

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<u>Aneurin Bevan</u> <u>University</u> <u>Health Board</u>	<p><b>CS1173</b> Information I collected as part of my monitoring work (which included verification surveys of D's telephone services) created suspicion of a failure by Aneurin Bevan University Health Board (D) to comply with standards 9 and 10, including on the following telephone numbers:</p> <ul style="list-style-type: none"> <li>o 01633 493100 (The Grange Hospital)</li> <li>o 01633 234234 (Royal Gwent Hospital)</li> <li>o 01873 732732 (Nevill Hall Hospital)</li> <li>o 01443 802200 (Ysbyty Ystrad Fawr)</li> <li>o 01495 363 636 (Ysbyty Aneurin Bevan)</li> <li>o 0300 303 1373 (Cwmbrân Vaccination Centre).</li> </ul> <p>I saw examples of potential failures by D to inform callers that a Welsh language service was available and to deal with calls in Welsh in accordance with the requirements of the standards. I therefore decided to conduct an investigation under section 71 of the Welsh Language Measure into the suspected failure by D to comply with these Standards.</p>	14/12/2023	<p><b>Commissioner's Findings</b></p> <p>Standards 9 and 10: If a person contacts D on one of its main telephone numbers, standard 9 places a duty on D to inform that person that there is a Welsh language service available on the telephone number. Standard 10 requires D to deal with the call in Welsh if the person so wishes, until such point as it is necessary to transfer the call to a member of staff who does not speak Welsh in order to provide a service on a specific subject (if a Welsh-speaking member of staff is unavailable to do so). I carried out verification surveys of D's telephone services as part of my monitoring of D's compliance with the Welsh language standards, by making a total of nine telephone calls to six different telephone numbers. Apart from one instance, D failed in its duty under standard 9 to inform my officer that there was a Welsh language service available on the telephone number surveyed. D also failed in all telephone calls held as part of the survey to deal with my officer in Welsh in accordance with standard 10 requirements.</p> <p><b>Commissioner's Determination</b></p> <p>Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Aneurin Bevan University Health Board has failed to comply with standard 9 and 10.</p>

**Statement of further action**

Further action was taken following the determination that Aneurin Bevan University Health Board has failed to comply with standard 9 and 10.

**Statement on the further action**

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

1. D must put in place arrangements to ensure that all of its main telephone numbers inform callers that a Welsh language service is available on the telephone number in question.

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

Timetable: by 1 July 2024.

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

1. D must put arrangements in place for the purposes of ensuring that those responsible for dealing with Welsh language calls to its main telephone numbers have Welsh language skills that enable them to deal with calls in Welsh in accordance with standard 10.

2. D must plan its telephone services in such a way that Welsh language calls are always routed to and answered by a Welsh speaking staff member.

3. D must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 and 2.

Timetable: by 1 July 2024.

**CS1204** Since 30/11/2019, Hywel Dda University Health Board (D) has been under a duty to comply with the standard below:

**Standard 110**

You must publish a plan for each 5-year period setting out –

- (a) the extent to which you are able to offer to carry out a clinical consultation in Welsh;
- (b) the actions you intend to take to increase your ability to offer to carry out a clinical consultation in Welsh;
- (c) a timetable for the actions that you have detailed in (b)

In accordance with my Regulatory Framework, I monitor organisations' compliance with the Welsh Language Standards, and take further action (if necessary) in order to encourage organisations to comply with the requirements. As a result of previous

14/12/2023

**Decision notice given**

The Decision Notice was given to Aneurin Bevan University Health Board on 14/12/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 110: Standard 110 requires a body to publish a plan which deals with offering to carry out clinical consultations in Welsh, noting the extent to which the body can offer to carry out clinical consultations in Welsh, the actions they intend to take to increase their ability to do this, and a timetable for these actions. In accordance with D's compliance notice, D was required to have published (and implemented) a 5-year plan since 30 November 2019. Since standard 110 was imposed on D in 2018, my office has taken several steps in accordance with my regulatory framework to seek to ensure that D complies with this duty. However, when D was contacted in September 2023 for an update on the current situation, it confirmed that a plan was still not published and that the earliest the plan would likely be published was January 2024. As D has failed to publish and implement a plan by the required date in the compliance notice (30/11/2019), nor during the extended period since the imposition day, there is no record or confirmation that there has been any real progress between 2019 and the present day in the organisation's ability to provide clinical consultations to patients in Welsh. This is a failure by the health board, given the importance of the Welsh language as an

monitoring of local health boards' compliance with the requirements of standard 110, my office has been aware that not all local health boards have published a plan in accordance with the requirements of the standard. This was despite the fact that I had imposed the standard with a 12-month imposition day (in place of the usual 6 months) in order to allow sufficient time (before the duty became operational) for the health board to prepare and publish its first 5-year plan. In response to this, and in order to facilitate the health boards' compliance with standard 110, an advice document<sup>2</sup> on the implementation of the clinical consultation standards was produced and published by my office on 7 March 2022, and was shared with all health boards directly. My officers subsequently decided to correspond with all the local health boards in early 2023 in order to receive assurance that they have now produced and published a relevant plan. To that end, my office has been in contact with D's Welsh language officer since January 2023 asking for an update on the proposed publication date for the plan. In March 2023, D explained that a plan was currently being drafted and that it

integral part of patient care in Wales. It is essential that D now acts decisively to ensure that it has the necessary resources and actions in place to develop a plan in a timely manner for what remains of the first 5-year period, as well as to ensure that thorough preparations are made to ensure that a plan for the subsequent 5-year period is published in accordance with the set timetable.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Hywel Dda University Health Board has failed to comply with standard 110.

### **Statement of further action**

Further action was taken following the determination that Hywel Dda University Health Board has failed to comply with standard 110.

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

Standard 110: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must publish a plan in accordance with standard 110 for the period remaining of the first 5-year period (23/02/2024–30/11/2024).

Timetable: by 23/02/2024.

2. D must publicise that a plan for the period 23/02/2024–30/11/2024 has been published, with the aim of ensuring that the public is provided with information about:  
o the current capacity of the health board to provide clinical consultations in Welsh; and

hoped it would be ready to be presented to one of the health board's committees in the second quarter of 2023-24.

An update was requested from D by May 2023. No update was received, nor a response to requests for further updates during August and early September 2023. D was contacted again in September 2023 requesting an update, this time corresponding with the department's managers. D responded to this request on 11 September 2023, noting that it anticipated that the earliest the plan would likely be published was January 2024.

The above information showed that D's timetable for completing the drafting and publishing of a plan under standard 110 had now been extended several times. On that basis, and as a result of a lack of any definite confirmation from D regarding when a plan will be published, I decided to carry out an investigation under section 71 of the Welsh Language Measure into the suspicion of a failure by D to comply with standard 110.

o the actions the health board is going to take from 30/01/2024 to 30/11/2024 to increase that current capacity.

Timetable: by 23/02/2024.

3. D must develop a project plan with clear milestones in place to ensure that the subsequent 5-year plan (for the period 30/11/2024–30/11/2029) is produced and published by the required time (30/11/2024).

Timetable: by 30/05/2024.

#### **Decision notice given**

The Decision Notice was given to Hywel Dda University Health Board on 14/12/2023.

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

No appeal was made to the Tribunal.

Swansea Bay  
University  
Health Board

**CS1203** Since 30/11/2019, Swansea Bay University Health Board (D) has been

14/12/2023

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

Standard 110: Standard 110 requires a body to publish a plan which deals with offering to carry out clinical

under a duty to comply with the standard below:

Standard 110

You must publish a plan for each 5 year period setting out –

- (a) the extent to which you are able to offer to carry out a clinical consultation in Welsh;
- (b) the actions you intend to take to increase your ability to offer to carry out a clinical consultation in Welsh;
- (c) a timetable for the actions that you have detailed in (b)

In accordance with my Regulatory Framework, I monitor organisations' compliance with the Welsh Language Standards, and take further action (if necessary) in order to encourage organisations to comply with the requirements. As a result of previous monitoring of local health boards' compliance with the requirements of standard 110, my office has been aware that not all local health boards have published a plan in accordance with the requirements of the standard. This was even though I had imposed the standard with a 12-month imposition day (in place of the usual 6 months) to allow sufficient time (before the duty became

consultations in Welsh, noting the extent to which the body can offer to carry out clinical consultations in Welsh, the actions they intend to take to increase their ability to do this, and a timetable for these actions. In accordance with D's compliance notice, D was required to have published (and implemented) a 5-year plan since 30 November 2019. Since standard 110 was imposed on D in 2018, my office has taken several steps in accordance with my regulatory framework to seek to ensure that D complies with this duty. However, in a meeting with my compliance officer on 11 September 2023, D confirmed that a plan was still not in place. D noted during that meeting that the drafting timetable had slipped again, and that it was likely the drafting work would now spill over into 2024. No assurance was given at that meeting regarding when D would be in a position to publish a plan. As D has failed to publish and implement a plan by the required date (30/11/2019), nor during the extended period since the imposition day, there is no record or confirmation that there has been any real progress between 2019 and today in the health board's ability to provide clinical consultations to patients in Welsh. This is a failure by the health board, given the importance of the Welsh language as an integral part of patient care in Wales. It is essential that D now acts decisively to ensure that it has the necessary resources and actions in place to develop a plan in a timely manner for what remains of the first 5-year period, as well as to ensure that thorough preparations are made to ensure that a plan for the subsequent 5-year period is published in accordance with the set timetable.

operational) for the health board to prepare and publish its first 5-year plan. In response to this, and in order to facilitate the health boards' compliance with standard 110, an advice document<sup>2</sup> on the implementation of the clinical consultation standards was produced and published by my office on 7 March 2022, and was shared with all health boards directly. My officers subsequently decided to correspond with all the local health boards in early 2023 in order to receive assurance that they have now produced and published a relevant plan. To this end, an email was sent to D on 12 January 2023 requesting a copy of its plan, in order to obtain evidence that D is now carrying out the duty. I did not receive a response from D and D was reminded again on 23 January 2023 to send a copy of the plan. D responded on 25 January 2023 confirming that no plan had been published.

However, D suggested that a plan would be drafted by March 2023, and that it was aiming to publish a plan by August 2023. Until June 2023, my officials sought confirmation from D that a plan had been drafted by March 2023 as planned, so that I would be assured that the health board would be able to meet its target of

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Bay University Health Board has failed to comply with standard 110.

### **Statement of further action**

Further action was taken following the determination that Swansea Bay University Health Board has failed to comply with standard 110.

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

Standard 110: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must publish a plan in accordance with standard 110 for the period remaining of the first 5-year period (30/01/2024–30/11/2024).

Timetable: by 30/01/2024

2. D must publicise that a plan for the period 30/01/2024–30/11/2024 has been published, with the aim of ensuring that the public is provided with information about:

- o the current capacity of the health board to provide clinical consultations in Welsh; and
- o the actions the health board is going to take from 30/01/2024 to 30/11/2024 to increase that current capacity.

Timetable: by 30/01/2024



publishing a plan by August 2023. On 5 June 2023, D stated at a meeting that there had been difficulties in trying to move the drafting of a plan forward, and that it was now aiming to have a draft plan ready by October 2023. In a meeting with my compliance officer on 11 September 2023, D noted that it was not likely that a plan would be published by October 2023. The above information demonstrated that D's timetable for completing the work of drafting and publishing a plan under standard 110 had now been extended several times. On that basis, and as a result of a lack of any definite confirmation from D regarding when a plan will be published, I decided to carry out an investigation under section 71 of the Welsh Language Measure into the suspicion of a failure by D to comply with standard 110.

**CS1108 a CS1134** On 24/01/2023, I received a complaint from a member of the public (CS1108). The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint claims that the member of the public (P) received a series of English-only emails from the University of Wales Trinity Saint David (D) admissions team, following his

14/12/2023

3. D must develop a project plan with clear milestones in place to ensure that the subsequent 5-year plan (for the period 30/11/2024–30/11/2029) is produced and published by the required time (30/11/2024).

Timetable: by 30/05/2024

#### **Decision notice given**

The Decision Notice was given to Swansea Bay University Health Board on 14/12/2023.

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

No appeal was made to the Tribunal.

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

Standard 5: If a body does not know whether a person wishes to receive correspondence from it in Welsh, standard 5 requires the body to provide a Welsh version of the correspondence when corresponding with that person. Therefore, a body must send a Welsh language version of correspondence to a person at all times, until such time that it knows that the person does not wish to receive correspondence from it in Welsh. In this case, P received correspondence in English only from



application to study two courses with the university (a Foundation Art and Design course and a Simultaneous Translation course). P received the first message from admissions@uwtsd.ac.uk on 15/12/2022 at 16:35. It is also claimed that P received English-only messages from RegistryAdmissions@uwtsd.ac.uk. P submitted his application to D in English through the online application form. On 5/04/2023, P submitted a further complaint (CS1134) about D relating to the original complaint. The complaint claimed that the information on the art and design course on the University's website was not available in Welsh.

admissions@uwtsd.ac.uk and RegistryAdmissions@uwtsd.ac.uk following his submission of an application to study a Postgraduate Certificate Simultaneous Interpretation course and a Certificate of Higher Education Art course. D took the fact that P submitted his applications in English as confirmation that it knew P did not wish to receive subsequent correspondence from D in Welsh. As a result, D sent English-only correspondence to P. The language with which P completed his applications was not necessarily representative of the language in which he wished for D to correspond with him, nor was it confirmation that P did not wish to receive correspondence from D in Welsh. Therefore, D failed to comply with the requirements of standard 5 by failing to send a Welsh version of correspondence to P, when D did not know with certainty that P did not wish to receive correspondence from D in Welsh.

Standard 7: In order to comply with standard 7, a body must state in correspondence that it welcomes receiving correspondence in Welsh, that it will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. In this case, D sent correspondence to P that did not include a statement for compliance with the requirements of standard 7.

Standard 53, 53A and 53B: Standard 53 requires a body to ensure any form it makes available to the public or to students is produced in Welsh. The online form that members of the public use in order to apply to study with the university is partly in English. The introductory pages

of the online application form, along with the options under each of the form's drop-down menus, are in English only. This is an example of a failure by D to comply with the requirements of standard 53. Standard 53A places a duty on a body to ensure that an English version of a form clearly states that the form is also available in Welsh. D has ensured this by including a language toggle option in the header of each page of the online application form. Standard 53B requires a body to ensure that a Welsh language version of a document is treated no less favourably than the English language version of that document. It also places a duty on the body not to differentiate between the Welsh and English version in terms of any requirements that are relevant to the form. Following a check of the online form, I found no failures by D to implement the requirements of standards 53A and 53B.

Standard 55: Standard 55 requires a body to ensure that:

- a) the text of each page of its website is available in Welsh;
- b) every Welsh language page on its website is fully functional, and
- c) the Welsh language is not treated less favourably than the English language on the website.

When P visited the university's website, the webpage giving information about the Certificate of Higher Education Art course was available in English only. Under standard 55, D had a duty to make the text of every page on the website available in Welsh. By failing to publish a Welsh version of this page, D failed to comply with

element (a) of the standard. Because there was no corresponding Welsh page available, P had to use the "Apply Direct" link on the English page in order to start his application. That link led P to English-only content. To ensure that Welsh was not treated less favourably than English, the link in question was required to lead P to Welsh or bilingual content. Because the link led to English-only content, D failed to comply with element (c) of the standard. Following recent checks of the website, I find that the website continues to contain English-only pages, contrary to the requirements of the standard.

Standards 165 and 167: Standard 165 places a duty on a body to ensure that it has arrangements for overseeing its compliance with the standards, together with arrangements for promoting and facilitating the use of the services offered in accordance with the standards. The compliance plan published on D's website contains information documenting these arrangements. Standard 167 places a requirement on a body to publish a document on its website explaining how it intends to comply with the standards. The compliance plan on D's website contains information explaining this.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that University of Wales Trinity Saint David has not failed to comply with standards 53A, 53B, 165 and 167, but that University of Wales Trinity Saint David has failed to comply with standards 5, 7, 53 and 55.

**Statement of further action**

Further action was taken following the determination that University of Wales Trinity Saint David has failed to comply with standards 5, 7, 53 and 55.

**Statement on the further action**

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

1. D must ensure that any correspondence sent to persons is routinely sent in Welsh or bilingually (unless D knows that the person in question does not wish to receive correspondence from D in Welsh). This includes ensuring that D (unless D knows that the person does not wish to receive correspondence from D in Welsh) sends a Welsh or bilingual version of correspondence to persons who have applied for a course, regardless of the language in which the application was submitted. D must ensure that any guidance to staff clearly reflects that standard 5 requires D to always send a Welsh language version of correspondence to a person, until such time as D knows, and only if D knows, that the person in question does not wish to receive correspondence from D in Welsh. D must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-2.

Timetable: 12 February 2024.

Standard 7: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must amend its letter templates, corporate email signatures and guidance to staff to ensure that the statement staff are instructed to include within

correspondence meets all elements of standard 7.

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

Timetable: 12 February 2024.

Standard 53: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must ensure that the online form that members of the public use in order to submit an application to study with the university is fully available in Welsh. This includes making the introductory pages of the form, along with the text of the drop-down menus, available in Welsh.

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

Timetable: 12 February 2024.

Standard 55: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. D must ensure that the text of each page on its new website is available in Welsh and that Welsh is not treated less favourably than English.

This includes ensuring that:

- o the text on the webpages presenting information about the university's courses is fully available in Welsh,
- o any link from a Welsh page leads to Welsh content (if a Welsh version of the content is available). This includes ensuring that links from Welsh pages giving course information lead users to the Welsh version of the online application form.

Flintshire  
County Council

**CS1129** On 23 March 2023 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to the following issues in relation to Flintshire County Council:

- That an English only 'out of office' message was sent by two Council officers (one on 24/03/2023 and the other on 30/03/2023)
- That the e-mail signature of another Council officer was almost correct in terms of putting the Welsh language first, except for "Tel / Ffôn" under the name and job title
- That a message on the Council's answering machine is in English only
- That pages on the e-form "Gwasanaethau Stryd a Thrafnidiaeth -

04/12/2023

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

Timetable: 12 February 2024.

**Decision notice given**

The Decision Notice was given to University of Wales Trinity Saint David on 14/12/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 1: If a body receives correspondence from a person in Welsh, it must reply in Welsh. The complainant sent a message in Welsh to Flintshire County Council and received an out of the office response in English on two occasions. This constitutes a failure to comply with the requirements of standard 1.

Standards 2 and 4: Standard 2 relates to correspondence addressed directly to an individual. The letter in question was sent to a number of persons and as a result standard 2 is not relevant to this investigation. Standard 4 requires the body, when sending standard correspondence to several persons, to send a Welsh language version of the correspondence at the same time as it sends any English language version. The complainant received standard correspondence in English only from Flintshire County Council in January 2023. The letter was sent to residents of the Saltney area to inform them that roadworks were

Cysylltu â ni" contain English text on the Welsh version.

- That the complainant has received an automated message confirming receipt of her enquiry, with the English language first.

taking place in the area. Failure to send the letter in Welsh at the same time as the English version constitutes a failure to comply with the requirements of standard 4

Standard 7: A body must state in correspondence that it:

- welcomes receiving correspondence in Welsh
- that it will respond to correspondence in Welsh, and
- that corresponding in Welsh will not lead to delay

The Council provided a letter template which displays the text in accordance with the requirements of the standard.

The complainant provided a copy of an e-mail she received which shows that the wording as noted in standard 7 was present. I believe that this demonstrates compliance with the requirements of the standard.

Standard 22: A body must ensure that any automated telephone system it has provides the complete automated service in Welsh. The complainant telephoned the telephone number given in the letter she received from the Council. It was the direct line number of a member of the Council's staff. The call was answered by an answering machine with an English only message. This constitutes a failure to comply with standard 22.

Standard 50: A body must ensure that all forms produced for public use are produced in Welsh. That includes any written forms, whether electronic or in paper form. The complainant claims that the e-form "Gwasanaethau Stryd a Thrafnidiaeth - Cysylltu a ni" contained English text in the Welsh version. This constitutes a failure to comply with the requirements of the standard.



Standard 50B: If a body produces Welsh and English language versions of forms (whether separate versions or not), it must ensure that the Welsh language version is treated no less favourably than the English language version. The e-form "Gwasanaethau Stryd a Thrafnidiaeth - Cysylltu â Ni" included English text in the Welsh language version and consequently treated the Welsh language less favourably than the English language

Standard 135: A body must provide wording for its employees which will enable them to include a Welsh language version of their contact details in e-mail messages. It must also provide a Welsh language version of any message which informs others that they are unavailable to respond to e-mail messages. The Council provided a wording including the name of the officer, when he/she will return to answer the query and contact details in Welsh. The above constitutes a failure to comply with the requirements of standard 135.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Flintshire County Council has not failed to comply with standard 7 and 135, but that Flintshire County Council has failed to comply with standards 1, 4, 22, 50 and 50B.

### **Statement of further action**

Further action was taken following the determination that Flintshire County Council has failed to comply with standards 1, 4, 22, 50 and 50B.

**Statement on the further action**

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

1. Flintshire County Council must raise staff awareness of the need to send correspondence to more than one person bilingually at all times.
2. Flintshire County Council must provide guidance for its staff to assist them –which records the process, and the time taken to translate correspondence in order to ensure that a Welsh and English version are sent at the same time.
3. Flintshire County Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

Timetable: Within 6 months of the date of issuing the final determination.

Standard 22: Requirement to take action in accordance with section 77 of the Welsh Language Measure

4. Flintshire County Council must amend its staff guidance in relation to telephone calls, noting that every employee must leave a bilingual message on their answering machine in order to comply with the requirements of Standard 22.
5. Flintshire County Council must ensure that a Welsh message is on the answering machine of all members of staff so that the complete automated service can be provided in Welsh.
6. Flintshire County Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 4 and 5 have been completed.

Torfaen County  
Borough Council

**CS1061** On 28/09/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claims that the Council has placed a number of English only street name signs in the Council's area. The complainant has provided photos of some

04/12/2023

Timetable: Within 6 months of the date of issuing the final determination.

Standards 50 and 50B: Requirement to take action in accordance with section 77 of the Welsh Language Measure

7. Flintshire County Council must check all its e-forms to ensure that all forms are available in Welsh and that the forms do not treat the Welsh language less favourably than the English language.

8. Flintshire County Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 7 has been completed.

Timetable: Within 6 months of the date of issuing the final determination

#### **Decision notice given**

The Decision Notice was given to Flintshire County Council on 04/12/2023.

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

No appeal was made to the Tribunal.

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

Standard 61: Standard 61 requires the Council to ensure that any text on a sign appears in Welsh. As the names on the signs are registered in English only, there has been no failure to comply. However, the text 'leading to' exists in English only. This is a failure to comply with the standard.

examples of these English only signs, as well as photos of bilingual ones for comparison. The pictures of the examples provided include signs with the text:

a. West Roedin – Leading to – Offway and East Roedin – Shop

b. Gorllewin Roedin yn arwain i Offway a Dwyrain Roedin – Siop / West Roedin Leading to Offway and East Roedin – Shop

c. Teynes – Leading to / Yn arwain i – Ladybench

ch. Teynes – Leading to – Ladybench

d. Jule Road

The photos show that some of the signs display street names in English only, and that text that is not part of the street name, is also in English only. The complainant also claims that the Council did not consider the impact on the opportunities to use the Welsh language and on not treating the Welsh language less favourably than English, when it changed its street naming policy to one of not translating English only street names

Standard 62: Standard 62 requires the Council to ensure that Welsh language text is positioned so that it is likely to be read first on signs that include the same information in Welsh and in English. In this case, the English text 'leading to' has been placed before the Welsh text 'yn arwain i', and is therefore likely to be read before the Welsh text. This is a failure to comply with the standard.

Standard 63: Standard 63 requires the Council to ensure that the Welsh language text on its signs is accurate in terms of meaning and expression. In this case, the Welsh language text on the Council's signs is accurate in terms of meaning and expression. Therefore, there is no failure to comply.

Standard 88: In order to comply with standard 88, the Council must identify and consider the potential effects of the proposal, whether positive or adverse, on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The Council has not succeeded in providing me with evidence which proves that conscientious consideration has been given to the possible effects on the Welsh language in revising the street naming policy. This is a failure to comply with standard 88.

Standard 89: In order to comply with standard 89, the Council must consider how the policy could be formulated so that the policy decision would have positive, or increased positive effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The Council

to Welsh. Originally, I decided not to carry out an investigation into these allegations, however following the complainant's request for a review of my decision by the Welsh Language Tribunal, I reconsidered, and changed it to a decision to open an investigation.

has not succeeded in providing me with evidence that conscientious consideration has been given to how the policy could be formulated so that it would have positive or increased positive effects on the Welsh language. This is a failure to comply with standard 89.

Standard 90: In order to comply with standard 90, the Council must consider how the policy could be formulated so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The Council has not succeeded in providing me with evidence that conscientious consideration has been given to how the policy could be formulated so that it would not have adverse effects, or so that it would have decreased adverse effects on the Welsh language. This is a failure to comply with standard 90.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Torfaen County Borough Council has not failed to comply with standard 63, but that Torfaen County Borough Council has failed to comply with standards 61, 62, 88, 89 and 90.

### **Statement of further action**

Further action was taken following the determination that Torfaen County Borough Council has failed to comply with standards 61, 62, 88, 89 and 90.

**Statement on the further action**

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

1. The Council must produce guidance, or add to existing guidance, in order to make clear that any text that is not part of the name on street signs must be in Welsh. The Council must note the words 'leading to' as an example of this type of text that needs to be in Welsh in order to comply.

2. The Council must draw the attention of the department responsible for designing street signs to this investigation, and remind them of the requirements of standard 61, referring to the revised guidance.

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

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

Standard 62: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must provide me with evidence that it has rectified the sign which is the focus of this failure to comply, namely the sign 'Taynes leading to / yn arwain i Ladybench', so that the Welsh text is placed before the English text.

2. The Council must produce guidance, or add to existing guidance, in order to make clear that any sign containing the same information in Welsh and in English must include the Welsh text in such a position that it is likely to be read first.

3. The Council must draw the attention of the department responsible for designing street signs to this investigation, and remind them of the requirements of standard 62, referring to the revised guidance.

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

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

Standards 88, 89, and 90: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must carry out a review of its internal process of formulating/revising policies in order to ensure that a robust process is in place that ensures compliance with standards 88,89 and 90.

2. The Council must provide internal guidance to its staff explaining the requirements of standards 88, 89 and 90 when formulating or revising a policy decision. The guidance must convey that the Council must consider the following when formulating or revising any policy decision, in the context of opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language:

d) What effects, whether positive or adverse, would the policy decision have on the Welsh language;

e) How could the decision be made so that it has positive, or increased positive effects on the Welsh language;

f) How could the decision be made so that it does not have adverse effects, or so that it has decreased adverse effects, on the Welsh language.



Cardiff Council

**CS1069** On 14/10/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the

01/12/2023

3. The Council must provide training to all staff involved in the process of formulating/revising the Council's policies, which focus on the requirements of standards 88, 89 and 90. The Council must raise staff awareness of the guidance above, and ensure that they are aware of all the requirements of standards 88, 89 and 90.

Standards 88, 89, and 90: Requirement to publicise the failure to comply in accordance with section 77 of the Welsh Language Measure.

4. I require the Council to publicise its failure to comply with standards 88, 89 and 90. This includes publishing a statement stating that the Council has failed to comply with the relevant standards, as well as publishing the final report on the investigation in a prominent place on its main website.

5. The Council must provide written evidence that satisfies the Welsh Language Commissioner that they have completed enforcement steps 1-4.

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

#### **Decision notice given**

The Decision Notice was given to Torfaen County Borough Council on 04/12/2023.

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

No appeal was made to the Tribunal.

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

Standard 41: The standard (as laid on the Council) imposes a requirement upon the Council to draw up

Welsh Language Measure and was therefore a valid complaint. The complainant alleged that Cardiff Council's Cabinet decision register (Council) was only available in English on the Council's website:

<https://cardiff.moderngov.co.uk/ieListMeetings.aspx?Committeed=151&LLL=1>

agendas and minutes that are available to the public, relating to management board or cabinet meetings, in Welsh. My officers have come across several examples of minutes (including the Register of Decisions) from the Council's cabinet meetings that are available in English only on the website. This is a failure to comply with Standard 41.

Standard 52: A body must ensure that the pages of its websites and on-line services are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than English on those pages and services. When browsing the Council's website about Cabinet meetings and decisions, it is clear that not every text on the Council's Welsh pages is fully available in Welsh. There are also linguistic errors on these pages.  
6.8 This is a failure to comply with Standard 52.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has not failed to comply with standards 48 and 49, but that Cardiff Council has failed to comply with standards 41 and 52.

### **Statement of further action**

Further action was taken following the determination that Cardiff Council has failed to comply with standards 41 and 52.

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

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

1. The Council must ensure that minutes (including the Register of Decisions) relating to a meeting of a management board or cabinet are produced and available on its website in Welsh.

2. Cardiff Council must provide written evidence to satisfy the Welsh language Commissioner that enforcement action 1 has been completed.

Timetable: Within 6 months of the date of issuing the final determination.

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

3. A body must ensure that the pages of its websites relating to meetings and decisions of the Council Cabinet are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than English on those pages and services.

4. The Council must also check these pages to ensure that there are no language errors on the Welsh pages.

5. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 3-5 have been completed.

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

### **Decision notice given**

The Decision Notice was given to Cardiff Council on 01/12/2023.

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

Sport Wales

**CS1056** On 22/09/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint was received as a result of the recent announcement that Sport Wales and Parkwood Leisure are forming a new partnership at Plas Menai. Sport Wales is funded by the Welsh Government and the National Lottery.

There are 4 elements to the complaint, namely:

1. An allegation of lack of a full impact assessment of how the decision to run the centre by a company from England will affect staff and public opportunities to use the Welsh language.
2. An allegation that consideration was not given to the decision by Sport Wales to privatise the site so that it would have a positive effect on the language or mitigate potential adverse effects.
3. An allegation that English-only messages appear on the Plas Menai Facebook and Twitter pages, with mainly English text on the Instagram account.
4. There is concern that the current courses are not offered in Welsh, and

01/12/2023

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 48: A body must ensure:

- that the text of each page of its website is available in Welsh
- that every Welsh language page on its website is fully functional, and
- the Welsh language is treated no less favourably than the English language on that website

The Welsh page of the Plas Menai website contains English text mixed with the Welsh language. The Welsh page is not fully functional. The above treats the Welsh language less favourably than the English language and indicates a failure by Sport Wales to comply with standard 48.

Standard 54: In order to comply with standard 54 public bodies must ensure that they do not treat the Welsh language less favourably than the English language when using social media. A member of the public alleges that the Plas Menai's Facebook, Instagram and Twitter social media accounts did not comply with the Welsh language standards. Officers' desk-top work shows that English is used mainly on all 3 media. As the content published on the Sport Wales social media accounts treats the Welsh language less favourably than English, I believe that this equates to a failure to comply with the requirements of standard 54.

Standard 80: If a body offers an education course that is open to the public, it must offer that course in Welsh. A

that the website does not promote the fact that the courses (such as swimming lessons) are offered in Welsh.

number of outdoor courses and activities are advertised on the Plas Menai website. There is no offer to follow these courses through the medium of Welsh. This is tantamount to failure to comply with standard 80.

Standard 77 and 78: A body must promote any Welsh language service it provides, and it must promote that service in Welsh and note in any publicity or document that it produces, or website it publishes, which refers to the English service, that a corresponding service is available in Welsh. As a result of my determination in relation to standard 80, that education courses are not offered through the medium of Welsh by Sport Wales at Plas Menai, I conclude that no Welsh language service exists and therefore it is not possible to promote any Welsh language services either.

Standards 84, 85 and 86: In order to comply with the policy making standards, Sport Wales needed to demonstrate that they had considered the effects of their decisions on the Welsh language. Sport Wales provided a copy of Impact Assessments and documents which were part of the tender process. It was seen from those documents that consideration had been given to the Welsh language and that one possible adverse effect had been considered as part of the assessment. I also note that the invitation to tender asks specific questions about the Welsh language. However, no evidence was provided that a conscientious effort had been made to consider how the decision could be made so that it had increased positive effects on opportunities for persons to use the Welsh language or on treating the Welsh language no

less favourably than the English language. I also conclude that not all relevant factors (such as staffing issues) had been considered when assessing the adverse impact of the policy on the Welsh language. There was a lack of consideration to the impact of the decision on Sport Wales' ability to comply with Welsh language standards as a result of the fact that the successful applicant would provide services on our behalf.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Sport Wales has not failed to comply with standards 77 and 78, but that Swansea City and County Council has failed to comply with standards 48, 54, 80, 84, 85 and 86.

### **Statement of further action**

Further action was taken following the determination that Swansea City and County Council has failed to comply with standards 48, 54, 80, 84, 85 and 86.

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

Standard 48: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Sport Wales must ensure that the link on every English web page leads to the Welsh language page corresponding to the English language page.
2. Sport Wales must ensure that every Welsh language page is on the Plas Menai website is fully functional, and that the Welsh text is treated no less favourably than English on that website.

3. Sport Wales must consider my advice document Technology, Websites and Software in revising and developing the Plas Menai website in order to ensure compliance with the requirements of standard 48.  
Timetable: Within 6 months of the date of issuing the final determination.

Standard 54: Requirement to take action in accordance with section 77 of the Welsh Language Measure

4. Sport Wales must ensure that the text published on its social media accounts is in Welsh, including the social accounts of Plas Menai.

5. Sport Wales must ensure that the text displayed on the Plas Menai social media accounts does not treat the Welsh language less favourably than English by ensuring that the Welsh language posts are equally as visible as the English text. See 4.2 'Interpretations' for ideas to consider in achieving this.

Timetable: Within 6 months of the date of issuing the final determination

Standard 80: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

I require Sport Wales to prepare a draft action plan for the purpose of ensuring compliance with the requirements of standard 80 when offering courses that are open to the public. The draft action plan must include the following information:

- ☐ Description of each of the actions Sport Wales will take to ensure that courses are offered in Welsh.



- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (e.g. finance / staff) required to carry out each of the actions.

The action plan should include steps to ensure the following—

- That Sport Wales carries out an audit of all courses provided on its behalf and the extent to which these courses are offered in Welsh.
  - That Sport Wales carries out an audit of the courses provided at Plas Menai noting the ones that are offered in Welsh.
  - That Sport Wales carries out a full review of the provision at Plas Menai and takes steps to ensure that it can offer its courses in Welsh.
  - That Plas Menai reviews its arrangements for recruiting instructors with the appropriate language skills that will enable it to offer education courses through the medium of Welsh.
  - That Sport Wales promotes and advertises which courses are offered in Welsh.
  - That the offer of swimming lessons in Welsh must be a genuine offer – i.e. that it is possible to provide the lessons if someone wishes to receive them.
  - that Sport Wales complies fully with the requirements of standard 80 when offering education courses, within 9 months of the date of approval of the action plan.
- Timetable: Sport Wales must produce a first draft of the action plan and submit that draft to the Commissioner within 6 months of the date of publication of the Commissioner's final determination.

Standard 77: Recommendation in accordance with section 77 of the Welsh Language Measure  
When Sport Wales offers Welsh medium education courses in accordance with standard 80, it must promote that offer so that members of the public are aware of the offer to undertake the education courses through the medium of Welsh.

Standard 78: Recommendation in accordance with section 77 of the Welsh Language Measure  
When Sport Wales offers Welsh medium education courses in accordance with standard 80 it must, in promoting its English language services where corresponding Welsh language services are being offered, note that the corresponding service is available in Welsh.

Advice in accordance with section 77 of the Welsh Language Measure  
I advise Sport Wales to place the Welsh language as the default language on the Plas Menai website, so that the body ensures a proactive offer for users to use the Welsh language before they gain access to the website's services.

Standards 84, 85 and 86: Requirement to take action and to give publicity in accordance with section 77 of the Welsh Language Measure  
6. Sport Wales must conduct a review of its internal policy making/revision process (including reviewing any guidance and templates) in order to ensure that a

robust process is in place that ensures that individuals responsible for drawing up and assessing the impact of its policies take full account of all relevant factors in compliance with standards 84, 85, and 86.

7. Sport Wales must create internal guidance for its staff explaining the requirements of standards 84, 85 and 86 when formulating or revising a policy decision. The guidance must convey that the Council must give conscientious consideration to the following when formulating or revising any policy decision, in the context of opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language:

- ☐ What effects, whether positive or adverse, would the policy decision have on the Welsh language;
- ☐ How could the decision be made so that it has positive, or increased positive effects on the Welsh language;
- ☐ How could the decision be made so that it does not have adverse effects, or so that it has decreased adverse effects, on the Welsh language.

8. Sport Wales must provide training for all staff involved in the policy making/revision process, focussing on the requirements of standards 84, 85, and 86. It must raise staff awareness of the above guidance, and ensure that they are aware of all requirements of the standards.

9. Sport Wales must ensure that, in carrying out an assessment of a policy decision to externalise service to a third party, it gives full consideration to section 1(5) of the Welsh Language Standards (No. 2) Regulations 2016.

10. Sport Wales must provide written evidence that satisfies the Welsh Language Commissioner that actions 6 - 10 have been completed

Cardiff Council

**CS1125** On 14/03/2023 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore valid. There are three elements to the complainant's complaint. The complaints relate to the Welsh Facebook account of Cardiff Council (Council) created on 23/03/2022. The complainant alleged that as this Welsh language account was new and the current Facebook page had been changed to English only, Welsh language users

09/11/2023

Timetable: Within 6 months of the date of issuing the final determination.

Requirement to give Advice in accordance with section 77 of the Welsh Language Measure

I advise Sport Wales to consider the findings and determination of this report to ensure full consideration of the Welsh language when establishing and agreeing the agreement with Parkwood Leisure. Plas Menai belongs to an area of linguistic importance.

**Decision notice given**

The Decision Notice was given to Sport Wales on 01/12/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 58: When the Council uses social media, the Council must treat the Welsh language no less favourably than the English language. Here, I accept one of the complainant's allegations that the Council has treated the Welsh language less favourably than the English language in that Welsh language users have had to take an additional step in order to continue receiving a Welsh language service on Cardiff Facebook. The Council also accepts that there are fewer posts on the Welsh language account than on the English language account. This is a failure to comply with Standard 58.

**Commissioner's Determination**

needed to take steps to continue to receive content in Welsh. The complainant stated that this, therefore, treated the Welsh language less favourably than the English language. The complainant explained that the account that is now in English only has approximately 53,000 followers whereas the Welsh account only has around 500 followers. The complainant alleged that there is nothing on the English language account to indicate that there is a separate account for Welsh language users. The complainant also alleged that the Facebook account which is now in English only has features, such as "Reels", and bilingual content up to June 2022, which do not exist on the Welsh Language Account. Furthermore, the complainant alleged that the account which is now in English only, advertised, including in Welsh, whilst there is not the same expenditure on advertisements on the Welsh account.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 58.

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

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

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

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

1. The Council must conduct a campaign to raise public awareness of the new Welsh language Facebook account.
  2. The Council must create a checking procedure to ensure that corresponding messages or posts are placed on the Welsh language Facebook account and on the English account in accordance with Standard 58.
  3. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed
- Timetable: Within 6 months of the date of issuing the final determination

Standard 58: Recommendation in accordance with section 77 of the Welsh Language Measure

1. The awareness raising campaign should include (but not be limited to):
  - o Posting monthly messages on the Council's Facebook accounts for a period of 6 months promoting and encouraging users to follow the Council's Welsh language Facebook page.

Welsh Ministers

**CS1075** On 07/11/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that the Welsh Ministers published policy documents and policy consultation documents for the health and care sector which ignored the bilingual context in Wales and the significance of the Welsh language in promoting health and well-being. The complainant's complaint specifically referred to the consultation document National framework for social prescribing. He alleged that the framework did not refer to the Welsh language in the

09/11/2023

o A method of monitoring the number of followers of the Welsh language Facebook account and as part of the campaign, consider ways of trying to increase the number of followers of the Welsh language account.  
Timetable: Within 6 months of the date of issuing the final determination

**Decision notice given**

The Decision Notice was given to Cardiff Council on 09/11/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 50B: Standard 50B requires Welsh Ministers to ensure that when producing Welsh and English language versions of forms, they must ensure that it treats the Welsh language version no less favourably than the English language version. Welsh Ministers published a consultation form that had text missing from the Welsh version of one question. Although the impact of the failure was comparatively low, I must conclude that the Welsh version was treated less favourably than the English version in this case.

Standard 88, 89 and 90: Standards 88, 89 and 90 place a duty upon Welsh Ministers, when formulating, reviewing or revising a policy, to consider the impact on the Welsh language and to consider how this policy could be formulated so that it would have a more positive or less adverse effect on opportunities to use the Welsh

consultation and therefore created suspicion that the Welsh Ministers had not considered the effects of this policy decision on the Welsh language.

language and on treating the Welsh language no less favourably than the English language. In the case of the National Framework for Social Prescribing, the Welsh Ministers submitted a copy of a Welsh language impact assessment which considered the effect on the Welsh language in accordance with standard 88. I note that the assessment has also discussed what steps to put in place to ensure that the provision is available in Welsh, and therefore that Welsh Ministers comply with standard 89. In the case of the requirements of standard 90 however, I conclude that the assessment had not considered any adverse effects or how to formulate the policy so that it had a less adverse effect on the Welsh language. In the case of the Tobacco Control Strategy for Wales Consultation, Welsh Ministers submitted information and evidence of the arrangements in place to assess the impact of the strategy in accordance with the requirements of the policy making standards. In the case of the Learning Disability Strategic Action Plan 2022 to 2026 and the delivery and implementation plan for learning disability 2022 to 2026, Welsh Ministers have confirmed that an impact assessment has not been undertaken as it is intended to carry out an assessment of all the actions within the plan individually. I conclude that there is, however, a duty on the Welsh Ministers to consider the impact of the plans as a whole at the time of drawing up the policy. As a result, I conclude that Welsh Ministers have failed to comply with the requirements of the standards in the case of both these plans. In the case of the quality statement for palliative and end of life care and the National Immunisation Framework for Wales, Welsh Ministers have confirmed that a Welsh language



impact assessment has not been undertaken as they believe that a previous assessment undertaken in relation to the parent document A Healthier Wales: our Plan for Health and Social Care applies to both policies. I conclude that Welsh Ministers have a duty to carry out an assessment of the impact of each policy individually, and therefore the Welsh Ministers have failed to comply with the requirements of the policy making standards in the case of these two policies.

Standard 91, 92 and 93: On 28 July 2022 Welsh Ministers published a consultation on their national Framework for social prescribing inviting comments and views from the public and stakeholders on the Framework. When the Welsh Ministers consult on their policies, standards 91 to 93 impose a duty on them to do the following:

- a) Consider the effects of the policy on opportunities for persons to use Welsh, and
- (b) treating the Welsh language no less favourably than English; and
- b) gather opinions regarding the effects of the policy on opportunities use Welsh and to treat the Welsh language no less favourably than English

In order to comply with the requirements of these standards, therefore, the Welsh Ministers must have met the two requirements in the wording of the standards. In this case, although the Welsh Ministers included two questions (21a and 21b) seeking the public's views on the impact of the policy on the Welsh language and how it could be formulated so that it had positive (or more positive) or less adverse effects, I do not consider that there was sufficient conscientious consideration of the

impact of the Framework on the Welsh language in the consultation document. By not ensuring that the consultation document contains information about or conscientious consideration of effects on the Welsh language, I conclude that the Welsh Ministers have not succeeded in complying with the first requirement of the standard relating to consideration, and therefore that it has not enabled the public and stakeholders to reach a meaningful view either.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standard 50B, 88, 89, 90, 91, 92 and 93.

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

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 50B, 88, 89, 90, 91, 92 and 93.

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

Standard 50B: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must ensure that robust arrangements are in place when formulating forms in Welsh and in English to ensure that both versions correspond fully and include the same details and information at all times.

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

Standards 88, 89 and 90: Requirement to take action in accordance with section 77 of the Welsh Language Measure

2. The Welsh Ministers must undertake a review of the Department of Health and Social Care's impact assessment arrangements to ensure that the department's arrangements do not result in a failure to comply with policy making standards as impact assessments on the Welsh language are carried out.

3. The Welsh Ministers must take steps to ensure that all Department of Health and Social Care staff responsible for policy making and development understand all the requirements of standards 88, 89 and 90 and understand the associated expectations on them.

4. Welsh Ministers must review and amend guidance relating to policy making to make clear the individual requirements of standards 88, 89 and 90 to officers responsible for policy making and development.

5. The Welsh Ministers must review and amend templates for assessing the impact of policies on the Welsh language to make clear the individual requirements of standards 88, 89 and 90 to officers responsible for carrying out the impact assessments and to facilitate and ensure compliance with those standards.

6. The Welsh Ministers must ensure that the Department of Health and Social Care designates a member of staff as an expert on the policy-making standards so that the rest of the department can be advised on the requirements of the standards.

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

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

7. The Welsh Ministers must undertake a full review of the Department of Health and Social Care's arrangements for conducting consultations on its policies (including its guidance and templates) to ensure that it gives conscientious consideration to the potential effects of the proposal on the Welsh language, and to how the policy could be formulated so that it would have more positive and less adverse effects on the Welsh language.

8. Following the review, the Welsh Ministers must take steps to ensure that the Department of Health and Social Care guidance and templates fully reflect the requirements of standards 91 to 93 highlighting the two specific requirements in these standards to consider the impact of the policy on the Welsh language and then to seek views on that impact.

9. The Welsh Ministers must ensure that Department of Health and Social Care consultation documents consider and discuss the impact of the policy on the Welsh language and then seek views on those impacts.

10. The Welsh Ministers must make sure that there is an understanding among those staff responsible for formulating, revising, and consulting on health and care policies, that asking for a general response to the consultation is not enough to comply with the requirements of the standards. It must provide training to relevant staff on how to comply with Welsh language standards when producing consultation documents on policies relating to health and care. Staff awareness

Cardiff and Vale  
University  
Health Board

**CS1135** Evidence gathered by my office as part of my monitoring work created suspicions of possible failings by Cardiff and Vale University Health Board (D) to:

- o provide reception services in Welsh in accordance with standard 50;
- o conduct meaningful assessments of new and vacant posts in accordance with standard 106.

In addition, the findings of my 2021–22 and 2022–23 verification surveys created suspicions about potential failures by D to:

- o advertise posts in Welsh in accordance with standard 106A;

should be raised to any revised guidelines and templates in this training, and ensure they are aware of all requirements of the 91-93 standards.

11. The Welsh Ministers must provide written evidence satisfying the Welsh Language Commissioner that they have completed enforcement actions 1 to 10.

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

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 09/11/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 50: Standard 50 requires a body to ensure that any reception service provided in English is also available in Welsh. In October 2022, a Welsh language reception service was not available in any of the service locations identified by D as 'receptions'. By March 2023, D still did not have a Welsh language reception service available in all its reception areas. D's failure to ensure that a Welsh language reception service is available in all reception areas is an example of its failure to comply with the requirements of standard 50. D does not know at present which of its service locations are "receptions" in accordance with the interpretation of the term in the Regulations, nor whether a Welsh language service can be provided at those locations. Due to this lack of

- o publish relevant material in Welsh in accordance with standard 107A;
- o ensure that Welsh language versions of documents published in accordance with standard 107A are treated no less favourably than the English language versions.

I therefore decided to carry out an investigation under section 71 of the Welsh Language Measure into the suspicion of a failure by D to comply with the above standards.

information, I am not satisfied that D is currently complying with the requirements of this standard.

Standard 106: When a body assesses needs for a new post or a vacancy, standard 106 requires a body to assess the need for Welsh language skills for the post in question. Based on this assessment, the standard requires the body to categorise the post in accordance with one of the following categories:

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

D admits suspending assessments of the need for Welsh language skills for posts during the period 2022-23 and reports uncertainty to meet the assessment requirements later in October 2022. This displays a failure by D to comply with the requirements of standard 106. D provided a policy and a guidance document in March 2023 as an example of how it was implementing the standard, which lacked comprehensive detail. Both documents provided a lack of clarity on the requirements of standard 106 and practical guidance for staff on how to conduct meaningful assessments that would meet the requirements. In response to my evidence notice, D confirmed that individual managers are responsible for assessing and categorising the need for Welsh language skills for posts. D explained that there was information available on the ESR system to support management assessments. However, this information provided on the ESR system

does not necessarily ensure that managers carry out systematic and meaningful assessments. My expectation for a clear and comprehensive procedure for managers to undertake meaningful assessments in accordance with standard 106 is not satisfied, and without a robust corporate procedure in place, there is a risk that managers are conducting subjective assessments of the need for Welsh language skills in deciding which language category a post should be prescribed. The absence of a clear procedure for conducting assessments has led me to question the effectiveness of the assessments conducted by managers for five reception posts advertised in January 2023, where having Welsh language skills was categorised as “desirable” only.

Standard 106A: In order to comply with part (a) of standard 106A, a body must specify in a job advertisement whether it has categorised that post with Welsh language skills as essential, desirable or in need of learning (or not). My monitoring work did not identify any suspected failure to comply with this part of the standard. To comply with part (b) of standard 106A, a body is required to advertise any post — where the body has categorised that post with Welsh language skills as essential, desirable or in need of learning — in Welsh. 33 cases were identified as part of my monitoring work where a job advertisement (which was required to be advertised in Welsh) included English text.

Standard 107A: If a body publishes the following, standard 107A requires the body to publish them in Welsh—

- o application forms for posts;
- o material that explains their process for applying for posts;
- o information about their interviewing process, or about other assessment methods when applying for posts; or
- o job descriptions.

The standard also requires a body to ensure that it does not treat any Welsh language versions of the above documents less favourably than the English versions. As part of my work to monitor D's compliance with standard 107A, there were several examples of D publishing relevant material in English only or treating the Welsh language version less favourably than the English language version.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has failed to comply with standard 50, 106, 106A and 107A.

### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standard 50, 106, 106A and 107A.

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

Standard 50: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must inspect which areas in its hospitals, offices and service locations correspond to the interpretation of the



term “reception” in the Welsh Language Standards (No. 7) Regulations 2018.

2. D must take staffing steps to ensure that each individual team responsible for serving each “reception” has the necessary Welsh language skills to provide a Welsh language reception service in accordance with the duty of standard 50.

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

As part of the evidence, D is expected to provide:

- o a list of each “reception” it has
- o confirmation of the staffing actions taken in accordance with step 2
- o an explanation of how these steps have ensured the availability of a Welsh language reception service in each “reception”.

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

Standard 106: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must produce and publish a step-by-step guidance document and procedure for managers on how to conduct a meaningful assessment of the need for Welsh language skills for a vacant or new post.

The guidance and procedure is expected to ensure that managers consider the 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 or need to be learnt (if the current capacity is found to be insufficient).

2. D must undertake training for all staff involved in the recruitment process, which focuses on how to conduct a meaningful and objective assessment of the need for Welsh language skills for a post and to categorise posts in accordance with the categories set out in the standard. The training is expected to include guidance on how to use the new assessment guide and procedure.

3. D must ensure that its process for assessing posts (which assesses the need for Welsh language skills for a vacant or new post) allows managers to categorise posts (in accordance with one of the categories set out in the wording of the standard) based on the objective results of the assessment conducted.

4. D must carry out spot checks to ensure that managers correctly implement the requirements of standard 106 when recruiting for new or vacant posts. D is expected to check that managers:

- o carry out meaningful assessments of the need for Welsh language skills for vacant or new posts, before setting a category for a post in accordance with the categories set out in the standard.

- o ensure that the category set for the post reflects the results of the objective assessment undertaken.

5. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1-4 have been completed.

Timetable: Within 9 months of the date of issuing the final determination.

Welsh National  
Opera

**CS1118** On 21/02/2023, I received a complaint that met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was received

02/11/2023

Standard 106A and standard 107A: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must ensure that relevant staff are reminded of the duties of standards 106A and 107A and of how to implement these standards when recruiting for posts. D is expected to place emphasis on reminding managers of the duty to ensure that job advertisements, job descriptions and other relevant material are published in Welsh, and of the health board's procedure (and the translation support available) to ensure that these documents are available in Welsh before they are published.

2. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.

Timetable: Within 6 weeks of the date of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 02/11/2023.

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

No appeal was made to the Tribunal.

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

Standard 80: If a body offers an education course that is open to the public, standard 80 requires it to offer the course in Welsh. In this case, a member of the public (P) attended a professional development course run by the Welsh National Opera (D). The course was delivered in

from a teacher (P) who attended a professional development course jointly conducted by Welsh National Opera (D) and the British Broadcasting Corporation (BBC): <https://wno.org.uk/take-part/schools/teacher-cpd-days>. P claimed that the course was delivered in English only and that all course material was also in English only.

English only. The registration form for the course did not inform P that a Welsh medium course was available nor did it provide P with the option to choose to attend the Welshmedium course. D therefore failed to “offer” a course in Welsh to P, as was required under standard 80.

### **Commissioner’s Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh National Opera has failed to comply with standard 80.

### **Statement of further action**

Further action was taken following the determination that Welsh National Opera has failed to comply with standard 80.

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

Standard 80: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. When D informs persons of any education course that is available to attend, D must ensure that it makes it known to persons that there is a Welsh medium course available.
2. D must ensure that all education course registration forms include an option for a person to choose to attend a Welsh medium course.
3. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 and 2 have been completed.

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

Flintshire  
County Council

**CS1150** On 10/05/2023 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. This is a complaint about the process of paying Council Tax on-line. Firstly, an allegation that the Welsh language is treated less favourably on the website, and secondly, that the complainant received English text on a receipt from the Council.

23/10/2023

#### **Decision notice given**

The Decision Notice was given to Welsh National Opera on 02/11/2023.

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

No appeal was made to the Tribunal.

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

Standard 47: If an assessment under standard 47 suggests that a document should be produced in Welsh, the Council must ensure that. In this case, part of the receipt was in English only, although the entire document should be in Welsh. This is a failure to comply with standard 47.

Standard 52: Standard 52 requires all pages of the Council's website to be available and fully functional in Welsh, and that the Welsh language should be treated no less favourably on the website. In this case, the complainant's evidence and an internal audit show that there is English text, and inaccurate Welsh, on the Council's on-line Council Tax payment pages. This is an obvious a failure to comply with standard 52.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Flintshire County Council has failed to comply with standard 47 and 52.

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

Further action was taken following the determination that Flintshire County Council has failed to comply with standard 47 and 52.

**Statement on the further action**

Standard 47: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must demonstrate evidence that the receipt in question in the complaint now includes the address in Welsh, and complies fully with standard 47.
  2. The Council must conduct a review of its arrangements for receiving text that has been proofread by its contractors. Action must be taken on the findings of the review to ensure that the Welsh text published complies with the requirements of the standards.
  3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.
- Timetable: Within 3 months of the date of issuing the final determination.

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

1. The Council must review the Council Tax on-line payment pages, and ensure that they comply fully with standard 52. The Council must provide screenshots to me which demonstrate that every page included in the process complies fully with the standard.
2. The Council must correspond with the third party website provider to inform them of this determination, and remind them of the Council's duty to ensure that every

Wrexham  
County Borough  
Council

**CS1114** On 17/02/2023 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to an alleged failure by Wrexham County Borough Council (the Council) to secure appropriate provision at a meeting for the complainant to be able to use Welsh in accordance with his wishes, as he had informed the authority in advance.

23/10/2023

page on its website complies fully with the Welsh language.

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

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

**Decision notice given**

The Decision Notice was given to Flintshire County Council on 23/10/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 24: The requirement under the Standard has two parts. Firstly, if a body invites one person only to a meeting, the body must ask that person if they wish to use the Welsh language in the meeting. Secondly, the body must inform an invited person that the body will provide a translation service from Welsh to English for that purpose if required. Here, although the Council asked the complainant who had been invited to a meeting whether he wished to use the Welsh language at the meeting, the Council has not provided any evidence that they had informed the complainant before the meeting that they would provide a translation service from Welsh to English at that meeting if required. This is a failure to fully comply with Standard 24.

Standard 24A: If a body has invited one person only to a meeting and that person has informed the body that they wish to use the Welsh language at the meeting, the body must arrange for a simultaneous translation service from Welsh to English to be available at the meeting (unless the meeting is conducted in Welsh without the assistance of a translation service). In this case, the complainant informed the Council that he wished to use the Welsh language at the meeting but the Council did not arrange for a formal simultaneous translation service from Welsh to English – provided by a person who was not participating in the meeting – to be available at the meeting, even though the whole meeting had not been held in Welsh. This is a failure to comply with Standard 24A.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 24 and 24A.

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 24 and 24A.

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

Standard 24: Requirement to take action in accordance with section 77 of the Welsh Language Measure



1. The Council must update its procedures for meetings which fall under the requirements of Standard 24 to ensure that the Council informs a person invited to a meeting, before the meeting in question, that they would provide a translation service from Welsh to English at that meeting if required.
2. The Council must amend its staff guidance to ensure that staff take the necessary action under Standard 24.
3. The Council must inform staff and raise awareness of this change to its procedures and of the need to comply with Standard 24.
4. The Council must provide written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

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

Standard 24A: Requirement to take action in accordance with section 77 of the Welsh Language Measure

5. The Council must update its procedures for meetings which fall under the requirements of Standard 24A to ensure that if a body has invited only one person to a meeting, and that person has informed the body that they wish to use the Welsh language at the meeting, it arranges for a formal translation service from Welsh to English to be available at the meeting (if the meeting is

not conducted in Welsh without the assistance of a translation service).

6. The Council must ensure that its staff guidance clearly states which actions need to be taken in order to comply with Standard 24A.

7. The Council must inform staff and raise awareness of this change to its procedures and the need to fully comply with Standard 24A.

8. The Council must ensure that its translation department has the capacity to provide this service in accordance with Standard 24A.

9. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 5 - 8 have been completed.

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

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 23/10/2023.

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

No appeal was made to the Tribunal.

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

Standards 8, 9 and 10: If a person contacts a body on one of its main telephone numbers, standard 8 requires the

Swansea Bay  
University  
Health Board

**CS1082** In 2021-22 and 2022-23, my officers carried out verification surveys of the services provided on Swansea Bay

19/10/2023

University Health Board (D)'s telephone numbers, including the main switchboards at Morriston Hospital (01792 702222), Singleton Hospital (01792 205666) and Neath Port Talbot Hospital (01639 862000). The health board's recruiting and appointing activities were also checked as part of my officers' monitoring work. The results of these surveys led to a suspicion of failure by D to comply with standards 8; 9 and 10 in relation to telephone calls, and standards 106A and 107A in relation to recruiting and appointing. I therefore decided to conduct an investigation under section 71 of the Welsh Language Measure into the suspected failure to comply with these standards.

body to greet that person in Welsh. When checks were made on D's telephone numbers as part of my verification surveys, staff members who answered the call greeted my officer in English only in most instances. Standard 9 places a duty on the body to inform the person that there is a Welsh language service available on the telephone number. There were several instances during my verification surveys, of D failing to inform my officer (in Welsh) that there was a Welsh language service available on the telephone number. Standard 10 requires the body to deal with the call in Welsh if the person so wishes, until such point as it is necessary to transfer the call to a member of staff who does not speak Welsh in order to provide a service on a specific subject matter (if a Welshspeaking member of staff is unavailable to do so). When checks were made of D's telephone numbers as part of my verification surveys, I found a number of instances where D failed to respond to my officer in accordance with the requirements of the standard. In a number of cases, the staff member who answered the call failed to deal with any part of the call in Welsh. In some of those cases, the staff member also transferred the call to another staff member, before the call required them to deal with a "specific subject matter". Standard 10 only allows the member of staff answering the call to transfer the call to someone else when there is a requirement to deal with a "specific subject matter". Neither the evidence of my surveys, the guidance provided by D nor the evidence in the investigation provides me with assurance that D has adequate arrangements in place to ensure that it provides telephone service to persons in a manner that meets the requirements of standards 8, 9 and 10.

Standard 106A: To comply with part (a) of standard 106A, a body must specify in a job advertisement whether it has categorised that position as one where Welsh language skills are essential, desirable or need to be learnt (or not). My verification surveys found that when advertising one post, D failed to designate the category of that post. To comply with part (b) of standard 106A, a body is required to advertise any post — where D has categorised that post as one where Welsh language skills are essential, desirable or need to be learnt — in Welsh. I found 24 cases as part of my verification surveys where D advertised a post (where it was required to be advertised in Welsh) in English.

Standard 107A: If a body publishes the following, standard 107A requires the body to publish them in Welsh—

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

The standard also requires a body to ensure that it does not treat any Welsh versions of the above documents less favourably than English versions of them. As part of my verification surveys, there were 30 instances where D failed to publish relevant material in Welsh in accordance with the requirements of the standard.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Bay University Health Board has failed to comply with standards 8, 9, 10, 106A and 107A.

**Statement of further action**

Further action was taken following the determination that Swansea Bay University Health Board has failed to comply with standards 8, 9, 10, 106A and 107A.

**Statement on the further action**

Standards 8; 9; 10; 106A a 107A: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

o I require Swansea Bay University Health Board (D) to prepare an action plan, for the purpose of preventing the continuation or repetition of D's failure to comply with standards 8; 9; 10; 106A a 107A.

The action plan must include the following information:

o a description of each of the steps D will take to ensure compliance with the standards set out above and to resolve the specific failures and deficiencies identified in the report;

o a timetable for the delivery of each of the steps (including any milestones), with each of the steps in relation to standards:

- 8; 9 and 10 to be undertaken in no more than 12 months from the date the Commissioner approves the plan
- 106A and 107A to be undertaken in no more than 10 months from the date the Commissioner approves the plan;

- o who will be responsible and accountable for implementing each of the actions set out in the plan;
- o who from the Senior Management Team is responsible for scrutinising D's progress against the action plan;
- o a description of the supervisory arrangements adopted to ensure the achievement of the plan;
- o the resources (e.g. funding/staff) needed to carry out each of the actions.

Timetable:

D must produce a first draft of the action plan and provide that draft to the Commissioner within 3 months from the date of publication of the Commissioner's final determination.

By 4 weeks from the date of implementing the final action included in the action plan, D must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out each of the actions in the action plan (by the relevant implementation date for carrying out each individual action). D is expected to prepare and complete the plan in accordance with the general guidance contained in "Advice Document: Guidance for preparing an action plan following a determination of failure to comply with the Welsh language standards."

Standard 8

Amongst other steps, the action plan is expected to include steps to ensure that—

- o D carries out regular checks of its telephone services to ensure that staff answering telephone calls routinely greet persons in Welsh;

- o D amends its switchboard software so that the appropriate greeting is displayed on the operator's screens when answering calls from different queues;
- o D provides Welsh lessons to all staff in the organisation responsible for answering calls to its relevant telephone numbers to ensure that they can greet persons in Welsh in accordance with standard 8 and/or that D ensures that the messages of any automated telephone systems on its relevant telephone numbers greet persons in Welsh in accordance with the standard.

#### Standard 9

Amongst other steps, the action plan is expected to include steps to ensure that—

- o all D's relevant telephone numbers inform persons calling that a Welsh language service is available on the telephone, at all times during the call as expected in accordance with standard 9.

This includes ensuring that D informs callers that a Welsh language service is available on the telephone:

- o at the start of any call (e.g. informing callers via an automated telephone system and/or through the staff member answering the call informing the caller and/or through the staff member immediately starting the conversation through the medium of Welsh), and
- o where a staff member transfers the call to another member of staff (who can provide a service on the specific subject matter in Welsh).
- o if D does not comply with standard 9 in any other way, that D establishes an automated telephone system on the telephone number which informs all callers at the start of the call that a Welsh language service is available on the

telephone, by providing them with the option of receiving a Welsh (or English) language service by pressing a specific number on the telephone.

- o all guidance provided to staff to ensure they are operating in accordance with standard 9 requirements clarifies the steps staff must take in a telephone call in order to fully meet the duties of standard 9.

This includes ensuring that all guidance communicates the following:

- o how and when staff, who answer calls on telephone numbers where the call is answered directly by a staff member (and not by an automated telephone system), must inform persons that there is a Welsh language service available on the telephone (if that is not already clear to the person because the staff member has immediately started the conversation with the person in Welsh),

- o how and when staff must inform callers that a Welsh language service will continue to be available on the telephone when the staff member transfers the call to another member of staff (who is able to provide a service on the specific subject matter of the call in Welsh).

#### Standard 10

Amongst other steps, the action plan is expected to include steps to ensure that—

- o if a person contacts one of D's main telephone numbers, D must deal with the call in Welsh if that is the person's wish until such point as—



- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
  - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.
- This includes ensuring the following if the person wishes D to deal with the call in Welsh:
- o (following giving the initial greeting to the person in Welsh in accordance with standard 8), any other greetings D makes to that person during the call are made in Welsh;
  - o that the member of staff answering the call is able to establish the nature of the call, hold an initial conversation and deal with any query that does not relate to a "specific subjectmatter" (e.g. a general enquiry), in Welsh;
  - o that the call is not transferred by the member of staff answering the call to another member of staff to deal with in Welsh, before the call requires a "specific subject matter" to be dealt with (e.g. a specialist matter);
  - o once the call requires a "specific subject" to be dealt with, and the member of staff answering the call is unable to deal with the specific subject in Welsh themselves, D must check whether there is another member of staff available who can deal with the specific subject matter of the call in Welsh, and if one is available, the call handler transfers the call to the other staff member to deal with the specific subject matter in Welsh.
  - o D ensures that all relevant staff responsible for dealing with Welsh language calls to its relevant telephone numbers have Welsh language skills that enable them to deal with telephone calls in Welsh in accordance with

standard 10 (e.g. by improving the Welsh language skills of existing staff to a level that ensures this).

- o D amends all its procedures, policies and guidelines and other relevant documents relevant to compliance with standard 10 to ensure that all the requirements of standard 10 are clearly and accurately reflected.

This includes, but is not limited to, amending all guidance given to staff to ensure they are operating in accordance with the requirements of standard 10.

#### Standards 106A and 107A

Amongst other steps, the action plan is expected to include steps to ensure that—

- o relevant staff are reminded of the duties of standards 106A and 107A and of how to implement these standards when recruiting for posts.
- o arrangements are put in place to ensure that every job advertisement specifies whether that post is categorised as one where Welsh language skills are essential, desirable or need to be learnt (or not).
- o D puts translation arrangements in place for the purposes of implementing the duty of standard:
  - 106A to advertise posts in Welsh; and
  - 107A to publish material (noted in parts (a)-(ch) of the standard) in Welsh.

#### Safon 106A a 107A: Cyngor yn unol ag adran 77 Mesur y Gymraeg

1. I advise D to identify ways to reduce the need to always translate content into Welsh from scratch (e.g. using translation memory/creating templates/recognising text

**CS1035** 1 On 08/08/2022, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint.

There are three elements to this complaint:

1. An allegation that the Council has used English only road signs (seen on the 6th August);
2. An allegation that information regarding roads that were closed on the Council's Welsh language website was in English only;
3. An allegation that official notices regarding the closure of roads were in English only.

06/10/2023

that can be consistent across different documents, such as job descriptions, so that text only needs to be translated into Welsh once).

#### **Decision notice given**

The Decision Notice was given to Swansea Bay University Health Board on 19/10/2023.

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

No appeal was made to the Tribunal.

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

Standard 52: Standard 52 requires a body to ensure that the pages of its websites and online services are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than English on those pages and services. In this case, there was English only text on the Council's Welsh language website pages. This is a failure to comply with of standard 52.

Standard 61: Standard 61 requires the Council, if it erects a new sign or renews a sign (including temporary signs), to ensure that any text on that sign is displayed in Welsh. A body may either display the Welsh language text on the same sign as the corresponding English language text or on a separate sign. A body must ensure that it does not treat the Welsh language text less favourably than the English language text on such signs. In this case, Ironman has erected English only signs on behalf of the Council. This is a failure to comply with of standard 61.

Standard 69: Standard 69 requires a body to publish official notices in Welsh, and to treat a Welsh language version no less favourably than an English language version. The official notices in question are statutory notices prescribed by an Enactment. As a result, they are exempt from the requirements of standard 69. This does not constitute a failure to comply with standard 69.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and County Council has not failed to comply with standards 69, but that Swansea City and County Council has failed to comply with standards 52 and 61.

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

Further action was taken following the determination that Swansea City and County Council has failed to comply with standards 52 and 61.

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

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

1. The Council must ensure that the whole text on the 'Special events road closures' page is translated into Welsh.
2. The Council must create a guide for the Digital Services responsible for publishing information on the website, which clearly explains the requirements of standard 52. The guide must explain that every web page needs to be fully available in Welsh, and that the Welsh language should be treated no less favourably than the

English language. The Council must ensure that staff responsible for the Welsh language website are fully aware of the requirements of this standard.

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 3 months of the date of issuing the final determination.

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

1. The Council must ensure that external bodies providing a service on its behalf are aware of the requirements of the standards and the need to comply. The Council must conduct a review of its arrangements to enable it to identify a means of ensuring that a third party acting on its behalf acts in a manner which is in accordance with the requirements of the standards.

2. The Council must arrange training for relevant staff in the department responsible for road closures in order to raise their awareness of the fact that the standards still apply when an external body erects signs on behalf of the Council.

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 3 months of the date of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Swansea City and County Council on 06/10/2023.

Bridgend  
County Borough  
Council

**CS1093** On 14/12/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to an alleged change to a policy affecting free school transport by Bridgend County Borough Council (the Council). The complainant alleged that a change to the policy means that the Council is no longer willing to provide free transport for pupils who choose to attend Welsh medium schools in a nearby county, even if that school is the nearest one. The complainant alleges this will result in many families having to stop sending their children to Welsh medium schools. The complainant alleged that a number of pupils living in the Gilfach Goch and Evanstown area (within the Council borough) choose to attend Welsh medium primary and secondary schools in Rhondda Cynon Taf County Borough. The complainant stated that the reason for this is that the schools are closer and more convenient to attend than the nearest Welsh medium schools in the Council Borough and that those

28/09/2023

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 88: Standard 88 requires the Council to consider what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. In this case, the Council's School Admissions policy 2020-2021 was revised but I am not satisfied that the Council has conscientiously considered what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. Although the main consideration behind the revision relates to Welsh medium education, no evidence has been presented that conscientious consideration has been given to these effects. This is a failure to comply with Standard 88.

Standard 89: The policy making standards relate to ways in which bodies consider the impact of their policy decisions on the Welsh language. Standard 89 requires the Council to consider whether the policy decision could be formulated or changed so that it increases the positive effects on the Welsh language. In this case, the Council's School Admissions policy has been revised but I am not satisfied that the Council has given conscientious consideration to how the policy decision could be formulated or changed so that it increases the positive

secondary schools are a natural progression from those pupils' primary school. The complainant alleged that some English medium pupils choose to attend schools over the border for similar reasons. A revised School Admissions policy came into force in September 2022. The complainant alleged that there had been no communication from the Council to inform the families of the change in the policy in question. The complainant also suggested that the same policy does not affect pupils who wish to attend English medium schools over the border in the same way, as the Council continues with the arrangement for pupils who wish to receive English medium education over the border.

effects on the Welsh language. This is a failure to comply with standard 89.

Standard 90: After considering what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably under Standard 88, Standard 90 requires the body make further considerations. The Council had to consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have less adverse effects on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. In this case, the Council's School Admissions policy was revised, however, I am not satisfied that the Council has conscientiously considered how the policy could be changed so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. This is a failure to comply with standard 90.

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

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

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

The Natural  
Resources Body  
for Wales

**CS1109** On 30/01/2023 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint claimed that the complainant (P) had received a letter in English only from the Natural Resources Body for Wales (D). According to P, he also received a phone call from one of D's officers explaining that he was working from home and that it would take more time and money to translate the letter. P was disappointed with the officer's response and wanted an

27/09/2023

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

**Statement on the further action**

Based on Enforcement Action imposed as part of investigation CS098, I have decided not to take further action in this case in accordance with section 78 of the Welsh Language Measure.

**Decision notice given**

The Decision Notice was given to Bridgend County Borough Council on 28/09/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 5: If a body does not know whether a person wishes to receive correspondence from it in Welsh, standard 5 requires it to provide a Welsh version of correspondence when corresponding with that person. On 16 December 2022, one of D's officers sent a letter to P. D did not know whether P wished to receive correspondence from D in Welsh, so D was required under the requirements of standard 5 to provide a Welsh language version of the letter for P's attention on this occasion. However, D sent an English-only letter to P and this amounted to a failure by D to comply with standard 5.



explanation and apology.

Standard 7: In order to comply with standard 7, a body must state in correspondence that it welcomes receiving correspondence in Welsh, that it will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. One of D's officers sent a letter to P on 16 December 2022. The required statement for compliance with standard 7 was missing from the letter sent to P. The officer did not make use of the corporate letter template — which contained the required statement for compliance with the standard — to produce the letter in question. As a result, the officer forgot to include the required statement in the letter sent to P. D's guidance also provides incomplete guidance for staff on how to implement standard 7.

Standard 128 and 129: In order to comply with standard 128, D is required to provide training courses so that its employees develop their awareness of the Welsh language, their understanding of the duty to operate in accordance with the Welsh language standards and their understanding of how the Welsh language can be used in the workplace. Standard 128 places a duty on D to provide these courses to every one of its current employees. However, there is no evidence that D has ensured that all of its employees have been on training courses in accordance with standard 128. There is evidence that D has provided training courses to only a proportion of its employees. Standard 129 requires D to ensure that it provides information to all its new employees to raise their awareness of the Welsh language. D's evidence indicates that D has arrangements to ensure this happens.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Natural Resources Body for Wales has not failed to comply with standards 129, but that The Natural Resources Body for Wales has failed to comply with standards 5, 7 and 128.

**Statement of further action**

Further action was taken following the determination that The Natural Resources Body for Wales has failed to comply with standards 5, 7 and 128.

**Statement on the further action**

Standard 5: Advice in accordance with section 77(4) of the Welsh Language Measure

1. To ensure that officers are reminded to act in accordance with the requirements of the standards relating to correspondence when producing letters, I advise D to remind officers to use corporate letter templates (where they exist and are relevant) to produce letters.
2. I advise D to assess a broad sample of letters sent by D's officers (over a period of 4 weeks after the final determination is published) to ensure they have been sent in Welsh in accordance with the requirements of standard 5.

Standard 7: Advice in accordance with section 77(4) of the Welsh Language Measure

1. I advise D to remind officers to make use of its corporate letter templates (if they exist and are relevant)

to ensure that the required statement for compliance with standard 7 is not omitted from the letters they produce.

2. I advise D to ensure that all letter templates used across the organisation contain a statement that meets the requirements of standard 7.

3. I advise D to amend its guidance to staff to ensure that the statement that staff are instructed to include within correspondence fully meets the requirements of standard 7.

Standard 128: Requirement to take steps in accordance with section 77(3) of the Welsh Language Measure

1. Where an employee has not already been on a training course in accordance with standard 128, D must provide that employee with a course so that they can develop –

- awareness of the Welsh language (including awareness of the history of the language and its role in Welsh culture);

- 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.

2. D must keep a record of the number and percentage of all its employees who have attended a training course provided to comply with standard 128.

3. D must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 and 2.

Timetable: Within 9 months of issuing the final determination.

**Decision notice given**

Rhondda Cynon  
Taf County  
Borough Council

**CS1080** On 10/11/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant attended an engagement meeting with parents in her child's school with a representative from the education department of Rhondda Cynon Taf County Borough Council (the Council) seeking parents' views on school provision. The complainant alleged that the Council officer started the meeting by saying in English – "I will be showing you a PowerPoint presentation in English only but the paper questionnaire at the end of the session is available in Welsh or English. Is everyone happy with this?". The complainant stated that she objected to the meeting being held in English only. The complainant alleged that the Council staff member had responded and said that he could possibly try talking about the presentation bilingually but the meeting was only an hour long so that would not be practical. The complainant

18/09/2023

The Decision Notice was given to The Natural Resources Body for Wales on 27/09/2023.

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 27: If a body invites more than one person to a meeting (which does not relate to the well-being of one or more of the individuals invited), the body must ask each person whether they wish to use the Welsh language at the meeting. In this case, the complainant's child's school invited her to a focus group meeting, on behalf of the Council. The Council has confirmed in its evidence that attendees at this meeting were not asked whether they wished to use the Welsh language at the meeting. This is a failure to comply with Standard 27.

Standard 27A: If a body has invited more than one person to a meeting (which does not relate to the well-being of one or more of the individuals invited), and at least 10% (but less than 100%) of the persons invited have informed the body that they wish to use the Welsh language at the meeting, the body must arrange for a simultaneous translation service from Welsh to English to be available at the meeting. As the Council failed to collect information regarding the preferred language of those invited to the meeting in accordance with Standard 27, the Council did not have information regarding the percentage of attendees who wished to use Welsh to be able to comply with Standard 27A. That constitutes a failure to comply with Standard 27A.

also alleged that a video and slides had been shown in English only, even though links to the video were available in Welsh and English. The complainant stated that she had been given a choice to stay or leave the meeting. The complainant stated that, before agreeing to participate, she had asked the school whether the meeting would be bilingual and the school noted that the D staff member at the meeting spoke Welsh.

Standard 27D: As the Council failed to collect information regarding the preferred language of those invited to the meeting in accordance with Standard 27, the Council did not have information regarding the percentage of attendees who wished to use Welsh to be able to comply with Standard 27D. This constitutes a failure to comply with Standard 27D.

Standard 38: Standard 38 states that any material you display in public must be displayed in Welsh. Here, the Council has confirmed that only English language slides were displayed during the meeting. This is a failure to comply with Standard 38.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Rhondda Cynon Taf County Borough Council has failed to comply with standard 8, 9 and 10.

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

Further action was taken following the determination that Rhondda Cynon Taf County Borough Council has failed to comply with standard 8, 9 and 10.

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

Standard 27: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must ensure that it continues to remind staff of the arrangements for meetings under Standard 27.

2. The Council must ensure that it has a procedure in place so that it reminds any third party of the requirements of standards 27 if arranging meetings on their behalf or at their request.
3. The Council must monitor a sample of 5 meetings per year covered by the requirements of Standard 27 to verify that the arrangements of the meetings in question comply with that Standard.
4. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 - 3 have been completed.  
Timetable: Within 3 months of the date of issuing the final determination.

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

5. The Council must ensure that its procedures and guidelines for staff clearly state the need for slides at relevant meetings to comply with Standard 38.
6. The Council must inform and remind staff of that guidance.
7. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 5 - 6 have been completed.  
Timetable: Within 3 months of the date of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Rhondda Cynon Taf County Borough Council on 18/09/2023.

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

Powys Teaching  
Health Board

**CS1124** In 2021-22 and 2022-23, my officers carried out verification surveys of the services provided on Powys Teaching Health Board (D)'s telephone numbers, including the main switchboards at Llanidloes Hospital (01686 412121), Bronllys Hospital (01874 711255) Montgomeryshire Hospital (01686 617200) and Knighton Hospital (01547 528633). The results of these surveys created suspicion of a failure by D to comply with standards 8; 9 and 10 regarding telephone calls. I therefore decided to conduct an investigation under section 71 of the Welsh Language (Wales) Measure into the suspected failure to comply with these standards.

08/09/2023

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standards 8, 9 and 10: If a person contacts a body on one of its main telephone numbers, standard 8 requires the body to greet that person in Welsh. When checks were made on D's telephone numbers as part of my verification surveys, there were a number of instances where the staff member who answered the call greeted my officer in English only. Standard 9 places a duty on the body to inform the person that there is a Welsh language service available on the telephone number. There were several instances during my verification surveys of D failing to inform my officer (in Welsh) that there was a Welsh language service available on the telephone number. Standard 10 requires the body to deal with the call in Welsh if the person so wishes, until such point as it is necessary to transfer the call to a member of staff who does not speak Welsh in order to provide a service on a specific subject matter (if a Welshspeaking member of staff is unavailable to do so). When checks were made of D's telephone numbers as part of my verification surveys, I found a number of instances where D failed to respond to my officer in accordance with the requirements of the standard. In a number of cases, the staff member who answered the call failed to deal with any part of the call in Welsh. In one case, the staff member also transferred the call to another staff member, before the call required them to deal with a "specific subject matter". Standard 10 only allows the member of staff answering the call to transfer the call to someone else when there is a requirement to deal with a "specific subject matter".

Neither the evidence of my surveys, the guidance provided by D nor the evidence in the investigation provides me with assurance that D has adequate arrangements in place yet to ensure that it provides telephone service to persons in a manner that meets the requirements of standards 8, 9 and 10.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys Teaching Health Board has failed to comply with standard 8, 9 and 10.

### **Statement of further action**

Further action was taken following the determination that Powys Teaching Health Board has failed to comply with standard 8, 9 and 10.

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

Standards 8; 9 and 10: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

- I require Powys Teaching Health Board (D) to prepare an action plan.

I am doing so for the purpose of preventing the continuation or repetition of D's failure to comply with the standards below:

- standards 8; 9; and 10 relating to telephone calls.

The action plan must include the following information:



- a description of each of the steps D will take to ensure compliance with the standards set out above and to resolve the specific failures and deficiencies identified in the report;
- a timetable for the delivery of each of the steps (including any milestones), with each of the steps to be undertaken in not more than 12 months from the date the Commissioner approves the plan;
- who will be responsible and accountable for implementing each of the actions set out in the plan;
- who from the Senior Management Team is responsible for scrutinising D's progress against the action plan;
- a description of the supervisory arrangements adopted to ensure the achievement of the plan;
- the resources (e.g. funding/staff) needed to carry out each of the actions.

Timetable:

D must produce a first draft of the action plan and provide that draft to the Commissioner within 3 months from the date of publication of the Commissioner's final determination.

By 4 weeks from the date of implementing the final action included in the action plan, D must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out each of the actions in the action plan (by the relevant implementation date for carrying out each individual action). D is expected to prepare and complete the plan in accordance with the general guidance contained in "Advice Document: Guidance for preparing an action plan following a

determination of failure to comply with the Welsh language standards."

#### Standard 8

Amongst other steps, the action plan is expected to include steps to ensure that—

- D provides Welsh language lessons to all staff in the organisation responsible for answering calls to its relevant telephone numbers to ensure that they can greet persons in Welsh in accordance with standard 8 and/or that D ensures that the messages of any automated telephone systems on its relevant telephone numbers greet persons in Welsh in accordance with the standard.

#### Standard 9

Amongst other steps, the action plan is expected to include steps to ensure that—

- all D's relevant telephone numbers inform persons calling that a Welsh language service is available on the telephone, at all times during the call as expected in accordance with standard 9.

This includes ensuring that D informs callers that a Welsh language service is available on the telephone:

- at the start of any call (e.g. informing callers via an automated telephone system and/or through the staff member answering the call informing the caller and/or through the staff member immediately starting the conversation through the medium of Welsh), and
- where a staff member transfers the call to another member of staff (who can provide a service on the specific subject matter in Welsh).

- if D does not comply with standard 9 in any other way, that D establishes an automated telephone system on the telephone number which informs all callers at the start of the call that a Welsh language service is available on the telephone, by providing them with the option of receiving a Welsh (or English) language service by pressing a specific number on the telephone.
- all guidance provided to staff to ensure they are operating in accordance with standard 9 requirements clarifies the steps staff must take in a telephone call in order to fully meet the duties of standard 9.

This includes ensuring that all guidance communicates the following:

- how and when staff, who answer calls on telephone numbers where the call is answered directly by a staff member (and not by an automated telephone system), must inform persons that there is a Welsh language service available on the telephone (if that is not already clear to the person because the staff member has immediately started the conversation with the person in Welsh),
- how and when staff must inform callers that a Welsh language service will continue to be available on the telephone when the staff member transfers the call to another member of staff (who is able to provide a service on the specific subject matter of the call in Welsh).

#### Standard 10

Amongst other steps, the action plan is expected to include steps to ensure that—

- if a person contacts one of D's main telephone numbers, D must deal with the call in Welsh if that is the person's wish until such point as—

(a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and

(b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

This includes ensuring the following if the person wishes D to deal with the call in Welsh:

- (following giving the initial greeting to the person in Welsh in accordance with standard 8), any other greetings D makes to that person during the call are made in Welsh;

- that the member of staff answering the call is able to establish the nature of the call, hold an initial conversation and deal with any query that does not relate to a "specific subject" (e.g. a general enquiry), in Welsh;

- that the call is not transferred by the member of staff answering the call to another member of staff to deal with in Welsh, before the call requires a "specific subject" to be dealt with (e.g. a specialist matter);

- once the call requires a "specific subject" to be dealt with, and the member of staff answering the call is unable to deal with the specific subject in Welsh themselves, D must check whether there is another member of staff available who can deal with the specific subject matter of the call in Welsh, and if one is available, the call handler transfers the call to the other staff member to deal with the specific subject in Welsh.

- D ensures that all relevant staff responsible for dealing with Welsh language calls to its relevant telephone

**CS1115** On 20/02/2023 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The

08/09/2023

numbers have Welsh language skills that enable them to deal with telephone calls in Welsh in accordance with standard 10 (e.g. by improving the Welsh language skills of existing staff to a level that ensures this);

- D amends all its procedures, policies and guidelines and other relevant documents relevant to compliance with standard 10 to ensure that all the requirements of standard 10 are clearly and accurately reflected.

This includes, but is not limited to, amending all guidance given to staff to ensure they are operating in accordance with the requirements of standard 10.

Standards 8 to 10

Amongst other steps, the action plan is expected to include steps to ensure that D:

- puts in place arrangements to deal with the lack of confidence and willingness of staff to deliver services in accordance with standards 8 to 10.

#### **Decision notice given**

The Decision Notice was given to Powys Teaching Health Board on 08/09/2023.

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

No appeal was made to the Tribunal.

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

Standard 11: A body must ensure that when a person contacts them on their main telephone number (or numbers), or on any helpline numbers or call centre numbers, the body must deal with the call in Welsh if that

complainant alleges that he telephoned Flintshire County Council (Council) on 20/02/23 on the number 01352 752121, chose the 'Welsh' option and then selected the 'Recycling' option. The complainant explained that he had to wait until the following day before receiving a telephone call in Welsh from a member of the Council's staff. The complainant said: "After calling the council's main number, there is a choice of Welsh or English. After that comes another menu in Welsh which includes pressing 2 for Recycling (if I remember correctly). Then a 'live' person answered with the question 'Do you wish to continue in Welsh?' I didn't see that as fair but I think I replied that even though Welsh would be my first choice I still want to move on with the issue in question. The 'English voice' said that someone would call back. Today (23/02/23) XXX telephoned - in Welsh. She provided an excellent service. She explained that finding Welsh speaking officers was difficult. Although the service I received from XXX was excellent, the same as the Welsh language service I received twice before from XXX – very good again, I felt that the procedure was not acceptable. I ask whether the Council is making sufficient effort to provide a Welsh language service."

is the person's wish until such point as - (a) 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) no Welsh speaking member of staff available to provide a service on that specific subject matter. Here, although the complainant chose the button to receive a telephone service, the call was answered in English. That is a failure to comply with Standard 11.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Flintshire County Council has failed to comply with standard 11.

### **Statement of further action**

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

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

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

1. The Council must raise the awareness of staff dealing with answering telephone calls to the Council's general telephone numbers of the need to be aware to the caller's preferred language at all times.
2. The Council must consider options to see whether there is a better way than the current system to forewarn call handlers that the caller has chosen the Welsh option in order to prevent the failure from happening again.

Carmarthenshire  
County Council

**CS1106** On 19/01/2023, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that the Council's Cabinet reports were in English only on the website.

08/09/2023

3. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 2 have been completed.  
Timetable: Within 4 months of the date of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Flintshire County Council on 08/09/2023.

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

No appeal was made to the Tribunal.

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

Standard 47: If a body produces a document for public use, and no other standard has required it to produce the document in Welsh (e.g. if a body does not have to produce the document in Welsh in accordance with standards 40– 46), it must assess:

- if the subject matter of the document suggests that it should be produced in Welsh, or
- if the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.

In this case, the Council published two documents that were for public use in English only on its website, although the subject matter and the likely audience suggested that the documents should be in Welsh. This is a failure to comply with standard 47.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Carmarthenshire County Council has failed to comply with standard 47.

**Statement of further action**

Further action was taken following the determination that Carmarthenshire County Council has failed to comply with standard 47.

**Statement on the further action**

Standard 47: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must modify its internal arrangements in order to operate in accordance with the correct interpretation of standard 47, and ensure that Cabinet papers are produced in Welsh if they reach the threshold under standard 47.

2. The Council must produce a guide or guidance for its staff explaining the requirements of standard 47 in relation to Cabinet papers, and draw that document to the attention of relevant 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 3 months of the date of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Carmarthenshire County Council on 08/09/2023.

**Appeals made to the tribunal**



Bridgend  
County Borough  
Council

**CS1041** On 18/08/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant's complaint related to the website of Bridgend County Borough Council (Council). The complainant alleged that, although he chose Welsh as a language for the website, that the pages opened on the English version of the website. The complainant also stated that the website reverts to English from the Welsh page. The complainant also stated that there were a number of errors in the Welsh version of the website and within a section where there was a need to register and log in to make Council tax payments, such as 'Allgofnodi' being used instead of 'Mewngofnodi'.

08/09/2023

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 52: Standard 52, requires the Council to ensure that the text of every page of its website is available in Welsh, that all pages in Welsh are fully functional, and that the Welsh language is treated no less favourably than the English language on the website. In this case, there was English text, incorrect information and incorrect Welsh language wording on the Council's tax payment pages. The pages were going to the English language versions repeatedly even after the complainant pressed the Welsh language choice link. This is a failure to comply with Standard 52 as the text of every page on its website did not appear in Welsh and that not every Welsh language page on the website was fully functional.

Standard 56: Standard 56 requires the Council to provide the interface and menus on every page of its website in Welsh. In this case, menus on the pages relating to Council tax payment did not function fully in Welsh. This is a failure to comply with Standard 56 as there were no menus on every page of the Council's website in Welsh.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Bridgend County Borough Council has failed to comply with standard 52, 56 and enforcement action imposed following the Commissioner's investigation CSG432 on 8/5/2019.

**Statement of further action**

Further action was taken following the determination that Bridgend County Borough Council has failed to comply with standard 52, 56 and enforcement action imposed following the Commissioner's investigation CSG432 on 8/5/2019.

**Statement on the further action**

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

1. The Council must create a checking procedure so that the Council's Welsh language website is checked on a monthly basis to ensure that it complies fully with Standard 52. The Council tax payment page must be specifically checked every month as part of this new procedure.
  2. The Council must correct all language errors or English text that appear on the Council tax payment pages. The Council must ensure that qualified translators check the Welsh language on these pages.
  3. The Council must remind all its staff and all third parties working on text input or on maintaining the website of the requirements of Standard 52.
  4. The Council must provide written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.
- Timetable: Within 3 months of the date of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Bridgend County Borough Council on 08/09/2023.

### Welsh Ministers

**CS1048** I received complaints from five individuals. These complaints all met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints.

#### CS1048

A member of staff at the telephone service 119 contacted the Commissioner as the telephone service arrangements had changed and the company that runs the telephone service now wants the Welsh-speaking officers (originally appointed to offer a Welsh language telephone service) to also answer English-language calls. The member of staff was unhappy that a non-Welsh speaking manager was now managing the Welsh speaking officers and that was having an impact on the officers' working language.

#### CS1057

The complainant had to wait for over ten minutes for a response to a telephone call to telephone service 119 after selecting the Welsh option. He did not receive a response in Welsh to his call, only a message to say there was no

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 10: In order to comply with standard 10, the Welsh Ministers needed to ensure that the 119 telephone line deals with calls in Welsh in their entirety. The organisation must ensure that they deal with calls in Welsh in their entirety once they are aware that the caller wishes to use Welsh. The complainant contacted me to express concern that changes had occurred to arrangements for answering the 119 telephone line. The complainant explained that officers appointed to answer Welsh language calls now also answer English language calls. The complainant provided a recording of an automated telephone message on a call on 30/11/2022 which explained that Welsh speakers were not available to answer the call and explaining that callers should call back for a Welsh language service. Test calls showed that a Welsh language service was unavailable on three further occasions. As there was no Welsh telephone service available on the 119 telephone line on more than one occasion – although the caller selected the Welsh language option, the Welsh Ministers failed to comply with standard 10.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standard 10.

### **Statement of further action**

Welsh speaker available. He contacted the service on 26/09/2022.

#### CS1078 and CS1079

Two other members of staff on the 119 telephone service contacted the Commissioner about the changes to the way the telephone service is organised and the negative impact on the members of staff answering Welsh language calls.

#### CS1087

A former HGS member of staff contacted the Commissioner to complain that there was no telephone service available in Welsh when he called on 30/11/2022 at 1 o'clock. When he called the service there was an answering machine message explaining that there was no Welsh language service available. The answer machine message directed callers to press 1 for an English language service or to call back another time

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 10.

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

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

1. The Welsh Ministers must undertake a review of the telephone service available on the 119 telephone line to assess whether the telephone service is available in Welsh in a manner that complies with standard 10.
  2. The Welsh Ministers must undertake a review of the Welsh language skills of the team dealing with calls to the 119 telephone line to assess whether there are adequate Welsh language skills within the team and whether the Welsh language service is available during the hours the telephone service is open.
  3. The Welsh Ministers must act on the results of both reviews to ensure a Welsh language telephone service is available to the public.
  4. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-3 have been completed.
- Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/08/2023.

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

No appeal was made to the Tribunal.

**CS1039** I conducted verification surveys of Cwm Taf Morgannwg University Health Board's telephone services in 2021-22 and 2022-23. The results of these surveys, together with D's self-assessment of its services, led to a suspicion of D's failure to comply with Welsh language standards relating to telephone services. In addition, a potential failure in D's ability to provide services in accordance with the telephone standards created further suspicion of non-compliance with the standards relating to skills assessment, training and recruitment. Based on the above, I decided to conduct an investigation under section 71 of the Welsh Language Measure into the suspicion of a failure by D to comply with the following requirements:

- standards 8; 9; 10; 13 and 16 relating to telephone calls made and received by a body
- standards 96; 99; 100; 101; 102 and 103 relating to a body developing Welsh language skills through planning and training its workforce; and
- standard 106 relating to a body recruiting and appointing.

17/08/2023

### **Commissioner's Findings**

Standard 8, 9 and 10: If a person contacts a body on one of its main telephone numbers, standard 8 requires the body to greet that person in Welsh. Standard 9 places a duty on the body to inform the person that there is a Welsh language service available on the telephone number. Standard 10 requires the body to deal with the call in Welsh if the person so wishes, until such point as it is necessary to transfer the call to a member of staff who does not speak Welsh in order to provide a service on a specific subject matter (if a Welsh speaking member of staff is unavailable to do so). When one of my officers checked the service on the main telephone number of the Princess of Wales Hospital in 2021–22 and the service on the main telephone number of Ysbyty'r Seren in 2022–23, D failed to greet my officer in Welsh (in accordance with standard 8). When one of my officers checked the telephone service on the main telephone numbers of the Royal Glamorgan Hospital and the Princess of Wales Hospital in 2021–22, and the service on the main telephone numbers of Ysbyty Cwm Rhondda and Ysbyty'r Seren in 2022–23, D failed to inform the officer that there was a Welsh service available on the telephone number (in accordance with standard 9). When my officers checked the telephone services on the main telephone numbers of the Royal Glamorgan Hospital, Cwm Cynon, Princess of Wales, Cwm Rhondda, Seren and Prince Charles in 2021–22 and 2022–23, D failed to ensure that the member of staff who answered the call, handled the call in Welsh (in accordance with the requirements of standard 10).

Standard 13: When a body publishes its main telephone numbers, standard 13 requires the body to state (in Welsh) that it welcomes calls in Welsh. On the pages on D's website which advertise D's main telephone numbers, there was no statement included indicating that it welcomed calls on those numbers in Welsh.

Standard 16: Where there is no Welsh language service available on one of D's relevant telephone numbers, standard 16 requires D to inform the person calling, in Welsh (whether by automated message or otherwise) when a Welsh language service will be available. D has no arrangements to ensure that it informs callers when a Welsh language service will be available in accordance with the requirements of the standard.

Standard 96: Standard 96 requires a body to assess the Welsh language skills of its employees. D has no record of the Welsh language skills for almost a quarter (22%) of its employees. It therefore does not have the information necessary to undertake a meaningful assessment of the Welsh language skills of its workforce in accordance with the requirements of the standard.

Standard 99, 100 and 101: 3 Part (b) of standard 99 requires that D must also provide opportunities during working hours for employees who manage others to receive training on using the Welsh language in their role as managers. D confirms that it has not yet developed a training course for the purpose of complying with this element of the standard. Part (a) of standard 99 requires D to provide opportunities during working hours for its

employees to receive basic Welsh language lessons, with standard 100 and 101 requiring D to provide opportunities for employees to receive training, free of charge, to develop and improve their skills in the language. The purpose of these standards is to enable employees to develop their Welsh language skills so that they can undertake their duties through the medium of Welsh. D does "provide opportunities" for employees to receive Welsh language lessons or training, by offering employees the option to receive such lessons or training if they wish. There is therefore no evidence to suggest that D fails to comply with the requirements of part (a) of standard 99, nor standards 100 or 101. However, the number of employees that have been taking advantage of the opportunities provided by the health board through these standards is very low.

Standard 102 and 103: In order to comply with standard 102, D is required to provide training courses so that its employees develop their awareness of the Welsh language, their understanding of the duty to operate in accordance with the Welsh language standards and their understanding of how the Welsh language can be used in the workplace. Standard 102 places a duty on D to provide these courses to every one of its current employees. However, D has provided training courses to only a proportion of its employees, as D has not ensured that the staff responsible for the health board's telephone services have attended a course. Also, the course content that D has been providing in order to comply with standard 102 does not deal with part (c) of the standard, which requires the body to ensure that the training

develops "an understanding of how the Welsh language can be used in the workplace". Standard 103 requires D to ensure that it provides information to all its new employees to raise their awareness of the Welsh language. D arranges for this information to be provided to its new employees through the corporate induction sessions provided at the beginning of their employment with the organisation. There is no evidence that D has ensured that all its new employees have received information in order to raise their awareness of the Welsh language through the induction sessions in question, as D does not collect data on who has received these sessions. I therefore consider that D has not provided the information to all of its new employees, as required by the standard.

Standard 106: When a body assesses requirements for a new or vacant post, standard 106 requires a body to assess the need for Welsh language skills for the post in question. Following this assessment, the standard requires the body to categorise the post according to one of the following categories:

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

The evidence in this investigation highlights that D does not fail in the duty to categorise posts in accordance with one of the above categories. Although D has categorised all posts relating to the provision of telephone services



advertised in the last twelve months in accordance with one of the categories set out in the standard, there is no evidence to confirm that it has given meaningful consideration, and undertaken a meaningful assessment, of the Welsh language skills required for that role, before determining a category for the post.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cwm Taf Morgannwg University Health Board has not failed to comply with standards 100 and 101, but that Cwm Taf Morgannwg University Health Board has failed to comply with standards 8, 9, 10, 13, 16, 96, 99, 102, 103 and 106.

### **Statement of further action**

Further action was taken following the determination that Cwm Taf Morgannwg University Health Board has failed to comply with standards 8, 9, 10, 13, 16, 96, 99, 102, 103 and 106.

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

Standards 8; 9; 10; 13; 16; 96; 99; 100; 101; 102; 103 and 106: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

- I require Cwm Taf Morgannwg University Health Board (D) to prepare an action plan.

I am doing so for the purpose of preventing the continuation or repetition of D's failure to comply with the standards below:

- standards 8; 9; 10; 13 and 16 relating to telephone calls made and received by a body
- standards 96; 99; 100; 101; 102 and 103 relating to a body developing Welsh language skills through planning and training its workforce; and
- standard 106 relating to a body recruiting and appointing.

The action plan must include the following information:

- a description of each of the steps D will take to ensure compliance with the standards set out above and to rectify the specific failures and shortcomings noted in the report;
- a timetable for the delivery of each of the steps (including any milestones), with each of the steps to be undertaken in not more than 12 months from the date the Commissioner approves the plan;
- who will be responsible and accountable for implementing each of the actions set out in the plan;
- who from the Senior Management Team is responsible for scrutinising D's progress against the action plan;
- a description of the supervisory arrangements adopted to ensure the achievement of the plan;
- the resources (e.g. funding/staff) needed to carry out each of the actions.

Timetable:

D must produce a first draft of the action plan and provide that draft to the Commissioner within 3 months from the date of publication of the Commissioner's final determination.

By 4 weeks from the date of implementing the final action included in the action plan, D must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out each of the actions in the action plan (by the relevant implementation date for carrying out each individual action).

D is expected to prepare and complete the plan in accordance with the general guidance contained in "Advice Document: Guidance for preparing an action plan following a determination of failure to comply with the Welsh language standards."

#### Standard 8

Amongst other steps, the action plan is expected to include steps to ensure that—

- D provides Welsh lessons to all health board staff responsible for answering calls to its main telephone numbers to ensure they can greet persons in Welsh in accordance with standard 8;
- D ensures that messages on its automated telephone systems on its main telephone numbers (including the one on the Ysbyty'r Seren telephone number) greet persons in Welsh in accordance with the standard (without persons having to press a button first to receive a Welsh language service).

#### Standard 9

Amongst other steps, the action plan is expected to include steps to ensure that—

- all D's relevant telephone numbers inform persons calling that a Welsh language service is available on the

telephone, at all times during the call as expected in accordance with standard 9.

This includes ensuring that D informs callers that a Welsh language service is available on the telephone:

- at the start of any call (e.g. informing callers via an automated telephone system and/or through the staff member answering the call informing the caller and/or through the staff member immediately starting the conversation through the medium of Welsh), and
  - where a staff member transfers the call to another member of staff (who can provide a service on the specific subject matter in Welsh).
- if D does not comply with standard 9 in any other way, that D establishes an automated telephone system on the telephone number which informs all callers at the start of the call that a Welsh language service is available on the telephone, by providing them with the option of receiving a Welsh (or English) language service by pressing a specific number on the telephone.
- all guidance provided to staff to ensure they are operating in accordance with standard 9 requirements clarifies the steps staff must take in a telephone call in order to fully meet the duties of standard 9.

This includes ensuring that all guidance communicates the following:

- how and when staff, who answer calls on telephone numbers where the call is answered immediately by a staff member (and not by an automated telephone system), must inform persons that there is a Welsh language service available on the telephone (if that is not

already clear to the person because the staff member has immediately started the conversation with the person in Welsh),

- how and when staff must inform callers that a Welsh language service will continue to be available on the telephone as the staff member transfers the call to another member of staff (who is able to provide a service on the specific subject matter of the call in Welsh).

#### Standard 10

Amongst other steps, the action plan is expected to include steps to ensure that—

- if a person contacts one of D's main telephone numbers, D must deal with the call in Welsh if that is the person's wish until such point as—

(a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and

(b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

This includes ensuring the following if the person wishes D to deal with the call in Welsh:

- (following making the initial greeting to the person in Welsh in accordance with standard 8), any other greetings D makes to that person during the call are made in Welsh;
- that the member of staff answering the call is able to establish the nature of the call, hold an initial conversation and deal with any query that does not relate to a "specific subject matter" (e.g. a general enquiry), in Welsh;
- that the call is not transferred by the member of staff answering the call to another member of staff to deal with

in Welsh, before the call requires a "specific subject matter" to be dealt with (e.g. a specialist matter);

- once the call requires a "specific subject matter" to be dealt with, and the member of staff answering the call is unable to deal with the specific subject in Welsh themselves, D must check whether there is a member of staff available who can deal with the specific subject matter of the call in Welsh, and if one is available, the call handler transfers the call to that staff member to deal with the specific subject in Welsh.
- that D ensures that all relevant staff responsible for dealing with Welsh language calls to their main telephone numbers have Welsh language skills that enable them to deal with telephone calls in Welsh in accordance with standard 10 (e.g., by improving the Welsh language skills of existing staff to a level that ensures this).
- all procedures, policies and guidelines and any other documents relevant to compliance with standard 10 reflect all the requirements of standard 10 clearly and accurately.

#### Standard 13

Amongst other steps, the action plan is expected to include steps to ensure that—

- D evaluates and ensures that a statement indicating that D welcomes telephone calls in Welsh is included on all material publishing D's telephone numbers (e.g. websites/ documents/ advertising material/ letters and signs).

#### Standard 16

Amongst other steps, the action plan is expected to include steps to ensure that—

- D puts in place arrangements to inform persons calling, in the situations relevant to standard 16, when a Welsh language service will be available on the telephone number.

#### Standard 96

Amongst other steps, the action plan is expected to include steps to ensure that—

- D has recorded the Welsh language skills of 90% of its employees.
- D puts arrangements in place for the purposes of getting a full record of its employees' Welsh language skills;
- D has a procedure for assessing the Welsh language skills of its employees.
- D uses the information on its employees' Welsh language skills to make meaningful assessments of the language skills of the workforce (for the purpose of ensuring that it is able to deliver services in Welsh in accordance with the standards).

#### Standard 99

Amongst other steps, the action plan is expected to include steps to ensure that—

- o D develops training in accordance with part (b) of the standard, to ensure that it can provide opportunities for employees managing others to receive training on the use of Welsh in their role as managers.
- staff take advantage of the opportunities provided by D in accordance with the standard to receive a basic Welsh lesson (to ensure that staff can carry out their functions in accordance with the Welsh language standards).

#### Safonau 102 a 103

Amongst other steps, the action plan is expected to include steps to ensure that—

- in accordance with standard 102, that D has provided training courses to all of its current employees in order for them to develop –
  - awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
  - 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.
- in accordance with standard 103, that D has provided information to all of its new employees in order to raise their awareness of the Welsh language (by ensuring, for example, that all new employees have been on a Welsh language awareness course that includes this information).
- that D keeps a record of the number and percentage of all its employees who have been on a training course provided to comply with standard 102 and of all of its new employees who have been on a training course provided to comply with standard 103.

#### Standard 106

Amongst other steps, the action plan is expected to include steps to ensure that—

- D has a procedure for assessing the need for Welsh language skills when assessing the requirements of new and vacant posts.
- D undertakes a meaningful assessment of the need for Welsh language skills before designating a category for a



The Open University

**CS1111** On 09/02/2023 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. A student at the university received a message from one of their

17/08/2023

post in accordance with the categories set out in the standard.

- in carrying out an assessment in accordance with the standard, D considers the capacity within the post's area of work to provide a Welsh language service in accordance with the standards and considers whether the post should be advertised as a job where Welsh language skills are essential or need to be learned.

Standards 100 and 101: Advice in accordance with section 76 of the Welsh Language Measure

1. I advise D to put arrangements in place to ensure that its staff take advantage of the opportunities provided by D (in accordance with standards 100 and 101) to take further courses for developing and improving their Welsh language skills (to ensure that staff can carry out their functions in accordance with Welsh language standards)

#### **Decision notice given**

The Decision Notice was given to Cwm Taf Morgannwg University Health Board on 17/08/2023.

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

No appeal was made to the Tribunal.

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

Standard 90: To comply with standard 90 the Open University is required to allow students to submit written work as part of an assignment or exam in Welsh. The university is also required to inform the students of this permission and inform them that the written work will not be treated less favourably than written work submitted to

lecturers which gave a condition that the student would need to submit a dissertation in English. The message stated that "the language of the OU is English". The complainant's complaint created suspicion that the body has not provided training courses to develop its employees' understanding of the need to comply with Welsh language standards.

the body in English. In this case, a member of university staff commented on a document containing the proviso that the complainant's dissertation should be submitted in English. The university presented evidence showing that it had taken steps to comply with standard 90 by including information on the student portal and on a dedicated page for this course. Although the university took steps to comply with standard 90 by informing students that they were permitted to submit written work in Welsh, by giving a proviso to the complainant to submit a dissertation in English, the university did not comply with standard 90 in this case.

Standard 140: In order to comply with standard 140, the university is required to provide training courses so that its employees develop their awareness of the Welsh language, their understanding of the duty to operate in accordance with the Welsh language standards and their understanding of how the Welsh language can be used in the workplace. In this case, the complainant's complaint created suspicion that the university has not provided Welsh language awareness training courses to all its employees. Standard 140 places a duty on the university to provide these courses to all of its employees. The university's evidence showed that it has not ensured that all of its employees have been on training courses in accordance with standard 140, indeed it appears that less than 5% of university staff have attended a Welsh language awareness course since the university came under a duty to comply with the Welsh language standards in 2018.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Open University has failed to comply with standard 90 and 140.

**Statement of further action**

Further action was taken following the determination that The Open University has failed to comply with standard 90 and 140.

**Statement on the further action**

Standard 140 Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

I require the Open University to prepare a draft action plan for the purpose of ensuring that it complies with the requirements of standard 140.

Amongst other steps, the action plan is expected to include steps to ensure that—

- the Open University conducts an audit of its current employees to establish and report on the following:
  - the number of current employees the university has;
  - the number and percentage of those employees who have not been on training courses in accordance with the requirements of standard 140;
- that the university formulates and implements a comprehensive training programme based on the results of the audit in order to provide training courses to all of its employees, who have not yet attended training courses in accordance with standard 140, within the lifetime of the plan;

The draft action plan must include the following information:

- A description of each of the steps the university will take to ensure its compliance with standard 140 by providing courses to each of its employees in order to develop :
  - (a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
  - (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.
- A timetable for undertaking each of the actions (including any milestones) with:
- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (e.g. finance / staff) needed to carry out each of the actions.

The Open University must comply fully with the requirements of standard 140 within 12 months from the date the Commissioner approves the plan;

The Open University is expected to prepare and complete the plan in accordance with the general guidance contained in "Advice Document: Guidance for preparing an action plan following a determination of failure to comply with the Welsh language standards."

Timetable:

The Open University must produce a first draft of the action plan and provide that draft to the Commissioner within 3 months from the date of publication of the

Cardiff Council

**CS1094** On 20/12/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint alleged that paintwork in some of Cardiff's parks is in English only. Examples given by the complainant are the word 'jump' on the floor, and a snake shape with the English alphabet only. The complainant alleges that they have not come across a park in the County with Welsh words at all.

16/08/2023

Commissioner's final determination.

By 4 weeks from the date of implementing the final action in the action plan, the university must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out each of the actions in the action plan.

#### **Decision notice given**

The Decision Notice was given to The Open University on 17/08/2023.

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

No appeal was made to the Tribunal.

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

Standard 61: If a body erects a new sign or renews a sign (including temporary signs), it must ensure that any text displayed on that sign is displayed in Welsh, and the Welsh language must not be treated less favourably. In this case, the Council acknowledges that some playgrounds within the County include English only text on the ground, namely Cae Delyn Park and Grange Gardens. This is a failure to comply with standard 61.

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

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

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

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

**Statement on the further action**

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

1. The Council must find a suitable solution to ensure that English only text does not exist in playgrounds, and make the necessary changes to meet the requirements of standard 61. This is specific to Cae Delyn Park and Grange Gardens, and any other text installed after the imposition date of the standard.

2. The Council must amend its guidance/summary relating to the planning of playgrounds to include a section that clearly explains the requirements of standard 61, and explains that any text, whether on the ground or on a sign, must be in Welsh, and that the Welsh text should not be treated less favourably.

3. The Council must share the revised guidance above with the staff involved in the planning process within the Council's Parks, Sport and Harbour Directorate in order to ensure that they are aware of the requirements.

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

Timetable: Within 6 months of the date of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Cardiff Council on 16/08/2023.

Velindre NHS  
University Trust

**CS1040** I carried out verification surveys of Velindre University NHS Trust (D)'s telephone services in 2021-22 and 2022-23. The results of these surveys, together with D's self-assessment of its services, led to a suspicion of D's failure to comply with the Welsh language standards relating to telephone services. A potential failure in terms of D's ability to provide services in accordance with the telephone standards created further suspicion of non-compliance with the standards relating to skills assessment, training and recruitment. I decided to conduct an investigation under section 71 of the Welsh Language (Wales) Measure into the suspected failure to comply with the following relevant standards:

- standards 8; 9; 10; 13 and 16 relating to telephone calls made and received by a body
- standards 96; 99; 100; 101; 102 and 103 relating to a body developing Welsh language skills through planning and training its workforce; and
- standard 106 relating to a body recruiting and appointing.

15/08/2023

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standards 8, 9 and 10: If a person contacts a body on one of its main telephone numbers, standard 8 requires the body to greet that person in Welsh. When checks were made on D's telephone numbers as part of my verification surveys, there were instances where the staff member who answered the call greeted my officer in English only. Standard 9 places a duty on the body to inform the person that there is a Welsh language service available on the telephone number. There were several instances during my verification surveys, of D failing to inform my officer (in Welsh) that there was a Welsh language service available on the telephone number. Standard 10 requires the body to deal with the call in Welsh if the person so wishes, until such point as it is necessary to transfer the call to a member of staff who does not speak Welsh in order to provide a service on a specific subject (if a Welsh speaking member of staff is unavailable to do so). When checks were made of D's telephone numbers as part of my verification surveys, I found a number of instances where D failed to deal with the call in Welsh in accordance with the requirements of the standard. Neither the evidence of my surveys, the guidance provided by the trust nor the evidence of the investigation gives me assurance that D has adequate arrangements in place to ensure that it provides telephone service to persons in a manner that meets the requirements of standards 8, 9 and 10.

Standard 13: When a body publishes its main telephone numbers, or any numbers it has for helplines or call centre services, standard 13 requires the body to state (in Welsh) that it welcomes calls in Welsh. On some pages on D's websites advertising D's relevant phone numbers, there was no statement included on them which stated (in Welsh) that it welcomed calls in Welsh.

Standard 16: Where there is no Welsh language service available on one of D's relevant telephone numbers, standard 16 requires D to inform the person calling, in Welsh (whether by automated message or otherwise) when a Welsh language service will be available. When one of my officers rang the telephone number of Velindre University NHS Trust as part of my verification surveys, D failed to inform my officer (when there was no Welsh language service available at the time) when the Welsh language service would be available. Also, some of D's guidelines do not accurately reflect the requirements of this standard and lead staff to act contrary to the duty.

Standard 96: Standard 96 requires a body to assess the Welsh language skills of its employees. According to data compiled by D in its latest annual report, D has no record of the Welsh language skills of 15.5% of its employees. D's failure to collect and maintain a full record of the Welsh language skills of all its employees in the organisation means that D lacks the necessary information to undertake a meaningful assessment of the workforce's Welsh language skills in accordance with the requirements of standard 96.



Standard 99, 100 and 101: Part (a) of standard 99 requires D to provide opportunities during working hours for its employees to receive basic Welsh language lessons, with standard 100 and 101 requiring D to provide opportunities for employees to receive training, free of charge, to develop and improve their Welsh language skills. The purpose of these standards is to enable employees to develop their Welsh language skills so that they can undertake their duties through the medium of Welsh. D "provides opportunities" for employees to receive Welsh language lessons or training, by offering employees the option to receive such lessons or training if they wish. There is therefore no evidence to suggest that D fails to comply with the requirements of part (a) of standard 99, 100 or 101. Part (b) of standard 99 requires that D must also provide opportunities during working hours for employees who manage others to receive training on using the Welsh language in their role as managers. There is no evidence to confirm that D has developed a course in compliance with this particular element of the standard.

Standards 102 and 103: In order to comply with standard 102, D is required to provide training courses so that its employees develop their awareness of the Welsh language, their understanding of the duty to operate in accordance with the Welsh language standards and their understanding of how the Welsh language can be used in the workplace. Standard 102 places a duty on D to provide these courses to every one of its current

employees. The evidence in this investigation does not confirm that D has ensured this, and it appears that only a proportion of its current employees have completed a course to date. Standard 103 requires D to ensure that it provides information to all its new employees to raise their awareness of the Welsh language. No information to raise awareness of the Welsh language has been included as part of the induction process for new employees, and as a result, D does not appear to have been meeting the requirement under standard 103 of ensuring that all its new employees receive this information.

Standard 106: When a body assesses requirements for a new or vacant post, standard 106 requires a body to assess the need for Welsh language skills for the post in question. Following this assessment, the standard requires the body to categorise the post according to one of the following categories:

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

The investigation's evidence highlights that D does not always undertake a meaningful assessment of the need for Welsh language skills for a new or vacant post. Although there is evidence to confirm that posts are usually categorised according to one of the categories set out in the standard, D does not always undertake a meaningful assessment of the Welsh language skills required for those posts, before it designates a category for the post.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Velindre NHS University Trust has not failed to comply with standards 100 and 101, but that Velindre NHS University Trust has failed to comply with standards 8, 9, 10, 13, 16, 96, 99, 102, 103 and 106.

**Statement of further action**

Further action was taken following the determination that Velindre NHS University Trust has failed to comply with standards 8, 9, 10, 13, 16, 96, 99, 102, 103 and 106.

**Statement on the further action**

Standards 8; 9; 10; 13; 16; 96; 99; 102; 103 and 106:

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

- I require Velindre University NHS Trust (D) to prepare an action plan.

I am doing so for the purpose of preventing the continuation or repetition of D's failure to comply with the standards below:

- standards 8; 9; 10; 13 and 16 relating to telephone calls made and received by a body
- standards 96; 99; 102 and 103 relating to a body developing Welsh language skills through planning and training its workforce; and
- standard 106 relating to a body recruiting and appointing.

The action plan must include the following information:

- a description of each of the steps D will take for ensuring compliance with the standards set out above and to resolve the specific failures and deficiencies identified in the report;
- a timetable for the delivery of each of the steps (including any milestones), with each of the steps to be undertaken in not more than 12 months from the date the Commissioner approves the plan;
- who will be responsible and accountable for implementing each of the actions set out in the plan;
- who from the Senior Management Team is responsible for scrutinising D's progress against the action plan;
- a description of the supervisory arrangements adopted to ensure the achievement of the plan;
- the resources (e.g. funding/staff) needed to carry out each of the actions.

Timetable:

D must produce a first draft of the action plan and provide that draft to the Commissioner within 3 months from the date of publication of the Commissioner's final determination.

By 4 weeks from the date of implementing the final action included in the action plan, D must provide written evidence to satisfy the Welsh Language Commissioner that it has carried out each of the actions in the action plan (by the relevant implementation date for carrying out each individual action).

D is expected to prepare and complete the plan in accordance with the general guidance contained in "Advice Document: Guidance for preparing an action plan following a determination of failure to comply with the Welsh language standards."

#### Standard 8

Amongst other steps, the action plan is expected to include steps to ensure that—

- D provides Welsh language lessons to all staff responsible for answering calls to its relevant telephone numbers to ensure they can greet persons in Welsh in accordance with standard 8; and/or
- that D ensures that the messages of any automated telephone systems on its relevant telephone numbers greet persons in Welsh in accordance with the standard.

#### Standard 9

Amongst other steps, the action plan is expected to include steps to ensure that—

- all D's relevant telephone numbers inform persons calling that a Welsh language service is available on the telephone, at all times during the call as expected in accordance with standard 9.

This includes ensuring that D informs callers that a Welsh language service is available on the telephone:

- at the start of any call (e.g. informing callers via an automated telephone system and/or through the staff member answering the call informing the caller and/or through the staff member immediately starting the

- conversation through the medium of Welsh), and
- where a staff member transfers the call to another member of staff (who can provide a service on the specific subject matter in Welsh).
- if D does not comply with standard 9 in any other way, that D establishes an automated telephone system on the telephone number which informs all callers at the start of the call that a Welsh language service is available on the telephone, by providing them with the option of receiving a Welsh (or English) language service by pressing a specific number on the telephone.
- all guidance provided to staff to ensure they are operating in accordance with standard 9 requirements clarifies the steps staff must take in a telephone call in order to fully meet the duties of standard 9.

This includes ensuring that all guidance communicates the following:

- how and when staff, who answer calls on telephone numbers where the call is answered directly by a staff member (and not by an automated telephone system), must inform persons that there is a Welsh language service available on the telephone (if that is not already clear to the person because the staff member has immediately started the conversation with the person in Welsh),
- how and when staff must inform callers that a Welsh language service will continue to be available on the telephone when the staff member transfers the call to another member of staff (who is able to provide a service on the specific subject matter of the call in Welsh).

#### Standard 10

Amongst other steps, the action plan is expected to include steps to ensure that—

- if a person contacts one of D's main telephone numbers, D must deal with the call in Welsh if that is the person's wish until such point as—

(a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and

(b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

This includes ensuring the following if the person wishes D to deal with the call in Welsh:

- (following making the initial greeting to the person in Welsh in accordance with standard 8), any other greetings D makes to that person during the call are made in Welsh;
- that the member of staff answering the call is able to establish the nature of the call, hold an initial conversation and deal with any query that does not relate to a "specific subject" (e.g. a general enquiry), in Welsh;
- that the call is not transferred by the member of staff answering the call to another member of staff to deal with in Welsh, before the call requires a "specific subject" to be dealt with (e.g. a specialist matter);
- once the call requires a "specific subject" to be dealt with, and the member of staff answering the call is unable to deal with the specific subject in Welsh themselves, D must check whether there is another member of staff available who can deal with the specific subject matter of

the call in Welsh, and if one is available, the call handler transfers the call to the other staff member to deal with the specific subject in Welsh.

- D ensures that all relevant staff responsible for dealing with Welsh language calls to their relevant telephone numbers have Welsh language skills that enable them to deal with telephone calls in Welsh in accordance with standard 10 (e.g. by improving the Welsh language skills of existing staff to a level that ensures this).
- D amends all its procedures, policies and guidelines and other relevant documents relevant to compliance with standard 10 to ensure that all the requirements of standard 10 are clearly and accurately reflected.

This includes, but is not limited to, amending all guidance given to staff to ensure they are operating in accordance with the requirements of standard 10.

#### Standard 13

Amongst other steps, the action plan is expected to include steps to ensure that—

- D evaluates and ensures that a statement indicating that D welcomes telephone calls in Welsh is included on all webpages and material publishing D's telephone numbers (e.g. websites/documents/advertising material/letters and signs).

#### Standard 16

Amongst other steps, the action plan is expected to include steps to ensure that—

- D puts in place arrangements to inform persons calling, in the situations relevant to standard 16, when a Welsh



language service will be available on the telephone number.

#### Standard 96

Amongst other steps, the action plan is expected to include steps to ensure that—

- D has recorded the Welsh language skills of 100% of its employees.
- D has a robust procedure for assessing the Welsh language skills of its employees.
- D uses the information on its employees' Welsh language skills to make meaningful assessments of the language skills of the workforce (for the purpose of ensuring that it is able to deliver services in Welsh in accordance with the standards).

#### Standard 99

Amongst other steps, the action plan is expected to include steps to ensure that—

- D develops training in accordance with part (b) of the standard, to ensure that it can provide opportunities for employees managing others to receive training on the use of Welsh in their role as managers.
- staff take advantage of the opportunities provided by D in accordance with the standard to receive a basic Welsh lesson (to ensure that staff can carry out their functions in accordance with the Welsh language standards).

#### Standards 102 a 103

Amongst other steps, the action plan is expected to include steps to ensure that—

- in accordance with standard 102, that D has provided training courses to all of its current employees in order for them to develop –
  - awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
  - 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.
- in accordance with standard 103, that D has provided information to all of its new employees in order to raise their awareness of the Welsh language (by ensuring, for example, that all new employees have been on a Welsh language awareness course that includes this information).
- D keeps a record of the number and percentage of all its employees who have been on a training course provided to comply with standard 102 and of all of its new employees who have been on a training course provided to comply with standard 103.

#### Standard 106

Amongst other steps, the action plan is expected to include steps to ensure that—

- D has a procedure for assessing the need for Welsh language skills when assessing the requirements of new and vacant posts.
- D undertakes a meaningful assessment of the need for Welsh language skills before designating a category for a post in accordance with the categories set out in the standard.

**CS1031** On 04/08/2022 I received a complaint from a member of the public about Flintshire County Council (Council), I received further complaints from the same complainant in October and November 2022. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. There are three parts to the

03/08/2023

- in carrying out an assessment in accordance with the standard, D considers the capacity within the post's area of work to provide a Welsh language service in accordance with the standards and considers whether the post should be advertised as a job where Welsh language skills are essential (or need to be learnt).

Standards 100 and 101: Advice in accordance with section 76 of the Welsh Language Measure  
1. I advise that D puts arrangements in place to ensure its staff take advantage of the opportunities provided by D (in accordance with standards 100 and 101) to take further courses to develop and improve their Welsh language skills (to ensure that staff can carry out their functions in accordance with the Welsh language standards).

#### **Decision notice given**

The Decision Notice was given to Velindre NHS University Trust 15/08/2023.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 imposes a requirement on an organisation if they receive any correspondence in Welsh from a person and that person requires a reply, that the organisation must reply in Welsh, unless the person has stated that no reply is required in Welsh. The complainant's e-mail required a reply and that reply needed to be in Welsh. The complainant did not receive any response to his first e-mail to the Council until he sent

complainant's complaint. The complainant alleges that he sent a number of e-mails to the Council in Welsh in June, July and October 2022 and that the complainant had either not received a response or that there was a delay in receiving responses. The complainant alleges that he also received an English only circular from the Council on 10/10/22. Finally, it is alleged that the complainant telephoned the Council on a number of occasions in July, October and November 2022 on the Council's general numbers and failed to receive a Welsh language service.

another e-mail to the Council. It appears that the fact that the complainant's Welsh e-mail had to be sent for translation had contributed to this lack of reply. This is a failure to comply with Standard 1.

Standard 4: In order to comply with standard 4 the Council is required to send a Welsh language version of correspondence at the same time as any English version of it when they correspond with a number of persons. This must be done regardless of the preferred language of the user. In this case, it is clear that the Council sent an English only newsletter to the complainant. On the basis that the Council sends correspondence to several persons in English only without sending the Welsh language version at the same time, this is a failure to comply with Standard 4.

Standard 5: If a body does not know whether a person wishes to receive correspondence in Welsh, when it corresponds with that person, it must provide a Welsh language version of the correspondence. It appears that the Council has registered every person to receive an English language newsletter until they have informed them that they wish to receive a Welsh language newsletter. This is a failure to comply with Standard 5.

Standard 8: A body must ensure when a person contacts them on their main telephone number (or numbers), or on any helpline numbers or call centre numbers, that the caller receives a greeting in Welsh. We have not received evidence from the Council or the complainant specifically about the Council's greetings. In trying the Council's

telephone number, my officer received a bilingual recorded message. Therefore, in the absence of further evidence, I have no reason to consider this Standard further.

Standard 9: When a person contacts a body on their main telephone number (or numbers), or on any helpline numbers or call centre numbers, the body must inform the person that a Welsh language service is available. The Code of Practice confirms that an example of a body 'informing' that a Welsh language telephone service is available includes giving persons that choice by pressing a specific number on the telephone. The complainant has confirmed that, in trying the Council's number, he was given the option to press a number to receive a service in Welsh or in English. This equates to compliance with Standard 9.

Standard 11: A body must ensure that when a person contacts them on their main telephone number (or numbers), or on any helpline numbers or call centre numbers, the body must deal with the call in Welsh if that is the person's wish - (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. The complainant did not receive a Welsh language service during a telephone call to the Council in July, October and November 2022. This is a failure to comply with Standard 11. Furthermore, it appears at the time of submitting the Council's evidence that the Council did not have a full-

time member of staff answering Welsh language telephone calls to the Council's main telephone numbers and that it could not guarantee a Welsh language telephone service from its main telephone numbers. That is a failure to comply with Standard 11.

Standard 17: A body must ensure when there is no Welsh language service available on its main telephone number (or numbers), on any helpline numbers or call centre numbers, that it informs callers (by way of an automated message or otherwise), when a Welsh language service will be available. As the call was subject to the standards, during working hours and the complainant had not arrived at a point in the conversation where he was dealing with a specific subject, standard 17 is not relevant here. The complainant should have received a Welsh language service. Therefore, I do not need to consider the Council's compliance with standard 17 as the standard is not relevant to the circumstances of this complaint.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Flintshire County Council has not failed to comply with standard 8, 9 and 17 but that Flintshire County Council has failed to comply with standard 1, 4, 5 and 11.

### **Statement of further action**

Further action was taken following the determination that Flintshire County Council has failed to comply with standard 1, 4, 5 and 11.

**Statement on the further action**

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

1. The Council must take steps to ensure that any correspondence which comes under Standard 4 and which is sent by the Council to a number of persons is not sent in English only. This includes (but is not limited to) newsletters.

2. The Council must ensure that its correspondence guidelines are amended to ensure that the requirements of standard 4 are clearly explained to staff.

The guidance must explain the following:

- a) What type of correspondence is considered as correspondence that goes to 'a number of persons'.
- b) Correspondence sent to a number of persons should not be sent in English only.

3. The Council must take steps to ensure that they draw the attention of relevant staff to the changes to the guidance.

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

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

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

- 1.Any Action Plan is expected to be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the general guidance contained in the accompanying Advice Document as well.
- 2.Flintshire County Council must prepare a draft action plan for the purpose of ensuring that the Council complies with standard 11 when answering calls to the Council's general telephone numbers.
- 3.The action plan must outline the actions the Council intends to take which will enable it to comply with standard 11 when answering calls to its general telephone numbers.
- 4.The actions within the Action Plan must include a commitment by the Council to:
  - put in place a procedure whereby users who choose a Welsh language service when calling one of the Council's general telephone numbers receive that Welsh language service at all times, in accordance with standard 11.
  - provide guidance or amend existing guidance to all staff dealing with telephone calls to the Council's general numbers on the new procedure;
  - ensure that it has resources to deal with all calls received to general numbers 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.

5.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.
- provide staff with training on the new procedure.

6.The action plan must include the following information:

- who will be responsible and accountable for taking each of the actions in the plan
- ensure that members of the Senior Management Team have a role in scrutinising the Council's progress against that plan.
- a timetable for the delivery of each of the actions within the plan with all of the actions to be completed in no more than 6 months from the date of approving the plan.

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

#### **Decision notice given**

The Decision Notice was given to Flintshire County Council on 03/08/2023.

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

No appeal was made to the Tribunal.

Pembrokeshire  
Coast National  
Park

**CS1139** On 18 April 2023 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claimed that Pembrokeshire Coast National Park had published a magazine which was almost entirely in English. Coast to Coast is the main tourism publication in Pembrokeshire with over a million readers. It is published during Easter and distributed during the main tourism season. The magazine is free and is aimed at tourists as well as residents in the Pembrokeshire area.

27/07/2023

**Commissioner's Findings**

Standard 43: A body must ensure that any brochure, leaflet, pamphlet or card produced in order to provide information to the public is produced in Welsh. Pembrokeshire Coast National Park is responsible for the Coast to Coast magazine which is produced in English. The above constitutes a failure to comply with the requirements of standard 43.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Pembrokeshire Coast National Park has failed to comply with standard 43.

**Statement of further action**

Further action was taken following the determination that Pembrokeshire Coast National Park has failed to comply with standard 43.

**Statement on the further action**

Standard 43: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Pembrokeshire Coast National Park must ensure that every edition of the Coast to Coast magazine is produced in Welsh in the future.

2. Pembrokeshire Coast National Park must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 4 months of issuing the final determination (when work begins on the next edition of the magazine in the autumn).

**CS1110** Between 3/1/2023 and 9/1/2023, I received three complaints from a member of the public. They met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints. I decided to combine the three into a single investigation. The complainant alleges that they received the following from Freedom Leisure:

1. Automatic email message in English only;
2. General email in English only;
3. Phone call in English only.

27/07/2023

#### **Decision notice given**

The Decision Notice was given to Pembrokeshire Coast National Park on 27/07/2023.

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

No appeal was made to the Tribunal.

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

Standard 4: In order to comply with standard 4, any correspondence to several persons must be sent bilingually. In this case, the complainant received two types of correspondence that were being sent to several persons in English only. This is a failure to comply with standard 4.

Standard 21: Standard 21 requires an organisation telephoning an individual for the first time to ask the individual whether they wish to receive telephone calls in Welsh; to keep a record of that; and to conduct telephone calls made to that individual from then on in Welsh. In this case, Freedom Leisure did not ask the complainant at the beginning of the telephone call for his preferred language for receiving telephone calls. This is a failure to comply with standard 21.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 4 and 21.

**Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 4 and 21.

**Statement on the further action**

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

1. The Council must ensure that all Freedom Leisure staff members who provide a service on its behalf attend training explaining how to comply with standard 4. The training must explain that any correspondence to several persons must be sent in Welsh, including any kind of automatic correspondence.

2. The Chief Executive of the Council must remind Freedom Leisure of the requirement stated in its agreement with the company to comply with standard 4, and draw Freedom Leisure's attention to the existing guidance in order to comply with the standard.

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

Timetable: Within 3 months of issuing the final determination.

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

1. The Council must assess Freedom Leisure's procedures to ensure that they have an adequate system that informs staff whether they are telephoning an individual for the first time; and ensure that Freedom Leisure's system for recording preferred language

The Chief  
Constable of  
North Wales  
Police

**CS1086** On 28 November 2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a

27/07/2023

demonstrates clearly which language must be used when telephoning customers in future.

2. The Council must add a section on standard 21 to its guidance on telephone calls and its e-learning training. The Council must ensure that all Freedom Leisure staff members who provide a service on its behalf attend training, and ensure that the training explains clearly that individuals being called for the first time must be asked for their preferred language.

3. The Chief Executive of the Council must remind Freedom Leisure of the requirement stated in its agreement with the company to comply with standard 21, and draw Freedom Leisure's attention to the existing guidance in order to comply with the standard.

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

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 27/07/2023.

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

No appeal was made to the Tribunal.

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

Standard 5: If the body does not know a person's chosen language, it must ensure that it provides a Welsh version of any correspondence that it sends to that person. The Police sent correspondence to the complainant in the

valid complaint. A complaint was received from a member of the public following an arrest on 23/08/2022. With the exception of one interview, all verbal and written communications at the Police Station, Caernarfon are alleged to have been in English only including the 'processes/ rights in custody' document and the release from bail commitments form. It is alleged any conversation held with officers in Caernarfon was with English speaking officers only and the individual was not offered or given the opportunity to discuss the matter with a Welsh speaking officer. In addition, it is claimed that all letters/forms received were in English only.

form of bail documents in English only, although records clearly showed that Welsh was their chosen language. This demonstrates a failure by the Chief Constable of North Wales Police to comply with standard 5.

Standard 26: If a body invites one person to an interview, or if a body requires one person to attend an interview, in order to assist the body with an enquiry (for example as a witness to an incident), or if the person has been arrested the body must ask the person if they wish to use Welsh in the interview. I conclude that the Police in this case had asked the complainant, following the arrest, whether she wished to use the Welsh language at the interview. The complainant's interview was conducted in Welsh. The above constitutes compliance with standard 26.

Standard 26B: If a body invites or requires a person to attend an interview, in order to assist the body with an enquiry (for example as a witness to an event), or if the person has been arrested and the person has informed you that they wish to use the Welsh language, the body must arrange for a translation service from Welsh to English to be available at the interview (unless you conduct the interview in Welsh without the assistance of a translation service). The complainant's interview was conducted in Welsh without the need for a translation service. The above constitutes compliance with standard 26B.

Standard 38: If a body produces a document for public use, it must ensure that the document is produced in Welsh. The complainant received documents in English

only, with the exception of one document, a notice of receipt which she received bilingually. The above constitutes a failure to comply with the requirements of standard 38.

Standard 48: A body must ensure that any form it makes available to the public is produced in Welsh. This includes any written forms, whether they are electronic or in paper form. The complainant received bail forms in English only. The above constitutes a failure to comply with the requirements of standard 48.

Standard 48A: If a body produces a Welsh language version and a separate English language version of a form, it must ensure that the English language version clearly states that the form is also available in Welsh. The complainant provided a copy of the bail forms she received in English from North Wales Police. There was no reference on the forms to the fact that they were also available in Welsh. I am of the view that the above constitutes a failure to comply with the requirements of standard 48A.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Chief Constable of North Wales Police has not failed to comply with standard 26 & 26B but that The Chief Constable of North Wales Police has failed to comply with standard 5, 38, 48 & 48A.

### **Statement of further action**

Further action was taken following the determination that The Chief Constable of North Wales Police has failed to comply with standard 5, 38, 48 & 48A.

**Statement on the further action**

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

1. The Chief Constable of North Wales Police must remind custody staff in writing and orally in training (see 3) of the need to process each individual's language choice by ticking a box on the database to confirm and record the language choice. It is understood that this needs to be done manually.

2. The Chief Constable of North Wales Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 3 months of issuing the final determination.

Standard 48: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. The Chief Constable of North Wales Police must conduct training for custody staff on the new system of form selection. The training will be provided alongside guidance from North Wales Police on how to use the new system.

4. The Chief Constable of North Wales Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 3 has been completed.



The City and  
County of  
Swansea  
Council

**CS1085** On 24/11/2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint claims that the complainant received an English-only

27/07/2023

Timetable: Within 3 months of issuing the final determination.

Standard 48A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
5. The Chief Constable of North Wales Police must ensure that all their English forms clearly state that a Welsh language version of the form is also available. See 8.2 above under 'Interpretations' for ideas for consideration.

6. The Chief Constable of North Wales Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 5 has been completed.

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to The Chief Constable of North Wales Police on 27/07/2023.

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

No appeal was made to the Tribunal.

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

Standard 5: Standard 5 requires a body to send correspondence in Welsh if it is unsure of the customer's preferred language. 3.14 In this case, the Council sent an English-only letter to the complainant, despite being unaware of the complainant's preferred language. 3.15 This is a failure to comply with standard 5.

letter from the Council's Bereavement Services.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The City and County of Swansea Council has failed to comply with standard 5.

**Statement of further action**

Further action was taken following the determination that The City and County of Swansea Council has failed to comply with standard 5.

**Statement on the further action**

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

1. The Council must remind the Bereavement Services department staff of the specific requirements of standard 5, by conducting training for those staff. The Council must emphasise within the training that bilingual correspondence is required if the customer's choice of language is unclear.

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

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to The City and County of Swansea Council on 27/07/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

**CS1059** On 27/09/2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant contacted me after receiving a survey from Transport for Wales. The survey was in Welsh but the email was in English only. In confirming responsibility for the matter the organisation explained that surveys are sent to individuals in their preferred language. The complaint creates suspicion that correspondence such as surveys and newsletters were sent in English to a number of people without sending a Welsh version of the correspondence at the same time.

27/07/2023

### **Commissioner's Findings**

Standard 4: 2 In order to comply with standard 4 Transport for Wales acting on behalf of the Welsh Ministers must send a Welsh version of correspondence at the same time as any English version of it when they send the same correspondence to several persons. This must be done regardless of the customers' language preference. In this case, information provided by the Welsh Ministers created a suspicion that Transport for Wales was sending correspondence to several persons at the same time in English only. The Welsh Ministers' response to the evidence notice confirmed that correspondence to the Sgwrs research panel and Transport for Wales' general newsletter were sent in English only to a number of people. On the basis that Transport for Wales was sending correspondence to several persons in English only, without sending the Welsh version at the same time, I am of the view that the Welsh Ministers did not comply with standard 4.

### **Commissioner's Determination**

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

### **Statement of further action**

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

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

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

1. The Welsh Ministers must take steps to ensure that correspondence Transport for Wales send to several persons is not sent in English only. This includes, (but is not limited to) correspondence to the Sgwrs panel and any newsletters.
2. The Welsh Ministers must ensure that Transport for Wales' correspondence guidance is modified to ensure that standard 4 requirements are clearly explained to staff. The guidelines must explain the following :
  - a) What type of correspondence is considered as correspondence that goes to 'several persons'
  - b) That correspondence which is sent to several persons should not be sent only in English.
3. The Welsh Ministers must take steps to ensure that they draw the attention of relevant staff to the changes to the guidance.
4. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-3 have been completed.

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 27/07/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Vale of  
Glamorgan  
Council

**CS1077** On 08/11/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claimed that he sent an email regarding safeguarding to the Vale of Glamorgan Council (the Council), via srswales@valeofglamorgan.gov.uk, at 5:12pm on 26/10/2022, but that he did not receive a response.

13/07/2023

### **Commissioner's Findings**

Standard 1: Although the complainant's complaint related originally to an allegation of a delay in responding to a Welsh language email, the Council's position is that they responded to the email in question but did so in English as the complainant and the Council were already corresponding with each other in English. The Council should have responded in Welsh to the complainant's Welsh language email. Standard 1 states clearly that a body must ensure that they reply in Welsh (if an answer is required) to any correspondence sent by a person in Welsh, unless the person has indicated that there is no need to reply in Welsh. The fact that the complainant had corresponded previously with the Council in English does not mean that a Welsh reply is not required. The Code of Practice states clearly that an individual's wish to receive correspondence in Welsh may vary in different situations. This is a failure to comply with Standard 1.

### **Commissioner's Determination**

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

### **Statement of further action**

Further action was taken following the determination that Vale of Glamorgan Council has failed to comply with standard 1.

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

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

University of  
South Wales

**CS124** In October 2021 a monitoring survey was carried out of the University of South Wales website (www.decymru.ac.uk) as part of the Commissioner's compliance monitoring programme. As a result of conducting that survey, there is a suspicion that the University does not comply with the standards noted below. The findings of

13/06/2023

1. The Council must remind all their staff of the need to comply with Standard 1.
  2. The Council must explain and remind their staff of users' right to change their language choice and of the Council's duty to respond to the change in language choice.
  3. The Council must consider whether a procedure for recording language choice needs to be developed to ensure that they can update and respond to changes in an user's language choice.
  4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-3 have been completed.
- Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Vale of Glamorgan Council on 13/07/2023.

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

No appeal was made to the Tribunal.

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

Standard 37: In order to comply with standard 37, the University must ensure that when producing any publicity material (including videos) they produce them in Welsh, and that they do not treat the Welsh language version less favourably than the English language version. It is clear from the findings of our monitoring work and in the University's response that there are English-only videos on the University's website and that these videos have not

the monitoring survey found:

- in some cases pages were not available in Welsh at all.
- that not one of 15 pages checked on the University's website complied fully with the requirements of the standards.
- that 2/15 pages checked partly complied with the requirements of the standards.
- that a high number of the website pages checked did not provide an interface and menus in Welsh
- that there were inconsistencies between the content of the Welsh and English pages, with less information and content on the Welsh pages.
- that users were unable to be confident that information published on the website in Welsh is complete.
- that Welsh language users are treated less favourably, for example, there is no live chat option available on some Welsh language pages.

There is also suspicion that the website's situation affects the organisation's ability to comply with other standards too. The verification surveys found:

- that 2/3 of the videos checked on the website were not available in Welsh.
- that 2/3 of the forms checked on the website did not comply with the requirements of the standards.

been produced in Welsh. This is a failure to comply with Standard 37.

Standard 53: The requirements of standard 53 is that any form produced by an organisation for public use or for students must be produced in Welsh. The University has accepted that as Welsh language forms cannot be published on their website, the University is failing to comply with the requirements of standard 53. This is a failure to comply with the requirements of standard 53.

Standard 55: The standard requires that all pages on a website must be available and fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. In this case, the University of South Wales was not providing a website that was fully functional in Welsh. This is a failure to comply with the requirements of standard 55.

Standard 59: The standard requires that a body must provide an interface and menus on every page of their website in Welsh. Menus can include a list of options, items, or commands for the user to choose from (e.g. a drop-down menu which shows a list of possible options). In this case, the interface was not provided in Welsh by the University of South Wales. This is a failure to comply with the requirements of standard 59.

### **Commissioner's Determination**

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

#### Relevant standards

The University has a duty to comply with the standards below, and that was also the case on the date relevant to the complaint:

##### Standard 37

Any publicity or advertising material that you produce must be produced in Welsh, and if you produce the material in Welsh and in English, you must not treat the Welsh language version less favourably than you treat the English language version.

Imposition date: 01/04/2018

##### Standard 53

Any form that you make available to the public or students must be produced in Welsh.

Imposition date: 01/04/2018

##### Standard 55

You must ensure that —

- (a) the text of each page of your website is available in Welsh,
- (b) every Welsh language page on your website is fully functional, and
- (c) the Welsh language is not treated less favourably than the English language on your website.

South Wales has failed to comply with standard 37, 53, 55 and 59.

#### Statement of further action

Further action was taken following the determination that the University of South Wales has failed to comply with standard 37, 53, 55 and 59.

#### Statement on the further action

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

1. The University of South Wales must provide training and guidance to all University staff who produce any publicity material (including videos) on the requirements of the Standards and the need specifically to ensure that publicity material is produced in Welsh, and that these materials do not treat the Welsh language version less favourably than the English language

2. The University of South Wales must review all the videos on their website to ensure that those videos comply with Standard 37.

3. The University of South Wales must provide written evidence that satisfies the Welsh Language Commissioner that enforcement Action 1 and 2 have been completed.

Timetable: Within 6 months of the date of issuing the final determination.

Standard 53: Requirement to take action in accordance with section 77 of the Welsh Language Measure



You must comply with standard 55 in relation to course and subject pages and related content by 31/10/2020.  
Imposition date: 01/10/2019

#### Standard 59

You must provide the interface and menus on every page of your website in Welsh.  
Imposition date: 01/10/2019

Based on the above, I decided to carry out an investigation under section 71 of the Welsh Language Measure to determine whether there was a failure by the University of South Wales to comply with the standards in question.

4. The University of South Wales must review all forms they have on their website for public use or for students and identify which of those forms have not been produced in Welsh.

5. The University of South Wales must take action to ensure that all forms identified at step 1 are produced in Welsh and are available on the University's website in Welsh for users.

6. The University must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.  
Timetable: Within 12 months of the date of issuing the final determination.

Standards 37, 53, 55 and 59: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

The requirement to prepare an action plan below covers the failures seen across those Standards which have been the subject of this investigation.

Any Action Plan is expected to be prepared and completed in accordance with the steps set out in this requirement, and in accordance with the general guidance contained in the accompanying Advice Document as well.

1. The University of South Wales must prepare an action plan for the purpose of ensuring that the University complies with all the Standards which were the subject of this investigation.

2. The action plan must outline the steps the University intends to take which will enable them to comply with Standards 37, 53, 55 and 59 which have been the subject of this investigation and in particular all the changes to the

website that need to be made in order to ensure full compliance with these Standards.

3. The actions within the Action Plan must include the following steps the University will take:

- conduct a full review of its website identifying all sections of the website which currently do not fully comply with the Standards;
- conduct a full review of its arrangements to place new text and amend text on the website in order to ensure that the website and the forms and publicity material on that website comply fully with the Standards which have been the subject of this investigation;
- state how the University intends to make changes to the entire website in order to ensure compliance with the Standards where this investigation has identified a failure to comply;
- provide an explanation of the human and budgetary resources that will be earmarked in order to complete the plan and comply fully with these standards.

4. The action plan must include the following information:

- who will be responsible and accountable for taking each of the actions in the plan
- ensure that members of the Senior Management Team have a role in scrutinising the University's progress against that plan.
- a timetable for the delivery of each of the steps within the plan with all of the steps to be completed, and to have a fully functional website operating in accordance with the Standards in no more than 12 months from the date of approving the plan.

Timetable: The Council must submit a draft action plan in accordance with Section 80 of the Welsh Language

Cardiff and Vale  
University  
Health Board

**CS1063** On 30/09/2023 I received a complaint from a member of the public (P). It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to P's disappointment at not receiving a Welsh language service whilst he was a patient under the care of the health board. P alleges that Cardiff and Vale University Health Board (D) does not have a complete record of the Welsh language skills of its workforce. Without a complete record, P claimed that D does not have the information required to:

- identify the Welsh speaking staff who could be matched with patients who wish to receive their care in Welsh;
- identify whether there are enough Welsh speaking staff in a department (or ward) to ensure that a Welsh language service is available (and plan to

Measure within 3 months of receiving the final decision notice.

**Decision notice given**

The Decision Notice was given to The University of South Wales on 13/06/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 96: Standard 96 requires a body to assess the Welsh language skills of its employees. D does not currently have a record of the Welsh language skills of 10,880 (63.3%) of its employees. D's failure to collect and keep a complete record of the Welsh language skills of all its employees in the organisation means that D does not have the necessary information to carry out a meaningful assessment of the Welsh language skills of the workforce, in accordance with the requirements of standard 96.

07/06/2023

Standards 23 and 23A: Standard 23 makes it a requirement to ask an in-patient ("A") on the first day of A's in-patient admission whether A wishes to use the Welsh language to communicate with you during that in-patient admission. If A informs a body (in response to the offer made in accordance with standard 23 or otherwise) that they wish to use the Welsh language to communicate with the body during their in-patient admission, standard 23A requires a body to identify to staff who are likely to communicate with the patient of their wish to communicate with the body in Welsh during that

increase the number if there is a shortfall).

admission. P's methods of implementing the requirements of standard 23 are to either give an in-patient a form to complete which requires them to confirm their preferred language or that a member of staff asks a patient directly to confirm their preferred language. It is then expected that any information collected regarding a patient's preferred language is transferred and recorded in a patient administration system. There is no full evidence to confirm with certainty that robust processes and arrangements are in place to ensure that the duty of "asking" patients about their language preference is routinely implemented by staff when admitting in-patients. Also, I have no assurance that robust arrangements are in place to ensure that any information collected regarding the language preference of patients (collected via the forms or through staff asking in person about their preferred language) is routinely transferred to the patient administration system (used by D to share the relevant information with staff in accordance with the requirements of standard 23A).

Standard 24: Standard 24 requires a body to produce and publish a policy on how to confirm whether an in-patient wishes to use the Welsh language during their in-patient admission, when that patient cannot inform the body that they wish to use the Welsh language to communicate with the body during an in-patient admission. D did not provide any evidence confirming that D has produced and published a policy that meets the requirements of 24.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has not failed to comply with standard 23A and the enforcement action imposed in investigation CSG798 but that Cardiff and Vale University Health Board has failed to comply with standard 96, 23 and 24.

**Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standard 96, 23 and 24.

**Statement on the further action**

Standard 96: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. In order to be able to conduct an assessment of the Welsh language skills of its employees in accordance with standard 96, D must ensure that:

- it has collected and has a record of the Welsh language skills of 85% of its employees by 31 March 2024;
- it has taken further action by 31 October 2024, for the purposes of ensuring a full record.

This includes ensuring that D:

- puts arrangements in place to make it mandatory for all employees to record their Welsh language skills on the Electronic Staff Record (ESR) within the required time;
- sends a statement to all employees explaining the mandatory arrangements D has put in place, and of any action D will take if employees do not comply;

- sets internal targets (with milestones) for each individual directorate to ensure that all employees within that directorate will have recorded their Welsh language skills within the required time;

- requires managers to ensure that the employees they are responsible for record their Welsh language skills within the required time, and that managers regularly report to senior management on the progress made on achieving that action.

2. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.

Timetable: Within 18 months of the date of issuing the final determination.

Standard 96: Advice in accordance with section 77 of the Welsh Language Measure

1. I advise D to move towards assessing the Welsh language skills of its employees (including collecting and recording those skills) based on the European Framework of Reference for Languages (CEFR).

Standard 23: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must develop robust procedures and processes that ensure that, as part of the patient admission process, staff routinely ask patients about their wish to communicate in Welsh.

2. D must ensure that it has robust arrangements in place to ensure that any information regarding an in-patient's wish to communicate in Welsh (collected via forms or through staff asking the patient directly) is routinely

transferred to the patient administration systems used (to comply with standard 23A).

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

Timetable: Within 6 months of the date of issuing the final determination.

Standard 24: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. D must produce and publish a policy on how to establish whether an in-patient ("A") wishes to use the Welsh language during their in-patient admission when that inpatient cannot inform it that they wish to use the Welsh language to communicate with D during an in-patient admission.

2. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.

Timetable: Within 6 months of the date of issuing the final determination

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 07/06/2023.

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

No appeal was made to the Tribunal.

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

Standard 52: For standard 52, a body must ensure that its website is available and fully functional in Welsh and that

Welsh Language Measure and was therefore a valid complaint. I received a complaint from a member of the public alleging that the Council had a lack of provision of swimming lessons through the medium of Welsh, together with an alleged failure by the Council to provide updates on the development of the complainant's children in swimming lessons on the Council's website in Welsh.

the Welsh language is treated no less favourably than the English language. In this case, some pages on the website were in English only, as it was not possible for the complainant to follow the development of his children in Welsh. This is a failure to comply with of standard 52.

Standard 56: For standard 56, a body must ensure that the interface and menus on every page of its website are in Welsh. In this case, the interface and 'HomePortal' home page were not available in Welsh. This is a failure to comply with of standard 56.

Standard 84: The standard requires the Council to provide swimming lessons in Welsh, unless an assessment of need shows that this is not necessary. It is clear that there is demand for Welsh swimming lessons in the County, however the Council does not currently provide it. This is a failure to comply with standard 84.

Standard 86: When a body develops an education course that is to be offered to the public, it must assess the need for that course to be in Welsh and publish the result of the assessment on its website. The swimming course was last developed in 2020. Freedom Leisure regularly carries out assessments of the need for Welsh swimming lessons, and publishes them on the website. This complies with the requirements of standard 86.

Compliance with enforcement actions from Investigation CSG636: The enforcement action required the Council to



re-advertise the posts of Welsh swimming instructors; to up-skill staff to be able to provide training in Welsh; and to advertise on its website that swimming lessons are available in Welsh. The Council has endeavoured to advertise the posts in more than one way. It has not been successful in trying to appoint a Welsh swimming instructor, so it cannot advertise that Welsh lessons are available. Therefore, there is no failure to comply with these enforcement actions. However, the Council has not sufficiently up-skilled staff so that it could provide the swimming lessons in Welsh. This is a failure to comply with the second enforcement action.

Compliance with enforcement actions from Investigation CSG798: The enforcement action in investigation CSG798 required the Council to check all pages of the Freedom Leisure website; to strengthen the process of proofreading the text of the website before it is published; and to remind Freedom Leisure staff of the requirement to comply with the standards. I received evidence in 2021 that the Council had carried out the requirements of the enforcement actions. Therefore, it has not failed to comply with them. This does not constitute a failure to comply with the enforcement actions.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has not failed to comply with standard 86 and the enforcement action imposed in investigation CSG798 but that Wrexham County Borough Council has

failed to comply with standard 52, 56, 84 and the enforcement action imposed in investigation CSG636.

**Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 52, 56, 84 and the enforcement action imposed in investigation CSG636.

**Statement on the further action**

Standards 52 and 56: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council's Chief Executive must remind Freedom Leisure of the requirement set out in its contract with the company to comply with standards 52 and 56 the relating to the website. The Council must tell Freedom Leisure to specifically draw attention to the HomePortal service where the public can follow the development of their children in the swimming lessons. The Council must ensure that this service and interface is fully available in Welsh.
2. The Council must draw Freedom Leisure's attention to any internal guideline that exists for complying with the standards relating to the website and which were stated in the agreement with he company. If the Council does not have a guide in existence, the Council must produce a specific guide, and provide a guide for Freedom Leisure explaining the requirements of the standards relating to websites that the company is expected to follow.
3. Until Freedom Leisure has the resource to ensure that the Welsh version of the website appears as the Welsh

language standards expect from the Council, the Council itself must proof read the Freedom Leisure website until it finds a better solution.

4. The Council must arrange to meet annually with relevant Freedom Leisure staff. The meeting must be an opportunity for the Council to remind Freedom Leisure of the duty to comply with the Welsh language standards, specifically the website standards. This meeting must be arranged annually until the Council is confident that Freedom Leisure processes are robust in order to fully comply with the standards on the website.

5. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1 - 3.

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

Standard 84: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

Any action plan is expected to be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the general guidance contained in the accompanying Advice Document as well.

1. The Council must prepare a draft action plan for the purpose of ensuring that the Council complies with standard 84.

2. The action plan must outline the actions the Council intends to take which will enable it to it to comply with standard 84 in full.

3. The actions within the action plan must include a commitment by the Council to:

- Continue with its efforts to recruit a Welsh medium swimming instructor so that it can provide Welsh medium swimming lessons in the County in order to meet the demand.
- To initiate/continue discussions with external bodies that may be of assistance in order to comply with the standard, such as the Urdd.
- To liaise with other local authorities in order to identify effective practices which may assist in complying with standard 84.
- Assess the possibility of offering Welsh lessons to the existing swimming instructors, and encourage them to attend them so that they could provide the swimming lessons in Welsh. These Welsh lessons do not have to be during working hours.

4. The action plan must include the following information:

- Who will be responsible and accountable for taking each of the actions in the plan.
- Ensure that members of the Senior Management Team have a role in scrutinising the Council's progress with the plan.
- A timetable for the delivery of each of the actions within the plan with all of the actions to be completed in no more than 6 months from the date of approving the plan.

Timetable: The Council must submit a draft action plan in accordance with section 80 of the Welsh Language Measure within 3 months of the date of issuing the final determination.

Betsi Cadwaladr  
University  
Health Board

**CS1052** On 20/09/2022, I received a complaint from a member of the public (P). It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. P's complaint related to a page on Betsi Cadwaladr University Health Board's (D) website providing information about primary care providers who are willing to provide a primary care service through the medium of Welsh. P alleged that he had not been able to access up to date information about which providers offer which [primary care] services in Welsh. P alleged that D had failed to keep the information on the page [about the primary care providers willing to provide primary care services in Welsh] updated, suggesting that the information on the page had not been updated for 18 months and was, therefore, out of date and incorrect. P also alleged that the information on the page was incomplete suggesting that, although the information on the page states which primary care

07/06/2023

### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 07/06/2023.

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

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

- designate and maintain a page on its website containing that information;

and

- publish that page in Welsh.

Around the time that P visited D's website to see which providers in his area could provide primary care services through the medium of Welsh, some of the text published on some of the relevant webpages was in English only. This was an example of a failure by D to ensure that the relevant page designated to contain the information was published entirely in Welsh. In addition, I consider that the requirement to 'maintain' a page (about primary care providers willing to provide primary care services in Welsh) includes ensuring that D regularly updates the information found on the page, by removing irrelevant information and adding relevant information as and when required. When P visited the page, it appears that the information displayed had not been updated for 18 months. I consider this to be an example of a failure by D

settings (e.g. surgery) are willing to provide primary care services in Welsh, the page does not provide more detailed information about:

- which primary care services are available in Welsh, and
- which individuals (e.g. which dentist) within each of the primary care settings are willing to provide those services in Welsh.

to 'maintain' the page in accordance with the requirements of the standard.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with standard 65.

### **Statement of further action**

Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with standard 65.

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

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

1. D must ensure that any text, on the Welsh language pages designated to comply with standard 65, is available in Welsh. This includes, but is not limited to, ensuring that the pages in question display the addresses of primary care settings (e.g., surgery) in Welsh.

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

Timetable: Within 6 months of issuing the final determination.

### **Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 07/06/2023.

Vale of  
Glamorgan  
Council

**CS1067** On 03/10/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. A complaint was received from a member of the public relating to the application process for a school place for the complainant's child. The complainant alleged that there were weaknesses in the Council's Welsh language service for registering a child in school. A screenshot of the registration page in question was provided which included headings and spaces for information which were in English even though this information was on the Council's Welsh language registration site. The complainant believes that it is essential that this website and the application process are available in Welsh given that Welsh medium schools form part of the registration process. The complainant provided a screenshot of the options provided by Vale of Glamorgan Council on the website for registering for a school place as part of his complaint.

22/05/2023

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standards 52: Standard 52 requires a body to ensure that the pages of its website and its online services are available and fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language on those pages and services. In this matter, Vale of Glamorgan Council has a duty of compliance to ensure that text on all of the Council's service pages is available in Welsh. The Council accepts that there was a failure to provide a fully Welsh website for the registration process in this case. This was due to a failure to check the content that had been in place since 2017. Once this failure was brought to light by the complainant, the Council updated the information immediately preventing the continuation of the failure. However, I consider that the Council's failure to check the software and proof-read the content of the software since 2017 is tantamount to treating the Welsh language less favourably than the English language by allowing basic errors such as English language information on the Council's registration form to be included on the Council's website. Vale of Glamorgan Council acknowledges that it published information in English on its Welsh language website. Once these errors were brought to its attention, the Council made changes to rectify the errors by providing a Welsh language website. A failure to publish information on the Council's website in Welsh at the same time

as the English registration form means that the Welsh language was treated less favourably than the English language in this case. I therefore conclude that Vale of Glamorgan Council has failed to comply with Standard 52.

Standard 55: Standard 55 requires Vale of Glamorgan Council to ensure that any Welsh language web page corresponds to an English language web page and to state this or provide a direct link to the Welsh page on the corresponding English page. I determine that the Council complied with the requirements of standard 55 by providing a Welsh language web page that corresponded to the English language page when registering for a school place for the 2023/24 academic year. However, the Welsh language website, the dropdown menus and the options did not function as planned and this is addressed under the requirements of standard 52 above. In terms of standard 55, I determine that the Council did not fail to provide direct links to the Welsh language registration page on the corresponding English page as is required under standard 55.

Standard 56: Standard 56 requires a body to ensure that the interface and menus on every page of its website are available in Welsh. Menus can include a list of options, items, or commands for the user to choose from (e.g. a drop down menu which shows a list of possible options). The complainant alleged that when registering his child for a place in a Welsh medium school for the 2023/24 academic year, the dropdown menus and the options within them appeared in English on the Welsh language pages. The Council acknowledges that the dropdown



menus and options in question when registering for a school place for the 2023/24 academic year on the Council's Welsh language website were indeed in English. After considering the evidence received, I conclude that not all dropdown menus on the Council's website were available in Welsh at the time of the complaint.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has not failed to comply with standard 55 but that Vale of Glamorgan Council has failed to comply with standard 52 and 56.

### **Statement of further action**

Further action was taken following the determination that Vale of Glamorgan Council has failed to comply with standard 52 and 56.

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

Websites and online services - Standard 52: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Vale of Glamorgan Council must take steps to ensure that the Council's online services are published on its website in Welsh and in English, including dropdown menus and headings on sections of the Council's website and any online forms used by the Council.
2. Vale of Glamorgan Council must review its arrangements and procedures and the way in which it checks and proof-reads websites, online forms and all

registration processes ensuring accuracy and consistency in both the Welsh and English versions of the same document.

3. Following the review detailed in 2 above, I require Vale of Glamorgan Council to prepare a paper on the findings including a section on lessons learned from the review. It must also produce practical advice explaining to staff how to plan and check documents and forms prepared by the Council.

4. Vale of Glamorgan Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 – 3 have been completed.

Timetable: Within three months of issuing the final determination.

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

5. Vale of Glamorgan Council must take steps to ensure that all menus and dropdown menus on the Council's website are published and provided in Welsh before or at the same time as those menus and dropdown menus are published in English.

6. Vale of Glamorgan Council must undertake a full review of its arrangements and the way in which it creates and publishes menus and dropdown menus on its website in general in the context of the Council's compliance with the Welsh Language Standards when publishing documents, menus and dropdown menus for public use. The review should also consider the process for checking and proofreading website content to ensure compliance with the Welsh Language Standards.

The Chief  
Constable of  
South Wales  
Police

**CS1047 and CS1073** On 8 September 2022 (case no. CS1047), and 25 October 2022 (case no. CS1073) I received a complaint from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure and were therefore valid. The complainant claimed he received a response in English in the form of an

22/05/23

7. Following the review detailed in 6 above, I require Vale of Glamorgan Council to prepare a paper on the findings including a section on the lessons learned from the review and the changes that need to be made to the Council's procedures when preparing and checking publications and dropdown menus on the Council's website. The Council must also produce practical advice explaining to staff how to plan and continue to operate in Welsh when providing such services to the public.

8. Vale of Glamorgan Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 5 – 7 have been completed.

Timetable: Within three months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Vale of Glamorgan Council on 22/05/2023.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 requires the Police when they receive any correspondence in Welsh from a person, to reply in Welsh (if an answer is required), unless the person has indicated that there is no need to reply in Welsh. The Police sent correspondence on two occasions that were in English only. The message was sent in the form of an email. This highlights a failure by the Police to comply with standard 1.

email from South Wales Police to correspondence he sent in Welsh on two occasions. In the first case, the complainant sent a series of messages to the Police relating to an accusation made by another individual against him. The messages were sent in Welsh, and he received a response in Welsh to all messages except the last message where he received the following message:

Good evening,  
For that information to be passed to yourself, you will need to apply via the following link.....

In the second case, it appears that the complainant contacted the Police in English following an incident on the 7th of April 2022 by completing an online English form. Subsequent communication between the complainant and the Police was through the medium of Welsh. The complainant received a response in English from the Police on 21 October 2022. The response he received read as follows:

I have been asked to deal with your complaint which you made regarding an

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Chief Constable of South Wales Police has failed to comply with Standard 1.

### **Statement of further action**

Further action was taken following the determination that The Chief Constable of South Wales Police has failed to comply with Standard 1.

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

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

1. The Chief Constable of South Wales Police must provide targeted communication material to raise awareness and understanding of the requirements of standard 1, which is that all communications received in Welsh (except emergency response) must receive a reply in Welsh.
2. The Chief Constable of South Wales Police must ensure that all communications received in Welsh, in whatever form, regardless of the circumstances (other than emergencies) are answered in Welsh to comply with standard 1.
3. The Chief Constable of South Wales Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

incident which occurred on the 7th April 2022. I realise that some time has passed since then and I apologise for that. I do note that you have previously had some correspondence with Sergeant Morgan during which an explanation of the incident was given to you. I am led to believe that you were not happy with this explanation being given to you in English and you requested to be given the explanation in the language of Welsh. This matter was referred to me in August and as I do not speak Welsh I had intended to ask an officer who does speak Welsh to contact you. Due to other duties, I have yet to arrange for this to be done.

I understand that you were not pleased to be woken by police officers, just after midnight, who were making enquiries into the location of a person who did not live at your address. I have been informed that Sergeant Morgan explained to you that the officers had information to say that your address could be a location for this person, but on speaking to you, they negated that line of enquiry. While it was inconvenient for you, the action taken by the officers was in fact reasonable and in line with their duties. The information given by you on that occasion has been

Timetable: Within 4 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to The Chief Constable of South Wales Police on 22/05/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

used to update our systems and this situation will not therefore be repeated.

I am sending this email to you in English as I feel that some communication is better than none and I note that your original complaint was written in English also. Should you still wish to discuss the matter with a Welsh speaker, please let me know and I will ask a Welsh speaking officer to phone you. I will be completing the required documentation and you will receive a notice regarding the outcome of the complaint in the post.

**CS048** On 7 May 2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that Ofcom had awarded a small-scale DAB radio licence (SSDAB) to companies to provide radio services in the Cardiff area although it did not seem that the radio companies would be offering a service that was fully in the Welsh language or offer some hours of Welsh language programming.

17/05/2023

### **Commissioner's Findings**

Standards 84, 85 and 86: Ofcom published its Small-scale DAB Licensing policy statement: How Ofcom will exercise its new functions in April 2020. Standards 84, 85 and 86 place a duty on Ofcom, when formulating, reviewing or revising a policy, to consider the impact on the Welsh language and to consider how this policy could be formulated so that it would have a more positive or less adverse effect on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. In response to the evidence notice, Ofcom confirmed that it had not carried out an assessment of the impact of this policy on the Welsh language as it was of the opinion that the matter was exempt under Section 67 of the Welsh Language

The Office of  
Communications  
(Ofcom)

Measure. I conclude that the matter is not exempt and therefore Ofcom has failed to comply with standards 84, 85 and 86.

Standard 87, 88 and 89: Standards 87, 88 and 89 place a duty on Ofcom to consider and seek views on the potential effects of its policy decision in publishing a consultation document on the policy concerned. Although Ofcom consulted on its policy statement ‘Licensing Small-scale DAB: How Ofcom would exercise new functions proposed by Government’ on 4 July 2019, it did not seek views on the impact of the policy on the Welsh language. In response to the evidence notice, Ofcom confirmed that it had not sought views on the impact of this policy on the Welsh language when consulting on the policy statement as it was of the opinion that the matter was exempt under Section 67 of the Welsh Language Measure. I conclude that the matter is not exempt and therefore Ofcom has failed to comply with standards 87, 88 and 89.

#### **Commissioner’s Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Office of Communications has failed to comply with Standards 84, 75, 86, 87, 88 and 89.

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

Further action was taken following the determination that The Office of Communications has failed to comply with Standards 84, 75, 86, 87, 88 and 89.

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

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

Standard 84, 85 and 86: Requirement to take action in accordance with section 77 of the Welsh Language Measure

The Commissioner has confirmed his interpretation of the provisions of section 67 of the Welsh Language Measure in paragraph 3.17 and 3.18 of the investigation report.

She interprets section 67 of the Welsh Language Measure to mean that if the activity concerned is not in itself broadcasting by broadcasters (or if the activity is carried out in connection with broadcasting only) (e.g. a specific programme broadcasting policy) then the exception under section 67 of the Measure will not apply.

1. As a result of the Commissioner's interpretation of section 67 of the Welsh Language Measure (as set out in paragraph 3.17 and 3.18), Ofcom must conduct a review of its processes and guidance for formulating, reviewing or adapting policies to ensure that it considers the impact of each policy on the Welsh language in accordance with the requirements of standards 84, 85 and 86.

Standard 87, 88 and 89: Requirement to take action in accordance with section 77 of the Welsh Language Measure

2. As a result of the Commissioner's interpretation of section 67 of the Welsh Language Measure (as set out in paragraph 3.17 and 3.18), Ofcom must conduct a review of its processes and guidance for publishing consultation



The Office of  
Communications

**CS1024** On 30/06/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant contacted the Commissioner as he was of the opinion that the Office of Communications' social media accounts including the Instagram and Tiktok accounts do not comply with the Welsh language standards. The complainant also drew my attention to podcasts which were in English only.

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documents when formulating, reviewing or adapting policies to ensure that it considers and seeks views on the impact of each policy upon which it consults, on the Welsh language in accordance with standards 87, 88 and 89.

3. Ofcom must provide written evidence that satisfies the Welsh Language Commissioner that it has completed enforcement actions 1 a 2.

Timetable: Within 12 weeks of issuing the final determination.

**Decision notice given**

The Decision Notice was given to The Office of Communications on 17/05/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 33: In order to comply with standard 33, the Office of Communications needs to ensure, when producing any publicity material, that it produces them in Welsh. In this case, the complainant contacted me as he was dissatisfied that the Office of Communications was producing podcasts in English only. I now understand that the series of podcasts included one Welsh podcast and four in English. As the organisation produced one Welsh language podcast compared to four English podcasts, I determine that the organisation has failed to comply with standard 33 when producing podcasts.

Standard 54: In order to comply fully with standard 54 public bodies must ensure that they do not treat the Welsh language less favourably than the English language when using social media. A members of the public contacted me as he was of the opinion that the organisation's social media accounts including the Instagram and Tiktok accounts, do not comply with the Welsh language standards. Officers' desk-top work and evidence from the Office of Communications demonstrated that it was not customary for the organisation to post messages in Welsh on their social media accounts except on the specific Welsh language Twitter account. As the messages published on the Office of Communications' social media accounts were not all in Welsh, I believe that the organisation treats the Welsh language less favourably than the English language.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Office of Communications has failed to comply with Standards 33 and 54.5, 6 and 7.

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

Further action was taken following the determination that The Office of Communications has failed to comply with Standards 33 and 54.5, 6 and 7.

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

Standard 33: Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

I require the Office of Communications to prepare a draft action plan for the purpose of ensuring compliance with the requirements of standard 33 when producing podcasts.

The draft action plan must include the following information:

- Description of each of the steps the Office of Communications will take to ensure compliance with standard 33 when producing podcasts
- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (e.g. finance / staff) required to carry out each of the actions.

That the Office of Communications complies fully with the requirements of standard 33 when producing podcasts within 9 months of the date of approval of the action plan.

Timetable:

The Office of Communications must produce a first draft of the action plan and submit that draft to the Commissioner within 3 months of the date of publication of the Commissioner's final determination.

Standard 54: Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

I require the Office of Communications to prepare a draft action plan for the purpose of ensuring compliance with the requirements of standard 54 in relation to all its social media accounts.

The draft action plan must include the following information:

- A description of all the steps the Office of Communications will take to ensure that it does not treat the Welsh language less favourably than the English language when publishing content on all its social media accounts.
- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (e.g. finance / staff) required to carry out each of the actions.

The action plan should include taken steps to ensure—

- that the Office of Communications carries out an audit of all its social media accounts, to assess compliance with the requirements of standard 54, and take action if they do not comply
- that the Office of Communications complies fully with the requirements of standard 54 in operating all its social media accounts within 9 months of the date of approval of the action plan.

#### Timetable:

The Office of Communications must produce a first draft of the action plan and submit that draft to the Commissioner within 3 months of the date of publication of the Commissioner's final determination. Any Action Plan is expected to be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the general guidance contained in the accompanying Advice Document as well

Cyngor  
Gwynedd

**CS1002** On 14/04/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleged that she received an English only letter on 06/04/2022 from Gwynedd Council's pensions department (Council). The letter related to the pension of the complainant's late mother. The English only letter was sent back to the Council noting that she would not respond until she received a Welsh letter. I understand that the Council sent a Welsh version of the letter to the complainant on 21/04/2022 but the

10/05/2023

Standard 33: Recommendation to take action in accordance with section 77 of the Welsh Language Measure

I recommend that the Office of Communications takes steps to ensure that, when producing and publishing videos on its social media accounts, the content is produced and published in Welsh at the same time as it publishes corresponding content in English.

#### **Decision notice given**

The Decision Notice was given to The Office of Communications on 11/05/2023.

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

No appeal was made to the Tribunal.

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

Standard 5: Standard 5 requires the Council to send a Welsh language version of correspondence if it does not know whether or not that person wishes to receive correspondence in Welsh. The Council accepts that it sent an English only letter to the complainant although the Council did not have a record of the individual's preferred language. This is a failure to comply with the requirements of a standard.

Standard 6: In order to comply with the requirements of Standard 6, when the Council produces corresponding Welsh and English language versions of correspondence, it must not treat the Welsh language version of the correspondence less favourably than the English language version. The Welsh letter received by the

complainant remained dissatisfied as it appears that the heading and closing greeting of that letter was again in English only. She also noted that the Council had not acknowledged its error with the original letter or offered her an apology for sending her a letter in English only.

complainant from the Council included a heading and a closing greeting in English only as well as language errors. As there were no errors in the English version, the Council was treating the Welsh language less favourably than the English language and therefore failed to comply with Standard 6.

Standard 7: In order to comply with standard 7, the Council needed to ensure that any correspondence included a statement noting that it welcomes receiving correspondence in Welsh, that the Council will reply to correspondence in Welsh and that corresponding in Welsh will not lead to delay. In this case, the Council sent correspondence on two occasions without a statement complying with standard 7.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Gwynedd Council has failed to comply with Standards 5, 6 and 7.

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

Further action was taken following the determination that Gwynedd Council has failed to comply with Standards 5, 6 and 7.

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

Standard 5: Requirement to take action in accordance with section 77 of the Welsh Language Measure  
1. Gwynedd Council must remind staff of the requirements of standard 5 to ensure compliance with the standards.

2. Gwynedd Council must raise staff awareness of any new standard letters that have been created to ensure that staff use the standard letters, if appropriate, at all times.
3. Gwynedd Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.  
Timetable: Within three months of the date of issuing the final determination.

Standard 6: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Gwynedd Council's Pensions Department must take steps to ensure that the template of any standard Welsh letters is correct and does not treat the Welsh language less favourably than the English language.
2. The Council must remind staff of the language improvement training available to those who wish to improve the standard of their written Welsh.
3. The Council must remind staff of language checking resources that can be used by staff and that the Council's translation service is available to them if they need additional assistance to check the standard of their work.
4. Gwynedd Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 - 3 have been completed.  
Timetable: Within three months of the date of issuing the final determination.

Standard 7: Requirement to take action in accordance with section 77 of the Welsh Language Measure

Gwynedd  
Council

**CS102** On 07/12/2021, I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to a decision by the Council to close Ysgol Gynradd Abersoch, and move the pupils to Ysgol Sarn Bach. The complainant alleges that

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1. Gwynedd Council must take steps to ensure that all correspondence sent by the Council includes a statement in accordance with the requirements of standard 7.
  2. As there has been a change in the Council's language policy, the Council must remind staff of the need to include the statement.
  3. The Council must put in place a periodic monitoring and checking procedure in order to check that the Council's correspondence now complies with the requirements of Standard 7 in full.
  4. Gwynedd Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 - 3 have been completed.
- Timetable: Within 3 months of the date of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Gwynedd Council on 10/05/2023.

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

No appeal was made to the Tribunal.

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

Standard 88: In order to comply with standard 88, the Council must identify and consider the possible effects of the proposal, whether positive or adverse, on the opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. The Council's evidence shows that it has given conscious consideration to the possible positive and adverse effects



the Council had not consulted sufficiently or considered the effects of the decision on the Welsh language in the local community.

of the proposal to close Ysgol Abersoch on the Welsh language. This is not a failure to comply with standard 88.

Standard 89: In order to comply with standard 89, the Council must consider how the policy could be formulated so that the policy decision would have positive, or more positive effects on opportunities to use the Welsh language and on not treating the Welsh language less favourable than English. The Council's evidence shows that it has given conscious consideration to how the proposal to close Ysgol Abersoch could be formulated so that it would have positive or more positive effects on the Welsh language. This is not a failure to comply with standard 89.

Standard 90: In order to comply with standard 90, the Council must consider how the policy could be drawn up so that the policy decision would not have adverse effects, or so that it would have less adverse effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. The Council's evidence shows that it has given conscious consideration to how the proposal to close Ysgol Abersoch could be formulated so that it would not have adverse effects, or so that it would have less adverse effects on the Welsh language. This is not a failure to comply with section 90.

Standard 91: In order to comply with standard 91, the Council must consider and seek views in the consultation document regarding the possible effects of the proposal (whether positive or adverse) on opportunities to use the

Welsh language and on not treating the Welsh is less favourable than English. The consultation document considers the possible effects on the Welsh language, but it does not meet the requirement to seek views. There is no question asking the public's views on the possible effects (whether positive or adverse) on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. This is a failure to comply with standard 91.

Standard 92: In order to comply with standard 92, the Council must consider and seek views in the consultation document about how the policy could be formulated so that it would have positive, or more positive, effects on opportunities to use the Welsh and on not treating Welsh less favourably than English. The consultation document considers how the policy could be formulated so that it would have more positive effects, but it does not meet the requirement to seek views. There is no question asking the public's views on how the policy could be formulated so that it would have positive, or more positive, effects on the Welsh language. This is a failure to comply with standard 92.

### **Commissioner's Determination**

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

### **Statement of further action**

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

**Statement on the further action**

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

1. The Council must ensure that, from now on, it meets the requirement to seek public views in consultation documents, on the matters required under standards 91-93.
  2. The Council must add a sentence to its guide 'Language consultation questions' conveying that a general request for comments is not sufficient to satisfy the requirement to seek views under the standards.
  3. The Council must draw the attention of staff who are likely to be responsible for formulating consultation documents to its internal guide, and remind them that it needs to be followed in order to comply with the standards.
  4. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1-3 have been completed.
- Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Gwynedd Council on 09/05/2023.

**Appeals made to the tribunal**

**CS1051** The following information led to suspicion that Public Health Wales (D) has failed to comply with the Welsh Language Standards on its websites.

Complaint CS1051

On 14/09/2022, I received a complaint from a member of the public (P). It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. P's complaint was in relation to the web pages on Public Health Wales' Welsh language website for ordering a sexual health home testing kit, namely the Cymru Chwareus (Frisky Wales) website –

(<https://www.cymruchwareus.org/>).

P claimed that he was forced, contrary to his preferred language, to use English in several ways when using the website.

Screenshots of the website were shared to convey that the site had English-only content as well as web links that led to English-only content. Screenshots which are relevant to this investigation can be found in Appendix A of the report.

Information regarding D's compliance Based on the results of my verification surveys for 2021–22 and 2022–23, there

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No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 39: Standard 39: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Public Health Wales Trust (D) must strengthen its ability to self assess its compliance with standard 39 on its websites, by undertaking annual verification surveys of web pages on all of its websites to ensure that:

- the text of every page is available in Welsh;
- every Welsh language page is fully functional, and
- the Welsh language is not treated less favourably than the English language on those websites.

2. D must strengthen its proofreading process and check the content produced for its websites to ensure that the content of the website will not treat the Welsh language less favourably than the English language. This includes ensuring, before publishing any content on its websites, that D undertakes a thorough check of the content to ensure that:

- any Welsh language text is correct in terms of meaning, expression and syntax;
- text has not been misspelled or mismutated and that there are no typing or formatting errors;
- the text of each page is available in Welsh (including the text of web links, text included in images and text within questionnaires that are published on the website);
- web links direct users to Welsh language content (if the content is available in Welsh);
- web links are fully functional and do not result in an error page;

were further suspicions of D's failure to comply with standard 39 on the following websites:

- Helpa Fi i Stopio (Help Me Quit) website (<https://www.helpafiistopio.cymru/>)
- Public Health Wales' corporate website (<https://icc.gig.cymru/>)

- English language pages include a link to the corresponding Welsh language page (and not back to the homepage or to another section or page);
- content is consistent with the content on the corresponding English pages (e.g. no missing content or content that has not been updated); and
- search boxes on your websites are fully functional in Welsh.

3. D must send an internal statement to all members of staff (and any relevant third party) responsible for producing and publishing content for its websites of the specific failures to comply with standard 39 identified during this investigation.

4. As part of the statement sent in accordance with enforcement action 3, D must include guidance for staff and third parties based on the findings of the investigation on how they should act in order to ensure that further failures, similar to those found during the investigation, happen again in future.

5. As part of the guidance given in accordance with enforcement action 4, D must share with staff and third parties any procedures and guidelines on how to ensure compliance with standard 39 when producing and publishing content for its websites.

6. D must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-5 have been completed.

Timetable: Within 3 months of issuing the final determination.

Standard 39: Advice in accordance with section 77 of the Welsh Language Measure

Swansea City  
and County  
Council

**CS1032** On 21/07/2022, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant, who is a Council staff member, claims that the Council refused his request for Welsh lessons in the workplace. He claimed that no member of staff in his department has been successful in their request for Welsh lessons during this year.

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2. If D, as the national public health agency for the people of Wales, refers to important information (e.g. information about health outbreaks) which is only available to the public in English at that time (e.g. on the NHS England website), I advise D to develop arrangements to enable it to produce a corresponding web page on the Public Health Wales website which includes the same information in Welsh as soon as possible, in order to improve the availability of information in the Welsh language in such a situation (e.g. Monkeypox).

**Decision notice given**

The Decision Notice was given to Public Health Wales NHS Trust on 09/05/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 130: Standard 130 requires the Council to 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.

There was suspicion that the Council had failed to comply with the first part of the standard, but it has become clear that it did not refuse the complainant's request for Welsh lessons, and that it actually provides opportunities for its staff to receive basic Welsh lessons in the workplace. This does not constitute a failure to comply with standard 130.

Standard 131: 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. There is no evidence that the Council has failed to comply with this standard. Information from the Council shows that it provides opportunities for its staff to receive further training to develop their Welsh language skills. This does not constitute a failure to comply with standard 131.

Standard 132: Standard 132 requires the Council to provide training courses for its staff in order to develop 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. In this case, the Council said that it had a course that complies with standard 132, but that it is not a compulsory course for all staff. This is a failure to comply with of standard 132.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and County Council has not failed to comply with standard 130 and 131 but that Swansea City and County Council has failed to comply with standard 55.

### **Statement of further action**

Further action was taken following the determination that Swansea City and County Council has failed to comply with standard 55.

**Statement on the further action**

I have decided, in accordance with section 77 of the Welsh Language Measure to take further action to prevent the continuation or repetition of the failure. Details of the further action are set out below.

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

Any action plan is expected to be prepared and completed in accordance with the guidance set out in the Investigation Report, and in accordance with the general guidance contained in the accompanying Advice Document as well.

1. The Council must prepare a draft action plan for the purpose of ensuring that the Council complies with standard 132.
2. The action plan must outline the actions the Council intends to take which will enable it to comply with standard 132 in full.
3. The actions within the action plan must include a commitment by the Council to:
  - Create and provide appropriate training for staff to develop the elements under standard 132, namely:
    - (a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
    - (b) an understanding of the duty to operate in accordance with the Welsh language standards;



Betsi Cadwaladr  
University  
Health Board

**CS1019** On 21 June 2022 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was therefore a valid complaint. The

13/04/2023

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

- Ensure that the training is provided to all staff as mandatory training on an annual basis so that new and existing staff participate.

- Ensure that it complies fully with standard 132.

4. The action plan must include the following information:

- Who will be responsible and accountable for taking each of the actions in the plan.

- Ensure that members of the Senior Management Team have a role in scrutinising the Council's progress with the plan.

- A timetable for the delivery of each of the actions within the plan with all of the actions to be completed in no more than 6 months from the date of approving the plan.

Timetable: The Council must submit a draft action plan in accordance with section 80 of the Welsh Language Measure within 3 months of the date of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Swansea City and County Council on 09/05/2023.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 is relevant when D receives correspondence in Welsh and must respond in Welsh. An English response was sent on two occasions to P despite their request to receive Welsh responses. D has

complaint was regards correspondence received from Betsi Cadwaladr University Health Board (the Health Board) by the complainant on 15 June 2022 and 21 June 2022 in response to email messages they had sent in Welsh. The complainant alleged that both responses to the Welsh correspondence from the Health Board were in English only. The complainant also requested within the second message that they wanted a Welsh response.

explained that this was due to a one-time error as the member of staff who usually deals with correspondence was off work due to illness, however, it is not the responsibility of one member of staff to ensure the compliance of D with the standards. D states that a presentation was given to administrative staff in May 2021. No copy of the presentation was provided in response to the Evidence Notice. D also explains that the manager of the staff member has developed a Standard Operating Procedure to ensure that any future correspondence receives a bilingual acknowledgement message. The above findings are consistent with a failure to comply with the requirements of standard 1.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with Standard 1.

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

Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with Standard 1.

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

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

1. Betsi Cadwaladr University Health Board must hold training on the full requirements of the standards, including practical arrangements on how to meet the requirements, for Corporate Unit staff members who

**CS106 and CS123(b)** The results of my officers' recent verification surveys of the Betsi Cadwaladr University Health Board (D) telephone services, together with the alleged behaviours highlighted in the complaints below, created suspicion of a

11/04/2023

respond or deal with correspondence on a regular basis. It should be ensured that the training should be included within any induction sessions for new members of staff and that regular update sessions are regularly held.

2. Betsi Cadwaladr University Health Board must develop firm arrangements for responding to Welsh language correspondence so that it is not dependent on individual members of staff. The Board must ensure that arrangements are reliable and avoids any arrangements that are open to human error.

3. Betsi Cadwaladr University Health Board must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 and 2 have been completed within 4 months of publishing the final determination.

Timetable: Within 4 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 13/04/2023.

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

No appeal was made to the Tribunal.

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

Standard 8: When a person contacts D on one of its main telephone numbers, or on any helpline or call centre numbers, standard 8 requires D to greet that person in Welsh. On 27 January 2020 and 1 November 2021, one

failure by D to comply with Welsh language standards relating to telephone services.

#### Complaints

On 14/01/2022, I received a complaint from a member of the public (CS106). I received another complaint from another member of the public on 25/02/2022 (CS123(b)). Both complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints. It was claimed in complaint CS106 that the complainant (P) had failed to receive a Welsh language service when arranging a COVID-19 test. The complaint stated that P contacted telephone number 0300 085 2525 (Referral and Results Hub) on 17 December 2021 and selected the Welsh language option. P noted that he received an English-only reply explaining that the member of staff was unable to speak Welsh. P explained that he was transferred to other numbers, and claimed that he did not receive a Welsh language service on any number. Complaint CS123(b) from another complainant (P) related to the experience she had in contacting Glan Clwyd Hospital's general telephone number

of my officers checked the telephone service on Ysbyty Glan Clwyd's main telephone number (01745 583 910) as part of my verification surveys of D's compliance with the Welsh language standards. In both calls made, the staff member who answered the call greeted my officer in English only. In the case of complaint CS123(b), the complainant contacted Ysbyty Glan Clwyd's main telephone number on 21 February 2022. The complainant claimed she did not receive a Welsh language greeting from the member of staff who answered the telephone. D provided no evidence to show that the greeting in question was made in Welsh. On the basis of the lack of evidence that would have refuted the complainant's claim, and on the basis that my verification surveys have found other instances of failure by D to greet persons in Welsh on this number, I am of the view, on the basis of probability, that it is more likely than not that D failed to greet the complainant in Welsh in this case also.

Standard 9: When a person telephones one of D's relevant telephone numbers, standard 9 requires D to ensure that it informs the person that a Welsh language service is available. On 18 July 2019, 09 September 2019, 27 January 2020 and 01 November 2021, one of my officers checked the telephone service on Ysbyty Glan Clwyd's main telephone number (01745 583 910) as part of my verification of D's compliance with the Welsh language standards. D did not inform the officer that a Welsh language service was available in accordance with the standard in any of the calls made. In complaint CS123(b), the complainant alleged that D did not indicate the availability of a Welsh language service during the call

(01745 583910) at approximately 9:00 on 21 February 2022. P claimed:

- she failed to receive a Welsh language greeting from the member of staff who answered the telephone;
- she requested a Welsh language service from the member of staff and received the response "I'd rather speak in English";
- P asked the member of staff to speak to someone else who could speak Welsh, and the call was passed on to another member of staff. P began speaking to the other member of staff in Welsh and it is alleged that they responded to P by saying "I would rather speak to you in English".

Information on D's compliance with the Welsh language standards

The findings of the verification surveys carried out in 2019–20 and 2021–22 highlighted further suspicions of non-compliance with Welsh language standards on the following telephone numbers:

- Ysbyty Glan Clwyd (01745 583910)
- Ysbyty Llandudno (03000 850 013)

they made to Ysbyty Glan Clwyd's main telephone number on 21 February 2022. D did not meet standard 9's requirement of indicating that a Welsh language service was available on the telephone at all stages of the call that it was expected to do so. D did not inform the complainant at the outset of the call that a Welsh language service was available. It was only as the complainant communicated to the staff member who answered the telephone later on in the call of their dissatisfaction at being unable to receive a telephone service in Welsh, and requesting a Welsh language service, that D informed the complainant that there was a Welsh language service available (and attempted to transfer the complainant to a Welsh speaker). On 01 November 2021, one of my officers made a call to Ysbyty Llandudno's main telephone number as part of my verification surveys. After the officer had selected the Welsh option on the telephone, an automated telephone system routed the call to a staff member who was unable to deal with the officer in Welsh. Despite the officer being referred to someone who was unable to deal with the call in Welsh after having selected the Welsh language option, D failed to ensure that the member of staff to whom they were transferred proceeded to inform the officer that there was a Welsh language service available on the telephone.

Standard 10: When a person contacts a body on its main telephone number (or numbers), or on any helpline numbers or call centre numbers, the body must deal with the call in Welsh if that is the person's wish until such point as –

(a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and

(b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

On 18 July 2019, 9 September 2019, 27 January 2020 and 1 November 2021, one of my officers checked the telephone service on Ysbyty Glan Clwyd's main telephone number (01745 583 910) as part of my verification surveys of D's compliance with the Welsh language standards. D failed to deal with the calls in Welsh in accordance with the requirements of the standard. In complaint CS123(b), the complainant contacted Ysbyty Glan Clwyd's telephone number on 21 February 2022. It was claimed that the member of staff who answered the phone dealt with the complainant in English only, and that the member of staff transferred the call to members of staff who were unable to deal with the call in Welsh. On the basis of the lack of evidence that would have disproved the complainant's claim, and on the basis that my verification surveys have found other instances of a failure by D to deal with calls on this telephone number in Welsh, I am of the view, on the basis of probability, that it is more likely than not that the call handler failed to deal with the complainant's call in Welsh in this case. There is evidence that the member of staff who answered the call transferred the call to someone else in response to the complainant's request to receive a telephone service in Welsh. However, the standard required the staff member who answered the call to deal with (at least the first part of) the call in Welsh, without

having to transfer the call to anyone else. Only if and when it was required to deal with the "specific subject" matter of the call did the standard allow the call to be transferred to anyone else. The call did not require the staff member to deal with a "specific subject" at the point in question, but rather, required them to have an initial conversation with the caller and establish what the nature of the call was. The act of prematurely transferring the call to someone else was therefore, in itself, a failure to comply with the requirements of standard 10. On 1 November 2021, one of my officers telephoned Ysbyty Llandudno's main telephone number as part of my verification surveys. D did not deal with the call in Welsh in accordance with the requirements of the standard. In the case of complaint CS106, the complainant contacted the telephone number of the Referral and Results Hub on 17 December 2021. The complainant claimed that after choosing the Welsh option, a member of staff who answered the telephone dealt with the complainant in English only, and that the member of staff transferred the call to members of staff who were unable to deal with the call in Welsh. Following consideration of the case, after the complainant chose to receive a Welsh language service through the automated telephone system, the call was transferred to a member of staff to deal with the call. The member of staff did not greet the complainant in Welsh and did not deal with the call in Welsh in accordance with the requirements of the standard. The staff member transferred the call to another staff member before there was a need to deal with the "specific subject" of the call. As the call did not require the staff member to deal with a "specific subject" at that point,

the standard did not allow the call to be transferred to anyone else. The transfer of the call was therefore, in itself, an example of a failure by D to comply with the requirements.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with Standards 8, 9 and 10.

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

Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with Standards 8, 9 and 10.

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

Standards 8; 9 and 10: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

1. I require Betsi Cadwaladr University Health Board (D) to prepare an action plan.

This is for the purpose of preventing the continuation or repetition of D's failure to comply with the requirement to comply with standards 8; 9 and 10.

The plan should be prepared and completed in accordance with the general guidance included in "Advice Document: Guidance on preparing an action plan following a determination of a failure to comply with the Welsh language standards."



The action plan must include the following information:

- a description of each of the steps D will take to ensure that, when a person contacts D on their relevant telephone numbers:
- that D greets that person in Welsh, in accordance with standard 8;
- that D informs the person that a Welsh language service is available, in accordance with standard 9;
- that D, in accordance with standard 10, deals with the call in Welsh if that is the person's wish until such point as—
  - (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
  - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.
- a timetable for completing each step (including any milestones), with all steps to be completed within 6 months of the date the Commissioner approves the plan;
- who will be responsible and accountable for completing each step identified in the plan;
- which member of the Senior Management Team will be responsible for scrutinising D's progress against the action plan;
- a description of the overseeing arrangements to be adopted to ensure delivery of the plan;
- the resources (e.g. finance/staff) required to complete each step.

Standard 8

The action plan is expected to include, amongst others, steps to ensure—

- that D raises awareness of all staff responsible for answering calls on its relevant telephone numbers of the health board's duty to greet persons in Welsh in accordance with the requirements of standard 8 and of how and when persons must be greeted in Welsh to ensure compliance with the standard.

D is expected to ensure this by carrying out the following (but not limited to the following):

- providing language awareness training session (which D has arranged as the principal method of ensuring staff are aware of the requirements of standard 8) to all managers and staff who are responsible for ensuring that D greets persons in Welsh on its relevant telephone numbers;
- ensures that 'How to answer the phone' cards (and any other relevant procedures and guidance) have been issued to, and utilised by, all managers and members of staff who are responsible for ensuring that D greets persons in Welsh on its relevant telephone numbers.

#### Standard 9

The action plan is expected to include, amongst others, steps to ensure—

- that all D's relevant telephone numbers inform callers that a Welsh language service is available on the telephone, at every point of the call it is expected to do so in accordance with standard 9.

This includes ensuring that D informs callers that a Welsh language service is available on the telephone:

- at the start of any call (e.g. by informing callers via an automated telephone system and/or by the staff member answering the call informing the caller and/or by the staff member immediately initiating the conversation in Welsh), and
- when a staff member transfers the call to another member of staff (who can provide a service on the specific subject matter of the call in Welsh).
- if D does not comply with standard 9 in any other way, that D establishes an automated telephone system on the telephone number which informs all callers at the start of the call that a Welsh language service is available on the telephone, by providing them with the option of receiving a Welsh (or English) language service by pressing a specific number on the telephone.
- that all guidance provided to staff to ensure they are operating in accordance with the requirements of standard 9 clarifies the steps staff must take in a telephone call in order to fully meet the duties of standard 9.

This includes ensuring that all guidelines communicate the following:

- how and when staff, who answer calls on telephone numbers where the call is answered immediately by a staff member (and not by an automated telephone system), must inform persons that there is a Welsh language service available on the telephone (if that is not already clear to the person because the staff member has started the conversation with the person in Welsh immediately);

- how and when staff must inform callers that a Welsh language service will continue to be available on the telephone, as the staff member transfers the call to another member of staff (who is able to provide a service on the specific subject matter of the call in Welsh).

#### Safon 10

The action plan is expected to include, amongst others, steps to ensure—

- when a person contacts D on one of its relevant telephone numbers, that D ensures it deals with the call in Welsh if that is the person's wish until such a point as—
  - (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
  - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

This includes ensuring the following if the person wishes D to deal with the call in question in Welsh:

- (following making the first greeting to the person in Welsh in accordance with standard 8), that any other greetings D makes to that person during the call are made in Welsh;
- that the staff member answering the call is able to establish the nature of the call, hold an initial conversation and deal with any query that does not relate to a "specific subject matter" (e.g. a general enquiry), in Welsh;
- that D ensures that the call is not transferred by the staff member answering the call to another member of staff to deal with it in Welsh, before the call requires a "specific subject matter" to be dealt with (e.g. a specialist matter);

- once the call requires a "specific subject matter" to be dealt with, and the staff member who answers the call is unable to deal with the specific subject in Welsh themselves, that D checks whether there is a member of staff available who can deal with the specific subject of the call in Welsh, and if one is available, that the staff member transfers the call to that staff member to deal with the specific subject in Welsh.
- that D amends all its procedures, policies and guidelines (and other relevant documents) relevant to compliance with standard 10 to ensure that all requirements of standard 10 are clearly and accurately reflected. This includes, but is not limited to, amending all guidance given to staff to ensure they are operating in accordance with the requirements of standard 10.

**Timetable:**

D must produce an initial draft of the action plan and present it to the Commissioner within 3 months of the publication date of the Commissioner's final determination.

Within 4 weeks of the completion date of the last action included in the action plan, D must provide written evidence that satisfies the Commissioner that it has completed each action in the action plan (by the relevant completion date for each individual action).

**Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 11/04/2023.

**CS1068** On 13/10/2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant contacted the Commissioner after receiving a reply with English appearing first after he had submitted a complaint in Welsh to Transport for Wales. The complainant explained that he had to read through the English before seeing that there was also Welsh language text.

Welsh Ministers

06/04/2023

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 6: 1 Standard 6 requires organisations sending the same correspondence in Welsh and English, not to treat the Welsh version less favourably than the English version. The complainant received an automated email from the Welsh Ministers in response to a complaint he sent to Transport for Wales. The English text appeared first and the complainant could not see that there was Welsh text until after he had read the English version. In order to comply with standard 6 the Welsh Ministers needed to ensure that the recipient could view the Welsh text without having to take extra steps. As the complainant was unable to see the Welsh version of the email when opening it, I am of the view that the Welsh Ministers did not comply with standard 6 in this case.

### **Commissioner's Determination**

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

### **Statement of further action**

On the basis that the Welsh Ministers have taken steps to correct the failure to comply I have decided not to take further action in this case in accordance with section 78 of the Welsh Language Measure.

### **Decision notice given**

Vale of  
Glamorgan  
Council

**CS1036** On 08/08/2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. I received a complaint about an alleged lack of provision of a bilingual birth certificate for individuals who wished to have an English language registration interview with the Council. The complainant and his partner, who are Welsh learners, applied for a birth registration interview with the Council. Neither the complainant nor his partner was confident to conduct this interview in Welsh and therefore, an English appointment was arranged to register the birth. According to the complainant, they were not offered a bilingual birth certificate as the Council assumed (incorrectly) that English was the preferred language of the two as a result of the application for an English registration interview.

06/04/2023

The Decision Notice was given to Welsh Ministers on 06/04/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 42: Standard 42 makes it a requirement for a body to ensure that any licences or certificates produced are produced in Welsh. Due to the requirements of the Births and Deaths Act 1953, the Vale of Glamorgan Council is unable to provide a Welsh-only birth certificate in this situation. Only bilingual or English-only certificates may be provided. The complainant and his partner were given an English-only certificate. They were not given a choice whether they wanted a bilingual or English-only certificate. This is contrary to the requirements of Standard 42, and a failure to comply.

Standard 81: Standard 81 requires a body to promote and advertise any Welsh language service that they provide, and do so in Welsh. 'promote' and 'advertise' 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. In this case, there has been no proactive promotion of the Council's services in Welsh. This is failure to comply with the requirements of standard 81.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has failed to comply with Standards 42 and 81.

**Statement of further action**

Further action was taken following the determination that Vale of Glamorgan Council has failed to comply with Standards 42 and 81.

**Statement on the further action**

Standard 42: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. The Council must amend the procedure for arranging an appointment to register a birth in order to ensure that it is proactive in offering to provide a bilingual birth certificate to all.
2. The Council must raise awareness of contact centre staff about the new procedure in place when arranging a registration appointment, and about the need to ask if it they wish to receive a bilingual certificate or not.
3. Vale of Glamorgan Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 and 2.

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

**Decision notice given**

The Decision Notice was given to Vale of Glamorgan Council on 06/04/2023.



**CS1046 a CS1066** On 30/08/2022 and 04/10/2022 I received complaints from two members of the public. These complaints satisfied the conditions of section 93 of the Welsh Language Measure, and were therefore valid complaints. Both members of the public were dissatisfied that the announcements on Bangor train station were in English only.

Welsh Ministers

06/04/2023

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

No appeal was made to the Tribunal.

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

Standard 87: Standard 87 requires the Welsh Ministers to ensure that announcements over public address systems are made in Welsh and that announcements are heard in Welsh first. Two complainants contacted me after hearing English only audio announcements at Bangor station. The Welsh Ministers confirmed that the audio announcements on the station were not made in Welsh. As the audio announcements made over the public address systems at Bangor station were not made in Welsh, I determine that the Welsh Ministers failed to comply with standard 87 in this instance.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with Standard 87.

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

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

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

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

I require the Welsh Ministers to prepare a draft action plan for the purpose of ensuring compliance with the requirements of standard 87 in relation to all its audio

announcements in the stations which are their responsibility.

The draft action plan must include the following information:

- Description of each of the steps the Welsh Ministers will take to ensure that audio announcements at stations comply with standard 87
- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (e.g. finance / staff / training) required to carry out each of the actions.

The action plan should include taken steps to ensure—

- that the Welsh Ministers carry out an audit of all sound systems on stations to assess compliance with the requirements of standard 87,
- that the Welsh Ministers comply fully with the requirements of standard 87 in making audio announcements on stations which are their responsibility within 9 months of the date of approval of the action plan.

Timetable:

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

### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 06/04/2023.

Flintshire  
County Council

**CS1055** In November 2021, the Commissioner presented the Final Report of investigation CSG803 to Flintshire County Council (the Council) which determined that the Council had failed to comply with Standard 19. The decision notice required the Council to take the specific steps outlined for the purpose of preventing the continuation or repetition of the failure. The Council had to provide evidence that the enforcement action had been completed within 3 months of the date of issuing the final determination. At the request of the Council, an extension of 6 months to 01/09/22 was provided, to complete a specific part of Enforcement Action 1. Following this extended period, a further request was received from the Council for an extension of 5 additional months to fully complete the Enforcement Action. This raised suspicions that the Council had not complied with the requirements of a specific part of the Enforcement Action in compliance notice CSG803 within the timescale or the extension provided.

27/03/2023

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

3.1 This is the enforcement action issued to the Council following investigation CSG803:

Standard 19

Enforcement action

1. Flintshire County Council must undertake the following:

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

Considering compliance with the enforcement action

3.2 When applying for the first extension to complete the specific phase of Enforcement Action 1 in February 2021, the Council said: "Over 2300 employees have direct telephone numbers. We will need to explore existing skills, capacity and resources to ensure effective solutions are in place for these employees. We will also need to review the capabilities of our existing technology and implement new telephony solutions if required. We would like an extension to change our call handling arrangements to allow our services time to implement alternative telephony solutions, such as allowing

customers to choose a language, and to make alternative arrangements within other services. We would like to ask for an extension of 6 months to ensure that all services and employees providing direct dial numbers can fully meet the requirements.”

3.3 In the second application for an extension made on 31/08/22, the Council said: “[...] We have employed a third party who currently provides a bilingual out of hours call answering service for the Council. The provider has agreed, in principle, to provide a Welsh language service for direct dial calls to the Council where an officer does not speak Welsh. We are working with the provider to see how the technical aspects will work e.g. routing calls and any additional arrangements required to put in place to deliver the service. We will also need to communicate important changes to our workforce. We are meeting with the provider in September to progress with our plans and confirm costs. Once agreed, the proposals will need to be submitted to the Chief Officers Team for approval. This means that, unfortunately, our proposal for responding to Welsh language calls through direct dial numbers will not be in place by 1 September 2022. Following approval from the Chief Officers Team, an action plan will be developed setting out the timetable for implementing the proposal. A copy of this action plan will be sent to you as soon as possible.”

3.4 From the Council’s evidence to this investigation, it appears that discussions with the third party began in June 2022. It appears from the request for an extension in February 2022 that the Council was still trying to find an internal solution that would enable compliance with this Standard.

3.5 However, June 2022 is more than 6 months after the Final Report was published. Although I accept that internal work and considerations are required before it is possible to start discussions with a third party, I am concerned that, if it became apparent to the Council that it was going to have to rely on an external service to be able to comply, those discussions had not started earlier. An organisation should consider, when receiving a Proposed Report and therefore before receiving a Final Report, how it would comply with any enforcement action during the time specified for completion. Conscientious consideration should be given to the timescale of any Enforcement Action set out in the Proposed Report. The Council should have informed the Commissioner as part of its comments in response to the Proposed Report if there was a specific reason why the Council would not be able to comply with the proposed Enforcement Action within the time set for completion. It is not acceptable to wait until nearly the last day that the Enforcement Action is due to be completed to request an extension.

3.6 However, from the Council's evidence, it seems to me that investment has now been made in a service that has enabled compliance with the Decision Notice. This service is now live and therefore the Council is able to offer a service to users which is fully compliant with Standard 19.

3.7 I am also pleased to read about the mystery shopper monitoring system that the Council has put in place to evaluate its service and that there are ongoing discussions about continuing with the third party. The work that the Council has developed with Coleg Cambria is also encouraging, and I urge the Council to continue

with that partnership to try to increase the Welsh language skills of its staff.

3.8 However, I would like to make it clear that the Council in its evidence referred to 'published' direct telephone numbers on its website in one part of its response. I would like to remind the Council that Standard 19 includes any direct telephone number available for use by the public. This may include numbers published on the Council's website but also numbers specified in a letter header to the public or as part of contact details in an externally-delivered email signature. I trust that the Council has made specific arrangements with the third party that cover all those implications.

Determination of whether there has been a failure to comply with a Decision Notice of investigation CSG803

3.9 I determine that the Council has failed to comply with the Decision Notice within the extended timeframe provided to complete Enforcement Action 1 in full.

3.10 However, it must be noted that the Council's evidence shows that an arrangement has now been ensured which means that it can comply with Standard 19 and the Decision Notice of Investigation CSG803.

However, I ask the Council to continue to evaluate its service regularly and to ensure that the arrangement with the third party is purposeful, covering all the implications of standard 19.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Flintshire County Council has failed to comply with the Decision

Notice of Investigation CSG803.

**Statement of further action**

Further action was taken following the determination that Flintshire County Council has failed to comply with the Decision Notice of Investigation CSG803.

**Statement on the further action**

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

1. The Council must have a procedure whereby if an investigation is conducted by the Welsh Language Commissioner, conscientious consideration is given to the timetable of any Enforcement Action imposed by the Commissioner in the Proposed Report. The Council should carefully consider the timetable and inform the Commissioner as part of its comments in response to the Proposed Report if there is a specific reason why the Council is not be able to comply with the proposed Enforcement Action within the time set for completion.
  2. The Council must produce a guideline for relevant staff where, if the Commissioner imposes Enforcement Actions, a procedure is in place to ensure that the Actions are completed in accordance with the timetable.
  3. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 - 2 have been completed.
- Timetable: Within 3 months of the date of issuing the final determination.

Recommendation in accordance with section 77 of the Welsh Language Measure

Welsh Ministers

**CS1033** On 29/07/2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant submitted a complaint regarding the fact that the language choice 'toggle' on a portal on the website 'Sell2Wales' was defective, causing him to have to start afresh with the process on the Welsh version rather

14/03/2023

1. I wish to remind the Council that Standard 19 includes any direct telephone number available for public use. This may include numbers published on the Council's website but also numbers specified in a letter header to the public or as part of contact details in an externally-delivered email signature. I ask the Council to ensure that it has made specific arrangements with the third party to encompass all the requirements of the Standard.
2. The Council should continue its monitoring of the service in accordance with Standard 19 to ensure standards.
3. The Council should continue with its efforts to increase the Welsh language skills capacity of the workforce.

**Decision notice given**

The Decision Notice was given to Flintshire County Council on 27/03/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 6: In order to comply with standard 6, when the Welsh Ministers produce a Welsh version and an equivalent English version of correspondence, they must not treat the Welsh version of the correspondence less favourably than the English version. In this case, standard 6 was included in the investigation's terms of reference as there was a suspicion that Welsh language correspondence contained a link to the English side of the Sell2Wales portal. After receiving evidence from the Welsh Ministers it emerged that the correspondence sent



than being transferred to the same page on the English version. The complainant also referred to a link from an email message which directed him to the English website.

to the complainant was in English. As the correspondence sent to the complainant was in English the fact that the link in the correspondence led to the English side of the Sell2Wales portal does not constitute a failure to comply with standard 6.

Standard 55: If an organisation has a Welsh language web page that corresponds to an English language web page, the body must state clearly on the English language web page that the page is also available in Welsh, and they must provide a direct link to the Welsh page on the corresponding English page. In this case, a complainant contacted the Commissioner to explain that it was not possible to switch from one language to another on the Sell2Wales portal despite there being a link on the English pages of the portal. The Welsh Ministers confirmed that the link did not lead the complainant to a corresponding Welsh page but rather to the front page of the portal. As the link on the English pages of the portal did not lead the complainant to a corresponding Welsh page but rather to the front page of the portal, I am not of the view that the Welsh Ministers complied with standard 55 in this case.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has not failed to comply with standard 6 but that Welsh Ministers has failed to comply with standard 55.

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

Further action was taken following the determination that Welsh Ministers has failed to comply with standard 55.

**Statement on the further action**

Standard 55: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

I require the Welsh Ministers to prepare a draft action plan for the purpose of ensuring that they comply with the requirements of standard 55 in relation to the Sell2Wales portal.

The draft action plan must include the following information:

- A description of each of the steps the Welsh Ministers will take to ensure compliance with standard 55 in relation to the Sell2Wales portal to ensure that all English pages contain a link that leads directly to the corresponding Welsh page rather than to the homepage.
- Who will be responsible and accountable for taking each of the actions (including any milestones)
- The resources (e.g. finance / staff) needed to carry out each of the actions.

That the Welsh Ministers fully comply with the requirements of standard 55 in relation to the Sell2Wales portal by July 2024.

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

Betsi Cadwaladr  
University  
Health Board

**CS1020** On 09/06/2022, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to the visit of a member of the public (P) and his child to Ysbyty Glan Clwyd on 30 June 2022. P's child has a Welsh language name. P claimed that a doctor came to help his child after she fainted in front of the main door of the hospital and that the doctor asked his child, after hearing her name, "Have you got a nickname? There's no way I can pronounce that name". P felt that the doctor's alleged words showed a lack of respect to his child.

10/03/2023

Standard 2: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

I recommend that the Welsh Ministers take steps to ensure that they confirm the language choice of individuals registering for Sell2Wales services to ensure that they comply with standard 2 when sending correspondence to them.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 14/03/2023.

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

No appeal was made to the Tribunal.

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

Standard 102: In order to comply with standard 102, D is required to provide training courses so that its employees can develop their awareness of the Welsh language, their understanding of the duty to operate in accordance with the Welsh language standards and their understanding of the way the Welsh language can be used in the workplace. Standard 102 places a duty on D to provide these courses to all its current employees. However, there is no evidence that D has ensured that all of its employees have been on training courses in accordance with standard 102. There is evidence to show that D has only provided training courses to a proportion of its employees.

Standard 103: Standard 103 requires D to ensure that it provides information to all of its new employees for the

purpose of raising their awareness of the Welsh language. D arranges that this information is provided as part of the induction sessions for new staff at the beginning of their time with the organisation. There is no evidence that D has ensured that all of its new employees have received information for the purpose of raising their awareness of the Welsh language via the induction sessions in question, as D does not collate or record this data. I therefore consider that D has only provided information to a proportion of its new employees.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with standards 102 and 103.

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

Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with standards 102 and 103.

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

Standards 102 and 103: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. In accordance with standard 102, D must provide training courses to all of its current employees so that they can develop –
  - awareness of the Welsh language (including awareness of its history and its role in Welsh culture);

- 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.

2. In accordance with standard 103, D must provide information to all of its new employees for the purpose of raising their awareness of the Welsh language (by ensuring that every new employee has been on a Welsh language awareness course that contains that information).

3. D must keep a record of the number and percentage of:

- its employees who have been on a training course provided to comply with standard 102; and
- its new employees who have been on a training course provided to comply with standard 103.

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

Timetable: Within 9 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 10/03/2023.

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

No appeal was made to the Tribunal.

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

Standard 2: Standard 2 applies to correspondence which is sent specifically to an individual. In this case, the

Welsh Language Measure and was therefore a valid complaint. This is a complaint regarding letters which were sent to the client (the person the complainant represents) in English only. The letters relate to the client's tenancy with the Council.

Council confirmed that the correspondence in question in the complaint was sent to a number of people, which therefore comes under the requirements of standard 4. As a result, standard 2 is not relevant in this case, and therefore there is not a failure to comply with the standard.

Standard 4: Standard 4 requires the Council to ensure that any correspondence sent to several persons is sent in Welsh at the same time as any English language version. In this case, four letters in English only were sent to the client. These letters were sent to several persons. This is a failure to comply with standard 4.

Standard 132: The standard requires the Council to provide training courses for its staff to develop awareness of the Welsh language; an understanding of the duty to operate in accordance with the Welsh language standards; an understanding of how the Welsh language can be used in the workplace. This standard was added because I suspected that the new member of staff was not aware of the duty to comply with the standards. The Council has demonstrated in its evidence that the courses it provides are sufficient to comply with the standard, and there is no evidence that the Council has failed to comply here. This is not a failure to comply with standard 132.

Standard 133: Standard 133 requires the Council to provide information to new employees in order to raise their awareness of the Welsh language. In this case, the Council has shown evidence that it provides information

about the Welsh language to all new members of staff in an e-learning module. There is no evidence to suggest a failure to comply with standard 133, and it is likely that this was due to a mistake by the individual rather than shortcomings in the Council's training processes. This is not a failure to comply with standard 133.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has not failed to comply with standards 2, 132 ac 133 but that Wrexham County Borough Council has failed to comply with standard 4.

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

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

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

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

1. The Council must ensure that staff in the relevant department in relation to this complaint are fully aware of the requirements of standard 4. This must be ensured by carrying out specific training on the requirements of the standards, which will remind them that all correspondence sent to several persons must be sent in Welsh at the same time as any English language version.

2. Staff in the relevant department must also be made aware that any previous record of language choice is irrelevant when complying with standard 4. That is, even if

the customer's language choice is English, when the correspondence is sent to several persons, that correspondence must also be sent in Welsh. The Council must add a sentence to the section on standard 4 in its 'Welsh Language Standards' e-learning module in order to convey this point.

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

Timetable: Within 3 months of issuing the final determination, which is by 30/06/2023.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 09/03/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.