within their Customer Services all staff (in the Contact Centre and Community Hubs) were currently receiving basic training in Welsh. The council claimed that all Community Hub staff and 1 Contact Centre member of staff were moving on to more detailed long-term Welsh courses in the future. The Council stated that this would form part of their future training and development plans and would support the delivery of customer services to users.

11.6 The Council has not provided evidence that training opportunities are being provided. I would have expected to see a copy of messages promoting the opportunities, screenshots of messages on the intranet, leaflets, or posters showing how the Council provides opportunities to receive Welsh language training. It appears that if the Council does not assess language skills in accordance with the Standard nor records which staff receive basic Welsh language training, it is then not possible for the Council, in practice, to target further training and provide adequate opportunities for relevant staff to receive further training in order to develop their language skills in accordance with the Standard.

Findings

11.7 A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, in order to develop their language skills.

11.8 As the Council does not have a record of how many staff have received further training over the last three years and there is no evidence to show that opportunities have been provided, it raises suspicions that the Council does not comply with Standard 131 in terms of offering opportunities for staff to receive basic Welsh language training.

11.9 This is a failure to comply with Standard 131.

Determination of whether there has been a failure to comply with standard 131

11.10 I determine that the Council has failed to comply with standard 131.

Further action

11.11 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

11.12 In the case of my determination that the Council has failed to comply with standard 131, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

11.13 Details of the further action are set out below.

Standard 131: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must create a procedure to provide opportunities for its employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills.
2. The Council must record how many staff are offered this training and how many staff receive this training annually.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

12 Compliance with standard 132: Assessment, findings and determination

Wording of the standard

12.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 132

You must provide training courses so that your employees develop -

- (a) awareness of the Welsh language (including awareness of the history of the language and its place in the culture of Wales);
- (b) an understanding of the duty to operate in accordance with the Welsh language standards;
30/09/2016
- (c) an understanding of how the Welsh language can be used in the workplace.

Imposition day: 30/09/2016

Interpretations

12.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.41 – 6.8.43:

“Standard 132

6.8.41. *A body must provide employees with training in the following areas:*

- *awareness of the Welsh language*
- *an understanding of the duty to operate in accordance with the Welsh language standards, and*
- *an understanding of how the Welsh language can be used in the workplace.*

6.8.42. *The training does not have to be provided in Welsh in accordance with this standard, but a body is expected to consider the requirements on the body in accordance with standard 128, to provide training in Welsh if it provided it in the relevant training areas.*

6.8.43. *Examples of what can be offered as part of the training may include:*

- **awareness of the Welsh language**— *this may include information on the history of the language, the origin of the Welsh language, facts about the Welsh language (such as Census information), the benefits of using the Welsh language or information on the Welsh Language Commissioner*

- ***an understanding of the duty to operate in accordance with the Welsh language standards*** – this may include information on the exact standards with which the body must comply and also information on the Measure and its objectives
- ***an understanding of how the Welsh language can be used in the workplace*** – this may include information on how the body is promoting and facilitating use of Welsh in the workplace or information on the operational standards in the regulations and the rights resulting from those.”

Requirements of the standard

12.3 An organisation must provide training to its staff on awareness of the Welsh language, an understanding of the duty to operate in accordance with the Welsh Language Standards and an understanding of the way in which the Welsh language can be used in the workplace.

Considering compliance with the standard

12.4 The inclusion of Welsh Language Awareness Training under this Standard as part of staff training ensures that staff (Welsh speakers and non-Welsh speakers) are able to treat service users who speak Welsh in a sensitive and informed manner. A lack of linguistic awareness or sensitivity by members of staff can have a negative impact on the experience of users and prevent them from using the Welsh language in the future.

12.5 The experience of our mystery caller when using the Council's telephone service suggested that the person answering the telephone did not have sufficient awareness of the Welsh language. Not only was a Welsh language service not received but neither was it acknowledged that our mystery caller had spoken in Welsh.

12.6 I asked the Council in question 17 of the evidence notice to provide details of all training sessions provided to staff on (a) awareness of the Welsh language (including awareness of the history of the language and its place in the culture of Wales); (b) an understanding of the duty to act in accordance with Welsh language standards; (c) an understanding of how the Welsh language can be used in the workplace in the last 3 years. I also asked the Council to provide details of the posts held by the staff who attended and their areas of work.

12.7 The Council did not answer this question in any detail. The Council stated that the Council's Workforce Development Strategy promoted and encouraged staff to seek out training and development opportunities, including in Welsh, and that this was facilitated through their existing arrangements for managers. The Council stated that it referred staff to any known training opportunities available.

12.8 I then asked for details of all Welsh language awareness training sessions that had been provided to contact centre staff in the last 3 years.

12.9 The Council stated that language improvement sessions were 'in the process' of being held with all members of Customer Service staff, including Community Hubs, the Contact Centre and Benefits Services. The Council claimed that basic Welsh

language training and common phrases were given at Team Meetings and 1 to 1 sessions to support the delivery of Customer Services to residents.

- 12.10 It seems to me that the answers given by the Council to the questions about Welsh language awareness training are deliberately ambiguous. The questions asked for clear answers and details of the training given to staff in this area. I have not received any evidence from the Council that these sessions have been given to staff in accordance with Standard 132.

Findings

- 12.11 A body must provide training to its employees on awareness of the Welsh language, an understanding of the duty to operate in accordance with the Welsh Language Standards and an understanding of the way in which the Welsh language can be used in the workplace.
- 12.12 In the report '*English by default: Understanding the use and non-use of Welsh language services*' by Citizens Advice dated 2015, it is noted:
- “A lack of language awareness or sensitivity on the part of staff members can impact negatively on consumer experience and also deters future use of Welsh on the part of the consumer.”*
- 12.13 The body should provide the training to its employees on Welsh language awareness in order to ensure that staff (Welsh speakers and non-Welsh speakers) are able to treat service users who speak Welsh in a sensitive and informed manner.
- 12.14 Language awareness, namely that staff awareness of the requirements is essential if the organisation is to (i) comply with the standards (ii) provide a good experience for Welsh speakers. It is not possible for the Council to comply with the Standards if staff do not know what the requirements are and how to comply with those Standards.
- 12.15 This is a fundamental failure by the Council and a further example of the Council's indifferent approach to compliance with the standards.
- 12.16 Although the Council claims that language improvement training is provided by the Council, I have not received any evidence from the Council that the Welsh language awareness sessions have been provided to staff in accordance with Standard 132.
- 12.17 This is a failure to comply with Standard 132.

Determination of whether there has been a failure to comply with standard 132

- 12.18 I determine that the Council has not complied with Standard 132 on the basis that no evidence has been submitted of training on Welsh language awareness and understanding of the duty to operate in accordance with the Welsh language standards, and an understanding of how the Welsh language can be used in the workplace.

Further action

- 12.19 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

12.20 In the case of my determination that the Council has failed to comply with standard 132, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

12.21 Details of the further action are set out below.

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

1. The Council must provide training to its employees on awareness of the Welsh language, an understanding of the duty to operate in accordance with the Welsh Language Standards and an understanding of the way in which the Welsh language can be used in the workplace.
2. The Council must have a procedure in place that ensures this training is repeated periodically.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

13 Compliance with standard 133: Assessment, findings and determination

Wording of the standard

13.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 133

When providing information to new employees (for example, by means of an induction process), you must provide information for the purpose of raising their awareness of the Welsh language.

Imposition day: 30/09/2016

Interpretations

13.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.8.44 – 6.8.46:

“Standard 133

6.8.44. *If a body provides information to new employees (e.g. by means of the induction process), it must provide information for the purpose of raising their awareness of the Welsh language.*

6.8.45. *The information could be provided as part of training or in the form of a document. This information does not have to be provided in Welsh in accordance with this standard, but the body is expected to consider what is required of it under standard 128, to provide the information in Welsh if provided in the relevant training areas.*

6.8.46. *A body may provide information which includes:*

- *information on the language’s history*
- *information on the origin of the Welsh language*
- *facts about the Welsh language (such as Census information)*
- *information on the Welsh language in the area served by the body*
- *the benefits and importance of using the Welsh language*
- *information on the Welsh Language Commissioner, the standards and language duties.”*

Requirements of the standard

13.3 The Standard requires a body, if it provides information to new employees (e.g. by means of the induction process), to provide information for the purpose of raising their awareness of the Welsh language.

Considering compliance with the standard

13.4 In the Second Evidence Notice, I asked the Council for details of the guidelines and/or training provided to new staff on Welsh language awareness and compliance with the Welsh Language Standards. The Council stated that all new staff received the Council's Corporate Induction session when (a) (b) and (c) were included by the Manager under the Council's Corporate Policies i.e. the Well-being of Future Generations Act, Welsh Language Standards etc.

13.5 The Code of Practice explains that providing information for the purpose of raising awareness of the Welsh language may include providing information about the history of the language, the origin of the Welsh language, facts about the Welsh language (such as information from the Census), information about the Welsh language in the area served by the body, the advantages and importance of using the Welsh language and information about the Welsh Language Commissioner, the standards and language duties. Although an organisation does not need to take all of the steps suggested in the Code of Practice in order to comply with the Standard, it is reasonable to consider that an organisation should be taking some of these steps. However, it is arguable that an organisation should be doing more than one of the actions suggested in the Code of Practice in order to comply.

13.6 Although no thorough information has been submitted on the training provided, it appears from the Council's response that they provide information on the Welsh language standards to new employees as part of the induction process. Therefore, it appears likely that if the Council provides full information about the Welsh language standards, the Council would provide information about the Welsh Language Commissioner, the standards and the Council's language duties.

13.7 However, the Council has not submitted evidence suggesting that it provides new employees with any further training on Welsh language awareness. I suggest that this is a missed opportunity by the organisation as it is an invaluable opportunity to immerse staff immediately as they join the organisation in the importance, history and origin of the language.

13.8 I do not believe that providing information about the Standards alone, as is suggested is being done by the Council, amounts to compliance with the requirement to provide information in order to raise awareness of the Welsh language to new employees. Providing information and training about the Standards is fundamental information that many Council staff will need to receive in any event, by virtue of their posts, especially if they deal with the public. The Standards relating to raising awareness go further than that and ask an organisation to raise wider awareness of the Welsh language and its history.

Findings

13.9 The Standard requires a body, if it provides information to new employees (e.g. by means of the induction process), to provide information for the purpose of raising their awareness of the Welsh language.

- 13.10 The body should provide the training to its employees on Welsh language awareness as part of staff induction training in order to ensure that staff (Welsh speakers and non-Welsh speakers) are able to treat service users who speak Welsh in a sensitive and informed manner.
- 13.11 The Council could easily comply with these standards by creating a package that could be re-used over and over and over and the fact that they have not done so after 6 years is further evidence of the Council's indifference to the Standards regime.
- 13.12 Although the Council claims that training is provided to new employees in relation to Welsh Language Standards, I have not received any evidence from the Council that information in order to raise their awareness of the Welsh language has been provided in accordance with Standard 133.
- 13.13 This is a failure to comply with Standard 133.

Determination of whether there has been a failure to comply with standard 133

- 13.14 I determine that the Council has not complied with Standard 133 on the basis that no evidence has been presented that information for the purpose of raising new employees' awareness of the Welsh language has been provided in accordance with Standard 133.

Further action

- 13.15 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 13.16 In the case of my determination that the Council has failed to comply with standard 133, I will be taking further action for the purpose of preventing the continuation of the failure to comply.
- 13.17 Details of the further action are set out below.

Standard 133: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must modify its induction procedures and sessions to include the provision of information to new employees for the purpose of raising their awareness of the Welsh language.
2. The Council must prepare an information pack on the Welsh language and share this pack with all new members of staff.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that it has carried out enforcement actions 1 and 2.

Timetable: Within 12 months of the date of issuing the final determination.

14 Compliance with standard 136: Assessment, findings and determination

Wording of the standard

14.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 136

When assessing the requirements for a new or vacant post, you must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply

-

- (a) Welsh language skills are essential;
- (b) Welsh language skills need to be learnt when appointed to the post;
- (c) Welsh language skills are desirable; or
- (ch) Welsh language skills are not necessary.

Imposition day: 30/03/2016

Interpretations

14.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.9.2 – 6.9.8:

14.3 “**Standard 136**

6.9.2. *If a body assesses the requirements for a new or vacant post, it must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply:*

- *Welsh language skills are essential*
- *Welsh language skills need to be learnt when appointed to the post*
- *Welsh language skills are desirable*
- *Welsh language skills are not necessary.*

6.9.3. *In order to assess the linguistic requirements of a post, a body is expected to consider linguistic needs as a matter of course when a new post is created or when a vacancy arises, looking at the body's ability to meet the requirements of the standards alongside that.*

6.9.4. *It should be noted that a body must keep a record of each assessment held in relation to standard 136 in accordance with standards 153 and 154.*

6.9.5. *The following may be considered as part of the criteria when considering how to determine the need for Welsh language skills for the post:*

- *the function of the role—is there any external contact where a member of staff is expected to be able to communicate in both Welsh and English; does the post holder work in a specific geographical area where there is a high number or percentage of Welsh speakers*
 - *the local considerations of an organisation's language policy e.g. the need for internal administration or more internal administration through the medium of Welsh, or that a minimum level of Welsh language skills is set for specific roles within a policy*
 - *the current numbers of staff available to provide a service in Welsh—a body is expected to refer to its skills assessment in accordance with standard 127, referring to any gaps in language skills to provide services*
 - *the need to deal with other organisations whose internal administration is undertaken through the medium of Welsh or bilingually.*
- 6.9.6. *Welsh language skills are usually 'essential' in a situation where no-one is available to provide a service through the medium of Welsh or if more Welsh-speaking staff are required to provide a service in Welsh.*
- 6.9.7. *If Welsh language skills are not essential, a body may come to the conclusion that Welsh language skills are 'desirable'. This may include a situation where the organisation already has capacity to be able to provide a specific service in Welsh, but that it would be desirable to reinforce that Welsh language provision by recruiting more staff with Welsh language skills to provide the service. Generally, if Welsh language skills are 'desirable' for a post, then a body may assume that an applicant with Welsh language skills has an advantage over another applicant when being considered for a post but it would not be necessary for the successful applicant to possess those skills.*
- 6.9.8. *A body may determine that a post requires learning Welsh language skills when someone is appointed to the role. Usually, those appointed to a role would need to reach a particular level of fluency as a condition of their appointment. That condition is usually noted in the job advertisement. An example of a situation where posts are categorised like this may include: if a body has identified a post where Welsh language skills are essential, but there have been difficulties appointing a candidate with Welsh language skills to that role and it is decided to re-advertise that role; and*
- *if a body knows for certain that there is a significant shortage of persons with Welsh language skills who can undertake the role in question, and that it is likely that a non-Welsh speaker will have to be appointed (e.g. a highly specialised role)."*

14.4 For the purposes of standards 136 and 136A only, it is noted in Schedule 3, Part 3, Paragraph 15 of the regulations: “(a) “post” includes a public appointment (b) “public appointment” means any appointment to a public body or public office.”

14.5 It is noted in 6.9.13 of the Code of Practice that this includes any new post within the body or any vacancy after the imposition day, whether the post is a permanent or temporary post, or a post which is advertised internally only or externally.

Requirements of the standard

14.6 The Standard requires a body when assessing the requirements for a new or vacant post, to assess the need for Welsh language skills, and to categorise it as a post where one or more of the following apply:

- (a) Welsh language skills are essential
- (b) Welsh language skills need to be learnt when appointed to the post
- (c) Welsh language skills are desirable
- (d) Welsh language skills are not necessary.

Considering compliance with the standard

14.7 In their evidence in response to the second Evidence Notice, the Council stated that in the last three years 2 posts had been advertised within the Contact Centre and that both posts had been advertised as posts where Welsh language skills were desirable.

14.8 Where the Welsh language skills of these posts in were essential, desirable or needed to be learnt, I asked the Council to provide evidence that they had noted this in the job adverts. The Council provided a copy of the '*Recruitment Authorisation* document in relation to recruitment to the team. It is noted in that document (which is dated 08.03.22) however, that 4 posts are being advertised, two full-time posts and two fixed-term posts. It therefore causes me to think that the Council's reply that only two posts had been advertised in the last three years was not correct as it appears that at least 4 posts were advertised within the last 6 months.

14.9 I asked the Council to explain how that assessment was made about the language skill required for these roles. The Council replied that all posts within the Contact Centre had been advertised as posts where Welsh Language skills were desirable but no further explanation was given as to how and why that assessment was determined.

14.10 In order to assess the linguistic requirements of a post, a body is expected to consider linguistic needs as a matter of course when a new post is created or when a vacancy arises, looking at the body's ability to meet the requirements of the standards alongside that. In the Code of Practice, it is usually noted that Welsh language skills are 'essential' in a situation where no-one is available to provide a service through the medium of Welsh or if more Welsh-speaking staff are required in order to provide a service in Welsh.

14.11 It is noted in the Code of Practice, if Welsh language skills are not essential, a body may come to the conclusion that Welsh language skills are 'desirable'. This may include a situation where the organisation already has capacity to be able to provide a specific service in Welsh, but that it would be desirable to reinforce that Welsh language provision by recruiting more staff with Welsh language skills to provide the service.

14.12 Examples are given in the Code of Practice of some matters that may be considered as part of the criteria when considering how to determine the need for Welsh language skills for a post. It is noted, for example, that an organisation may

consider whether there is any external contact where a member of staff is expected to be able to communicate in both Welsh and English and also to consider the current number of staff available to provide a service in Welsh.

- 14.13 A body must keep a record of each assessment held in relation to standard 136 in accordance with standards 153 and 154. The Council has provided a copy of the 'Recruitment Authorisation' document which gives some considerations or questions to consider when assessing the skills required. The document also notes that the management team has decided that all roles within the Council are to be designated as posts where the Welsh language is at least desirable.
- 14.14 In the answers, the Council has confirmed that the role deals with the public, that the role deals with the public 'consistently' (i.e. on a daily basis). However, in the third question which asks how likely it is that the role needs to deal with the public through the medium of Welsh, the person who has completed the assessment has noted 'very unlikely'.
- 14.15 Two further questions within the assessment regarding Welsh language skills required have not been answered at all:

"Please provide any relevant evidence that supports this role frequency and likelihood of involvement with the public through the medium of Welsh Language Standards? Examples being current service user levels, requirements under the Welsh Language Standards, levels of Welsh language usage and fluency in the area and for members of the public."

"Are there any other factors relating to this role that should be considered as part of the Welsh encouragement job assessment? e.g. working with staff that require Welsh language engagement, meeting other relevant standard requirements e.g. dealing with correspondence, holding events, meetings regarding individuals well-being, etc."

- 14.16 Although the document shows considerations in reaching the decision regarding the post's category, it appears from the Council's response, however, that it is a matter of routine that contact centre posts are advertised as posts where Welsh language skills are 'desirable'. It is expected, rather, that there is conscientious consideration at all times of what skills are needed in the role being advertised and within that department. No evidence has been given of a rational process or considerations as to why these posts are assessed as posts where the Welsh language is desirable. No evidence has been submitted in this case as to why it was 'very unlikely' that the person receiving the role needed to deal with the public through the medium of Welsh.
- 14.17 It is clear from the results of the remainder of this investigation that there is a shortage of staff with the skills to offer a Welsh language service within the telephone call taking department. It is also clear that these posts are ones with high external contact where it is expected, in accordance with the Standards, that some members of staff are able to communicate in Welsh. Therefore, although it is up to the organisation to assess the posts, I am surprised that no further consideration is given to the department's capacity to provide a Welsh language service in accordance with the Standards in assessing the need for Welsh language skills when recruiting posts. This is especially so within a department that deals so closely with the public.

14.18 The Council has identified the need for Welsh language skills, and categorised it in terms of the level of skills required. However, I have not received evidence that an 'assessment' has been carried out specifically for the role advertised here. It seems that this is a tick-box, mindless exercise. No rationale has been given in the assessment (two questions that require evidence or rationale have not been answered) as to why it is very unlikely that this member of staff would need to deal with staff in Welsh. It is noted in the Welsh Language Commissioner's Good Practice Advice Document dated September 2020 that it is *'essential that assessments are based on the understanding of the need for Welsh language skills. It's also important to have solid arrangements to ensure assessments are being completed.'* I have not received evidence that this is in place within the Council in recruiting and this is a failure to comply with the Standard.

Findings

14.19 The Standard requires a body when assessing the requirements for a new or vacant post, to assess the need for Welsh language skills, and to categorise it as a post where one or more of the following apply:

- (a) Welsh language skills are essential
- (b) Welsh language skills need to be learnt when appointed to the post
- (c) Welsh language skills are desirable
- (d) Welsh language skills are not necessary.

14.20 Although the Council has categorised the post I was given as an example in their evidence as one where Welsh language skills were desirable, there is no evidence that considerations have taken place in terms of the department's Welsh language needs and those of the role.

14.21 This is a failure to comply with Standard 136.

Determination of whether there has been a failure to comply with standard 136

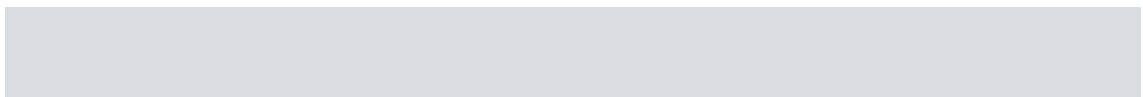
14.22 I determine that the Council has failed to comply with standard 136 on the basis that there is no evidence that there have been conscientious considerations relating to the Welsh language in assessing and categorising the language skills of posts.

Further action

14.23 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

14.24 In the case of my determination that the Council has failed to comply with standard 136, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

14.25 Details of the further action are set out below.



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

1. The Council must provide training to staff who assess the language skills needs for a new or vacant post on how to carry out assessments that comply with the requirements of Standard 136.
2. The Council must prepare guidelines for staff on how to carry out an assessment of the linguistic skills needs of a post.
3. In carrying out assessments under Standard 136, the Council must, on all occasions, consider capacity within the post's area of work to provide a Welsh language service in accordance with the Standards and consider whether the post should be advertised as a post where Welsh language skills are essential.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

15 Compliance with standard 136A: Assessment, findings and determination

Wording of the standard

15.1 This is the standard as it appears in the compliance notice issued to the Council:

Standard 136A

If you have categorised a post as one in which Welsh language skills are essential, desirable or need to be learnt, you must -

- (a) specify that when advertising the post, and
- (b) advertise the post in Welsh.

Imposition day: 30/03/2016

Interpretations

15.2 The Welsh Language Standards Regulations Code of Practice (No. 1) 2015 notes in paragraph 6.9.2 – 6.9.8:

15.3 “**Standard 136A**

6.9.9. *If a body has categorised a post (in accordance with standard 136) as one where Welsh language skills are essential, desirable or need to be learnt it must: specify that when advertising the post and advertise the post in Welsh.*

6.9.10. *This may include identifying the category of the post in the job description, the person specification and the advertisement itself (in the press, in adverts or on the body's website).*

6.9.11. *A body may decide to advertise posts where the Welsh language is essential in Welsh only if it wishes. For example, a body may decide to advertise in Welsh only in Welsh language publications or do so with a short explanation in English in advertisements published in English language publications.”*

Requirements of the standard

15.4 If a body has categorised a post as one where Welsh language skills are essential, desirable or need to be learnt, the body must specify that when advertising the post and advertise the post in Welsh.

Considering compliance with the standard

15.5 In their evidence in response to the second Evidence Notice, the Council stated that in the last three years 2 posts had been advertised within the Contact Centre and that both posts had been advertised as posts where Welsh language skills were desirable. Under Standard 136A, therefore, the Council needed to specify this when advertising the post, and advertise the post in Welsh.

- 15.6 I asked the Council to provide evidence that they had noted this in the job adverts. I also asked the Council to provide evidence that the posts had been advertised in Welsh.
- 15.7 The Council provided a copy of a job description for a post within the Contact Centre. In the job description, the fact that Welsh language skills are desirable for the post has been noted within the job description, in accordance with the Standard. However, I suggest that there is a lack of care in completing this job description in the context of the Welsh language and that the information is unclear to applicants. There is conflicting information about the Welsh language skills in the document. In one place, 'Essential' is noted next to 'Welsh language skills are essential (levels 4 and 5)' but then a cross has been placed next to the need for '0' level in terms of Speaking / Listening, Reading and Understanding and Writing skills. The document goes on to note that the ability to communicate in Welsh is desirable. It does not appear that the document has been completed correctly or at the very least, the information is unclear to applicants.
- 15.8 The Welsh Language Commissioner's 'Recruitment' Advice Document dated September 2020 provides good practice in recruitment stating that it is beneficial for advertisements and job descriptions to be clear when describing the necessary skill or qualification to work through the medium of Welsh. One method of doing this is by using relevant, easy to understand wording when advertising.
- 15.9 Furthermore, no evidence has been provided that this post has been advertised in Welsh. It is possible that this post has been advertised on the Council's website bilingually but I have not received any evidence of that as the Council has provided an English only job description.
- 15.10 The Council stated on the two occasions when Contact Centre posts had been advertised over the last three years and where the posts were advertised as Welsh Language skills desirable, the Council claimed that none of the applicants for those posts could demonstrate Welsh language skills.
- 15.11 The Welsh Language Commissioner's 'Recruitment' Advice Document states how some organisations have proactively ensured that they reach potential applicants. For example, by establishing a relationship with a local further education college, or a local school sixth form to promote opportunities for young people leaving, engaging with local bodies and organisations, and erecting posters in the area, rather than advertising on the organisation's corporate website only. Some organisations had produced a video for the media and the web in order to promote a campaign to recruit more Welsh speakers.

Findings

- 15.12 If a body has categorised a post as one where Welsh language skills are essential, desirable or need to be learnt, the body must specify that when advertising the post and advertise the post in Welsh.
- 15.13 In the example of a job description that has been submitted, the Council has determined that Welsh language skills are desirable (although there is some confusion about this in the job description) but no evidence has been received that the post has been advertised in Welsh.

15.14 That is a failure to comply with Standard 136A.

Determination of whether there has been a failure to comply with standard 136A

15.15 I determine that the Council has failed to comply with Standard 136A as no evidence has been submitted that the post referred to in the evidence has been advertised in Welsh.

Further action

15.16 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

15.17 In the case of my determination that the Council has failed to comply with standard 136A, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

15.18 Details of the further action are set out below.

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

1. The Council must change its procedures so that when the Council categorises a post as one where Welsh language skills are essential, desirable or need to be learnt, the body must specify that when advertising the post and advertise the post in Welsh in accordance with standard 136A.
2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Operational Standards: Requirement to prepare an Action Plan in accordance with section 77 of the Welsh Language Measure

Due to failures across several of the Operational Standards, the requirement to prepare an Action Plan below deals with the failures seen across those Standards that have been subject of this investigation.

An Action Plan must be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the guidance contained in the supplementary Advice Document.

1. Blaenau Gwent County Borough Council must prepare a draft Action Plan of its arrangements for the purpose of ensuring that the Council complies with the Operational Standards that have been the subject of this investigation;
2. The action plan must set out the actions the Council will take to enable them to comply with the Operational Standards that is the subject of this inquiry.
3. The actions within the Action Plan must include a commitment from the Council to:
 - hold a root and branch review of its arrangements for complying with the Service Delivery Standards that have been the subject of this investigation;
 - prepare a plan for how the organisation wants to ensure compliance with the Operational Standards across the organisation where this investigation has found a failure to comply with them;
 - increase its understanding of the requirements of the standards relevant to the investigation here and in particular in relation to their as regards language skills assessment, Welsh language training and assessing the language needs of posts.
4. The action plan must contain the following information:
 - who will be responsible and accountable for taking each of the actions in the plan
 - ensuring that members of the Senior Management Team have a role in scrutinising the Council's progress against that scheme.
 - a timetable for the delivery of each of the actions within the plan with each one of the actions to be carried out in no more than 12 months from the date the plan is approved.

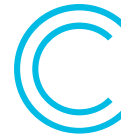
Timetable: The Council must submit a draft action plan in accordance with the requirements under Section 80 Welsh Language Measure within **3 months** of receipt of the final decision.



The Welsh Language Commissioner to publicise the failure to comply:

Due to my dissatisfaction with several elements of the Council's compliance with the Welsh Language Standards within the investigation, the Welsh Language Commissioner's office will publicise the results of this investigation and will publish the investigation report produced in relation to the investigation on the Welsh Language Commissioner's website.

The Welsh Language Commissioner's office will publicise the Council's failure to comply with the above standards by issuing a statement regarding the failure to the press no less than 28 days after the date of publication of the Commissioner's final determination.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Decision notice

To: Blaenau Gwent County Borough Council
Case number: CS092
Date: 31/10/2022

Determination

As a result of a complaint from a member of the public, I conducted an investigation under section 71 of the Welsh Language (Wales) Measure 2011 to determine whether there had been a failure by Blaenau Gwent County Borough Council to comply with Welsh language standards.

The standards relevant to the investigation are as follows:

Standard 8

When a person contacts you on your main telephone number (or on one of your main telephone numbers), or on any helpline numbers or call centre numbers, you must greet the person in Welsh.

Imposition day: 03/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 8.

The basis of my determination is that the Council has failed to comply with Standard 8 on the basis that our mystery caller did not receive a greeting in Welsh on two telephone calls.

Standard 11

When a person contacts you on your main telephone number (or on one of your main telephone numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if the person so wishes -

(a) until it is necessary to transfer the call to a member of non-Welsh speaking staff who can provide service on a specific subject matter; and
(b) until no Welsh speaking member of staff is available to provide service on that specific subject matter.

Imposition day: 03/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 11.

The basis of my determination is that the Council did not deal with our mystery caller's calls in Welsh until it was necessary to transfer the call to a non-Welsh speaking member of staff who could provide a service on a specific subject; and (b) until there was no member of Welsh speaking staff available to provide a service on that specific subject.

Standard 17

When there is no Welsh language service available on your main telephone number (or on one of your main telephone numbers), on any helpline numbers or call centre numbers, you must inform the caller (whether by means of an automated message or otherwise) when a Welsh language service will be available.

Imposition day: 03/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 17.

The basis of my determination is that the caller was not informed (whether by means of an automated message or otherwise) when a Welsh language service would be available even though a Welsh language service was not available on the Council's main telephone number.

Standard 81

You must promote any Welsh language service you provide, and advertise that service in Welsh.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has not failed to comply with standard 81.

The basis of my determination is that some steps are being taken to promote any Welsh language telephone service they provide, and they do advertise that service in Welsh.

Standard 82

If you provide a service in Welsh which corresponds to a service you provide in English, any publicity or document you produce, or website you publish, which refers to the English language service must note that a corresponding service is available in Welsh.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has not failed to comply with standard 82.

The basis of my determination is this investigation has not looked specifically at publicity, documents drawn up or website published, and that the Council has provided evidence suggesting that they comply with Standard 82, I have no reason to find a failure to comply with this Standard.

Standard 127

You must assess the Welsh language skills of your employees.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 127.

The basis of my determination is that the Council does not ensure that it assesses the Welsh language skills of its employees.

Standard 130

You must provide opportunities during working hours -
(a) for your employees to receive basic Welsh language lessons, and
(b) for employees who manage others to receive training on using the Welsh language in their role as managers.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 130.

The basis of my determination is that as the Council does not have a record of how many staff have received basic Welsh language training over the last three years, it raises suspicions that there is no robust procedure in place in terms of compliance with Standard 130 and in terms of offering opportunities for staff to receive basic Welsh language

training. No evidence has been submitted that staff who manage other people have the opportunity to receive training on the use of Welsh in their role as managers.

Standard 131

You must provide opportunities for your employees who have completed basic Welsh language training to receive further training free of charge to develop their language skills.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 131.

The basis of my determination is as the Council does not have a record of how many staff have received further training over the last three years and there is no evidence to show that opportunities have been provided, it raises suspicions that the Council does not comply with Standard 131 in terms of offering opportunities for staff to receive basic Welsh language training.

Standard 132

You must provide training courses so that your employees develop -

- (a) awareness of the Welsh language (including awareness of the history of the language and its place in the culture of Wales);
- (b) an understanding of the duty to operate in accordance with the Welsh language standards;
- (c) an understanding of how the Welsh language can be used in the workplace.

Imposition day: 30/09/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 132.

The basis of my determination is that no evidence has been submitted of training on Welsh language awareness and understanding of the duty to operate in accordance with the Welsh language standards, and an understanding of how the Welsh language can be used in the workplace.

Standard 133

When providing information to new employees (for example, by means of an induction process), you must provide information for the purpose of raising their awareness of the Welsh language.

Imposition day: 30/09/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 133.

The basis of my determination is that no evidence has been presented that information for the purpose of raising new employees' awareness of the Welsh language has been provided in accordance with Standard 133.

Standard 136

When assessing the requirements for a new or vacant post, you must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply

-

- (a) Welsh language skills are essential;
- (b) Welsh language skills need to be learnt when appointed to the post;
- (c) Welsh language skills are desirable; or
- (ch) Welsh language skills are not necessary.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 136.

The basis of my determination is that there is no evidence that there have been conscientious considerations relating to the Welsh language in assessing and categorising the language skills of posts.

Standard 136A

If you have categorised a post as one in which Welsh language skills are essential, desirable or need to be learnt, you must -

- (a) specify that when advertising the post, and
- (b) advertise the post in Welsh.

Imposition day: 30/03/2016

I determine that Blaenau Gwent County Borough Council has failed to comply with standard 136A.

The basis of my determination is that no evidence has been submitted that the post referred to in the evidence has been advertised in Welsh.

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.

Details of the further action are set out below.

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

1. The Council must develop a standard Welsh language telephone greeting.
2. The Council must train all Council staff dealing with telephone calls from the public on how to give the standard Welsh telephone greeting accurately and in compliance with Standard 8.
3. The Council must raise awareness within its staff of the importance of providing a Welsh greeting and of including a Welsh greeting at the beginning of calls.
4. The Council must evaluate any automated greeting messages to check that a greeting in Welsh is placed on the automated message if a greeting is given in English.
5. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 4 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Standard 11: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must put in place guidelines for all staff on how to deal with telephone calls in accordance with Standard 11.
2. The Council must ensure that it has resources to deal with all calls received in accordance with Standard 11. The Council must ensure that there are sufficient Welsh speakers in the call centre to deal with telephone calls from persons who wish to conduct the call in Welsh, in accordance with standard 11.
3. The Council must provide training to all staff dealing with telephone calls on how to provide a Welsh language service in accordance with Standard 11.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Standard 17: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. When no Welsh language telephone service is available, the Council must inform callers when a Welsh language service will be available in accordance with standard 17.
2. The Council must provide guidance to all staff dealing with relevant telephone calls on the new procedure.
3. The Council must provide staff with training on the new procedure.

4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Service Delivery Standards: Requirement to prepare an Action Plan in accordance with section 77 of the Welsh Language Measure

Due to failures across several of the Service Delivery Standards, the requirement to prepare an Action Plan below deals with the failures seen across those Standards that have been subject to this investigation.

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 also contained in the supplementary Advice Document.

1. Blaenau Gwent County Borough Council must prepare a draft Action Plan of its arrangements for the purpose of ensuring that the Council complies with the Service Delivery Standards that have been the subject of this investigation;
2. The action plan must set out the actions the Council will take to enable them to comply with the Service Delivery Standards that is the subject of this inquiry.
3. The actions within the Action Plan must include a commitment from the Council to:
 - hold a root and branch review of its arrangements for complying with the Service Delivery Standards that have been the subject of this investigation;
 - prepare a plan for how the organisation wants to ensure compliance with the Service Delivery Standards where this investigation is found a failure to comply with them across the organisation;
 - prepare a human resources plan on how the Council is going to ensure adequate resources to comply with the telephone standards.
 - increase its understanding of the requirements of the standards relevant to the investigation here.
4. The action plan must contain the following information:
 - who will be responsible and accountable for taking each of the actions in the plan
 - ensuring that members of the Senior Management Team have a role in scrutinising the Council's progress against that scheme.
 - a timetable for the delivery of each of the actions within the plan with each one of the actions to be carried out in no more than 12 months from the date the plan is approved.

Timetable: The Council must submit a draft action plan in accordance with the requirements under Section 80 Welsh Language Measure within 3 months of receipt of the final decision.

Standard 127: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must ensure that it has a procedure in place to assess the Welsh language skills of its employees.
2. The Council must ensure that those skills are assessed annually.
3. The Council must record the results of those annual assessments.
4. The Council must provide written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Standard 130: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must create a procedure to provide opportunities during working for its employees to have basic Welsh language lessons, and for employees who manage other people to receive training on using the Welsh language in their role as managers.
2. The Council must record how many staff are offered this training and how many staff receive this training annually.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Standard 131: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must create a procedure to provide opportunities for its employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills.
2. The Council must record how many staff are offered this training and how many staff receive this training annually.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

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

1. The Council must provide training to its employees on awareness of the Welsh language, an understanding of the duty to operate in accordance with the Welsh Language Standards and an understanding of the way in which the Welsh language can be used in the workplace.
2. The Council must have a procedure in place that ensures this training is repeated periodically.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Standard 133: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must modify its induction procedures and sessions to include the provision of information to new employees for the purpose of raising their awareness of the Welsh language.
2. The Council must prepare an information pack on the Welsh language and share this pack with all new members of staff.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that it has carried out enforcement actions 1 and 2.

Timetable: Within 12 months of the date of issuing the final determination.

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

1. The Council must provide training to staff who assess the language skills needs for a new or vacant post on how to carry out assessments that comply with the requirements of Standard 136.
2. The Council must prepare guidelines for staff on how to carry out an assessment of the linguistic skills needs of a post.
3. In carrying out assessments under Standard 136, the Council must, on all occasions, consider capacity within the post's area of work to provide a Welsh language service in accordance with the Standards and consider whether the post should be advertised as a post where Welsh language skills are essential.

4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

Timetable: Within 12 months of the date of issuing the final determination.

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

1. The Council must change its procedures so that when the Council categorises a post as one where Welsh language skills are essential, desirable or need to be learnt, the body must specify that when advertising the post and advertise the post in Welsh in accordance with standard 136A.
2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 12 months of the date of issuing the final determination.

Operational Standards: Requirement to prepare an Action Plan in accordance with section 77 of the Welsh Language Measure

Due to failures across several of the Operational Standards, the requirement to prepare an Action Plan below deals with the failures seen across those Standards that have been subject of this investigation.

An Action Plan must be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the guidance contained in the supplementary Advice Document.

1. Blaenau Gwent County Borough Council must prepare a draft Action Plan of its arrangements for the purpose of ensuring that the Council complies with the Operational Standards that have been the subject of this investigation;
2. The action plan must set out the actions the Council will take to enable them to comply with the Operational Standards that is the subject of this inquiry.
3. The actions within the Action Plan must include a commitment from the Council to:
 - hold a root and branch review of its arrangements for complying with the Service Delivery Standards that have been the subject of this investigation;

- prepare a plan for how the organisation wants to ensure compliance

with the Operational Standards across the organisation where this investigation has found a failure to comply with them;

- increase its understanding of the requirements of the standards relevant to the investigation here and in particular in relation to their as regards language skills assessment, Welsh language training and assessing the language needs of posts.

4. The action plan must contain the following information:

- who will be responsible and accountable for taking each of the actions in the plan
- ensuring that members of the Senior Management Team have a role in scrutinising the Council's progress against that scheme.
- a timetable for the delivery of each of the actions within the plan with each one of the actions to be carried out in no more than 12 months from the date the plan is approved.

Timetable: The Council must submit a draft action plan in accordance with the requirements under Section 80 Welsh Language Measure within **3 months** of receipt of the final decision.

The Welsh Language Commissioner to publicise the failure to comply:

Due to my dissatisfaction with several elements of the Council's compliance with the Welsh Language Standards within the investigation, the Welsh Language Commissioner's office will publicise the results of this investigation and will publish the investigation report produced in relation to the investigation on the Welsh Language Commissioner's website.

The Welsh Language Commissioner's office will publicise the Council's failure to comply with the above standards by issuing a statement regarding the failure to the press no less than 28 days after the date of publication of the Commissioner's final determination.

Right of appeal to the Welsh Language Tribunal

Where the Commissioner has determined that there has not been a failure to comply with a standard, the complainant may appeal to the Welsh Language Tribunal. Where the

Commissioner determines that a person has failed to comply with a relevant requirement, that person may appeal to the Welsh Language Tribunal. Additionally, when the Commissioner has decided to take enforcement action in relation to a failure in accordance with section 79 of the Welsh Language Measure, the Council may appeal to the Welsh Language Tribunal on the grounds that the enforcement actions are unreasonable or disproportionate. There is more information about the process in the enclosed leaflet, and on the Welsh Language Tribunal's website.

Consequences of failure to comply with a requirement in a decision notice

Should Blaenau Gwent County Borough Council fail to comply with any requirement within this decision notice, the Commissioner may apply for a county court order requiring their compliance.