

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<p><u>Betsi Cadwaladr University Health Board</u></p>	<p>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 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.</p>	<p>13/04/2023</p>	<p>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 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.</p> <p>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.</p> <p>Statement of further action</p>

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 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

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 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

11/04/2023

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 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

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 (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

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 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

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)

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.

Welsh Ministers

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.

06/04/2023

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.

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

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

06/04/2023

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

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,

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.

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

Welsh Ministers

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.

06/04/2023

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.

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.

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

27/03/2023

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.

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

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.

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

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

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 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.

14/03/2023

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 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.

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

10/03/2023

- 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.

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

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.

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.

Wrexham
County Borough
Council

CS1023 On 23/06/2022 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. 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.

09/03/2023

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 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.

