

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<u>Welsh Ministers</u>	<p>CSG612, CSG617, CSG622 On 12/08/2019, 18/08/2019 and 27/08/2019 complaints were received from members of the public. The complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid. The complaints related to the lack of use of the Welsh language by the International Convention Centre Wales (ICC), and included the following:</p> <ul style="list-style-type: none"> <li>i. that their Twitter account @ICCWales is in English only</li> <li>ii. their official website contains very little Welsh</li> <li>iii. the branding and logo are in English only</li> <li>iv. and that they placed English only signs outside the building</li> </ul>	03/08/2021	<p><b>Commissioner's Findings</b></p> <p>Standard 94: The standard requires a body to produce and publish a policy on awarding grants which ensures that the body considers the Welsh language when going through the process of awarding a grant. Welsh Ministers explained that this is not a grant funding, but an investment. ICC is a joint venture between Welsh Ministers and The Celtic Manor Resort Limited. I conclude that Welsh Ministers have not failed to comply with standard 94 as the arrangement in question was an investment and not a grant.</p> <p><b>Commissioner's Determination</b></p> <p>Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has not failed to comply with standard 94.</p> <p><b>Statement of further action</b></p>

	<p>In the case of my determination that Welsh Ministers have not failed to comply with standard 94, I shall be taking no further action.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 03/08/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Carmarthenshire County Council</u></p> <p>CSG765 On 31/08/2020 a complaint was received from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant complained that he had received an English telephone call in response to a Welsh letter he had sent to Carmarthenshire County Council ("The Council") about the state of his home.</p>	<p>02/08/2021</p> <p><b>Commissioner's Findings</b> Standard 21: The requirements of standard 21 are to enquire (at first contact) if the person wishes to receive calls in Welsh, to record that, and maintain calls in Welsh with the person from then on if they so wish. I consider that the evidence from the Council in this case supports the facts set out by the Council, namely:</p> <ul style="list-style-type: none"> <li>- After being unable to contact the complainant by telephone, the Council had sent a bilingual letter to the complainant dated 22/04/2020 asking him to contact them about the issue from home.</li> <li>- That the complainant telephoned the Council on 24/04/2020 and had been offered a call in Welsh about the issue but had continued with the conversation in English.</li> </ul> <p>This is not a failure to comply with standard 21 as it was the complainant's choice to continue conversing in English on this occasion despite being offered a Welsh call. Therefore, it was not the Council that telephoned the complainant in English. Furthermore, regarding the</p>

requirement to record language choice, I consider that the Council has done so, as they had offered a Welsh language service to the complainant when speaking to him on the telephone, evidence of which is in the screenshot with the note dated 24/04/2020.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Carmarthenshire County Council has not failed to comply with standard 21.

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

On the basis that I received items of evidence from the Council that it had offered a service in Welsh to the complainant on this occasion, following recognition of his preferred language, but the conversation continued in English, I will not act further.

#### **Decision notice given**

The Decision Notice was given to Carmarthenshire County Council on 02/08/2021.

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

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG772b, CSG791, CSG793 On 11/09/2020 and 19/10/2020 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints. There were three different

30/07/2021

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

Standard 38: The requirements of standard 38 are that any material displayed in public must be displayed in Welsh, and that the Welsh language version of the material must not be treated less favourably than the English version. In this case a message to the translator had been left on the Welsh text on temporary material on

elements to the complaints. The complainant complained of an erroneous sign on a parking ticket machine, an English only sign at roadworks, and an English-only map and key showing a change in pathways.

a parking machine. This is a failure to comply with the requirements of standard 38.

Standard 61: The requirements of standard 61 are that the text on any sign must be displayed in Welsh, either on a separate sign, or on the same sign. The Welsh text on the sign must be treated no less favourably than the English text. There was only an English sign indicating "diverted traffic" at the location at the time, with no Welsh version of the text. This is a failure to comply with the requirements of the standard.

Standard 69: The requirements of standard 69 are that an official notice must be displayed in Welsh, and in doing so the Welsh version must be treated no less favourably. Although the official notice had bilingual text, the map and key were in English only. This, therefore, is a failure to comply with the requirements of the standard.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 38, 61 and 69.

### **Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 38, 61 and 69.

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

			<p>In accordance with section 77 of the Welsh Language Measure, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.</p> <p>Standard 61: Requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <p>1.Wrexham County Borough Council must consider introducing clauses in their contracts with third party organisations, which impose penalty clauses on the organisation when they do not comply with the requirements of the standards on behalf of the Council.</p> <p>2.Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.</p> <p>Timetable: Within 3 months of issuing the final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 30/07/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Wrexham County Borough Council</u>	<p>CSG748 On 24/07/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that information relating to Covid-19 was</p>	26/07/2021	<p><b>Commissioner's Findings</b> Standard 52: Standard 52 requires Wrexham County Borough Council to ensure that the text of every page of the website is available in Welsh, that all pages in Welsh on the website are fully functional and that the Welsh language is treated no less favourably than the English language on the website. In this case, the Council has</p>

available in English on the Council's website, but the same information had not been updated in Welsh.

published information regarding Covid-19 in English only on its website, and has not updated the corresponding Welsh page. This is a failure to comply with standard 52, as the information in question is not available in Welsh on the website.

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

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

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 52.

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

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

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

- 1.I require Wrexham County Borough Council to ensure that all text relating to Covid-19 on its website is available in Welsh. This includes information which has already been published, and any information which will be published in the future. There should not be any delay between publishing the information in Welsh and English.
- 2.The Council must review its arrangements for publishing information on its website in an emergency, in order to

ensure that the requirements of the Welsh language standards are not forgotten in an emergency. The Council must remind the staff of these arrangements. 3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 and 2 have been completed. Timetable: Within 1 month from the date of publication of the final determination.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 26/07/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Chief Constable  
Dyfed Powys  
Police

CSG812 On 4 December 2020, a complaint was received by a member of the public. It met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint was made in regard to an English only message the complainant received from the Chief Constable of Dyfed Powys Police on 2 December 2020. The complaint was received by email. In the email, the complainant said he uploaded a report in Welsh onto the Dyfed-Powys Police website under the 'Reporting a Crime' Section on 1 December 2020, and received an English

21/07/2021

**Commissioner's Findings**

Standard 1: Standard 1 requires the Police to reply in Welsh (if a reply is required) when it receives correspondence from a person in Welsh, unless the person has indicated that there is no need to reply in Welsh. In this case, the Police sent an English only acknowledgement message. The message was sent in email form. The email confirmed the receipt of a Welsh report uploaded on the Police's website. This highlights a failure by the Police to comply with standard 1.

Standard 4: Standard 4 involves the way in which a body sends correspondence to more than one person. A body must send Welsh correspondence at the same time as it sends the English correspondence. The Police sent standard English only correspondence to the complainant.

only confirmation of receipt (see below)  
on 2 December 2020:

Thank you for your report. This has been  
logged under our ref: DP-XXXXXXXX-  
XXX and has been sent for the attention  
of the local policing team. Kind Regards.

The standard correspondence was produced to be sent to many persons. The email confirmed the receipt of a Welsh report uploaded on the Police's website. This highlights a failure by the Police to comply with standard 4.

Standard 5: If a body is unaware of a person's language preference, it must ensure that a Welsh version of any correspondence it sends to that person is provided. The Police sent standard English only correspondence to the complainant, without knowing whether they wished to receive Welsh correspondence. The correspondence, in email form, confirmed the receipt of a Welsh report uploaded on the Police's website. This highlights a failure by the Police to comply with standard 5.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Chief Constable of Dyfed Powys Police has failed to comply with standard 1, 4 and 5.

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

Further action was taken following the determination that The Chief Constable of Dyfed Powys Police has failed to comply with standard 1, 4 and 5.

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

In accordance with section 77 of the Welsh Language Measure, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.



		<p>Standard 1: Requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure</p> <p>1.The Chief Constable of Dyfed Powys Police must conduct a review to identify every standard message it sends in response to reports uploaded onto the Police’s website.</p> <p>2.The Chief Constable of Dyfed Powys Police must ensure all correspondence received in Welsh, in whichever form, is replied to in Welsh in order to comply with standard 1.</p> <p>3.The Chief Constable of Dyfed Powys Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 has been completed.</p> <p>Timescale: Within 3 months of issuing the final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to The Chief Constable of Dyfed Powys Police on 21/07/2021.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>CSG739 On 25/06/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that the following tweets, made by a Welsh</p>	<p>21/07/2021</p> <p><b>Commissioner’s Findings</b></p> <p>Standard 58: Standard 58 requires the Welsh Ministers to treat the Welsh language no less favourably than the English language when using social media. The standard must be complied with, with the exception of social media used for anticipated audiences based outside Wales. The @walesintheworld account was the official account of the</p>

Minister, treated the Welsh language less favourably than the English language:

1. <https://twitter.com/walesintheworld/status/1275415962364321792>
2. <https://twitter.com/walesintheworld/status/1273305660705341440>
3. <https://twitter.com/walesintheworld/status/1275818552235343873>

It is claimed that the tweets are aimed at a Welsh speaking audience where the speaker in the video uses English only, and the subtitles appear in English. In the third tweet, there is bilingual text in English and French, but no Welsh.

Minister for international relations and the Welsh language. Whilst a proportion of the anticipated audience for this account is likely to be outside Wales, I also conclude that a large proportion of the anticipated audience is based in Wales and are also Welsh speakers. On 23/06/2020 the Welsh Ministers published a message on the Twitter account in question (message 1) which treated the Welsh language less favourably than the English language as the Welsh text contained less information than the English text. On 17/06/2020 the Welsh Ministers published a message on the Twitter account in question (message 2). The text of the message was bilingual and the Welsh and English versions corresponded in full. The message also shared a video in English only. An equivalent Welsh version of the video was not available so I conclude that the Welsh Ministers did not treat the Welsh language less favourably than the English language when sharing that video with the Welsh message. On 24/06/2020 the Welsh Ministers published a message on the Twitter account in question (message 3) in English without publishing an equivalent message in Welsh. In doing so, I conclude that the Welsh Ministers had treated the Welsh language less favourably than the English language. Although the Welsh Ministers have indicated that they have amended the 'Guidance on the use of the Welsh language in Welsh Government communication and marketing' following my previous investigations it appears that failings are still present. I acknowledge that the Welsh Ministers intend to continue to revise this guidance, however, that does not provide sufficient assurance that compliance will have been resolved.

**Commissioner's Determination**

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

**Statement of further action**

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

**Statement on the further action**

In accordance with section 77 of the Welsh Language Measure, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.

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

- 1.The Welsh Ministers must conduct a full review of their social media accounts taking into account the anticipated audiences for each account and specifying the extent to which the anticipated audiences are located in Wales.
- 2.Where the anticipated audience is judged to be in Wales the Welsh Ministers should ensure that messages published on those accounts are published in Welsh.
- 3.When preparing text for publication on their social media accounts, the Welsh Ministers must ensure that the Welsh messages correspond exactly to any English messages (if equivalent English messages are published).
- 4.The Welsh Ministers must revise their Guidance on the use of the Welsh language in Welsh Government

communication and marketing to reflect the above requirements.

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

Timetable: Within 3 months of issuing the final determination.

Standard 37 - advice in accordance with section 4(2)(j) of the Welsh Language Measure.

I advise Welsh Ministers to review their Guidance on the use of the Welsh language in Welsh Government communication and marketing.

The guidance should include the following:

- Advice and guidance for staff on how to identify the need for Welsh language provision.
- A clear statement that all publicity material (including videos) produced should be produced in Welsh, and to ensure that the Welsh language is treated no less favourably in the production of that material (excluding material produced to an audience outside Wales).
- A clear statement that every effort should be made to use Welsh speakers to contribute to Welsh language videos, and advice on how to try to ensure that.
- Further guidance on what should be done if a person speaking on the video is unable to speak Welsh.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/07/2021.

	<p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>City and County of Swansea Council</u></p> <p>CSG729 On 14/05/2020 a complaint was received from a member of the public. The complaint met the conditions of section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had emailed correspondence in Welsh to the Council on 13/052020. The correspondence related to direct debit payments of Council tax. He received a response in English only on two occasions. Following receipt of the second message, the complainant sent a response to the Council asking why he had received a reply from them in English only.</p>	<p><b>Commissioner's Findings</b> Standard 1: When the Council receives correspondence in Welsh, and the Council needs to reply to that correspondence, it must reply in Welsh, unless the person who sent the correspondence has told him that it is not necessary. The complainant sent correspondence in Welsh to the Council. He did not say that the Council did not need to answer it in Welsh. The Council responded to the complainant's correspondence by email in English. This indicates a failure by the Council to comply with standard 1.</p> <p>Enforcement action taken by the Council following the CSG201 investigation: The enforcement action requires the Council to ensure that it responds to all correspondence written in Welsh, in Welsh. On 13/05/2020, the complainant received two correspondence in English from the Council. This demonstrates a failure by the Council to comply with an enforcement action.</p> <p><b>Commissioner's Determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the City and County of Swansea Council has failed to comply with standard 1 and the enforcement action taken by the Council following the CSG201 investigation.</p> <p><b>Statement of further action</b></p>

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standard 1 and the enforcement action taken by the Council following the CSG201 investigation.

**Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action to prevent the failure continuing or being repeated. Further action is detailed below.

Standard1 –Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Swansea Council must ensure that it responds to all correspondence in Welsh that needs to be answered in Welsh in order to comply with standard 1.
  2. The Council must undertake training to raise the awareness of Council staff to existing guidance.
  3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that it has completed enforcement action 1 and 2.
- Timetable: within 3 months of the date of publication of the final determination.

**Decision notice given**

The Decision Notice was given to the City and County of Swansea Council on 21/07/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

CSG647 On 27 September 2019 a complaint was received from a member of the public. It met the conditions in section 93 of the Welsh Language Measure and was therefore valid. It related to the way in which Cardiff Council (the council) dealt with two parking appeals and consisted of two elements. Firstly, the complaint alleged that notices by the council rejecting the appeals contained information in English. The complainant provided a copy of the council's correspondence. It contained a series of images taken by the council. The correspondence claimed that the images showed the complainant's car illegally parked. The photo headings and details were in English. The English text that was visible included, 'For reference', 'Date time stamp', 'on 28 August 2019 at 16:12:26' and 'Cardiff City Council'. Four similar pages were included in the council's correspondence. Secondly, the complaint alleged that the council had taken longer to deal with the parking appeals because they were in Welsh. The complainant noted that the rejection notices were dated 28 August 2019, as this was the date on the correspondence. However, according to information from the Traffic Penalty Tribunal the date was 21 August 2019. They queried (my

08/07/2021

**Commissioner's Findings**

Standard 1: When the council receives correspondence in Welsh, and is required to answer that correspondence, it must reply in Welsh, unless the person who sent the correspondence has indicated that it is not necessary to do so. The council received two parking appeals from the complainant in Welsh. It was required to respond to that correspondence either by accepting or rejecting the complainant's appeals. The council replied to the complainant by sending two refusal notices. Although the correspondence was in Welsh on the whole, it contained text that was in English only. This was a failure by the council to comply with the standard.

**Commissioner's Determination**

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

**Statement of further action**

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

**Statement on the further action**

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are below.

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

translation): Had the Council processed the appeal in English, contrary to the requirements of the standards and the Data Protection Act 2018, thus leading to a seven-day delay? The complainant explained their suspicion that the council had acted in this way as the Traffic Penalty Tribunal's on-line system recorded the notice dates as 21 August 2019. When they used the system on 26 September 2019, they saw that they needed to explain to the tribunal why their appeals against the notices should be considered beyond the statutory 28-day period allowed. The complainant claimed that that the date was corrected by the council on 27 September 2019, and that the on-line system, on that date, showed the notice dates as being 29 August 2019.

1. The council must take steps to ensure that any original evidence it releases as part of a correspondence is in Welsh if that is the chosen language of the receiver.
  2. The Council must provide sufficient written evidence that enforcement action one has been completed.
- Timetable: Within three months of the final determination date.

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 08/07/2021.

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

No appeal was made to the Tribunal.

#### City and County of Swansea Council

CSG482 On 5 January 2019 a complaint was received from a member of the public. The complaint met the conditions of section 93 of the Welsh Language Measure and was therefore valid. The complaint related to alleged failures on pages about planning applications on the City and County of Swansea Council (the Council) website. There were two aspects to the complaint. Firstly, it alleged that the website was not fully functional in Welsh.

08/07/2021

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

Standard 52: Standard 52 requires the Council to ensure that (a) the text of every page on its website is available in Welsh, (b) all pages on its website are available and fully operational in Welsh, and (c) the Welsh language is not treated less favourably than the English language on its website. On the balance of probability, the Council's website was affected by an error with the software used to create a bilingual interface. This meant that details of a planning application could not be viewed on the Welsh version of the website for a period on 5 January 2019.



This, according to the complainant, was because of the software used by the Council to create the website's bilingual interface. The complainant stated that software treated the Welsh language less favourably than the English language. They claimed that it was not possible to view the details of some planning applications on the Welsh language version of the website due to an error with the software. They claimed that Welsh language webpages took two seconds longer to load than equivalent English pages, and that this was the reason for the error. They included links to the Welsh and English versions of a specific page to show that the error only affected the Welsh page. The complainant shared a link to a tweet they posted about the matter at 3:44 on 5 January 2019. A screen grab was attached to the tweet which showed the error message explaining that the page could not be displayed due to an error. The second aspect of the complaint related to specific planning application documents. It alleged that documents relating to application 2018/2629/FUL appeared in English on the website. The complainant stated that they wanted to make a complaint about the Council Planning Department's failure to do

This was a failure by the Council to comply with the requirements of the standard. At the time of the error the text of a web page was not available in Welsh (a), and the page was not fully functional in Welsh (b). Users of the Welsh version of the website were disadvantaged by not having access to information for a time. As a result, the Welsh language was treated less favourably than the English language on the website (c). English language documents appeared on the Welsh version of the Council's website in relation to a specific planning application. This was not a failure by the Council to comply with requirement (a) of the standard because the documents did not form part of webpage's text. Instead, they were separate documents, to which links were provided. The investigation showed that text on a page of the Council's website which contained details of planning application documents was not available in Welsh. This was a failure by the Council to comply with requirement (a) of the standard.

Standard 69: The investigation found that an official notice was in English on the Welsh version of the Council's website. The official notice was also an official notice prescribed by an enactment, a planning application notice under the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, and therefore exempt from the requirements of the standard. This was not a failure by the Council to comply with the standard.

### **Commissioner's Determination**

anything in Welsh, and from the documents on the website they referred to:

- a press release; and
- letters addressed to persons who had not stated that they wished to receive correspondence in solely in English.

They provided a link to the details of the planning application on the Council's website. There were 14 documents in relation to the application. They included 10 letters from the Council's Directorate of Place, one planning application notice and one email from a Council officer.

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

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

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

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

In accordance with sections 76 and 77 of the Welsh Language Measure I have decided to take further action to prevent the continuation or repetition of the failure to comply and to make a recommendation to the Council. Details of the further action are set out below.

Standard 52: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1.The council must review its use of software on the Welsh version of its website to identify whether it is the cause of server deadline errors.

2.The Council must review the pages of its website which contain planning application details and ensure that the text of those pages is available in Welsh in its entirety.

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

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

			<p>Standard 69: Recommendation in accordance with subsection 76(3)(b) of the Welsh Language Measure Where an official notice prescribed by an enactment is subject to a specific vocabulary, the council should ensure that it includes the Welsh version of that specific vocabulary if it exists.</p> <p><b>Decision notice given</b> The Decision Notice was given to the City and County of Swansea Council on 08/07/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>City and County of Swansea Council</u></p>	<p>CSG734 On 17 June 2020 a complaint was received from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore valid. It related to the Welsh language version of the City and County of Swansea Council's (the council) website. Specifically pages about the COVID-19 pandemic.</p> <p>It alleged:</p> <ul style="list-style-type: none"> <li>- that several pages about the coronavirus contained information that was solely in English, <a href="http://www.abertawe.gov.uk/CyngororCoronafeirws">www.abertawe.gov.uk/CyngororCoronafeirws</a> and</li> <li>- that the council had a Facebook group that contained information that was in English,</li> </ul>	<p>17/06/2021</p>	<p><b>Commissioner's Findings</b> Standard 52: On 17 June 2020 information about coronavirus was available in English on the Welsh language version of the council's website. As a result, the text of each page of the website was not available in Welsh. As information was available in English and not in Welsh for an extended period, the Welsh language was treated less favourably than the English language on the website. This was a clear failure by the council to comply with the requirements of the standard.</p> <p><b>Commissioner's Determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the City and County of Swansea Council has failed to comply with standard 52.</p> <p><b>Statement of further action</b></p>

[www.facebook.com/groups/2468930126753492/?ref=group\\_header](https://www.facebook.com/groups/2468930126753492/?ref=group_header).

The complainant had 19 screenshots of the website to support their complaint.

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standard 52

**Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action to prevent the continuation or repetition of the failure to comply. Details of the further action are set out below.

Standard 52: Requirement to prepare an action plan

1.I require the council to prepare an urgent translation action plan. The action plan must include action points to ensure that un-translated text is not placed on the Welsh language version of the website.

It should outline measures to:

- assess the translation unit's capacity; and
- prioritise certain types of information for translation where the unit's capacity is impacted, such as in an emergency.

The action plan must include a timetable for the completion of each action point and allocate responsibility and accountability.

Standard 52: Requirement to take steps

2.If the council shares information for its staff on its website, and that information is accessible to members of the public, it must ensure that it is in Welsh and meets the requirements of the standard.

3.The council must carry out regular audits of its coronavirus webpages to ensure they meet the requirements of the standard.

		<p>4.The council must provide sufficient evidence to demonstrate its compliance with enforcement actions two and three.</p> <p>Timetable: Within 3 months of the final determination date</p> <p><b>Decision notice given</b> The Decision Notice was given to the City and County of Swansea Council on 17/06/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Rhondda Cynon</u> <u>Taf County</u> <u>Borough Council</u></p>	<p>CSG633 This investigation considers the policy decision of Rhondda Cynon Taf County Borough Council (the Council) to restructure schools as part of its 21st Century Schools scheme in Pontypridd. One of the decisions associated with the restructuring was a recommendation to close Ysgol Pont Sion Norton and to open a new Welsh-medium school on the existing Heol-y-Celyn School site in Rhydfelen by 2022. Here's how the Council outlined its intention as part of the plan:</p> <p>The closure of Ysgol Gymraeg Pont Sion Norton and the establishment of a new Welsh-medium primary school on the existing Heol-y-celyn School site. The Welsh stream of Heol-y-celyn School will also transfer to the new school. This will</p>	<p>17/06/2021</p> <p><b>Commissioner's Findings</b> Standard 88, 89 and 90: Following consideration of all the evidence presented to me by the Council, it is clear that it has carried out an assessment of the impact of the proposal to close Ysgol Pont Sion Norton on Welsh-medium education in the restructuring of schools in the Pontypridd area. The Council has stated on several occasions and in several documents that the proposal is part of the Welsh Language in Education Strategic Plan which plans to increase the number of pupils studying through the medium of the Welsh language within the borough. I accept that the proposal will increase the number of places available for Welsh-medium education within the catchment areas of the two existing Welsh-medium primary schools. I agree with the Council's analysis that Welsh-only education in a school is likely to be more successful in promoting the use of the Welsh language than two-stream education as currently exists at Heol-y-Celyn School. This will also contribute to the</p>

increase capacity and improve the provision of Welsh-medium education. It will also remove the two-stream provision.

The Council undertook a public consultation on this intention (and others involved in the scheme) between 15 October 2018 and 31 January 2019. On 21 March 2019 the Council's cabinet decided to accept the recommendation to close Ysgol Pont Sion Norton and invest £10.7 million in the construction of a new school on the existing Heol-y-Celyn School site. This led to the publication of a statutory notice for the declaration of objections on 30 April 2019. Following consideration of responses to the statutory notice, the Council decided to proceed with the scheme on 18 July 2019.

realisation of the Welsh Language in Education Strategic Plan's aim of expanding education through the medium of the language. I accept that the Council has discussed and analysed the impact of the proposal on the children's education and discussed issues such as play areas and the accessibility of the buildings with the aim of improving the provision of Welsh-medium education to the communities concerned. Travel distance, and the implications of that on parental choice, is also a relevant factor that has been taken into account. Concerns raised during the consultation about the impact of the proposals on the families of Ysgol Pont Sion Norton were noted. The community impact assessment identified the possible reluctance among parents to send their children to a Welsh-medium school that would require them to travel further to get to school, with the consequence that they would instead choose English-medium provision closer to home. This was also considered in the Objection Report, where the Council noted that around 69% of Ysgol Pont Sion Norton's pupils currently travelled by bus, and those that do not (as they lived within the 1.5mile walking distance in the catchment area) were not eligible for free transport from their home to the new school. I note however that there is no evidence that meaningful consideration was given to the potential impacts on the Welsh language of the reorganisation proposals that did not relate to Welsh-medium education. I have not been provided with evidence that, when the proposals to restructure the English-medium school were advanced, consideration was given to the effects of these proposals on the Welsh language, and whether any negative effects could be mitigated and any positive effects enhanced. I

would like to stress that the Welsh language standards are not only relevant to areas of decision-making that relate directly to the Welsh language (for example, Welsh-medium education). When making a policy decision, a body which is subject to standards 88-90 should consider the potential effects of that decision on the Welsh language, even if the decision does not appear to concern the language directly. If we are serious that the Welsh language is everyone's ownership and a factor in planning services, the Welsh language must be considered when undertaking all relevant decisions, particularly important long-term decisions such as those relating to education provision. In my judgment, the evidence that I have considered does not show that conscientious consideration was given to the impacts of the school reorganisation proposals (including the decision to relocate Ysgol Pont Sion Norton) on the use of the Welsh language by the communities surrounding the schools affected. The Community Impact Assessment and the extract from the Objection Report extract take account of some effects, but many of the effects that ought reasonably to have been identified and considered have been overlooked. In particular, the evidence does not show that conscientious consideration was given to the extent to which Welsh is currently used in the local community around Ysgol Pont Sion Norton, and the extent to which the school contributes to that. In the context of school closure proposals, data and statistics often help to identify the impacts of the policy decision on the Welsh language. Indeed, the Council relied on data and statistics for other aspects of its proposals, such as the statistical data in the community impact assessment

which assessed the percentage of pupils living in the appropriate school catchment area, or the statistical data in the consultation document (page 13) which stated that the percentage of pupils choosing to remain within the sixth form of their current school was low. It seems to me that no specific data or statistics were obtained in relation to the effects of the reorganisation proposals on the Welsh language. In particular, there is no evidence that data were gathered on the extent to which Welsh is used locally and then proper consideration given to how the reorganisation proposals could change that. Whilst there is no explicit obligation in the standards to collect data or statistics on the extent to which Welsh is currently used, it is difficult to see how a decisionmaker could meaningfully identify the effects of a policy decision on the Welsh language without at least some data or statistics to enable the status quo to be understood. In relation to the decision to close Ysgol Pont Sion Norton specifically, I think that the Council should have considered the following effects when assessing the impact of the decision on the use of the Welsh language in the community:

- ☐ Impact of relocating the wrap-around care provided by Ysgol Pont Sion Norton
- ☐ Impact of relocating the after-school activities from the Ysgol Pont Sion Norton area.
- ☐ Impact of relocating the community group activities from the Ysgol Pont Sion Norton area.

None of these factors directly relate to education provision but are all relevant when considering the impact of a school closure. All activities contribute in some way to



opportunities for persons to use the Welsh language outside school hours. Although the evidence acknowledges that the location of these activities would have to change because of the school's closure, it does not show consideration of the impact of the change on opportunities to use the language in the affected area. For example, the Council identified a need to mitigate the main impact of the closure of the school, namely that it would be more difficult for many pupils to attend the new site. As this has the potential to have an adverse effect on the up-take of Welsh-medium education in the area, it was proposed that transport would be made available to all pupils who would be affected by the change. I would have expected to see similar recognition and consideration of the impact of moving wrap-around care (the breakfast club and the 'clwb carco') and the after-school clubs from the Ysgol Pont Sion Norton site. This was not done. Similarly, the Council identified that Welsh for Adults lessons are held on site but there is no assessment of the impact of ending the lessons in their current setting on opportunities to use the language locally. It is not for me to take a view on what the outcome of considering these effects should have been, but it is for me to assess whether they were conscientiously considered. I am not satisfied that they were. It is not sufficient, in my view, simply to conclude that increasing places available for primary Welsh-medium education is the only impact regarding equality; and to say that as the children within the catchment area of Ysgol Pont Sion Norton can attend the new school by transport, this necessarily means that the whole offer has a positive impact on the part of the Welsh language. I have

identified above factors that certainly have the potential to adversely affect opportunities to use the language locally and which should have been considered fully before the decision was made. Policy decisions relating to education provision can have complex effects on the use of the Welsh language in a community, on choices made in relation to Welsh-medium education and on attitudes towards the Welsh language locally. These can be a mixture of positive, neutral and negative impacts. I am not satisfied that a sufficient effort was made to identify the mixture of impacts in this case. The purpose of ensuring that the negative effects of a policy decision on the Welsh language are identified is to enable steps to be taken to mitigate those effects before the decision is made. Similarly, the purpose of identifying positive effects is to enable steps to be taken to enhance those effects further. The standards make it open to the Council to continue with the decision or, it may conclude that the adverse effects, properly identified, are so significant that it should revisit the decision. The Council could also revisit the decision to consider whether it can be remade to have positive, or more positive effects, on the Welsh language than was proposed in the first place, or whether additional mitigation measures can be secured to prevent or reduce the adverse impact of the decision. As I note above, I consider that the standards require the Council to identify the effects of each of its policy decisions, and therefore in this case, it was required to assess the reorganisation proposals as a whole, including the decisions relating to English-medium schools. In my judgment, the evidence does not show that the Council made a conscientious

effort to identify and then consider the effects that its policy decisions in this case would have on opportunities for people to use the Welsh language or on not treating the Welsh language less favourably than the English language. Nor am I satisfied that the evidence shows that the Council made a conscientious effort to consider how the decision could be made to have more positive, or less adverse, effects on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language.

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

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

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

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

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

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

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

1. The Council must adopt a robust process for conducting and recording the consideration of any effects that a policy decision would have on opportunities for persons to use the Welsh language, and on treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and Councillors on how the consideration process should be carried out and recorded.

2. The Council must adopt a robust process for conducting and recording the consideration of how a policy decision could be formulated so that it has increased positive effects on opportunities for persons to use the Welsh language or on treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and Councillors on how the consideration process should be carried out and recorded.

3. The Council must adopt a robust process for conducting and recording the consideration of how a policy decision could be formulated so that it does not have any adverse effects, or has less adverse effects, on opportunities for persons to use the Welsh language or on treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and Councillors on how the consideration process should be carried out and recorded.

Timescale: Within 12 weeks of the date of publication of the Commissioner's final determination.

	<p>Standards 88, 89 and 90: Requirement to publicise the failure to comply with standards in accordance with section 77(3)(d) of the Welsh Language Measure</p> <p>4. The Council must publicise its failure to comply with standards 88, 89 and 90 by publishing this report prominently on its public website, including an item on the investigation in the news section of that website.</p> <p>Timescale: Within six weeks of the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Rhondda Cynon Taf County Borough Council on 17/06/2021.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Swansea Bay University Health Board</u></p> <p>CSG744 On 6/7/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant left a message on an answering machine in Welsh for the Health Board's complaints department on 30 June 2020. The complainant received Welsh language correspondent in response to the telephone call. The letter included the following sentence "Could you also let us know if you and your son want to speak</p>	<p>10/06/2021</p> <p><b>Commissioner's Findings</b></p> <p>Standard 7: In order to comply with standard 7 Swansea Bay University Health Board needed to ensure that any correspondence inviting a response or correspondence, including a statement that it welcomes receiving correspondence in Welsh, that it will reply to correspondence in Welsh and that correspondence in Welsh will not lead to delay. In this case the Health Board sent correspondence to the complainant requesting information. The correspondence did not contain a statement that complied with standard 7. As the correspondence sent by the Health Board to the complainant did not include a statement welcoming correspondence in Welsh, I am of the view that the Health Board has not complied with standard 7.</p>

Welsh only or if you are happy to proceed in English?". The complainant is of the view that this sentence is offensive and notes that the Health Board would not have asked an individual who had left a message on an answering machine in English whether they wished to continue discussions with the Health Board in English. The correspondence did not include a statement explaining that the Health Board welcomed correspondence in Welsh or English.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Bay University Health Board has failed to comply with standard 7.

### **Statement of further action**

Further action was taken following the determination that Swansea Bay University Health Board has failed to comply with standard 7.

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

In accordance with section 77 of the Welsh Language Measure, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.

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

1. Swansea Bay University Health Board must take steps to ensure that all correspondence sent by the Health Board complies with standard 7.
2. Swansea Bay University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1.

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

### **Decision notice given**

The Decision Notice was given to Swansea Bay University Health Board on 10/06/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CSG728 On 12/05/2020, a complaint was received from a member of the public (P). The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. P was not satisfied that she had received a letter in English only from Cardiff and Vale University Health Board (D) on 23/04/2020. This letter was in regards to the postponement of the Health Visiting Service's services(which includedthe 6-monthdevelopmental reviews for babies)due to the pandemic.

10/06/2021

**Commissioner's Findings**

Standard 5: D sent correspondence to P on 23/04/2020, informing her of the impact of the pandemic on its health visiting services. It did not provide a Welsh version of that correspondence to P. D's conduct constituted a failure to comply with standard 5; D was required to provide a Welsh version of the letter to P, in accordance with the standard, and it failed to do so on this occasion. The main factor which contributed to the failure was that D had not arranged for the letter to be translated into Welsh before being sent to P. Therefore, when D decided to send the letter to P on 23/04/2020, it sent an English only version of the letter. Because health visiting appointments had to be cancelled urgently, D did not consider that it had time to send P's letter to be translated [into Welsh before being sent to P]. When P had received the letter, namely on 23/04/2020, an appointment had not been arranged to visit P at her home. D was therefore not corresponding with P to cancel an appointment at short notice. The letter was not one that D urgently needed to send to P, or at the very least, to send to P by 23/04/2020. The information which D had shared in the letter was not information that was completely necessary for P to know on the exact date on which she had received the letter. It would not have made a significant difference to P had that information been sent to her a day, or even a few days, later. Had D

decided to postpone sending the letter, it is likely that it would have had enough time to arrange a Welsh translation of the letter before it was sent to P. Had D postponed sending the letter until after 23/04/2020, it would have been possible to send a Welsh version of the letter (along with any English version) in accordance with P's wishes and in accordance with standard 5.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff and Vale University Health Board has failed to comply with standard 5.

### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standard 5.

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

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are below.

Standard 5 –requirement to take action in accordance with section 77(3) (b) of the Welsh Language Measure 1. Cardiff and Vale University Health Board must review all standard letters the health visiting service sends to persons and ensure that they are available in Welsh.



2.The Health Board must review its staff guidelines to ensure that an explanation is given regarding how and when to request the translation of letters into Welsh. These guidelines must deal with factors that staff must consider when a letter needs to be sent urgently or in an emergency.

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

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

Standard 5 –Advice under section 77(4)(b) of the Welsh Language Measure

1.The Health Board should review its protocol or its business continuity plan to ensure that it is able to correspond with persons in Welsh during emergencies or urgent situations. The review should ensure that its translation arrangements and processes are robust enough to ensure compliance with the requirements of standard 5 during such situations.

Timeline: The Health Board should complete the review within 3 months of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 10/06/2021.

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

No appeal was made to the Tribunal.

Carmarthenshire  
County Council

CSG738 On 23/06/2020 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant contacted the Commissioner to complain that he had received a letter in English only from Llesiant Delta Wellbeing which is a Local Authority Trading Company owned by the Council. The complainant explained that he had asked to receive all correspondence from the Council in Welsh.

10/06/2021

**Commissioner's Findings**

Standard 5: The requirements of standard 5 are if a body doesn't know whether a person wishes to receive correspondence from it in Welsh, when it corresponds with that person it must provide a Welsh language version of the correspondence. In this case, the complainant has received an English only referral letter from Llesiant Delta Wellbeing. This is a failure to comply with the requirements of the standard.

**Commissioner's Determination**

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

**Statement of further action**

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

**Statement on the further action**

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.

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

1. Carmarthenshire County Council must remind Llesiant Delta Wellbeing staff of the specific requirements of standard 5 and the steps that must be followed in order to

			<p>comply with the standard and ask them to verify all their documents in terms of the requirements of standard 5.</p> <p>2. Carmarthenshire County Council must check and send a copy of the language guidance to staff at Llesiant Delta Wellbeing and raise awareness and understanding of the contents of the guidance that exists, emphasising the requirement of standard 5 and the need to correspond bilingually where the client's chosen language is not known.</p> <p>3. Carmarthenshire County Council must consider its other third party contracts and take action 1 &amp; 2 above with any other arm's length company acting on its behalf.</p> <p>4. Carmarthenshire County Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.</p> <p>Timetable: Within 3 months of publishing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Carmarthenshire County Council on 10/06/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Newport City Council</u>	<p>CSG699 On 30/01/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to Newport City Council's draft budget</p>	10/06/2021	<p><b>Commissioner's Findings</b> Standard 44: The complainant contacted me claiming that the proposals document for the Council's consultation on its draft budget could not be located. On investigation I understand that the Council did not provide the document in Welsh as it considered that the document was exempt from the need to comply with standard 44 as it was a</p>

consultation. According to the complainant the link on the Welsh page went to the English only document and there were a number of differences between the Welsh PowerPoint presentation and the English one. The complainant was not able to view the Welsh version of the proposals document.

technical document that had been produced in relation to consultation papers. Having considered the document and definitions of what is meant by a "technical document" I do not consider the document to be a technical one. On the basis that I do not consider the proposals document to be a technical document drawn up in connection with consultation papers I determine that the Council has failed to comply with standard 44 in this case.

Standard 47: Standard 47 requires a body to assess whether the subject matter of the document or its audience suggests that it should be produced in Welsh if no other standard has required it to produce the document in Welsh. In this case there was uncertainty as to which document the complaint related. In investigating this case it emerged that the document had been produced in relation to consultation papers and compliance with standard 44 has been discussed. As the document was a consultation document produced in connection with a consultation document, standard 47 does not apply. I determine that Newport City Council has not failed to comply with standard 47 in this case.

Standard 48: When Newport City Council publishes a document, it must not treat any Welsh language version of a document less favourably than the English language version of that document. That includes treating the Welsh language no less favourably in terms of when and how the material is published. In this case there were differences between the Welsh and English presentations and the Council confirmed that the wrong Welsh

presentation had been posted when the correct English presentation was posted. It appears from the Council's evidence that the presentation of the previous year's budget consultation was posted on the Council's website as part of the consultation. As the wrong Welsh presentation was included as part of the consultation, the Council treated the Welsh version of the document less favourably than the English version.

Standard 52: In order to comply with standard 52, the Council must ensure that the text of every page of the website is available and fully functional in Welsh ensuring that the Welsh language is treated no less favourably than the English language on those pages. In this case the complainant's complaint led to a suspicion that the Council was not compliant with standard 52. The information received during the investigation showed that it was not a website problem that caused the complainant to view the document in English only. As a result of the investigation showing that it was because of an exception to standard 44 that the complainant was directed to the English version rather than as a result of problems with the Welsh language website, there is no failure to comply in relation to standard 52.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council has not failed to comply with standard 47 and 52, but that Newport City Council has failed to comply with standard 44 and 48.

**Statement of further action**

Further action was taken following the determination that Newport City Council has failed to comply with standard 44 and 48.

**Statement on the further action**

In accordance with section 77 of the Welsh Language Measure I have decided to take further action to prevent the continuation or repetition of the failure to comply. Details of the further action are set out below.

Standard 44 –requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Newport City Council must draw up clear criteria for its staff explaining when a consultation document should be exempt from the need to comply with standard 44.
2. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.

Timetable: Within 3 months of issuing the final determination

Standard 44 –recommendation in accordance with section 77 of the Welsh Language Measure

Newport City Council should indicate on any document that is exempt from the need to comply with standard 44 that is not available in Welsh as it is a technical consultation document.

Standard 48 –requirement to take steps in accordance with section 77 of the Welsh Language Measure

		<p>3.Newport City Council must take steps to remind staff responsible for consultations that the correct Welsh documents need to be posted on the Council's website when the English documents are posted.</p> <p>4.The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 3 has been completed.</p> <p>Timetable: Within 1 month of issuing the final determination</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Newport City Council on 09/06/2021.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Welsh Ministers (Cadw)</u></p>	<p>CSG692 On 20/01/2020, a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant telephoned three Cadw maintained sites, namely Conwy Castle, Beaumaris Castle and Harlech Castle, and alleged that they did not receive a Welsh language from any of the sites. The telephone calls were made on 18/01/2020. The complainant alleges that none of the three staff members who answered the telephone was able to speak Welsh, and therefore the</p>	<p>09/06/2021</p> <p><b>Commissioner's Findings</b></p> <p>Standard 10: Standard 10 requires Cadw, under the compliance notice issued to the Welsh Ministers, to deal with telephone calls in Welsh in their entirety if that is the caller's wish. In this case, the complainant telephoned three different sites managed by Cadw, and did not receive a Welsh language service during any of the three calls. Therefore, this is a failure to comply with standard 10.</p> <p><b>Commissioner's Determination</b></p> <p>Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standard 10.</p>

complainant was unable to obtain the information they wished to have in Welsh. The complainant alleges that there were no other members of staff who could respond to their queries in Welsh.

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

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

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

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are below.

Standard 10 –requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Welsh Ministers to draft an action plan to ensure Cadw complies with the requirements of standard 10 in answering calls to its main telephone number (or one of its main telephone numbers), or to any helpline numbers or call centre numbers for all of its sites. The plan should outline the arrangements in place to ensure that all call handlers understand enough Welsh to conduct the initial conversation in Welsh if that is the caller's wish to establish the nature of the enquiry. The plan should then set out the arrangements in place to transfer the call following the initial contact to another Welsh-speaking member of staff (if it needs to be transferred and if that is the caller's wish), if the member of staff who answered the call cannot continued to deal with the enquiry in full through the medium of Welsh.

The action plan should include the following information:  
-The main steps of the process when planning the work



	<ul style="list-style-type: none"> <li>-The timetable for completing the work</li> <li>-The budget for completing the work</li> <li>-The name of the person responsible for the project</li> </ul> <p>Timetable: The Welsh Ministers should prepare the draft action plan within 3 months of the date of the publication of the Commissioner's final determination. I will act in accordance with section 80 of the Welsh Language Measure in relation to the plan.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 09/06/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>CSG725 On 27/03/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. A complaint was received from a member of the public following an application made to renew a blue badge parking permit for people with a disability. The complainant alleged that they had received a letter in English only, along with a form for renewing their blue badge in English only, by post on 19 February 2020. Also, this letter did not refer to the fact that the complainant was able to</p>	<p>10/05/2021</p> <p><b>Commissioner's Findings</b> Standard 4: The standard requires the Council to send a Welsh version of the correspondence at the same time as any English version is sent. The complainant has received English only correspondence from the Council regarding the renewal of a blue badge. This constitutes a failure to comply with standard 4 as no Welsh version of the correspondence was originally sent to the complainant.</p> <p>Standard 6: The standard requires the content of the material and the standard of the material to treat the Welsh language no less favourably. After the complainant complained about receiving correspondence in English only, they received a Welsh letter full of linguistic errors, which contained less information than the English letter.</p>

apply in Welsh if they wished. The complainant complained directly to Cardiff Council by e-mail and subsequently received a letter in Welsh. However, the complainant alleged that this letter contained a number of language errors, that it was much shorter than the original English letter, and included less information and directions, and that there was no date on the Welsh language form included with the letter. The complainant alleged that the standard of translation in this letter was "very poor, with a lot of English used throughout". The complainant also noted that they had not received an apology following the complaint made regarding the English only letter. In the original English letter, the letter noted that it was possible to apply to renew online, using the UK Government website (gov.uk); there was no reference to this in the Welsh letter. After completing the form online in Welsh, the complainant received confirmation in English only, thanking them for applying, and asking for feedback on the process in English. They also received confirmation in English that their new permit had been ordered. The complainant alleged that they were unhappy with the blue badge renewal

This is a failure to comply with standard 6, as the Welsh version of the letter is different to the English version and treats the Welsh language less favourably.

Standard 50: The standard requires that all forms produced by an organisation for public use are produced in Welsh. In this case, an old version of the form has been sent to the complainant. I do not accept the Council's argument set out in 2.10 above that this means that the form is available. A different version of a form is a different form, so the correct form was not available in Welsh. This means that Cardiff Council failed to comply with standard 50, as the correct form was not available at the time.

Standard 50A: The standard requires that when an organisation produces a Welsh version and a separate English version of a form, it must ensure that the English version clearly states that the form is also available in Welsh. The English form shown as evidence by the Council notes that the form is also available in Welsh. This complies with the standard. Therefore, the Council has complied with the standard as the form sent included text clearly noting that the form is also available in Welsh.

Standard 50B: The standard requires the content of the material and the standard of the material to treat the Welsh language no less favourably. After the complainant complained about receiving correspondence in English only, they received a Welsh form which was shorter than the English version. This is a failure to comply with standard 50B, as the Welsh version of the form is different

process as there had been no respect for their right to use the Welsh language.

to the English version and treats the Welsh language less favourably.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has not failed to comply with standard 50A, but that Cardiff Council has failed to comply with standard 5, 6, 50 and 50B.

### **Statement of further action**

Further action was taken following the determination that Cardiff Council has failed to comply with standard 5, 6, 50 and 50B.

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

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

#### **Standard 4**

1. Cardiff Council must remind its staff in the relevant department of the requirements of standard 4 by producing clear guidelines for staff regarding the requirements of standard 4 and spreading awareness and understanding of it.

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

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

#### **Standard 6**

3. Cardiff Council must remind its staff in the relevant department of the requirement of standard 6 by producing clear guidelines for staff regarding the requirements of standard 6 and spreading awareness and understanding of it.

4. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 3.

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

#### Standard 50

5. Cardiff Council must remind its staff in the relevant department of the requirements of standard 50 by producing clear guidelines for staff regarding the requirements of standard 50 and spreading awareness and understanding of it.

6. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.

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

#### Standard 50B

7. Cardiff Council must remind its staff in the relevant department of the requirements of standard 50B by producing clear guidelines for staff regarding the requirements of standard 50B and spreading awareness and understanding of it.

8. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 7.

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

**Decision notice given**

The Decision Notice was given to Cardiff Council on 10/05/2021.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Carmarthenshire  
County Council

CSG726 On 03/04/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid complaint. On 03/04/2020 the complainant received an English-only email and form from the Council following a telephone call in English with a non-Welsh speaking officer. The complainant is not complaining about the language of the call with the officer, but rather the language of the correspondence and the form. The complainant had already received a copy of the English form at the end of 2019 and contacted the Council by telephone to ask them to re-send the form. According to the complainant, they wrote to Housing Options in Welsh in November 2019 before receiving the English form in return.

14/04/2021

**Commissioner's Findings**

Standard 1: The standard requires the Council, if they receive correspondence in Welsh, to reply in Welsh (if an answer is required), unless the person has said that an answer is not required in Welsh. The complainant received correspondence in English only from the Council in December 2019, in response to a letter they had sent in Welsh. This is contrary to their guidance (see 2.11). One thing that complicates matters here is that the complainant was originally directed to the department in question by a third party, and preferred language had not been noted at that time. This fact does not affect the requirements of the standard. This is a failure to comply with standard 1 because the complainant had not received correspondence in Welsh in response to their correspondence sent in Welsh.

Standard 5: The standard requires organisations to provide a Welsh version of correspondence when they correspond with a person if they do not know whether the person wishes to receive correspondence from them in Welsh. The Council claims that the complainant's

preferred language on their online form indicates English, and they have provided evidence of that. They state that all individuals wishing to use their home letting service must create an account on the "Canfod Cartref" website, so that they can tailor the options for them. Any individuals who register must complete all the details on the screen before moving on to full registration. I asked the complainant and the Council additional questions relevant to standard 5 on 20/10/2020:

□ I asked the Council whether it was possible that a member of staff in the housing options team had made the language selection on "Canfod Cartref" on behalf of the complainant.

□ I asked the complainant whether at any time they had chosen English as the preferred language of communication on the Council's online form in relation to housing. The answer I received from the complainant on 20/10/2020 was that they had not done this, "no, never". The answer I received from the Council on 21/10/2020 was that the individual is responsible for creating the account and submitting personal details – this includes fields such as name, date of birth, main address, and preferred language. Their officers do not usually complete these areas on behalf of individuals. The screen also appears every time the client logs in and the details can be changed, they said. The Council states that the only other explanation possible is that old data had been imported from the system they previously had in place. However, they note that as the individual was in regular contact with them, the details should have been updated since they were transferred to the "Canfod Cartref" website.

□ On 08/03/202 I asked the complainant one additional question to establish whether he was using the “Canfod Cartref” system. The question is below.

You mentioned to me on 20/10/2020 that you have never chosen the English language option on the Council's "Canfod Cartref" online service. Do you have a habit of using the "Canfod Cartref" online system at all – whether regularly, or occasionally, when contacting the Council about your home requirements? If not, what contact methods do you use? The answer from the complainant was: "I look at “Canfod Cartref” regularly". There is no evidence that the Council had checked the complainant's preferred language on the system, so they should have provided a Welsh-language version of correspondence when they corresponded with the complainant. The Council states in their response that they had no reason to question the complainant's preferred language as he used both English and Welsh when communicating. However, the Council is aware of a number of complaints from the complainant about not having a service in Welsh, so its language choice records should be checked on all the Council's systems. There is no absolute evidence to show that the complainant themselves chose the English option, and they deny doing so. This is a failure to comply with standard 5, as there is no evidence that the Council has checked the complainant's preferred language on the system. They should therefore have provided a Welsh and English-language version of correspondence when they corresponded with the complainant.

Standard 50: The requirements of the standard are that all forms that an organisation produces for public use are

produced in Welsh. I asked the Council an additional question on 21/10/2020 relevant to standard 50:

□ I asked the Council whether there was a Welsh version of the Personal Housing Plan form in place at the time the English version was sent to the complainant, and if so, they were asked to provide me with a copy of that Welsh form.

□ I heard back from the Council on 27/10/2020. A copy of the Welsh form was sent to me, noting that the questions and content are tailored to the individual's needs. It is not a public 'form' in the same way as a housing benefits form for example, and is therefore modified following their conversations with the client.

□ They stated: "the questions were available in both Welsh and English since before this complaint came through".

This means that Carmarthenshire County Council has complied with standard 50, because the correct form was available at the time.

Standard 50A: According to the requirements of the standard, when an organisation produces a Welsh-language version and a separate English-language version of a form, they must ensure that the English language version clearly states that the form is also available in Welsh. The English form shown as evidence by the complainant is without any text stating that the form is also available in Welsh. This is not compliant with the standard. The Council has therefore failed to comply with the standard as there was no text on the English form stating that the form was also available in Welsh.



Standard 50B: The standard requires the content of the material and the standard of the material not to treat the Welsh language less favourably. In this case the form I received did not treat the Welsh language less favourably in any way.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Carmarthenshire County Council has not failed to comply with standard 50 and 50B, but that Carmarthenshire County Council has failed to comply with standard 1, 5 and 50A.

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

Further action was taken following the determination that Carmarthenshire County Council has failed to comply with standard 1, 5 and 50A.

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

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

1. Carmarthenshire County Council must remind Council staff, including the housing department, of the requirements of standard 1 and the steps that must be followed in order to comply with the standard.
2. Carmarthenshire County Council must check and re-send a copy of the guidance to Council staff, including the housing department, and raise awareness and understanding of the content of the guidance that exists.
3. Carmarthenshire County Council must provide written evidence that satisfies the Welsh Language

Commissioner that enforcement actions 1 and 2 have been completed

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

#### Standard 5

4. Carmarthenshire County Council must remind Council staff, including the housing department, of the requirements of standard 5 and the steps that must be followed in order to comply with the standard.

5. Carmarthenshire County Council must check and re-send a copy of the guidance to Council staff, including the housing department, and raise awareness and understanding of the content of the guidance that exists.

6. Carmarthenshire County Council must undertake a review of the various systems that record clients' language choice, synchronise them, and ensure that they have an accurate record of their clients' current language choice. This includes checking any data that may have been entered from past systems and checking any default language settings.

7. Carmarthenshire County Council must provide written evidence that satisfies the Welsh Language

Commissioner that enforcement actions 4, 5 and 6 have been completed. Timetable: Within 3 months of issuing the Commissioner's final determination

#### Standard 50A

8. Carmarthenshire County Council must remind Council staff, including the housing department, of the requirements of standard 50A and the steps that must be followed in order to comply with the standard.

		<p>9. Carmarthenshire County Council must check and re-send a copy of the guidance to Council staff, including the housing department, of the relevant department and raise awareness and understanding of the content of the guidance that exists.</p> <p>10. Carmarthenshire County Council must conduct an inspection of forms across the Council, including the housing department, and ensure that they meet the requirements of standard 50A by ensuring that all English forms produced for public use indicate that they are also available in Welsh.</p> <p>11. Carmarthenshire County Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 8,9 and 10 have been completed.</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to Carmarthenshire County Council on 14/04/2021.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>CSG714 On 26/02/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. A complaint was received by a member of the public claiming she had</p>	<p>09/04/2021</p> <p><b>Commissioner's Findings</b> Standard 10: Standard 10 requires a body to deal with calls made to its main telephone line in Welsh in their entirety if that is the person's wish. If the call needs to be transferred to another member of staff in order to deal with it, that member of staff must deal with the call in Welsh. The complainant contacted the main Visit Wales</p>

called Visit Wales on the number 03330 063001 at 11.56 on 26/02/2020. This is the Tourist Information Line. The complainant claimed that the person who answered the call did not greet her in Welsh. She asked for a Welsh speaker but no-one was available.

telephone number, which is 03330 063001. She was not greeted in Welsh and she asked for a Welsh speaker. She was told that no-one was available. The Welsh Ministers stated they had not received any calls in Welsh on 26/02/2020 and that they had a procedure where callers are greeted in Welsh first, then in English, when answering calls. They explained, if a call was received by a Welsh speaker, and the person dealing with the call didn't speak Welsh, they would explain in English that they don't speak Welsh and that they would transfer the call to a Welsh speaker. When one of the Commissioner's officers called the Visit Wales telephone line, the call handler said in English that they didn't speak Welsh. This is contrary to the requirements of standard 10.

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

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

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

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

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

Standard 10 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure 1. The Welsh Ministers must prepare an action plan showing the steps they will take in order to comply with standard 10 in relation to dealing with telephone calls where the caller wishes to receive a service in Welsh. The action plan should include the following information:

	<ul style="list-style-type: none"> <li>- The main steps of the process when planning the work</li> <li>- The timeline for completing the work</li> <li>- The budget for completing the work, if necessary</li> </ul> <p>2. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.</p> <p>Timeline: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Welsh Ministers on 09/04/2021.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Betsi Cadwaladr</u> <u>University</u> <u>Health Board</u></p>	<p>CSG687 On 14/01/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant attended the family planning clinic at Bryn Beryl Hospital Pwllheli. The complainant was unhappy that no one spoke to her in Welsh. The complainant was given an English form to complete and had to request a Welsh form.</p> <p>30/03/2021</p> <p><b>Commissioner's Findings</b></p> <p>Standard 38: If a body produces a document in both languages, it must ensure that the Welsh version of the document is treated no less favourably than the English version. English versions must contain a statement explaining that a Welsh version is available. In this case the complainant received an English copy of a form that was available in Welsh to complete. The English version contained a statement explaining that a Welsh version was available, but the complainant had to ask for a Welsh form and wait for it. As the complainant had to request a Welsh copy of the form the Health Board treated the Welsh version less favourably than the English version.</p>

Standard 50: Standard 50 requires any reception service available in English to also be available in Welsh without the visitor having to request it. In this case, although the member of staff who welcomed individuals to the clinic was able to speak Welsh, the complainant was not actively offered a Welsh language service in the clinic reception; when submitting her complaint the complainant stated that the clerk "clearly only spoke English". As the complainant was spoken to in English at the clinic reception and the complainant did not receive an active offer of a Welsh language service, the Health Board did not comply with standard 50 in this case.

Standard 52: Where a body is required to comply with standard 52, it must display a sign at its reception which states that persons are welcome to use the Welsh language at the reception. In this case there was no sign displayed at the main reception area of Bryn Beryl Hospital or on the clinic's welcome desk to state that persons are welcome to use Welsh at the reception. As there were no signs at the reception areas of Bryn Beryl Hospital when the complainant visited, the Health Board did not comply with standard 52 in this case.

Standard 53: A body must ensure that reception staff who are able to provide a Welsh language reception service wear a badge to convey that. In this case the complainant did not identify that the clerk receiving members of the public to the clinic could speak Welsh and the Health Board has not claimed that the clerk was wearing a 'working Welsh' badge. I therefore conclude that the clerk was not wearing a badge which conveyed that she was

able to provide a Welsh language reception service. As I have not received confirmation that the clerk was wearing a badge to convey that she was able to provide a Welsh language reception service I determine that the Health Board did not comply with standard 53.

Standard 102: Standard 102 requires Betsi Cadwaladr University Health Board to provide language awareness training courses for its staff in order to develop their awareness of the Welsh language and 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. When the complainant visited the clinic, she was not offered a Welsh form and the staff present did not make it clear to the complainant that they spoke Welsh. Due to these doubts regarding the language awareness levels of staff, the Health Board was asked whether it provided language awareness training courses. The Health Board confirmed that it provided language awareness courses although some staff present when the complainant visited had not attended a language awareness course. As the Health Board has confirmed that it offers language awareness training to its staff to develop their awareness of the Welsh language and an understanding of the duty to act in accordance with Welsh language standards and an understanding of how Welsh can be used in the workplace, I determine that the Health Board has complied with standard 102 in this case.

Standard 105: Standard 105 requires Betsi Cadwaladr University Health Board to make available to its Welsh

speaking staff a badge that conveys that. The badge must make it clear that the member of staff wearing it are able to provide a Welsh language service. Standard 105 also requires Betsi Cadwaladr University Health Board to promote the wearing of the badge amongst the staff of the organisation. The Health Board provided information on how it makes available to Welsh speaking Health Board staff 'working Welsh' pin badges and embroidered badges to be put on uniforms. As the Health Board has provided information showing that the Health Board provides 'Working Welsh' badges to its staff and promotes their use I am of the view that the Health Board complies with standard 105.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has not failed to comply with standard 102 and 105, but that Betsi Cadwaladr University Health Board has failed to comply with standard 38, 50, 52 and 53.

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

Further action was taken following the determination that Betsi Cadwaladr University Health Board has failed to comply with standard 38, 50, 52 and 53.

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

Standard 38 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Health Board must take steps to remind administrative staff of the need to offer a language choice



if there is a Welsh version of a form that is also available in English.

Timetable: Within 1 month of issuing the Commissioner's final determination.

Standard 50 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

2. The Health Board must take steps to remind its reception staff of the need to actively offer a Welsh language service.

Timetable: Within 1 month of issuing the Commissioner's final determination.

Standard 52 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Betsi Cadwaladr University Health Board must display signs at each of its reception areas stating in Welsh that persons are welcome to use the Welsh language at reception.

Timetable: Within 1 month of issuing the Commissioner's final determination.

Standard 53 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

4. Betsi Cadwaladr University Health Board must provide badges to all reception staff who can speak Welsh.

5. Betsi Cadwaladr University Health Board must take steps to remind reception staff who are able provide a reception service in Welsh of the need to wear a badge that conveys that.

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

		<p>Standard 102 – recommendation in accordance with section 76 of the Welsh Language Measure</p> <p>I recommend that the Health Board looks at its approach to organising language awareness courses and considers how best to introduce language awareness courses for staff who have not attended a language awareness course.</p> <p>6. Betsi Cadwaladr University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1-5.</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Betsi Cadwaladr University Health Board on 30/03/2021.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Cardiff and Vale University Health Board</u></p>	<p>CSG741 On 24/06/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that it was not possible to receive a Welsh language service on the telephone number 02920444500 (emergency dentist). After 55 minutes of waiting for a</p>	<p>25/03/2021</p> <p><b>Commissioner's Findings</b></p> <p>Standard 10: Standard 10 requires Cardiff and Vale University Health Board to deal with a call in Welsh if the caller so wishes. This is the case until 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 until there is no Welsh-speaking member of staff available to provide a service on that specific subject matter. In this case, the complainant called the telephone line in question, and chose the Welsh option. She waited</p>

response in Welsh, the complainant terminated the call. Approximately 45 minutes into the call, the complainant asked her son to try the number and ask for an English option, and he received a reply within 3-4 minutes. After terminating the call, 55 minutes after the start of the call, the complainant dialled again, but chose the English option, and received a reply within a couple of minutes. When complaining to the staff member who answered the English call, the staff member noted that several people had complained about the same issue.

55 minutes without a reply, and so decided to terminate the call. The complainant called the same number again and chose the English option. She received a reply within minutes and received a service in English only. The complainant did not receive a service in Welsh at all, although her wish to do so was clear by choosing the Welsh option when making the call. This is therefore a failure to comply with standard 10.

### **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 10.

### **Statement of further action**

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

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

Standard 10 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Cardiff and Vale University Health Board must ensure that calls to the Welsh line are answered, and that that happens in accordance with the targets or performance indicators that exist for that service.

2. The Health Board must deal with these calls in a way that meets the requirements of standard 10. The Health Board must undertake regular exercises to check that calls to the Welsh line are answered in accordance with the requirements of the standards and in accordance with

performance indicators, and report the results of those exercises to relevant performance monitoring committees and forums. The Health Board must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-2 have been completed.

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

Recommendation under section 77(4)(a) of the Welsh Language Measure

1. I recommend that the Health Board undertake a review of their arrangements to provide a telephone service through CAV 24/7, and act on their findings, to ensure that that service complies with the requirements of the Welsh language standards.

I recommend that the Health Board shares the results of the review with the Commissioner within 3 months of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 25/03/2021.

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

No appeal was made to the Tribunal.

Cardiff and Vale  
University  
Health Board

CSG710 On 17/02/2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure and was therefore a valid

25/03/2021

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

Standard 45: Standard 45 requires D not treat the Welsh language less favourably than the English language when using social media on its corporate and departmental accounts. The duties of the standard include a

complaint. The complainant (P) claimed that there is no Welsh text at all on Cardiff and Vale University Health Board's Twitter ([https://twitter.com/CV\\_UHB](https://twitter.com/CV_UHB)) and Facebook (<https://www.facebook.com/cardiffandvaleuhb/>) social media accounts. The whole content of both accounts was said to be in English only.

requirement for D to ensure that—if it publishes a message in English on social media—that it also publishes the message in Welsh. This complaint has shown that D does not always provide material in Welsh on its social media, and that there is far more text being published in English than in Welsh on its accounts, meaning that the Welsh language is being treated less favourably than the English language. This is a failure to comply with standard 45.

### **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 45.

### **Statement of further action**

Further action was taken following the determination that Cardiff and Vale University Health Board has failed to comply with standard 45.

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

Standard 45 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require Cardiff and Vale University Health Board (D) to prepare an action plan. I am doing this for the purpose of preventing the continuation or repetition of D's failure to comply with the relevant requirement—namely the requirement, in accordance with standard 45, to not treat the Welsh language less favourably than the English language when using social media.

The action plan must include the following information:

- o a description of every step D will take to ensure that it does not treat the Welsh language less favourably than the English language when using social media on its corporate and departmental accounts
- o who will be responsible and accountable for each action
- o a definite timetable for the delivery of each action (including any milestones)
- o the resources (e.g., finance/staff) required to carry out each action

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

- o that D conducts an audit of its corporate and departmental accounts to assess whether they comply with the requirements of standard 45, and that D takes action if they do not comply.
- o D has the resources to be able to publish content in Welsh on its social media accounts at the same time as it publishes equivalent content in English. For example, this could mean taking actions such as:
  - ensuring that there are adequate translation resources (internally or externally) to support non-Welsh speaking staff members of the communications team to publish content in Welsh
  - ensuring that the communications team has the relevant Welsh language skills to be able to translate content from English into Welsh themselves (by recruiting (an) additional member(s) of staff to the team with the relevant Welsh language skills or by improving the Welsh language skills of current staff members)

- ensuring that communication staff's awareness of the requirements of standard 45, and of how to comply with standard 45, is sufficient, and for staff to receive training if it is not sufficient
- o if D publishes a message (including a temporary message) in English on its English account, that D publishes the message in Welsh (at least at the same time) on its corresponding Welsh account
- o if D publishes a message from another person on its English account (e.g., retweets a message from another organisation), that D publishes the following on its corresponding Welsh account:
  - the Welsh language version of the message (if a Welsh language version is available)
  - the English language version of the message (if a Welsh language version is not available)
- o that any static content (e.g., the bio and the web address on the Twitter account) published on D's English language account is published in Welsh on its Welsh language account.

If D operates separate Welsh and English language accounts (as opposed to a bilingual account), the action plan should, amongst other actions (and in addition to the general actions set out above), include actions to ensure that:

- o D raises awareness of the Welsh language account on the corresponding English language account, for example, by providing a direct link to the Welsh account.

If D operates a bilingual account (as opposed to separate Welsh and English language accounts), the action plan

should, amongst other actions (and in addition to the general actions set out above), include actions to ensure that:

- o the account's display name and handle is Welsh, bilingual or neutral in terms of language
- o D does not treat the Welsh language less favourably than the English language when it publishes a message with the Welsh and English text within the same message (e.g., ensuring that the Welsh language text is not hidden because the English language text has been placed above the Welsh language text)

Timetable: D must produce the first draft of the action plan and give the draft to the Commissioner within 3 months of the date of publishing the Commissioner's final determination, namely by 25/06/2021.

#### **Decision notice given**

The Decision Notice was given to Cardiff and Vale University Health Board on 25/03/2021.

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

No appeal was made to the Tribunal.

Ceredigion  
County Council

CSG721 On 24 March 2020 a complaint was received from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore valid. The complaint related to email correspondence and had two elements. Firstly, the complainant explained that they had registered their

25/03/2021

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

Standard 1: When the council receives correspondence in Welsh, and it is required to reply to that correspondence, it must reply in Welsh unless the person sending the correspondence has indicated that there is no need to do so. The complainant sent two applications for a service in Welsh to the council through its website. It appears that the council considered these applications as



details on the council's website in order to receive online services. They received an email from the council thanking them for registering and asking them to confirm their details. The email was in English. It was sent from devandcontrol@ceredigion.gov.uk at 13:18 on 24 March 2020 under the subject 'Registration Activation'.

correspondence which required a response as it acknowledged them automatically with two emails which were in English. The complainant did not notify the council that it did not need to respond to their applications in Welsh. This was a failure by the council to comply with standard 1.

Standard 5: Standard 5 means that the council must provide a Welsh language version of any correspondence it sends to a person if their language preference is not known. The council sent correspondence, namely two automatic email acknowledgements, to the complainant. The complainant's language preference was not checked before sending them. The correspondence was in English. This was a failure by the council to comply with standard 5.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Ceredigion County Council has failed to comply with standard 1 and 5.

### **Statement of further action**

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

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

Standard 1 – Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
3. The council should take steps to identify all bilingual correspondence which are generated automatically to

ensure that they are not likely to be affected by the same problem which affected the emails in question in this investigation.

4. The council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.

Timetable: By 1 July, 2021

#### **Decision notice given**

The Decision Notice was given to Ceredigion County Council on 23/03/2021.

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

No appeal was made to the Tribunal.

#### Betsi Cadwaladr University Health Board

CSG618 On 19 August 2019, a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore valid. It pertained to a Betsi Cadwaladr University Health Board out of hours GP service (the health board). The complainant explained that he had called the service on the morning of Saturday 17 August 2019. He wanted to arrange an appointment with a GP for his young child who was poorly. He called the relevant number and chose the option to receive a Welsh service. Even though he waited for an hour, the call was not answered. At around 12pm he called the same number

30/11/2020

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

Standard 10: The health board must deal with telephone calls it receives in Welsh if that is the caller's wish. The complainant called the health board's out of hours GP service and chose the option to receive a Welsh language service. Following this, the phone rang for a long time with no answer. The call was eventually ended when he got through to the English language service using another phone. Without evidence to prove exactly what happened to the complainant's first call, I cannot determine that the health board failed to comply with the standard under the circumstances.

Standard 14: The Health Board must ensure that its performance indicators for dealing with telephone calls do not set measures which would treat telephone calls made in Welsh less favourably than calls made in English. The

using a different phone. This time he chose the English option. This call was answered immediately.

health board attributes the same performance standards to calls made in Welsh and English to the out of hours GP service. This does not show a failure to comply with the standard on the health board's behalf.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has not failed to comply with standard 10 and 14.

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

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

In the case of my determination that the health board did not fail to comply with standard 10, I will take further action because to make recommendations to the health board. I consider that the circumstances of the complaint create sufficient suspicion to justify taking this action. Details of the further action are as follows.

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

Standard 10 - Recommendation under subsection 76(3)(a) of the Welsh Language Measure

The health board should test the effectiveness of the out-of-hours GP telephone service at different times of the day/night for a period of 3 months and report its findings to the Commissioner.

#### **Decision notice given**

	<p>The Decision Notice was given to Betsi Cadwaladr University Health Board on 30/11/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Welsh Ministers</u></p> <p>CSG653 On 06/10/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to the lack of a Welsh language reception service at Strata Florida Abbey. The complainant had visited the Abbey and on arrival had sought a Welsh language service when purchasing tickets and receiving information about the Abbey. Strata Florida Abbey is under the care of CADW. The services provided by CADW are subject to the Welsh Ministers' Compliance Notice. The complainant had visited the Abbey on 28 September 2019 and submitted a complaint as he was not greeted in Welsh nor had he received a reception service through the medium of Welsh.</p>	<p>12/11/2020</p> <p><b>Commissioner's findings</b> Standard 64: A body must ensure that any reception service available in English is also available in Welsh. It must also ensure that a person who requires a Welsh language reception service must not be treated less favourably than a person who requires an English language reception service. I received a complaint from a member of the public who had visited Strata Florida Abbey which is under CADW's care on 28 September 2019 alleging that they had not received a Welsh language reception service. I find that there was no Welsh language reception service available at Strata Florida Abbey during the complainant's visit and alternative methods of providing the reception service in Welsh treated the Welsh language less favourably than English, contrary to the requirement of the standard.</p> <p><b>Commissioner's Determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with Standard 64.</p> <p><b>Statement of further action</b> Further action was taken following the determination that Welsh Ministers has failed to comply with Standard 64.</p>

			<p><b>Statement on the further action</b></p> <p>Standard 64 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure</p> <p>1. I require the Welsh Ministers to prepare an action plan to ensure that CADW complies with the requirements of standard 64 at all sites for which it is responsible.</p> <p>Timetable: The Welsh Ministers must provide the Commissioner with a first draft of the action plan within 6 weeks of the date of the final determination, which is by 24/12/2020.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Welsh Ministers on 12/11/2020.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>CSG690 On 16 January 2020, a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore valid. It related to the Help with Health Costs telephone service. The complainant explained that they telephoned the number, 0345 603 1108, on 15 January 2020 to order dental expense claim forms. They claimed that no one was available to deal with their call in Welsh. They were subsequently</p>	10/11/2020	<p><b>Commissioner's findings</b></p> <p>Standard 10: Standard 10 requires Welsh Ministers to deal with telephone calls to helpline numbers wholly in Welsh if that is the caller's wish. The complainant telephoned the Help with Health Costs helpline number, which is provided by Welsh Ministers, on 15 January 2020 and expressed a wish to speak Welsh. The officer who answered the call was unable to speak Welsh. The call was not therefore dealt with in Welsh. This was a failure to comply with the standard.</p> <p><b>Commissioner's Determination</b></p>

transferred to a service provided by the NHS in England, before then being transferred again to the National Assembly for Wales' 'Welsh Publications Line'.

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

**Statement of further action**

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

**Statement on the further action**

Standard 10 – Requirement to take steps in accordance with subsection 77(3)(b) of the Welsh Language Measure

1. Welsh Ministers must take steps to ensure that Mediascene Ltd's arrangements for providing the Help with Health Costs telephone service comply fully with the requirements of standard 10.

2. Welsh Ministers must review their arrangements with third party providers in order to identify where call back arrangements exists and take steps to amend those practices where necessary.

3. Welsh Ministers must provide written evidence written evidence that shows that you have complied with enforcement steps 1-2.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 10/11/2020.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG719 On 16 March 2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to a letter received by the complainant in English from Wrexham County Borough Council relating to the "Chargeable Garden Waste Collection Service" for the following financial year.

23/10/2020

### **Commissioner's findings**

Standard 2: If a body is corresponding with an individual for the first time, it must ask the individual whether they wish to receive correspondence from it in Welsh. If the individual responds to say that they do wish to receive correspondence in Welsh from the body, the body must keep a record of that wish, and correspond with that individual, and send them any forms, in Welsh from then onwards. In this case, following the organisation of a garden waste service over the telephone with the Council, the complainant received correspondence confirming the licence etc. in English only. Following consideration of the evidence, I find that the requirements of standard 2 do not apply to the circumstances of the complaint. There is no evidence that this was the first correspondence the Council has sent to the complainant, and it is not personalised correspondence.

Standard 4: If a body sends the same correspondence to several persons, it must send a Welsh language version of that correspondence. The body must also ensure that the Welsh language version of the correspondence is sent at the same time as it sends any English language version. The complainant received English-only correspondence confirming garden waste collection arrangements. Following full consideration of the evidence, I find that the correspondence in question is an example of the same correspondence being sent to several persons, and therefore there is a requirement for the correspondence to be sent in both Welsh and English.

### **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 2, 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 2 – providing recommendations in accordance with section 77(3)(a)

I recommend that Wrexham County Borough Council checks its current customer information management system to ensure that records of the language choice of individuals that the Council had collated since the imposition day were accurate. Any record of language choice should be transferred from previous systems to the current system.

Standard 4 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that letters sent to several persons are sent in both English and Welsh.

To ensure this, it should

I. conduct a review of and identify the letters sent to several persons, keeping a central record of the relevant letters



			<p>II. ensure that there is an up-to-date Welsh version of each letter</p> <p>III. strengthen the arrangements of each team to ensure that they send a letter in Welsh and English at the same time</p> <p>IV. develop arrangements to check and inspect a sample of letters sent regularly to identify any errors through self-regulation.</p> <p>2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed.</p> <p>Timetable: Within 90 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Wrexham County Borough Council on 23/10/2020.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Neath Port</u> <u>Talbot County</u> <u>Borough Council</u></p>	<p>CSG650 On 01/10/2019 A complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant telephoned the Council's general enquiry number and was greeted in English before the officer then spoke in Welsh. The complainant</p>	<p>12/10/2020</p>	<p><b>Commissioner's findings</b></p> <p>Standard 8: Standard 8 requires the Council to greet a caller in Welsh. This requirement applies to each greeting during the call, not just the first greeting. In this case the complainant was greeted in Welsh on an automated basis at the start of the call. However, he was greeted in English by the first officer who spoke to him. According to the complainant he was greeted in English on at least one other occasion during the same call but the Council has</p>

explained that he wanted to talk to someone about school transport, and the call was transferred to another officer who answered the telephone in English. The complainant asked whether there was someone available who spoke Welsh. The call was transferred to another officer who, according to the complainant, also answered the telephone in English. According to the complainant he twice asked whether this officer spoke Welsh and then, according to the complainant, the officer put the phone down.

not been able to provide information on this part of the call. As the complainant was greeted in English only at least once during the call made to the Council's main telephone line I am of the view that the Council has not complied with standard 8 in this case.

Standard 9: Standard 9 requires the Council to inform the person contacting the body on one of the relevant telephone numbers that a Welsh language telephone service is available. In this case the complainant contacted the Council on the main telephone number. The Council's main telephone number gives automated options to press for a Welsh or English language Service. As the Council has provided an automated option to continue with the call in Welsh then I consider that the Council has complied with standard 9 in this case.

Standard 10: In order to comply with standard 10 the Council needed to ensure that for individuals who telephone the Council on one of its relevant telephone numbers, the Council must deal with the call in Welsh in its entirety if that is the individual's wish. The body must deal with the call in Welsh in its entirety once the organisation is aware that the individual wishes to use the Welsh language. In this case the complainant was offered an automated language choice on the telephone and the first officer who spoke to him was able to deal with the call through the medium of Welsh, although the officer did provide the greeting in English, in error. However, according to the complainant, the call was transferred to a non-Welsh speaking officer and then on to another non-Welsh speaking officer. As the complainant had been

transferred to a non-Welsh speaking officer after he had chosen the Welsh option his call was not treated in a manner which complied with standard 10.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough Council has not failed to comply with standard 9, but that Neath Port Talbot County Borough Council has failed to comply with standards 8 and 10.

### **Statement of further action**

Further action was taken following the determination that Neath Port Talbot County Borough Council has failed to comply with standards 8 and 10.

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

Standard 8 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Council must take steps to remind all staff who receive telephone calls within the Council that all callers need to be greeted in a manner which complies with standard 8.

Timetable: Within 1 month of issuing the Commissioner's final determination.

2. Neath Port Talbot County Borough Council must provide written evidence which satisfies the Welsh Language Commissioner that it has taken enforcement action 1.

Timetable: Within 1 month of issuing the Commissioner's final determination.

	<p><b>Decision notice given</b> The Decision Notice was given to Neath Port Talbot County Borough Council on 12/10/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>The City and County of Swansea Council</u></p> <p>CSG672 I considered that there was a suspicion that Swansea Council (“the Council”) had failed to comply with a requirement included in a decision notice following investigation CSG484, based on evidence provided by the Council when reporting on the completion of the actions.</p>	<p>06/10/2020</p> <p><b>Commissioner’s findings</b> Enforcement action 1: The purpose of the enforcement action imposed on the Council was to ensure that it has robust arrangements in place to ensure that it sends a Welsh language version of correspondence to a person at all times, until it knows that the person does not wish to receive correspondence in Welsh. The Council's response to enforcement action 1 made me suspect that it had not taken steps to ensure that there were sufficient arrangements in place so that it provided a Welsh language version of correspondence in accordance with the requirements of standard 5 until it knew that a person did not wish to receive correspondence in Welsh. Having received further evidence, I now find that there are arrangements in place within the Council Tax section to enable compliance with standard 5. However, the evidence does not allow me to ascertain whether or not these arrangements were in place by 18 November 2019, the day the Council was required to complete the enforcement action. Based on that, I cannot conclude that the Council has failed to comply with the enforcement action. Furthermore, the evidence in my possession does not allow me to ascertain what arrangements are in place within other Council departments to enable compliance</p>

with standard 5. Based on that, I do not have evidence of the Council's arrangements to comply with standard 5 across the organisation therefore I cannot conclude that the Council has failed to comply with the enforcement action.

Enforcement actions 4 and 5: The purpose of the enforcement actions imposed was to ensure that the Council Tax Department includes a statement which complies fully with standard 7 in:

- ☐ correspondence;
- ☐ publications that invite persons to respond to or correspond with the body; and
- ☐ official notices that invite persons to respond to or correspond with the body

and that staff are aware of the requirement to do so. The Council's evidence in response to enforcement actions 4 and 5 created suspicion as to whether or not the actions had been completed in full. It appears that the Council Tax Department's letter and form templates have been reviewed to include a statement within that correspondence which complies fully with the requirements of standard 7. However, the evidence in my possession does not allow me to ascertain whether the review had been completed by 18 November 2019 in accordance with the timescale set for completing enforcement action 4. Neither does it allow me to ascertain whether the Department has templates for publications and official notices, nor the extent to which they been reviewed to include the appropriate statement. In this instance I find that the Council has not failed to comply with enforcement action 4. That is based on not

having evidence that the Council had failed to comply with enforcement action 4 within the timescale allowed. Evidence provided by the Council Tax Department shows that it has held an awareness raising campaign and provided staff guidelines to staff on ensuring that a statement which complies with the requirements of standard 7 is included in correspondence and publications and official notices which ask persons to respond to or correspond with the Council. However, the guidance provided by 18 November 2019 was limited and neither the guidance that referred to the requirements about publications and official notices, as required, nor the more comprehensive guidelines were shared with staff until after 18 November 2019, therefore the enforcement action was not completed in a timely manner. I therefore find that the Council has failed to comply with enforcement action 5. Despite providing limited guidance to staff by the required date, it was insufficient in order to comply with the requirements of the enforcement action as there was no reference to publications and official notices. Despite sharing further guidance and guidelines with staff after the date by which the Council was required to complete the action, they continue to be insufficient as they do not make clear that the requirements of standard 7 also continue to extend to publications and official notices. I note that the Council as a result of this investigation has taken further steps to ensure that staff are fully aware that the requirements of standard 7 also extend to publications and official notices.

Enforcement action 10: The purpose of enforcement action 10 is to ensure that, where the Council produces

forms, that a Welsh language version of a form is not treated less favourably than an English language version. In particular, the action asks the Council to ensure that a Welsh language version of a form is published and provided at the same time as the English language version. The Council's response to enforcement action 10 created suspicion as to whether it had completed the action in full and in a timely manner. The evidence in my possession suggests that the Council has taken steps towards complying with enforcement action 10 and that there are arrangements in place to ensure that Welsh language version of forms are published at the same times as English language forms on its website. However, it is not clear, whether or not these arrangements were in place by 18 November 2019 or what arrangements are in place to publish and provide forms in other formats in Welsh and English at the same time. I also consider that the staff guidelines and guidance could be clearer in order to ensure that staff are aware that Welsh and English language versions of forms (be they online or otherwise) must be published and provided at the same time. However the evidence in my possession has highlighted that forms did not include a direct link to the Council's Welsh language page when noting the Council's contact details whilst the English language version of the contact details included a direct link. It appears that it was an error to include a link within the English address. I therefore find that the Council has failed to comply with enforcement action 10. This is based on forms treating the Welsh language less favourably than the English language by providing a direct link to the Council's webpage in the English version of the contact details but

not within the Welsh language version of the contact details. I note that the Council has since take steps as a result of this investigation to correct the error.

Enforcement action 12: The purpose of the enforcement action was to receive evidence that the Council had completed enforcement actions imposed in relation to case CSG484. The Council's insufficient evidence in response to enforcement actions 1, 4, 5, and 10 in relation to case CSG484 created suspicion as to whether the Council had completed those enforcement actions in full and / or in a timely manner. I find that the Council has failed to comply with enforcement action 12. That is based on not having evidence that enforcement actions 1, 4, 5, and 10 imposed in relation to case CSG484 were completed sufficiently and/or in a timely manner by 18 November 2019, and in accordance with the extension granted.

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the City and County of Swansea Council has not failed to comply with enforcement actions 1 and 4, but that the City and County of Swansea Council has failed to comply with enforcement actions 5, 10 and 12.

### **Statement of further action**

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with enforcement actions 5, 10 and 12.



**Statement on the further action**

Enforcement action 1 – advice in accordance with section 76 of the Welsh Language Measure

1. The Council should ensure that all departments (including sections) have sufficient arrangements in place to provide a Welsh language version of correspondence in accordance with the requirements of standard 5 until it knows that a person does not wish to receive it.

Advice in accordance with section 4 of the Welsh Language Measure

2. I advise the Council to review and ensure that correspondence templates do not treat the Welsh language less favourably than the English language.

Enforcement action 5 – advice in accordance with section 77 of the Welsh Language Measure

3. I advise the Council to raise awareness and review staff guidelines in order to make it completely clear that the requirements of standard 7 mean that a statement which fully complies with the requirements of standard 7 must also be included in publications and official notices.

Advice in accordance with section 4 of the Welsh Language Measure

4. I advise the Council to consider my comments in paragraph 3.48 of this report in terms of reviewing and revising any guidelines or guidance available to staff in order to ensure that any arrangements outlined comply fully with all of the standards to which the guide or guidance apply

Enforcement action 10 – advice in accordance with section 77 of the Welsh Language Measure

5. I advise the Council to revise forms to ensure that the Welsh language is not treated less favourably than the English language.

Advice in accordance with section 4 of the Welsh Language Measure

6. I advise the Council to raise awareness and review staff guidelines in order to make it completely clear that a Welsh language version of a form must be published and provided at the same time as the English language version.

Enforcement action 12 – advice in accordance with section 77 of the Welsh Language Measure

7. I advise the Council to ensure that it has sufficient and robust arrangements in place to be able to provide sufficient and timely evidence to the Commissioner that it has completed enforcement actions in full.

#### **Decision notice given**

The Decision Notice was given to the City and County of Swansea Council on 06/10/2020.

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

No appeal was made to the Tribunal.

#### Welsh Ministers

CSG666 On 12/11/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language

03/09/2020

#### **Commissioner's findings**

Standard 8: The standard provides that a body must ensure that a person who telephones any of its main telephone numbers is greeted in Welsh. The complainant

Measure, and was therefore a valid complaint. An allegation was received that the complainant and her son received a bilingual letter through the post regarding the Nest / Nyth scheme. The Nest Scheme is a Warm Homes programme which offers a service for people to make their homes warmer, and it is run and maintained by the Welsh Government. On 12/11/2019, the complainant alleged that she telephoned the freephone number 08088082244 on the letter received at approximately 1.20pm. This number leads to the Nest Contact Centre, which is the first point of inquiry for the Nest scheme. The call was answered by a non-Welsh speaker, and the complainant alleged that she failed to receive a Welsh language service.

telephoned the Nest/Nyth scheme and failed to receive a Welsh language service. No reference is made to the greeting in the allegation. Welsh Ministers noted that a bilingual greeting is given to welcome all callers before stating that they will be introduced to a customer advisor. My finding is that Welsh Ministers have put a bilingual greeting on an automated machine, but that the customer advisor who dealt with the call failed to deal with the call in Welsh. As a result, I conclude that the standard has not been broken.

Standard 9: The standard requires a body to actively inform a person who telephones it that a Welsh language service is available so that they can choose to continue the call in Welsh if they so wish. The complainant telephoned the Nest/Nyth scheme and the call was answered by an automated bilingual message, before a non-Welsh speaking business advisor answered the call. The advisor explained that a Welsh speaker would return the call, which is equivalent to informing the caller that a Welsh language service is available.

Standard 10: Standard 10 requires a body to deal with calls made to its main telephone line in Welsh in their entirety if that is the person's wish. If the call needs to be transferred to another member of staff in order to deal with the call, that member of staff must deal with the call in Welsh. The complainant telephoned the Nest/Nyth scheme and the call was answered by a non-Welsh speaking business advisor. The advisor explained in English that a Welsh speaker would return the call.

**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 8 and 9, but that Welsh Ministers has failed to comply with Standard 10.

**Statement of further action**

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

**Statement on the further action**

Standard 10 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Welsh Ministers must conduct a review of their current arrangements for dealing with telephone calls, and act on the findings in order to ensure that telephone calls by those who wish to have a Welsh language service are dealt with by Welsh speakers.

2. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 and 2 have been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 03/09/2020.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

City and County  
of Swansea  
Council

CSG662 On 28/10/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant had received a "Notice to Owner" document from the City and County of the City and County of Swansea Council in late August relating to a parking penalty charge which had not yet been paid. The complainant provided a copy of the document. The complainant states that the English appeared first and was of the view that this treated the Welsh language less favourably than the English language. The complainant also notes that there are several English words and phrases in the Welsh version for example, the department's address is in English; the posting date is in English; the date of the notice being issued is in English; the colour of the car is in English and the name of the car park is in English. Also, in the Welsh version it is stated that £70 is owed but according to the English version this sum is £50. The document also refers to a website for submitting representations online – <http://parcio.abertawe.gov.uk/> The complainant states that the Welsh language web address in the document does not exist even though the English

17/9/2020

**Commissioner's findings**

Standard 1: Standard 1 requires a body to reply in Welsh to Welsh language correspondence unless no reply is required, or that the person sending the correspondence in Welsh has indicated that there is no need to reply in Welsh. In this case the complainant sent an email in Welsh to three email addresses within the Council. She received a response in Welsh from one of the addresses and an email in English from another email address. As the complainant received an email in English only in response to a Welsh language email which she sent to the Council, the Council has not been able to comply with standard 1 in this case.

Standard 6: In order to comply with standard 6 the Council needed to ensure that any correspondence it produces does not treat the Welsh language less favourably than the English language. In this case the complainant had to search to find that the same information was available in Welsh in the "Notice to Owner" correspondence. There were a number of English language words in the Welsh version of the correspondence and the debt outstanding and the website address provided for representations differed in both versions. The title of further correspondence received by the complainant was in English only. As the correspondence "Notice to Owner" and the email "Making a formal representation against a PCN" treat the Welsh version less favourably than the English version I am of the view that the Council did not comply with standard 6 in this case.

equivalent works. The complainant sent an email to Meysydd.Parcio@abertawe.gov.uk with a copy to Cymraeg@abertawe.gov.uk The complainant received responses from Car.Parks@swansea.gov.uk in English only and according to the complainant the email does not make sense as it thanked the complainant for her appeal but she did not submit an appeal in her email. She received two responses from the Council in Welsh. One thanks her for her email and the other provides a direct link to the website (<https://abertawe.gov.uk/apelpcn>). This address is very different from the one on the document. After the complainant successfully submitted representations on the parking penalty charge notice she received an email confirming receipt of the representations. There were English words and phrases in this email (eg the headings - Online Form Submission / Form / Article and The user was viewing), and an English main heading in bold – "Making a formal representation against a PCN (Welsh)".

Standard 52: Standard 52 requires the Council to ensure that the text of each page of the Council's website is available in Welsh, that every Welsh language page on the website is fully functional, and the Welsh language is not treated less favourably than the English language on the website. In this case the complainant contacted the organisation to say that the web address that was in the correspondence received was not working. From the investigation of the complaint it became clear that there was an error in the correspondence here rather than a problem with the Council's website. As it is a problem with the way in which the address is written in the correspondence rather than the non-compliance of the Council's website with standard 52 I am not of the view that the Council has failed to comply with standard 52 in this case.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the City and County of Swansea Council has not failed to comply with standard 52, but that the City and County of Swansea Council has failed to comply with standards 1 and 6.

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

Further action was taken following the determination that the City and County of Swansea Council has failed to comply with standards 1 and 6.

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

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

		<p>1. The City and County of Swansea Council must provide clear guidance to parking services staff on how to deal with any Welsh language correspondence they receive that requires a response in Welsh.</p> <p>Standard 6 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <p>2. The City and County of Swansea Council must undertake a review of all the standard Parking Services correspondence and act on the findings of that review to ensure that it complies with standard 6.</p> <p>3. City and County of Swansea Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps [1 to 3] have been completed.</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to the City and County of Swansea Council on 17/09/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Bangor University</u>	<p>CSG543 On 7 May, 2019 I a complaint was received from a member of the public. It met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. There were two elements to the complaint. The first element was in relation to a decision</p> <p>4/9/2020</p>	<p><b>Commissioner's findings</b> Standards 94, 95 and 96: The University is required to consider and identify all the possible effects a policy decision may have on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language. It is required to consider how to ensure that the policy decision would</p>

by Bangor University (the University) to reduce the number of lecturers responsible for delivering a learning disability nursing course. The complainant alleged that the decision meant the loss of a Welsh speaking member of staff. This would, in the complainant's opinion, lead to the failure to maintain the Welsh medium learning provision for the course, and a failure to meet the same standard of provision in the future. The second element involved recruitment. The complainant alleged that the University had advertised four new positions for associate lecturers in preregistration nursing with the ability to use Welsh as only a desirable requirement for candidates.

have positive effects, or increased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. It is also required to consider how to ensure that the policy decision would have no adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. The investigation showed that the University had assessed the impact of its policy decision to make changes to the School's staffing structure on the Welsh language. It did so as part of an equality impact assessment on the School's Business Case for Change. The investigation showed that the impact assessment was sufficient to demonstrate that all aspects of the standards had been taken into account. The University complied with the requirements of the standards as part of the equality impact assessment.

Standard 145: The University is required to assess the need for Welsh language skills when assessing the requirements for a new or vacant post. It must then categorise the post as one where one or more of the following categories apply: Welsh language skills are essential; Welsh language skills need to be learnt when appointed to the post; Welsh language skills are desirable; Welsh language skills are not necessary. The University undertook an assessment of the need for Welsh language skills for four academic posts of Associate Lecturer (Pre-registration Nursing) in accordance with its Code of Practice on the Appointment of Staff in accordance with Welsh Language Standards.



Three of those posts were new posts and one was a vacant post. The assessment concluded that the category of Welsh language skills was desirable and this was set out in the specifications relating to the four posts. The University complied with the requirements of the standard in undertaking an assessment of the need for Welsh language skills and categorised the posts as having Welsh language skills as desirable.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Bangor University has not failed to comply with standard 94, 95, 96 and 145.

**Statement of further action**

Further action was taken following the determination that Bangor University has not failed to comply with standard 94, 95, 96 and 145.

**Statement on the further action**

Standards 94, 95 and 96 - recommendation in accordance with section 76(3)(a) of the Welsh Language Measure.

1. The University should amend its equality impact assessment template to ensure that it fully reflects the requirements of the above standards.
2. The University should raise awareness of its specific template for assessing the impact of decisions on the Welsh language. It should note in the equality impact assessment that, in some circumstances, it may be more appropriate to use the specific Welsh language impact assessment template.

	<p>Standard 145 - recommendation in accordance with section 76(3)(a) of the Welsh Language Measure.</p> <p>3. The University should amend its Code of Practice on the Appointment of Staff in accordance with the Welsh Language Standards to make it clear that it applies to vacant posts as well as new posts.</p> <p><b>Decision notice given</b> The Decision Notice was given to Bangor University on 04/09/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p> <p>CSG679 On 12/12/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he wrote to Wrexham Council in Welsh on 10/12/2019 and received an answer in Welsh on 11/12/2019. However, at the bottom of the message, he alleged that the text of the footnote was in English only.</p> <p>30/7/2020</p>	<p><b>Commissioner's findings</b> Standard 1: When the Council receives correspondence in Welsh, and the Council is required to reply to that correspondence, it must reply in Welsh unless the person sending the correspondence has indicated that there is no need to do so. The complainant received a response in Welsh from the Council to his correspondence dated 10/12/2019, but the footnote at the bottom of the letter was in English only. This equates to a failure to fully comply with the requirements of standard 1.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 1.</p> <p><b>Statement of further action</b></p>

		<p>Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 1.</p> <p><b>Statement on the further action</b>  Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <ol style="list-style-type: none"> <li>1. Wrexham County Borough Council must remind its staff of the requirements of this specific standard, as well as the arrangements in place to operate in accordance with those processes.</li> <li>2. Wrexham County Borough Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.</li> </ol> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b>  The Decision Notice was given to Wrexham County Borough Council on 30/07/2020.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<u>Newport City Council</u>	<p>CSG657 On 21/10/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. A complainant contacted the Commissioner to say that he was unable</p>	<p>7/7/2020</p> <p><b>Commissioner's findings</b>  Standard 52: Standard 52 requires the Council to ensure that the text of each page of the Council's website is available in Welsh, that every Welsh language page on the website is fully functional, and the Welsh language is not treated less favourably than the English language on the website. A member of the public contacted the</p>

to order hygiene bags through the Council's website in Welsh and that he had to use the website in English.

Commissioner to say that he had not been able to order hygiene bags from Newport City Council's Welsh language website and that he had to use the English version of the website. The complaint highlighted that not all the text on the website was available in Welsh, the website was not fully functional in Welsh as the options were not working and the website treated the Welsh language less favourably than English because it there was less information on the Welsh language website compared to the English website.

#### **Commissioner's determination**

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

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

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

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

On the basis that the Council has taken appropriate steps to prevent the continuation or repetition of the failure to comply I have decided to take no further action in this instance.

#### **Decision notice given**

The Decision Notice was given to Newport County Council on 07/07/2020.

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

No appeal was made to the Tribunal.

The Chief  
Constable of  
South Wales  
Police

CSG676 On 05/12/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that the Chief Constable of South Wales Police's Facebook page does not include much Welsh language text and, when the message is bilingual, the English language appears first.

19/6/2020

### **Commissioner's findings**

Standard 55: The standard requires a body to treat the Welsh language no less favourably than the English language when using social media. The complainant alleged that the South Wales Police Facebook page does not include much Welsh text, and that the Welsh language appears below the English language text when the message is bilingual. Following research by one of my officers, it is noted that the Facebook page includes bilingual text, but that the English language appears before the Welsh language. The standard does not require the Welsh language text to be positioned first. However, in a recent case, the Welsh Language Tribunal noted that if further action is needed to read Welsh language text compared with English language text, such as pressing a button, then placing the English language above the Welsh language means that the Welsh language is treated less favourably. It appears that the reader's language choice can affect the prominence of any Welsh language text which is published on the page. The Police explained that there will be exceptions when a message is published in English only, namely an urgent message, and that it will attempt to upload a translation as soon as possible following this. As an additional step is needed, namely pressing the 'see more...' button to see the Welsh language text, it appears that South Wales Police has failed to comply with standard 55.

### **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 55.

**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 55.

**Statement on the further action**

Standard 55 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. South Wales Police must ensure that, when using social media, the Welsh language text can be seen without having to press a button or scroll down the page so that the Welsh language is treated no less favourably than the English language.

2. I advise South Wales Police to continue to develop the repository of regular posts so that it is possible to avoid any delay between publishing urgent messages bilingually in the future.

Timetable: Within 2 months from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to the Chief Constable of South Wales Police on 19/06/2020.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG623 On 27/08/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant's allegation related to not receiving a Welsh language service on Wrexham Waterworld's telephone line. The complainant submitted an enquiry in Welsh on the Council's website and received a Welsh language reply, stating that he needed to contact Waterworld by calling 01978 272300 to receive a full reply to his enquiry which related to the availability of swimming lessons for his child. The complainant said that he contacted Waterworld on 22/08/19 and was informed that the service he required was only available in English and that, because he wished to receive the service in Welsh, he would have to wait for someone to call him back. Up until 27/08/19, he claims that no one called him back. The complainant called the number 01978 272 300 again on 27/08/19 and spoke to three different people. The complainant alleged that the first person did not acknowledge that he spoke Welsh and transferred the call to a second person. The complainant alleged that the second person asked him to

19/6/2020

**Commissioner's findings**

Standard 19: The complainant called the Council on 22 August 2019 and received an English only service contrary to the requirements of standard 19. The call related to a general enquiry about swimming lessons. The Council said that someone would return the complainant's call. The standard does not allow this. A non-Welsh speaking member of the Council's staff called the complainant back, despite having been told that he wished to receive a Welsh language service. The non-Welsh speaking member of staff said that someone else would call him back. A Welsh speaking member of staff then called the complainant but could not get an answer.

**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 19.

**Statement of further action**

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

Statement on the further action

Standard 19 – requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure  
1. Wrexham County Borough Council must undertake a review of Freedom Leisure's arrangements for answering telephone calls made to the leisure centres it runs by arrangement with the Council.

	<p>speak in English before transferring him to another colleague. He alleged that the third person said something in Welsh to the effect that there was no Welsh language service available (the complainant does not remember the exact conversation).</p>		<p>2. Wrexham County Borough Council must implement the findings of the review and introduce a policy and procedure for answering telephone calls, which will allow it to comply with standard 19.</p> <p>3. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed.</p> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 19/06/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham County Borough Council</u></p>	<p>CSG636 On 06/09/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint relates to an alleged failure by Wrexham County Borough Council to provide swimming lessons in Welsh to the complainant's child. After contacting one of the county's leisure centres (the complaint does not specify which leisure centre), he alleges that he was told that his 4 year old child would be able to attend swimming</p>	<p>19/6/2020</p>	<p><b>Commissioner's findings</b> Standard 84: If a body offers a course that is open to the public, the standard requires it to offer that course in Welsh. The Council states that Welsh lessons are available at the Gwyn Evans Centre, and that it can provide 1-1 lessons in Welsh if there was a demand. The complainant alleged that he was of the understanding that his child would have to have a lesson in English with some Welsh. I am of the view that Welsh swimming lessons are provided by the Council as required, and there was a demand on this occasion, but the course was not offered to the complainant. Standard 86: The standard makes it clear that an organisation is expected to develop an education course, to assess the need for the course to</p>



lessons "provided he agrees to her attending lessons in English, or possibly an English lesson with some use of the Welsh language".

be offered in Welsh, and to publish that assessment on the organisations's website. The Council has not developed a course since the last assessment was carried out in December 2016. The Council undertook an assessment of the need to develop swimming lessons in Welsh at that time by distributing questionnaires to the county's primary and secondary schools. The outcome of the assessment has been published in the form of a statement appearing on the Council's web page. There has therefore been no failure to comply with the requirements of standard 86 in this case. An enforcement action issued to the Council following the CSG134 investigation: Standard 84 – requirement to prepare an action plan in accordance with section 77(3) of the Welsh Language Measure. I require the Council to prepare an action plan outlining what action it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare the first draft action plan within 12 weeks, namely by 17 October 2017. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. I have provided the Council with an advice document which will assist in the preparation of the action plan. Standard 86 – advice in accordance with section 76(3) of the Welsh Language Measure When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86. The enforcement action requires the Council to draw up an action plan. This was done and the Council noted that it would advertise the availability of swimming lessons in Welsh, noting the time and place of lessons. The list of swimming lessons provided by the Council does not specify the language of the lessons, and

Freedom Leisure did not advertise the availability of swimming lessons in Welsh. This indicates a failure by the Council to comply with one element of its action plan.

### **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, but that Wrexham County Borough Council has failed to comply with standard 84 and has failed to carry out an action set out in its action plan for case CSG134.

### **Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 84 and has failed to carry out an action set out in its action plan for case CSG134.

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

Standard 84 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Wrexham County Borough Council must re-run the advertisements for swimming coaches with the Welsh language as essential on a regular basis until it has successfully recruited.
2. Wrexham County Borough Council must upskill more staff to hold swimming lessons in Welsh.
3. Wrexham County Borough Council must make it known that swimming lessons in Welsh are provided in accordance with demand.
4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language

		<p>Commissioner that it has completed enforcement actions 1, 2 and 3.  Timetable: Within 2 months of publishing the Commissioner's final determination.</p> <p>CSG134 investigation enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure</p> <p>5. Wrexham County Borough Council must ensure that Freedom Leisure makes it clear on its website that lessons are available in Welsh.</p> <p>6. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.</p> <p>Timetable: Within 2 months of publishing the Commissioner's final determination.</p> <p><b>Decision notice given</b>  The Decision Notice was given to Wrexham County Borough Council on 19/06/2020.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<u>Bridgend</u> <u>County Borough</u> <u>Council</u>	<p>CSG658 On 16 October 2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore valid. It related to an email sent to the complainant acknowledging receipt of</p>	<p>9/6/2020</p> <p><b>Commissioner's findings</b>  Standard 2: The standard imposes several requirements on the council. Relevant to this investigation is the requirement to correspond in Welsh with individuals who wish to receive correspondence in Welsh from the council. The council sent correspondence to the complainant on three occasions in the form of invoices for</p>

payment of council tax. The email appeared to be an automated one; it was sent at 14:02 on 16 October 2019 from the address AUTOMAILER@E-PAYCAPITA.COM. The complaint alleged that the email message was erroneous. Reference was made in it to Carmarthenshire County Council and, although the content was mostly written in Welsh, some of the text appeared in English. It appeared to the complainant that the content had been machine-translated. This was the second time that the complainant had complained to me about this very issue. The complainant noted: I believe that this investigation should be linked to the last one you undertook on this matter and that the council should be strictly penalised for claiming that work had been done to rectify errors in its system when the truth is that nothing has been done. I would also like to make the same comment as I did last time: This shows the negative attitude of Bridgend County Borough Council towards the Welsh language, which is to do as little as possible until somebody complains. (Author's translation.) The complainant received similar emails acknowledging receipt of payments on 14 August and 6 November 2019.

council tax payments. Although it contained errors, the correspondence was in Welsh. On the basis that the council has established that Welsh is the chosen language of the complainant and has corresponded with him in Welsh, I conclude that it has not failed to comply with the requirements of the standard.

### **Commissioner's determination**

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

### **Statement of further action**

Further action was taken following the determination that Bridgend County Borough Council has not failed to comply with standard 2.

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

Standard 2 – Requirement to take steps in accordance with section 76(3)(a) and (b) of the Welsh Language Measure

1. I recommend that the council ensures that all content of the council tax invoice is read by a competent officer or translator.
2. I recommend that the council then rectifies the content to ensure that it is accurate in meaning and expression, to the same extent as it would have been produced in English.
3. I advise the council to provide me with full and transparent comments in relation to complaints submitted against it.

		<p><b>Decision notice given</b> The Decision Notice was given to Bridgend County Borough Council on 09/06/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Bangor University</u></p>	<p>CSG595 On 5 July 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was, at that time, an employee of Bangor University. The complainant alleged that the university's online, paperless system for managing absence from work did not allow employees to apply for annual leave in Welsh. In support of the complaint, the complainant provided a copy of a email which was sent the following day by the Head of the School of Education introducing the new system to staff. The complainant was of the understanding that it was possible to apply for annual leave in Welsh but that this involved completing a paper form which would then be processed by an administrative officer. The complainant stated that employees who chose to use the online system could easily view, adapt, apply and record their annual</p>	<p>9/6/2020</p> <p><b>Commissioner's findings</b> Standard 111: The university must ask all its employees whether they wish to apply for annual leave in Welsh. If an employee tells the university that they wish to receive an annual leave form in Welsh, the university must provide it to them in Welsh. The investigation showed that the university has an administrative arrangement in place which means that employees can apply for annual leave in Welsh by completing emailing a relevant administrator. It also showed that the university has appropriate arrangements for recording the language choice of its employees in order to establish whether they wish to receive an annual leave form in Welsh. These arrangements meet the requirements of the standard.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Bangor University has not failed to comply with standard 111.</p> <p><b>Statement of further action</b> Further action was taken following the determination that Bangor University has not failed to comply with standard 111.</p>

leave. The complainant was concerned that the paper system available to Welsh users was not as good, and because of that the university had acted in a way that treated the Welsh language in a more inequitable and inferior way to the English language.

**Statement on the further action**

Standard 111 - Advice in accordance with subsection 76(3)(b) of the Welsh Language Measure. The university should give due consideration to the requirements of relevant operational standards and the needs and rights of its employees who wish to receive services relating to their employment in Welsh before piloting or adopting any relevant systems in the future.

**Decision notice given**

The Decision Notice was given to Bangor University on 09/06/2020.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG537 On 17 April 2019 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 was received from a member of the public who was submitting a complaint on someone else's behalf with his consent. The complainant claimed that the person affected had received correspondence which did not comply with the requirements of the Welsh language standards. The complaint concerns correspondence from Wrexham County Borough Council, namely a non-domestic

4/6/2020

**Commissioner's findings**

Standard 6: If a body produces corresponding Welsh and English language versions of correspondence (whether separate versions or not), it must not treat the Welsh language version of the correspondence less favourably than the English language version. The Council has produced 'non-domestic demand notice' correspondence containing linguistic errors in the Welsh text and containing some English-only text. I am of the view that producing correspondence that is inaccurate or contains English only text equates to treating the Welsh language less favourably than English and therefore is a failure to comply with the requirements of standard 6.

Standard 47: If a body produces a document for public use, and no other standard has required it to produce the

demand notice. The complaint relates to the following 3 pieces of correspondence: (1) A non-domestic demand notice (2) Direct debit consent document (3) 'Non-Domestic Annual Demand FAQs '. For documents (1) and (3) the complainant notes the following allegations: (1) Non-domestic demand notice (a) significant parts of the document are in English only. (b) Those parts which are bilingual treat the Welsh text less favourably in placing it below or to the right of the English. (c) There are mistakes in the Welsh (8.30 y.b.i.-5.00 y.p.o.) (d) There is inaccurate information in Welsh (the telephone number "Wrexham 200000"- on the reverse of the document - does not exist.) (e) Information is missing in the Welsh (the section for agreeing to the Council's terms when paying over the internet). (3) 'Non-domestic Annual Demand FAQ's' (a) This document is in English only.

document in Welsh, 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. A body should then produce the document in Welsh (or otherwise) in accordance with the outcome of that assessment. The parties are in agreement that the Council has produced a ' Non-domestic Annual Demand FAQs ' document for public use in English only. There is no evidence that the Council has conducted an assesment to consider the need to produce it in Welsh or not. I am of the view that the subject matter of the document and the anticipated audience for the document in question suggests that the document should have been produced in Welsh. I therefore find that the Council has acted contrary to the requirements of standard 47 in this case as it has not carried out an assessment as to whether the document in question should be produced in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council have failed to comply with standards 6 & 47.

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

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standards 6 & 47.

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

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that all correspondence relating to tax notices of any kind complies fully with the requirements of the standards. It must be ensured that the use of software or information from a third party does not allow language errors or use of English only text.

Standard 6 – requirement to publicise in accordance with section 77(3)(c) of the Welsh Language Measure

2. The Council must publicise its failure by publishing this report in a prominent place on its website and include an item on the investigation in its news section.

Timetable: within 28 days of the Commissioner's final determination.

Standard 47 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must develop a practical toolkit for officers responsible for producing any document for public use. The toolkit must include a practical method for assessing the need to produce a document in Welsh in accordance with standard 47 including a practical method of recording and securing the approval of a Senior Officer following the assessment. The toolkit must include a method of verifying that the outcome of an assessment requiring a document to be produced in Welsh is implemented.

4. Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1,2 and 3.



	<p>Timetable: Within 90 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 04/06/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Torfaen County Borough Council</u></p> <p>CSG660 On 25/10/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he received an automatic reply in English only after sending correspondence to the Council via your.call@torfaen.gov.uk on 24/10/2019 in response to its e-mail.</p>	<p>27/5/2020</p> <p><b>Commissioner's findings</b> Standard 1: When the Council receives correspondence in Welsh, and the Council is required to reply to that correspondence, it must reply in Welsh unless the person sending the correspondence has indicated that there is no need to do so. The complainant sent correspondence to the Council in Welsh. He received a reply in the form of an automatic e-mail message written in English. It appears that the Council does have appropriate arrangements in place to reply in Welsh, and it is unclear as to why the complainant received an English only reply on this occasion. As a result, it appears that the Council has failed to comply with standard 1 on this occasion.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Torfaen County Borough Council has failed to comply with standard 1.</p> <p><b>Statement of further action</b></p>

		<p>Further action was taken following the determination that Torfaen County Borough Council has failed to comply with standard 1.</p> <p>Statement on the further action Standard 1 – Requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure</p> <p>1. The Council must check its software system in order to ensure that the bilingual message written is sent in response to ALL correspondence which reaches the Council.</p> <p>3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.</p> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Torfaen County Borough Council on 27/05/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>The British Broadcasting Corporation</u></p>	<p>CSG544 On 5 May 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to correspondence received by the complainant from the Trustee's of the</p> <p>13/5/2020</p>	<p><b>Commissioner's findings</b> Standard 1: If a body receives correspondence from a person in Welsh, it must reply in Welsh (if an answer is required). A body does not have to reply in Welsh if a person has indicated that there is no need to reply in Welsh. I received a complaint regarding correspondence received by the complainant from the trustee of the British Broadcasting Corporation's (the BBC) pension fund. The</p>

British Broadcasting Corporation's (the BBC) pension fund. The complainant received a response in English to an email that had been sent in Welsh to the Trustee of the pension fund. The original email sent in Welsh email by the complainant to the Trustee requested correspondence in Welsh in line with the complainant's preferred language for all correspondence from the BBC's Pension Fund.

complainant received a response in English to an email that he sent in Welsh to the pension fund. I find that the parties agree that the complainant received a response in English only to their Welsh correspondence. However, this correspondence is not subject to the standards of the BBC as the pension fund is not acting on behalf of the BBC in this context.

Standard 96: A body must ask each employee whether he or she wishes to receive any paper correspondence that relates to his or her employment, and which is addressed to him or her personally, in Welsh. I received a complaint from a member of the public after their request to receive correspondence in Welsh from the BBC's Pension Fund was refused. I find that the requirements of standard 96 do not apply in this context as the correspondence in question is not paper correspondence relating to employment. It is not correspondence between the employer and the employee, although it was addressed to the employee personally. The fund is not acting on behalf of the BBC in preparing the correspondence in question.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the BBC has not failed to comply with standards 1 and 96.

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

I will not be taking any further action in this case.

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

I will not be taking any further action in this case.

	<p><b>Decision notice given</b> The Decision Notice was given to the BBC on 13/05/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>CSG610 On 18/01/2019 A complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint alleged that the complainant's address was not displayed in Welsh in correspondence from the Council's parking services, and that it was in English only. The complainant provided a copy of a letter dated 5/12/2018 which he received from the parking department to remind him to renew his parking permit. It is clear from the copy I have received that the address on the Welsh version of the letter is in English only, and the words 'Sylw – Nid Yw'r Cyfeiriad Yn Gymraeg – Cywirwch Os' is noted on that version with an English address below.</p>	<p><b>Commissioner's findings</b> Standard 2: Standard 2 imposes a requirement when corresponding for the first time with individuals to ask if they wish to receive correspondence in Welsh. The standard also places a requirement on a body to keep a record of any individuals who respond to say they wish to receive correspondence in Welsh, and to ensure that correspondence and forms are sent to them in Welsh in accordance with that wish from then on. I consider in this case that there was no requirement on the Council to ask about language choice in the correspondence received by the complainant as this is not the first time that the Council has corresponded with the complainant. I also consider that the Council did not know of the complainant's wish to receive correspondence in Welsh on the basis of the language he used to complete his permit application on the website and on the grounds of lack of evidence that the complainant had informed the Council of his wish. On that basis, I conclude that there was no requirement on the Council to keep a record of the complainant's wish to receive correspondence in Welsh at the time of sending him correspondence on 5/12/2018 or to send that correspondence in Welsh in accordance with element (b) of the standard.</p>

Standard 5: Standard 5 requires that a Welsh language version of correspondence is provided if a body does not know if the person corresponded with wishes to receive correspondence in Welsh. I consider that the whole of the correspondence needs to be in Welsh in order to comply. I conclude in this case that the Council was unaware of the complainant's chosen language, and that it had sent Welsh correspondence to the complainant which contained an English only address. I also conclude that the CSG192 action plan did not affect this case in respect of the Council's compliance with standard 5, as the action plan was concerned with ensuring the Council's compliance with standard 6 in particular. As not all elements of the correspondence were in Welsh, as there was an English address on the Welsh correspondence received by the complainant, I consider this to be contrary to the requirement of standard 5.

Standard 6: The requirement of standard 6 is to ensure that the Welsh language is treated no less favourably than English when producing a Welsh version and equivalent English version of correspondence, and that the Welsh version is treated at least in the same way as the English version. In this case the complainant received a Welsh and English letter from the Council reminding him of the need to renew his parking permit. A Welsh language version of the letter included an address in English only while the English version of the letter included the address in the same language as the rest of the contents. Although the erroneous words 'Sylw – Nid Yw'r Cyfeiriad Yn Gymraeg – Cywirwch Os' are included on the Welsh version of the letter, I do not consider that the Welsh

version of the letter has been treated less favourably than the English version as the English version also contains the erroneous wording. I conclude that the Council in this case was not wholly dependent on the implementation of every element of the CSG192 action plan before being able to send correspondence with a Welsh language address. I am not convinced from this investigation that there are obstacles to the Council being able to ensure that there is a Welsh language address on the correspondence or that it is wholly dependent on the Council's systems to enable that to happen. CSG192 action plan: The action plan following the CSG192 investigation required the Council to ensure that it had adequate arrangements in place to comply with standard 6 for including household addresses in Welsh on Welsh language correspondence. The action plan came into force on 18/09/2018. In considering the information available to me, I find that Cardiff Council has failed to comply with the action plan. This is because it has not achieved any of the actions within the action plan by the required dates. Although the Council has now completed actions 1 and 2, actions 3 – 7 of the action plan have still not been fully achieved.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council have failed to comply with standards 5, 6 and the action plan of case CSG192; and that Cardiff Council has not failed to comply with standard 2.

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

Further action was taken following the determination that Cardiff Council have failed to comply with standards 5, 6 and the action plan of case CSG192.

**Statement on the further action**

Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. If you don't know whether a person wishes to receive correspondence from you in Welsh, you must ensure that all elements of the correspondence are provided in Welsh, including the address, where a Welsh address exists. If the systems used to produce the correspondence do not enable this then there must be a separate process to ensure that a Welsh language version of an address is included on all Welsh correspondence.

4. You must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement action has been completed.

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

Standard 6 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. The Council's parking department must ensure that it has arrangements in place to check the contents of Welsh correspondence before it is sent to ensure that correspondence is treated no less favourably than the English equivalent.

6. If you produce a Welsh language version and a corresponding English language version of correspondence, you must ensure that all elements of the

correspondence are provided in Welsh, including the address, where a Welsh address exists. If the systems used to produce the correspondence do not enable this then there must be a separate process to ensure that a Welsh language version of an address is included on all Welsh correspondence.

7. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement actions set out above.

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

Case CSG192 action plan - requirement to take steps in accordance with section 77 of the Welsh Language Measure

8. The Council must ensure that action 3 of the CSG192 action plan is fully implemented.

Timetable: 3 months from the date of the Commissioner's final determination

9. The Council must ensure that action 4 of the CSG192 action plan is fully implemented.

Timetable: 2 months from the date of the Commissioner's final determination

10. The Council as part of action 5 of the CSG192 action plan must modify its existing tender form to include an assessment that any new tenders for IT software used to generate letters or bills take into account the requirement that the system must be able to display the Welsh language version of household addresses.



		<p>Timetable: 30 days from the date of the Commissioner's final determination</p> <p>11. The Council must ensure that action 6 of the CSG192 action plan is fully implemented. Timetable: 3 months from the date of the Commissioner's final determination</p> <p>12. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed all the above enforcement actions. Timetable: 3 months from the date of the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff Council on 29/04/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>CSG619 On 20 August 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had submitted a query regarding swimming lessons on the Welsh page of the Freedom Leisure website and that he had received two English only messages in response: 1) The words 'thank you' on</p> <p>27/4/2020</p>	<p><b>Commissioner's findings</b> Standard 1: When the Council receives correspondence in Welsh, and is required to answer that correspondence, it must reply in Welsh, unless the person who sent the correspondence has indicated to them that it is not necessary to do so. The complainant submitted a query about swimming lessons on the Welsh page of the Freedom Leisure website, and received two replies in English. This highlights a failure by the Council to comply with standard 1.</p>

the screen thanking him for submitting a query, II) and an email confirming that his message has been received: Many thanks for your enquiry. We will be in touch shortly. Many thanks, Freedom Leisure

**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 1.

**Statement of further action**

Further action was taken following the determination that Wrexham County Borough 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

1. Wrexham County Borough Council must conduct a review of all automated messages sent to its leisure services, and act on its findings to ensure that each is sent in accordance with the requirements of standard 1.
  2. Wrexham County Borough Council must periodically check that these messages are sent in accordance with the requirements of the standard, to ensure that issues such as broken weblinks do not lead to a similar situation in the future.
  3. Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1 and 2.
- Timetable: Within 3 months of issuing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 27/04/2020.

	<p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Swansea Bay University Health Board</u></p> <p>CSG654 On 8 October 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was against Swansea Bay University Health Board in relation to 3 issues: That the Health Board has erected or renewed a sign on the road leaving Singleton Hospital, Swansea with text in English only reading 'turn left'. That there are English only signs/graphics on the Health Board's new electric vehicles. That the Health Board's Facebook page treats the Welsh language less favourably than English as there is less content on the Welsh page. Also that there is a video on the Welsh language Facebook page with audio in English only (with Welsh subtitles).</p>	<p>2/4/2020</p> <p><b>Commissioner's findings</b> Standard 45: A body must not treat the Welsh language less favourably than the English language when using social media. I received a complaint alleging that the Health Board treated the Welsh language less favourably than English on its social media. I find that there is no evidence that the Health Board is treating the Welsh language less favourably than English in publishing content on its social media. Overall, the content on the Health Board's English and Welsh accounts corresponds.</p> <p>Standard 47: 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. 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. I received a complaint regarding a painted sign on the road with English only text and signs on the Health Board's electric vehicles which were in English only. I find that the Health Board has placed signs on electric vehicles in English only. I also find that the Health Board has renewed a sign on the road by re-painting it, and that it has not included Welsh text when renewing the sign.</p> <p><b>Commissioner's determination</b></p>

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 47, and has not failed to comply with standard 45..

**Statement of further action**

Further action was taken following the determination that Swansea Bay University Health Board has failed to comply with standard 47.

**Statement on the further action**

Standard 47 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Swansea Bay University Health Board must develop guidance and adopt formal procedures for staff and managers to follow in their daily work in order to comply with standard 47 when erecting or renewing a sign or signs.
  2. Swansea Bay University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action
1. Timetable: Within 60 days of publishing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Swansea Bay University Health Board on 02/04/2020.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Cardiff Council

On 09/05/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to allegations that: i. English only "No tools are kept in this vehicle overnight", "62 MPH" and "PSI-29" signs appear on the vehicle CU67VXK (appendix 1) and the complainant believes that every vehicle is the same. ii. Various matrix signs show text in English only or text with incorrect Welsh, and that positioning English language text before the Welsh language text on matrix signs treats the Welsh language less favourably (although the Welsh language only appears on rare occasions).

19/3/2020

**Commissioner's findings**

Standards 61 & 62: Standard 61 requires Cardiff Council to ensure that any signs erected or renewed since 30 March 2016 (including temporary signs) appear in Welsh. Standard 62 requires Cardiff Council to ensure that any signs (including temporary signs) where the same message is conveyed in Welsh and in English position the Welsh language text so that it is likely to be read first. I received a complaint from a member of the public regarding English only signs appearing on Council vehicles and on matrix signs on the A48 and the A4232 during March and May 2019. In addition, the complainant provided visual evidence that matrix signs showed English only text during June 2018. The complainant also alleged that bilingual signs showed the English language text above the Welsh language text on those signs. I find that the Council has failed to comply with standard 61 on the basis that there is evidence that English only signs appeared on a vehicle registered since the imposition day; and that English only text appeared on electronic signs during March and May 2019, and during June 2018. There is also suspicion that the Council has failed to comply with standard 61 as English only signs also appear on other vehicles. In this case the evidence in my possession did not allow me to ascertain whether those signs were erected or renewed since the imposition day of the standard. On that basis I have no evidence that the Council has failed to comply with standard 61 in relation to any other vehicles. I also find that the Council has failed to comply with standard 62 on the basis that I have

visual evidence that English language text was positioned above the Welsh language text on matrix signs since the imposition day of standard 62, namely 30 March 2019. Standard 63: Standard 63 requires Cardiff Council to ensure that Welsh language text on signs is accurate and that there are no errors. I received a complaint from a member of the public that a sign on the A48 Westbound at approximately 21:30 on 6 March 2019 stated “GYRRWCH YN AFOSUL”. I find that the evidence in my possession is insufficient to allow me to ascertain whether or not there has been a failure in this instance. On that basis, I cannot find that there has been a failure.

#### **Commissioner’s determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council have failed to comply with standards 61, 62 and an enforcement action imposed in a decision notice on 26/10/2016; and that Cardiff Council has not failed to comply with standard 63.

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

Further action was taken following the determination that Cardiff Council have failed to comply with standards 61, 62 and an enforcement action imposed in a decision notice on 26/10/2016; and that Cardiff Council has not failed to comply with standard 63.

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

Standards 61 and 62– requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff Council must ensure that all matrix signs comply with the requirements of standard 61.
  2. Cardiff Council must ensure that any signage on vehicles complies with the requirements of standard 61.
  3. Cardiff Council must ensure that all matrix signs comply with the requirements of standard 62.
  4. Cardiff Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-3 have been completed.
- Timetable: Within 6 months from the date of publication of the Commissioner's final determination.

Standard 63 – advice in accordance with section 76 of the Welsh Language Measure

1. I advise you to carry out an audit of all your matrix signs in order to ensure that any Welsh language text on those signs is accurate in terms of meaning and expression.

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 19/03/2020

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

No appeal was made to the Tribunal

Wrexham  
County Borough  
Council

On 28 August 2019 the Commissioner 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 explained

18/3/2020

#### **Commissioner's findings**

If a person contacts a body on a direct line number (be it the direct line number of a department or member of staff), the body must ensure that the Welsh language is not treated less favourably than the English language when greeting that person. On 28 August 2019 I received

that he missed a call on his phone from telephone number 01978 292022. When calling this number, the complainant heard an automated message informing him that a member of staff from Wrexham County Borough Council had tried to call and that this member of staff would be in contact again in due course. The complainant has submitted the complaint as this message is conveyed in English first, and then in Welsh. The complainant alleges that this treats the Welsh language less favourably than the English language.

a complaint from a member of the public. The complainant explained that he had missed a call on his phone from telephone number 01978 292022. When calling this number, the complainant heard an automated message informing him that a member of staff from Wrexham County Borough Council had tried to call and that this member of staff would be in contact again in due course. The message was given in English first and then in Welsh. I am of the view that the Council has treated the Welsh language less favourably than the English language in this context as the message that has been recorded to greet a person calling this direct line number is played in English first and therefore one must wait to hear the Welsh message.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined that Wrexham County Borough Council failed to comply with standard 20.

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

Further action was taken as a result of the determination that Wrexham County Borough Council had failed to comply with standard 20.

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

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.



		<p>Standard 20 – requirement to take steps in accordance with section 77(3) of the Welsh Language Measure</p> <ol style="list-style-type: none"> <li>1. Wrexham County Borough Council must complete a review of each message played by a machine that greets callers to its telephone numbers, and act on the results to ensure that the greeting does not treat the Welsh language less favourably than the English language.</li> <li>2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action</li> </ol> <p>1. Timetable: Within 8 weeks of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was presented to Wrexham County Borough Council on 5 February 2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>On 21 September 2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was regarding correspondence received by the complainant from the 'Arbed' scheme, which is delivered by 'Arbed am Byth' on behalf of the Welsh Ministers. The complainant alleged that this correspondence treated the Welsh</p>	<p>16/3/2020</p> <p><b>Commissioner's findings</b> Standard 6: If a body produces corresponding Welsh and English language versions of correspondence (whether separate versions or not), it must not treat the Welsh language version of the correspondence less favourably than the English language version. The complaint was regarding correspondence the complainant received from the Arbed am Byth scheme run on behalf of Welsh Ministers. The addresses on the correspondence greeted the receiver in English only (the occupier) and used an English only address. The correspondence also included envelopes to respond that had English only addresses. I</p>

language less favourably than the English language as it used a greeting (“The Occupier”) and addresses in English only on the envelopes and also provided envelopes with English only addresses (‘Freepost’) to return any forms etc. The complainant also alleged that a form included with the correspondence was only provided in English.

find that the use of English only addresses and greetings on the correspondence from Arbed am Byth treats the Welsh language less favourably than the English language.

Standard 50: A body must ensure that all forms produced for public use are produced in Welsh. That includes any written forms, whether they are electronic or in paper form. The complainant received correspondence from the Arbed am Byth scheme, on behalf of Welsh Ministers. The correspondence included a form for the use of the public that was in English only. I find that Arbed am Byth, on behalf of Welsh Ministers, produced a form in English only and shared it with the public for their use.

Commissioner’s determination Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standards 6 and 50.

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

Further action was taken following the determination that Welsh Ministers have failed to comply with Standards 6 and 50.

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

Standard 6 – requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure I require Welsh Ministers to prepare an action plan for the purpose of preventing the continuation or repetition of a failure to comply with standard 6.

The action plan must include steps that lead to the use of addresses that do not treat the Welsh language less favourably than the English language for correspondence sent by Arbed a Byth.

		<p>The action plan must include steps that lead to the use of response envelopes that do not treat the Welsh language less favourably than the English language for the Arbed am Byth scheme.</p> <p>The action plan must include a clear timetable for completing these steps.</p> <p>Timetable: Within 30 days from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Welsh Ministers on 16/03/2020.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal</p>
<u>Welsh Ministers</u>	<p>On 2 October 2020 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that the First Minister's Twitter account (@fmwales) treated the Welsh language less favourably than the English language. This account is the responsibility of Welsh Ministers. The complainant was of the opinion that the Welsh language had been treated less favourably than the English language as it had pinned an English only message as a 'Pinned Tweet' at the top of the account on 2 October 2019. On 23</p>	<p>16/3/2020</p> <p><b>Commissioner's findings</b></p> <p>Standard 58: A body must not treat the Welsh language less favourably than the English language when using social media. I received a complaint alleging that Welsh Ministers had treated the Welsh language less favourably than the English language on the social media Twitter for the @FMWales account by pinning an English only tweet to the top of the account and in an English only message in a conversation regards a meeting between the First Minister and the Scottish First Minister. In addition I considered the Welsh Ministers operation of the social media following advice I gave in this context when discontinuing a previous investigation. Following consideration of the evidence of the complainant and Welsh Ministers I find that some elements of the use of this social media has treated the Welsh language less favourably than the English language.</p>

October 2019 the complainant added an allegation that the Welsh language is treated less favourably than the English language in the content of a 'tweet'.

**Commissioner's determination**

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

**Statement of further action**

Further action was taken following the determination that Welsh Ministers have failed to comply with Standard 58.

**Statement on the further action**

Standard 58 – requirement to take steps in accordance with section 77(3) of the Welsh Language Measure

1. Welsh Ministers must ensure that their decision to not use the option of pinning tweets on Twitter is adopted in guidelines for officers and to ensure that those guidelines are shared with each staff member responsible for publishing content on the Twitter accounts of the Welsh Ministers.

2. Welsh Ministers must provide written evidence that shows that you have complied with enforcement step 1.

Timetable: Within 30 days from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 16/03/2020.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

The Chief  
Constable of  
North Wales  
Police

On 10/07/2019 I a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. Police officers attended the complainant's home to arrest his 15 year old son. A complaint was received alleging that the complainant, Mr T did not receive the caution in Welsh when arrested. The allegations relate to: i) a request by the individual to have his rights read out in Welsh on his arrest, and that the Inspector answered "No, you understand". ii) After being interviewed in Welsh at Caernarfon Police Station following his arrest, he received a charge sheet and bail notice that contained English text. iii) He asked to receive the charge on paper in Welsh. It is alleged that he was placed in a cell to wait for a quarter of an hour. iv) He asked once more to be given the charge and bail form in Welsh, and he was placed in the cell for a further quarter of an hour before receiving bilingual papers.

13/3/2020

### **Commissioner's findings**

Standard 26: The standards do not require police officers to give a notice of arrest in Welsh. Standard 26 requires a body to ensure that, when requiring Mr T to attend an interview, he asks whether he wishes to use Welsh at the interview and provides a translation service if required. As the interview was conducted in Welsh, I conclude that that offer was made and that the police officers undertook the interview in Welsh.

Standard 48: Standard 48 requires a body to produce any form for public use in Welsh. English text appeared on the charge and bail sheet received by Mr T, and there was a delay in receiving the charge and bail form in Welsh. This indicates a failure to comply with standard 48.

### **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 standards 6 or 26 but has failed to comply with standard 48.

### **Statement of further action**

Further action was taken following the determination that The Chief Constable of North Wales Police has not failed to comply with standards 6 or 26 but has failed to comply with standard 48.

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

Standard 26 – advice in accordance with section 77(4)(b) of the Welsh Language Measure

		<p>1. I advise the Chief Constable of North Wales Police to draw the attention of his police officers to the material contained in their pocket booklet to ensure that they are familiar with the wording, and that they know where to find it. Standard 48 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure.</p> <p>2. The Chief Constable of North Wales Police must ensure that all elements of the charge sheet and bail form comply with the requirements of standard 48.</p> <p>3. The Chief Constable of North Wales Police must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to The Chief Constable of North Wales Police on 13/03/2020.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>City and County of Swansea Council</u></p>	<p>CSG625 On 30 August 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the Instagram account @datblygiadgweledigabertawe (please note that there is a spelling error in the</p> <p>6/3/2020</p>	<p><b>Commissioner's findings</b> Standard 1: If a body receives correspondence from a person in Welsh, it must reply in Welsh (if an answer is required). The complainant in this case had submitted a formal complaint to the Council in Welsh. She received a response in Welsh after a period of two months after experiencing a delay due to unforeseen staff absence. I find, in this case, that the Council has responded to Welsh language correspondence in Welsh, but that the</p>

account name). This account is the responsibility of Swansea Council. The complainant alleges that a member of the Council's staff answered with offensive comments regarding the Welsh language in response to comments and questions the complainant sent to this account. It is also alleged that an English only response to a message sent in Welsh, was given prior to a Welsh language message providing an apology. The complainant also made a complaint concerning the delay she experienced when submitting a complaint to the Council regarding this matter. The complainant alleges that she waited over a week for a response to an informal complaint she submitted in Welsh on the Instagram account, but that she had received an answer within an hour when she submitted a complaint in English. The complainant also notes that she had submitted a formal complaint to the Council about the matter, and alleged that she had experienced a delay as the complaint had been submitted in Welsh.

complainant faced a delay in receiving this response. Standard 58: A body must not treat the Welsh language less favourably than the English language when using social media. I received a complaint concerning one of the Council's Instagram accounts. I find that in this case, the accounts in question have since been closed and that there was no evidence that the Council had treated the Welsh language less favourably than English when publishing content on these accounts.

Standard 59: A body must reply to a person in Welsh (if an answer is required) if the person has contacted it via social media in Welsh. The complainant submitted comments in Welsh to a post on an Instagram account run by Swansea Council. An official on behalf of the Council responded in English only to this comment contrary to the requirements of the standard.

Standard 156: A body must ensure that it has a complaints procedure which deals with the following matters: how it intends to deal with complaints about compliance with the service delivery, policy making and operational standards that it is under a duty to comply with; how it will provide training for staff in relation to dealing with those complaints. In this case the complainant experienced a delay in receiving a response to her complaint to the Council. I find that the Council's complaints procedure is not clear as to how it deals with complaints regarding Welsh language services or refers specifically to the requirements of this standard.

### **Commissioner's determination**

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

not failed to comply with standards 1 and 58 but has failed to comply with Standards 59 and 156.

**Statement of further action**

Further action was taken following the determination that Swansea Council has not failed to comply with standards 1 and 58 but has failed to comply with Standards 59 and 156.

**Statement on the further action**

In accordance with section 76 of the Welsh Language (Wales) Measure 2011, I have decided on further action where there has been no failure.

Standard 1 – recommendations in accordance with section 76(3) of the Welsh Language Measure Swansea Council should develop arrangements to ensure that staff absences do not affect its ability to ensure that the quality of service provided to Welsh speakers is equal to the service provided to English speakers.

Standard 58 – recommendations in accordance with section 76(3) of the Welsh Language Measure Swansea Council should:

- (a) conduct a survey to find out which social media accounts it is responsible for.
  - (b) identify each account and which officer is responsible for publishing content on the account.
  - (c) ensure that each of the officers responsible for publishing content receives an advice document that clearly outlines the requirements of standard 58 and the officer's responsibilities for complying with standard 58.
- In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action



for the purpose of preventing the continuation or repetition of the failure. Details of the further action are set out below.

Standard 59 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Swansea Council must develop guidance that clearly outlines how its officers should respond to messages they receive through its social media accounts in order to meet the requirements of standard 59.

2. Swansea Council must ensure that all those responsible for running social accounts on behalf of the Council receive a copy of the guidance. Timetable: Within 60 days of issuing the Commissioner's final determination.

Standard 128 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

3. Swansea Council must review its complaints procedure in order to ensure that it meets the requirements of standard 156.

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

Timetable: Within 60 days of publishing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Swansea Council on 06/03/2020

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

No appeal was made to the Tribunal

Cardiff Council

CSG514 On 17/01/2019, 22/01/2019, and 31/01/2019 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure and were therefore valid complaints. I decided to combine the three individual complaints under reference number CSG514. The complaints included allegations regarding the following: that the Council's parking permits and taxi licences contain text in English only; that English-only signs for Canton have been erected and that the Council does not recognise 'Treganna' as the official name; that the complainant received an English-only letter and a parking permit from the Council's Parking Services Department (although he alleges that he had made the application in Welsh); that there is no statement indicating that the Council invites and receives responses in Welsh on correspondence; that the Council does not comply with the Welsh language standards in relation to its annual report. The complainant alleged that a complaint which he made to the Council in September 2017 was not included in the Council's annual report for 2017-2018; that the complainant had received a letter in English only in

14/2/2020

**Commissioner's findings**

Standard 1: I find that the Council sent correspondence in response to a freedom of information request to the complainant in English only. The complainant had sent the request in Welsh. Only the body of the email contained Welsh text. The response itself attached to the email, as well as the subject line of the email, were in English only. Standard 5: Standard 5 requires a body, when sending correspondence to a person, to send a Welsh language version of that correspondence if it does not know that this person wishes to receive correspondence in Welsh. In this case the Council sent English only correspondence to the complainant regarding his parking permit. The Council noted that it had sent English only correspondence as the English portal had been used by the complainant to apply for the parking permit, and that the language in which the Council sent the correspondence was dependent on the language of the portal. However, the complainant alleges that he had made the application in Welsh and provided screenshots to support that. I do not consider that it is possible for the Council to know that a person wishes to receive correspondence in Welsh or not solely on the basis of the language in which the user chooses to use the portal or completes the application form.

Standard 7: Standard 7 requires a body to include a statement in correspondence, and in publications and official notices inviting persons to respond to it or correspond with it in Welsh, that it welcomes correspondence in Welsh, and will reply to correspondence in Welsh and that this would not lead to delay. In this case, the Council sent correspondence

response to a freedom of information request sent by him in Welsh.

relating to parking permits which did not contain such a statement.

Standard 42: Standard 42 requires a body to ensure that any licences or certificates it produces are produced in Welsh. I conclude that the complainant received a parking permit from the Council on two occasions. Although there were some Welsh details, there were a number of English only elements. The Council notes that those permits were sent in English as the application was made through the English portal. However, the complainant alleges that he had made the application in Welsh and provided screenshots to support that. I conclude that there is always a requirement to produce them in Welsh, regardless of the complainant's language choice.

Standard 48: Standard 48 imposes a requirement to ensure that a body does not treat any Welsh version of documents less favourably than the English version, whether or not the English language information is on the same document, or on a separate document. In this case the complainant received, on two occasions, a parking permit containing English only text. The Red Zone details and an English only address were included on the permits. The evidence also shows that the Council's taxi licences contain the text 'passengers' in English only, and that the 'bonded security' hologram was in English only. The Council has confirmed that the text on its taxi licences has now been corrected and that the Welsh text has been included. In the case of parking permits, the Council provides Welsh language permits if the user uses the Welsh portal. I consider that not including all the text on parking permits and taxi licences in Welsh is contrary to the requirement of standard 48 and treats the Welsh

language less favourably than English in terms of content.

Standard 61: This standard sets out the requirement to ensure that any new or renewed signs (including temporary signs) include Welsh text, whether or not that text is on a sign that also contains English text, or on a separate sign. The standard also imposes a requirement that if the text is displayed in both English and Welsh, that the Welsh text is treated no less favourably than the English text. In this case, a sign has been erected as part of work by external developers. The sign does not contain an equivalent name for the English name, Canton.

Although the sign has not been produced by the Council, but by external developers, I consider that this has been done on behalf of the Council in the light of the development work on the road. As a result, I consider that the Council is primarily responsible for the sign, and for ensuring that the information contained on it is correct. I consider that not providing Welsh text on every element of the sign is contrary to the requirement of the standard in that it is treating the Welsh language less favourably than English in terms of content.

Standard 147: The requirement of this standard is for an organisation to keep a record for each financial year of the number of complaints it receives relating to its compliance with the standards. The complainant corresponded with the Council regarding a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints relating to the Council's compliance with the standards. It was noted by the Council that it had not considered this to be a complaint as it had only been dealt with as an appeal, and therefore was not recorded

separately as a complaint. I consider that the Council should have considered the correspondence to be complaints in relation to compliance with the standards, and therefore that the Council has acted contrary to the requirements of standard 147 in this case by not recording them as complaints.

Standard 148: The requirement of this standard is for the body to keep a copy of any written complaint it receives relating to compliance with the standards with which that body is under a duty to comply. The complainant corresponded with the Council regarding a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints that relates to the Council's compliance with the standards. I consider it reasonable to conclude that the Council has kept a copy of the complaint by the complainant as it has been considered and responded to as part of an appeal, although not necessarily kept in the form of a complaint. I consider that the Council has not acted contrary to standard 148 in this case.

Standard 149: The requirement of this standard is that a body must keep a copy of any written complaint in relation to the Welsh language. The basis of this complaint is that the complainant's complaints were not included within Cardiff Council's 2017-18 annual report. The complainant corresponded with the Council regarding his appeal in relation to a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints relating to the Welsh language. I am of the view that it is reasonable to consider that the Council has kept a copy of the correspondence from the complainant as it has been

considered as part of an appeal although not necessarily kept in the form of a complaint . I consider that the Council has not acted contrary to standard 149 in this case.

Standard 158: The requirements of standard 158 are for a body to produce an annual report, in Welsh dealing with the service delivery standards with which it is under a duty to comply. As part of that report, it is required to include the number of complaints that it received during that year relating to compliance with the service delivery standards with which the body is under a duty to comply. The complainant corresponded with the Council regarding a penalty charge notice and the Council received that correspondence on 12/09/2017. I consider that this correspondence refers to complaints related to the Council's compliance with the service delivery standards with which it is under a duty to comply. The Council had not considered this to be a complaint as it treated it as an appeal only, and therefore it was not recorded separately as a complaint. I consider that the Council should have also considered the appeal to be complaints relating to compliance with the standards, and therefore should have been included in the number of complaints received by the Council during the relevant year within the Council's annual report.

Enforcement action CSG197: The enforcement action requires Cardiff Council to ensure that the Council has in place robust procedures for responding in Welsh to correspondence in relation to freedom of information requests received in Welsh. This enforcement action also set out steps to ensure that a Welsh language freedom of information request does not result in a delay for the

applicant, and that the Welsh language is treated no less favourably than English when dealing with those requests. The enforcement action is operational 28 days from the date the final Decision Notice of this case is received. A response to a Welsh medium freedom of information request was sent to the complainant on 31/01/2019 and the whole text did not include Welsh text. The Council has admitted that it had sent a response in English and further to this has put steps in place to remind Case Officers of the need to process Welsh language freedom of information requests appropriately. The correspondence sent by the Council indicates a failure by Cardiff Council to comply with the enforcement action.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council have failed to comply with standards 1, 5, 7, 42, 48, 61, 147, 158 (part 2) and enforcement action CSG197; and that Cardiff Council has not failed to comply with standards 148 and 149.

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

Further action was taken following the determination that Cardiff Council have failed to comply with standards 1, 5, 7, 42, 48, 61, 147, 158 (part 2) and enforcement action CSG197.

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

Standard 1 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Cardiff Council must ensure that all elements of a response to a freedom of information request received in Welsh are sent in Welsh in accordance with the requirements of standard 1, including ensuring that the title of all correspondence includes Welsh text.
2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out the enforcement action. Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 5 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. If the Council is unaware of a person's language choice, the Council must ensure that Welsh correspondence regarding parking permits is sent until it 06/07 knows for certain that the person does not wish to receive correspondence in Welsh.
4. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.  
Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 7 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

5. Cardiff Council must ensure that a statement in accordance with standard 7 is added to any correspondence relating to parking permits.
6. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out the enforcement action.



Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 42 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure  
7. Cardiff Council is required to ensure that all parking permits are produced in Welsh regardless of the language used to apply for the permit.

8. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.

Timetable: Within 60 days of issuing the Commissioner's final determination.

Standard 48 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure  
9. Cardiff Council is required to ensure that any text on parking permits and taxi licences is available in Welsh.

10. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.

Timetable: Within 30 days of issuing the Commissioner's final determination for taxi licences, and within 60 days of issuing the Commissioner's final determination for parking permits.

Standard 61 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure  
11. Cardiff Council must ensure that the road sign which is the subject of the CSG514 investigation does not treat the Welsh language less favourably than the English and

that any text displayed on the sign is available in Welsh where a Welsh name is available.

12. Cardiff Council must ensure that signs comply with Welsh language standards when the signs are produced by third parties, ensuring that clear procedures are put in place for this purpose. This procedure should include information on the areas to be checked with regard to the Welsh language on those signs.

13. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-2.

Timetable: Enforcement action 11 - within 4 months from the date of publication of the Commissioner's final determination. Enforcement action 12 - within 2 months from the date of publication of the Commissioner's final determination.

Standard 147 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

14. Cardiff Council must ensure that it has robust processes in place to ensure that it keeps a record of all complaints it has in relation to compliance with the standards, including those made outside the corporate complaints process. Cardiff Council must ensure that it has robust processes to ensure that it keeps a record of every complaint that it receives in relation to compliance with the standards, including complaints done outside of the corporate complaints process.

15. Cardiff Council must ensure that all Council staff are aware of those processes.

16. Cardiff council must provide written evidence which satisfies the Welsh language Commissioner that it has completed enforcement action 14 – 15.

Timetable: Within 60 days from the date of publishing the Commissioner's final determination.

Standard 158 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

17. Cardiff Council must ensure that the correct number of all its complaints relating to compliance with the service delivery standards with which it is under a duty to comply are included in its annual report in accordance with part (2) of standard 158.

18. Cardiff Council must ensure that it has clear processes in place to ensure that all complaints about compliance with the service delivery standards that it is under a duty to comply with are included in the annual report.

19. Cardiff Council must ensure that all Council staff are aware of those processes. 20. Cardiff council must provide written evidence which satisfies the Welsh language Commissioner that it has completed enforcement action 18-19.

Timetable: Cardiff council will be required to act on enforcement action 17 by the date of publication of its annual report for 2019/20. Enforcement action 18-19 must be implemented within 60 days from the date of publication of the Commissioner's final determination.

A requirement to take steps in accordance with the CSG197 investigation decision notice In the case of my determination that Cardiff Council has failed to comply

		<p>with an enforcement action of the CSG197 investigation, I shall be taking no further action. I am of the view that the enforcement actions that I have already issued to the Council and the new enforcement actions in relation to standard 1 are sufficient to prevent the continuation or repetition of the failure to comply. The Council has also introduced additional measures to ensure that Welsh medium freedom of information requests are processed appropriately.</p> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff Council on 14/02/2020</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<u>Newport City Council</u>	<p>CSG613 On 12/08/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant received a council tax adjustment notice from Newport City Council on 12 August 2019. Most of the correspondence was in English only and at the bottom of the correspondence there was a note stating "Mae'r Hysbysiad hwn ar gael yn Gymraeg ar gais" ("This Notice is available in Welsh on request").</p>	<p>5/2/2020</p> <p><b>Commissioner's findings</b> Standard 5: Standard 5 requires the Council to send a Welsh language version of correspondence when sending an English version if they do not know that an individual does not wish to receive a Welsh version. In this case the Council knew that the complainant wished to receive correspondence in Welsh but despite this the correspondence was sent in English only. The Council does not send Welsh correspondence to individuals if they have not specifically requested Welsh language correspondence. As the Council had sent the correspondence in English only to the complainant who wished to receive correspondence in Welsh, and to other individuals without knowing whether or not they wished to</p>

receive Welsh language correspondence, I determine that the Council did not comply with standard 5 in this case.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council have failed to comply with Standard 5.

**Statement of further action**

Further action was taken following the determination that Newport City Council have 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. Newport City Council must take steps to raise staff awareness of the need to send a Welsh language version of correspondence if the recipient's chosen language has not been established.

2. Newport City Council must conduct a review of Council Tax Department standard letters and act upon the findings of the review to ensure compliance with standard 5.

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

Standard 5 – requirement to prepare an action plan in accordance with section 77(3) of the Welsh Language Measure.

3. I require the Council to prepare an action plan which will show what action it will take in order to comply with

			<p>standard 5 in relation to the Council Tax Adjustment Notice. The Council should prepare the first draft action plan and provide me with a copy within 3 months. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.</p> <p>4. Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions [1 - 3].</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Newport City Council on 05/02/2020</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>City and County of Swansea Council</u></p>	<p>CSG578 On 3 June 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. 1.2 The complainant alleged that he had parked his car near Brangwyn Hall, Swansea on 13 April 2019. The complainant alleged: i) that most of the Welsh text on the sign in the car park was covered by a new or temporary sign, but that the English version remained visible. ii) that the name of the car park was in Welsh at the</p>	<p>22/1/2020</p>	<p><b>Commissioner's findings</b> Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case an appeal receipt via email, and a letter. The Welsh version of the appeal receipt contained English text and consequently treated the Welsh version less favourably than the English version in terms of its visual presentation. This highlights a failure by the Council to comply with standard 6. The letter contains Welsh text and although there is confusion that the name of the car park noted in the letter differs from the name</p>

top of the sign – Glan y Môr, which is different from the name on the temporary sign, Blaendraeth. iii) that the penalty charge notice includes the name of the car park in English only on the Welsh version, and that the Welsh language text appears after the English on the back of the document. iv) that having appealed against the fine by using an online form on the Council's website, the complainant received an email receipt. The Welsh receipt contained English language headings and phrases. v) that the appeal had been translated into English, and that only English parts of the notice board had been checked. The notice board in the car park notes Blaendraeth on the temporary notice and Glan y Môr on the permanent notice, and the Penalty Charge Notice received by the complainant states "The Baths Car Park" in English only. vi) Three different names were used for the same car park.

used on the notice board, it does not demonstrate a failure to comply with a standard but rather an administrative error by the Council.

Standard 48: Standard 48 requires the Council to ensure, when producing a document, that it does not treat the Welsh language version of the document less favourably than the English language version. The Council produced a bilingual penalty charge notice document which included the name of the car park in question, in English only. This highlights a failure by the Council to comply with standard 48.

Standard 50B: Standard 50B requires the Council to ensure, when producing a form, that it does not treat the Welsh language version of the form less favourably than the English language version. The Council produced a bilingual penalty charge notice form which included the name of the car park in question, in English only. The Council produced an appeal form to be sent in an email which contained English headings, subheadings and phrases. This highlights a failure by the Council to comply with standard 50B.

Standard 61: Standard 61 requires a body that erects a new sign or renews a sign to ensure that any text displayed on the sign is displayed in Welsh, and not to treat the Welsh text less favourably than the English text. Swansea Council erected a temporary sign which obscured a large part of the Welsh text on a permanent sign in the Foreshore (Blaendraeth) car park. I conclude that this constitutes a failure to comply with standard 61.

Standard 62: Standard 62 requires a body that erects a new sign or renews a sign to ensure that the Welsh text has been positioned so that it is likely to be read first.

Swansea Council erected a temporary sign on the lower part of a permanent sign, which obscured a large part of the Welsh text in the Foreshore car park. The English version appeared most prominently in the lower part of the sign. I conclude that this constitutes a failure to comply with standard 62.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea Council have failed to comply with Standards 6, 48, 50B, 61 and 62.

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

Further action was taken following the determination that Swansea Council have failed to comply with Standards 6, 48, 50B, 61 and 62.

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

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Swansea Council must conduct a survey to identify all automated messages sent by the Highways and Transport Department and take steps to ensure that all automated emails sent in response to messages in Welsh, are sent in Welsh, and that the Welsh language is treated no less favourably than the English language in correspondence.

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



Timetable: Within 3 months of issuing the Commissioner's final determination. Standard 48 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Swansea Council must amend the Penalty Charge Notice document to meet the requirements of the Welsh language standards. Where there is a Welsh name for a car park, the Council must ensure that this name is displayed on the notice.

4. Swansea Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 3. Timetable: Within 6 months of issuing the Commissioner's final determination.

Standard 61 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

5. Swansea Council must produce guidelines for the attention of the Highways and Transport Department staff responsible for producing and erecting new signs or renewing signs, to the requirements of the Welsh language standards.

6. Swansea Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.

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

### **Decision notice given**

The Decision Notice was given to Swansea Council on 22/01/2020

	<p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham County Borough Council</u></p> <p>CSG582 On 23 June, 2019 a complaint was received from a member of the public. It met the conditions set out in section 93 of the Welsh Language Measure, and was therefore valid. The complaint related to a sign that that appeared to be responsibility of Wrexham County Borough Council (the Council). It described the sign as a permanent road sign that did not meet Welsh language standards. Concerns were noted that the sign raised questions about the Council's compliance with relevant requirements imposed on it following an investigation by my predecessor, reference CSG237. The sign was located on the B5605 towards Ruabon from Johnstown. It was an electronic sign informing drivers of the 30mph speed limit. According to the evidence the sign's English language text, SLOW, was displayed above the Welsh language text, ARAF, contrary to the requirements of the standards.</p>	<p><b>Commissioner's findings</b> Standard 62: The Council must ensure that any sign erected by it after the imposition day complies with the requirements of standard 62. That means that the sign's Welsh language text must positioned so that it is likely to be read first. The Council erected a road sign on the B5605 on 4 April, 2017 after the imposition day. The Welsh language text of that sign was positioned so that it was not likely to be read first. This was a failure by the Council to comply with the requirements of the standard.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 62.</p> <p><b>Statement of further action</b> Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 62.</p> <p><b>Statement on the further action</b> Standard 62 – Requirement to take steps in accordance with subsection 77(3)(b) of the Welsh Language Measure. 1. The Council must identify all signs of this nature that it is responsible for within the borough. 2. Of the signs identified by step 1, the Council must identify those erected after 30 March, 2016.</p>

3. The Council must investigate whether the position of the text of the signs identified by step two can be swapped.
4. If the Council finds that the position of the text on the signs can be swapped it must, as soon as is practically possible, position the Welsh language text so that it is likely to be read first.
5. If the Council finds that the position of the text on the signs identified by step 2 cannot be swapped so that they comply with the standard, it must take them down and replace them.
6. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-5. Timescale: Within 6 months of publishing the Commissioner's final determination.
7. The Council must amend its document 'Welsh Language Standards: Guidance for accurate bilingual signage' so that it advises against re-erecting signs that were produced before the standards came into force, that do not comply with the requirements.
8. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 7.  
Timescale: Within 3 months of publishing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Wreccsam County Borough Council on 17/01/2020

**Appeals made to the tribunal**

No appeal was made to the Tribunal

City and County  
of Swansea  
Council

CSG470 Two complaints were received from a member of the public regarding matters relating to the proposal of the City and Council of Swansea Council (the Council) to close Ysgol Gynradd Gymraeg Felindre (YGG Felindre). The first complaint was received on 6 December 2018. It relates to the way in which the Council conducted its consultation on the proposal to close the school. The second complaint was received on 7 January 2019. It relates to alleged failures in the way in which an assessment was conducted of the effect of the decision on opportunities to use the Welsh language, and on treating the Welsh language no less favourably than the English language. The complainant alleges that: 1. the Council did not undertake an appropriate consultation due to the fact that the consultation documents did not consider or seek views on how the decision consulted upon could impact opportunities to use Welsh and to not treat Welsh less favourably than English. 2. the Council failed to respond appropriately to representations submitted regarding how the consultation was carried out. 3. the Welsh language was treated less

16/1/2020

**Commissioner's findings**

Standard 48: Following consideration and comparison of the response forms, I conclude that the spaces for providing a written response on the hard copy form was smaller in the Welsh version than the English version. I note that the difference at first glance does not seem to be a significant one. However, I must conclude that should an individual choose to complete the hard copy form (rather than electronically) then the lines provided on the Welsh version offer little or no space to write more than one sentence. It would certainly be easier to write a response in the box on the English version which offers more room to provide a response. I believe that the fact that the spaces for providing a response in the Welsh version was smaller than the corresponding spaces in the English version means that an individual wishing to respond to the consultation using the Welsh version of the hard copy form would be at a disadvantage. Standard 52: Having considered all the evidence at hand, it is clear that the complainant's allegation is at odds with the evidence presented by the Council. However, I must reach a decision on whether or not the Council complied with the standard. In the absence of irrefutable evidence that a Welsh language version of the Welsh Language Impact Assessment was not on the website through the consultation, the only conclusion I can come to is that the Council has not failed to comply with the standard. Standards 88, 89 and 90: Following consideration of all the evidence submitted to me by the complainant and the Council, it appears to me that the Council has considered

favourably than the English language within the consultation documents as the spaces for including a response to some questions were smaller in the Welsh versions when compared to the English versions. 4. the assessment on Welsh education was not published on the Welsh pages of the Council's website during the consultation process. 5. the Council did not carry out an appropriate assessment of the impact of the decision to close the school on opportunities to use Welsh in the school community, and that the impact assessment on Welsh medium education did not meet the requirements of the Welsh language standards which have been imposed on the Council as they formulate, review or revise any policy. On 21 June 2018 the Council's cabinet approved a recommendation to consult on the proposed closure of YGG Felindre. A consultation on the proposal was conducted between September and October 2018. The consultation related to the proposed closure of YGG Felindre (with effect from 31 August 2019). It is proposed that the existing school catchment area is transferred to the Ysgol Gynradd Gymraeg Tirdeunaw as the next closest school, unless a separate proposal to relocate Welsh

the effect of the proposal to close YGG Felindre on Welsh-medium education. The Council has made reference on a number of occasions and in several documents that the proposal is part of the Welsh in Education Strategic Plan which plans to increase the number of pupils studying through the medium of Welsh in the county. However, the evidence has not persuaded me that the same attention and consideration has been given to the impact of the decision on the Welsh language in a wider context. It is clear that the Council carried out a Welsh Language Impact Assessment prior to the consultation process, and that they revised the document following the findings of the consultation. However, I must consider the extent to which those assessments, when considered together, were meaningful and sufficient to ensure that the Council has implemented the requirements and objectives of the policy making standards. The complainant claims that the school has a key role in maintaining the Welsh language in the area and in offering opportunities for people to use the Welsh language. In looking at the requirements of the standards, the Council has a duty to consider the extent to which the proposal protects, promotes and enriches the area's heritage and culture in relation to the Welsh language. I have already discussed the contents of the Welsh Language Impact Assessment document at paragraphs 2.33 to 2.37. I drew attention to the fact that only 2 paragraphs out of the 19 discussed the impact on the Welsh language. I conclude that paragraphs 1 to 16 discuss the reasons which led to the decision to propose the closure of YGG Felindre, rather than offering a thorough assessment of the impact of the decision. The

Ysgol Gynradd Gymraeg Tan-y-Llan to a new location is approved, in which case the school would be the nearest school to receive pupils from the YGG Felindre catchment. On 20 December 2018 the Council's Cabinet approved a recommendation to publish a statutory notice on the proposed closure of YGG Felindre. Having considered the above and the relevant standards (Appendix A), I was of the view that the proposal outlined in the consultation document was likely to have an impact on the Welsh language. There was also a suspicion that an appropriate assessment of the potential impact of the proposals on the Welsh language had not been undertaken. Therefore, I decided to carry out an investigation under section 71 of the Welsh Language Measure to determine whether there was a failure by the Council to comply with Welsh language standards. The Council has a duty to ensure and to satisfy itself that the policy decisions it makes (together with their formulation and consultation) comply with the relevant regulations and legislation. The purpose of my investigation in this case is to determine whether the Council has failed to comply with the Welsh Language Standard in reaching its decision.

closing paragraphs conclude that the Council believes that the proposal would result in a positive impact on the development of the Welsh language in the Swansea area, although no robust evidence is presented to support this. The assessment does not take into account the potential impact on the Welsh language within the community or consider any effects beyond the education provision. The assessment does not take into account the use of the Welsh language in the community and the school's contribution towards it. I would have expected to see data or information to evidence that the Council had considered the linguistic demographics of the area and that they had scrutinised and weighed up the impact of the closure on people's language use. It is not sufficient that the Council concludes that the effect is "neutral" without also putting forward arguments or evidence in support. Nor is there any evidence from the Welsh language Impact Assessment, or the other documents and assessments undertaken, that the Council has considered how the policy or proposal can be formulated so that it has a positive or less adverse impact on the Welsh language. Although the Council has noted that the proposal has a "neutral" effect on the Welsh language, the requirements of 89 and 90 remain relevant and in effect. In presenting her complaint to me, the complainant referred to the ways in which the school contributes to wider community factors relating to the Welsh language. She explained that the school contributes to maintaining the Welsh language in the village by giving village residents, pupils and their parents the opportunity to come together to organize and participate in activities through the medium of Welsh. Those examples include the Parent

Where a policy decision has already been made, it is not open to me to require the Council to remake that decision. Therefore, the steps I ask the Council to take are relevant only to future decision, in relation to considering the effects of policy decisions on the Welsh language, and considering and seeking views on the effects on the Welsh language when consulting on those decisions. I notified the Council and the complainant of the decision to investigate, and of the proposed terms of reference, on 21 January 2019. I gave notice to the Council of the final terms of reference for the investigation on 6 February 2019.

Teacher Association, the village eisteddfod, the St David's Day Cawl and Twmpath event, the harvest service in the chapel, and the Christmas drama held in the village. The complainant also explains that members of the community have been active in volunteering to raise money for the school for resources such as a minibus, building wet and dry areas for the pupils and developing a nature garden. Projects were also organized by members of the community to enable village children to compete in the Urdd eisteddfodau and to take part in a project funded by the Arts Council relating to local and national history and traditions. Had an appropriate assessment of the impact of the decision to close the school on the Welsh language in the community been undertaken, the Council would likely have been aware of events such as these, and been able to undertake an assessment of the relationship between the school and the activities, and analyze the likely impact of closing the school on the community's ability to continue to sustain them following closure, or to conduct similar activities that would enable them to continue to use the Welsh language. Then, on the basis of the assessment, the Council would have been in a position to consider what action it could take as a result of making such an assessment. The standards make it open to the Council to continue with the decision regardless, or it may conclude that the adverse effects are so significant that it cannot proceed with the decision. The Council can also continue to make the decision in a way that would have a positive or more positive effect on the Welsh language than originally intended, or make the decision by introducing mitigation measures aimed at preventing or minimising the adverse impact of the decision. Proposals

on how to do so should be made by the Council. Without appropriate assessment, research and findings it is not possible to predict what such proposals might be, but the examples below could be the kinds of proposals that could have been considered in a community where the Welsh language remains a part of the fabric of society:

- Fund initiatives or activities led by the Menter Iaith
- Ensure that school facilities and resources continue to be available to the community in order, for example, to be a meeting place or a base for accessing local services such as a library service, access to information technology etc
- Council guidance or support for the community to enable them to set up social enterprises for the benefit of the community.

Given paragraph 2.66 it is not possible for the Welsh Language Commissioner to know what the Council's decision might have been had it acted in accordance with the standards. The only conclusion that can be drawn is that the decision could have been different to the one made. In light of the above, I am of the view that the Welsh language Impact Assessment was not sufficient to meet the requirements of standards 88, 89 and 90. I therefore conclude that the Council has not implemented the requirements of standards 88, 89 and 90 in making its policy decision to close YGG Felindre. The Council has not considered and identified what effects its decision may have on opportunities for persons to use the Welsh language or not to treat the Welsh language less favourably than the English language. Nor has the Council considered how it can make the decision so that it has more positive, or less adverse, effects on opportunities for persons to use the Welsh language, or not to treat the Welsh language less favourably than the



English language. Standards 91, 92 and 93: The requirements of these standards are clear. When publishing consultation documents, opinion must be sought on the potential effects of the policy decision in question on opportunities for persons to use the Welsh language. In order to comply with the standards, I would have expected the consultation documents to contain specific sections that encourage persons to consider the effect of the proposals on the Welsh language and to have a say in how the policy can be formulated so that it has a more positive effect or less adverse effect on the Welsh language. To achieve this, specific questions should be included that seek the views of persons on this. Indeed, I would expect organisations subject to standards to develop a set of standardised questions to be included in templates or consultation documents. This has not been done in this case. I conclude that none of the documents that were part of the consultation asked questions about any further considerations on what effect a decision to open a school would have on opportunities to use the Welsh language. It also did not seek views on how to make the decision one where it would have more positive effects on the opportunities or less adverse ones. I believe that the Council should have been more proactive in seeking views on the effect of the proposal on the Welsh language beyond the education provision. Although the Council had received representations about the potential impact on the Welsh language, this was not as a result of any particular effort on the part of the Council. I am of the view that it is inappropriate to place the onus of considering the potential effect of policy decisions on the Welsh language on the target audience.

The Council has a duty to encourage and to ensure that consultees consider the Welsh language and the usual way of doing this, and the most effective in my opinion, is to ask specific questions within the consultation documents or response forms. In its response to the evidence notice, the Council confirmed that the consultation document did not include any specific questions about the potential effects of the proposal on the Welsh language. As a result, I conclude that the Council failed to ensure that the consultation document sought views on the potential effects on the Welsh language in accordance with the requirements of the standards.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The City and County of Swansea Council has not failed to comply with standard 52 but has failed to comply with Standards 48, 88, 89, 90, 91, 92 and 93.

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

Further action was taken following the determination that The City and County of Swansea Council has not failed to comply with standard 52 but has failed to comply with Standards 48, 88, 89, 90, 91, 92 and 93.

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

Standard 48 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure  
1. The Council must review its arrangements for producing documents that invite a response to a

consultation, acting on its findings, where necessary, to ensure that the Welsh language is treated no less favourably than English language.

Timetable: Within 8 weeks of the date of publication of the Commissioner's final determination.

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

2. The Council must take steps to ensure that the findings of this investigation, in relation to the extent to which the effects of the policy decision on the Welsh language have been adequately considered, are brought to the attention of Cabinet.

3. The Council must adopt a robust process for conducting and recording considerations on any effects that 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. The process must include clear guidance for officers and councillors on how the relevant considerations should be carried out and recorded.

4. The Council must adopt a robust process for conducting and recording considerations on how a policy decision could be made so that it has more positive effects on opportunities for persons to use the Welsh language or to treat the Welsh language no less favourably than the English language. The process must include clear guidance for officers and councillors on how the relevant considerations should be carried out and recorded.

5. The Council must adopt a robust process for conducting and recording considerations on how a policy decision could be made so as not to have adverse effects on opportunities for persons to use the Welsh language or to treat the Welsh language no less favourably than the English language. The process must include clear guidance for officers and councillors on how the relevant considerations should be carried out and recorded.

6. The Council must produce guidance (or revise its existing guidance) for staff responsible for carrying out impact assessments of policy decisions to ensure that the Council takes all relevant factors into account in the context of the potential impact on the Welsh language.

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

Standards 88, 89 and 90 – Requirement for the Council to publicise the failure to comply with the standards under section 77(3)(d) of the Welsh Language Measure

7. The Council must publicise its failure to comply with standards 88, 89 and 90 by publishing this report in a prominent place on its website, and include an item on the investigation on the website's news section. Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.

Standards 88, 89 and 90 – The Welsh Language Commissioner to publicise the failure to comply with the standards under section 77(3)(c) of the Welsh Language Measure

8. I will publicise the Council's failure to comply with the standards by taking the following steps:- publish a

statement stating that the Council has failed to comply with the standards - publish the investigation report on my website. Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.

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

9. The Council must take steps to ensure that the findings of this investigation, in relation to the extent to which opinion was sought in an appropriate and sufficient manner in relation to the Welsh language, as part of its decision to close YGG Felindre, are brought to the attention of Cabinet.

10. The Council must develop a set of standard questions for use in consultation documents relating to policy decisions so that it seeks views in accordance with the requirements of standards 91, 92 and 93.

11. The Council must review and revise its processes for issuing consultation documents relating to policy decisions, to ensure that future consultation documents comply with standards 91, 92 and 93.

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

Standards 91, 92 and 93 – Requirement for the Council to publicise the failure to comply with the standards under section 77(3)(d) of the Welsh Language Measure

12. The Council must publicise its failure to comply with standards 91, 92 and 93 by publishing this report in a prominent place on its website, and include an item on the investigation on the website's news section. Timetable:

		<p>Within 6 weeks of the date of publication of the Commissioner's final determination.</p> <p>13. The Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 to 12 have been completed.</p> <p>Timetable: Within 16 weeks of the date of publication of the Commissioner's final determination.</p> <p>Standards 91, 92 and 93 – The Welsh Language Commissioner to publicise the failure to comply with the standards under section 77(3)(d) of the Welsh Language Measure</p> <p>14. I will publicise the Council's failure to comply with the standards by taking the following steps:- publish a statement stating that the Council has failed to comply with the standards - publish the investigation report on my website.</p> <p>Timetable: Within 6 weeks of the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to The City and County of Swansea Council on 16/01/2020</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>CSG581 On 18/06/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid</p> <p>20/12/2019</p>	<p><b>Commissioner's findings</b></p> <p>Standard 64: Standard 64 requires that any reception service available in English is also available in Welsh. The complainant alleged that he did not receive a Welsh language reception service a little after 13.30pm on</p>

complaint. The complainant alleged that he had visited the Tŷ Pawb reception shortly after 13.30pm on 11/04/2019 and wished to receive a Welsh service. He alleged that there was no Welsh service available to him.

11/04/2019. The Council noted that it had ensured that a Welsh speaker was available to receive attendees at reception until 13.30pm, but that the complainant arrived late, and the officer had had to leave to attend the meeting. In considering the evidence, I conclude that Wrexham County Borough Council has failed to comply with the requirements of standard 64 on this occasion.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 64.

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

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 64.

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

Standard 64 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that it provides a continuous Welsh language reception service at Tŷ Pawb in order to comply with standard 64.

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

Timetable: Within 90 days of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 20/12/2019

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Aberystwyth  
University

CSG542 On 1/05/2019 and 3/06/2019 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints. The complainant (P) alleges: allegation (i) – that the University treated the Welsh language less favourably than the English language on its website on 01 May 2019, by failing to publish the latest information on tuition fees (United Kingdom and European Union students) for 2019-2020 on the Welsh language webpage (in Welsh) at the same time as it published the corresponding information (in English) on the corresponding English language webpage; allegation (ii) – that the University treated the Welsh language less favourably than the English language in relation to the self-service machines for returning books to the Hugh Owen Library on 15 April 2019, as the default language of the machines was English and as it was necessary to

20/12/2019

**Commissioner's findings**

Standard 55: The Welsh language page <https://www.aber.ac.uk/cy/postgrad/fees-finance/all-fees/> did not include the following latest information in Welsh on 01 May 2019, even though the corresponding English language page <https://www.aber.ac.uk/en/postgrad/fees-finance/all-fees/> did include that information in English: Tuition Fees (United Kingdom and European Union Students) for Taught Masters Programmes for 2019-2020; Tuition Fees (United Kingdom and European Union Students) for Research Programmes for 2019-2020. The requirements of part (a) of the standard meant that the University had to make sure that each page of the University website was available in Welsh on the date in question. That included ensuring, if an English language page included specific text in English, that the corresponding Welsh language page also included the equivalent text in Welsh. Because the latest information in question, which was available (in English) on the English language page, was completely absent from the corresponding Welsh language page (in Welsh), the University failed to comply with part (a) of the standard in this case. I also find that the University failed to comply with part (b) of the standard in this case. It did not ensure that the Welsh language page on its website was fully functional on 01 May 2019. It did not ensure that the



take the additional steps of searching for the 'Cymraeg' button, and pressing that button, in order to set the machines to operate in Welsh; and allegation (iii) – that a Welsh language reception service was often unavailable in the reception on Level D in the Hugh Owen Library, during the period around May 2019.

Welsh language page functioned in the same way as, or as well as, the English language version of the page. That was because the Welsh language page had not been updated with the latest information, as was the case with the corresponding English language page. The effect of this was that the Welsh language page only included outdated information on tuition fees. Also, the University had not ensured that the Welsh language page was published with the latest information in Welsh before or at the same time as the English language page was published with the latest information in English. As a result, I conclude that the University failed to comply with part (c) of the standard in this instance, by treating the Welsh language less favourably than the English language in terms of when the latest information on tuition fees was published on the Welsh language page compared to when it was published on the corresponding English language page. I conclude that this occurred because the University's administrative arrangements and processes for updating webpages were not sufficient to ensure that: the University publishes content on the Welsh language webpage (in Welsh) before or at the same time as publishing the corresponding (English language) content on the corresponding English language webpage at all times; the University does not publish content on the English language webpage (in English) before publishing the corresponding (Welsh language) content on the corresponding Welsh language webpage. Standard 64: The book returning machine used by P in the Hugh Owen library on 15 April 2019 functioned in English by default. Because of this, the English language interface was more prominent to P than the Welsh

language interface on the machine in question. Therefore, I conclude that the University has treated the Welsh language less favourably than the English language in terms of the prominence of the Welsh language interface in this instance. Also, as the default language of the machine was English, P had to take the additional steps of searching for the 'Cymraeg' button, and pressing that button, in order to start using the machine in Welsh. These were additional steps that P would not have had to take if he had chosen to use the machine in English. Compared to the number of steps a person wishing to use the machine in English would have had to take, the University had made it necessary for P to take additional steps to use the machine in Welsh. As a result, I consider that the University, in this instance, had treated the Welsh language less favourably than the English language in terms of availability of the Welsh language version of the machine.

Standard 68: The University had to ensure that any reception service that was available in English in the reception on Level D in the Hugh Owen Library during the period around May 2019, was also available in Welsh during that period. I conclude that a "reception service" would have only been available during that period during the hours of 08:30 – 22:00, from Monday to Friday (except between 09:00 – 10:00 on Wednesday where no service was available). There was no evidence to confirm with certainty that the University had not provided P with a Welsh language reception service on any occasion during these hours, during the period in question. However, I consider that this complaint creates doubts that the University cannot ensure full compliance with the

standard at all times in the reception in question. More specifically, I consider that the complaint has highlighted the need for the University to improve its arrangements to ensure that a Welsh language reception service is available in the reception in question during the following periods: when the staff, who usually man the reception during core hours, are not in the office – and therefore - that the University must choose other staff to provide cover for those staff; outside core hours, namely from 08:30-09:00 and 17:00-22:00, from Monday to Friday. In order to ensure that any reception service available in English is also available in Welsh at any time, the University must ensure that staff members who are able to provide the service in Welsh are available at all times, including when the members of staff, who usually man the reception, are absent.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Aberystwyth University has not failed to comply with standard 68 but has failed to comply with Standards 55 and 64.

**Statement of further action**

Further action was taken following the determination that Aberystwyth University has not failed to comply with standard 68 but has failed to comply with Standards 55 and 64.

**Statement on the further action**

Standard 55 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Aberystwyth University must consider and adapt its administrative arrangements and processes for updating webpages, in order to ensure that the University publishes content on the Welsh language page (in Welsh) before or at the same time as the equivalent (English) content on the corresponding English language page at all times. As part of this step, the University may wish to consider the propriety of setting restrictions or including reminder boxes within the Content Management System to ensure the above.
2. The University must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed. Timetable: Within 3 months from the date of publication of the Commissioner's final determination. Standard 68 – advice in accordance with section 76 of the Welsh Language Measure
3. The University should ensure that any member of staff, who is listed as being responsible for providing a reception service in the Level D reception area in the Hugh Owen Library, can provide a Welsh language reception service in accordance with the requirements of standard 68.

**Decision notice given**

The Decision Notice was given to Aberystwyth University on 20/12/2019

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

City and County  
of Swansea  
Council

CSG499 On 03/02/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. In the complaint, the complainant alleged that he received an English only e-mail from the Council on 24 January 2019. This e-mail enquired about Welsh language performers to take part in an event to celebrate St David's Day in Swansea. When submitting his complaint, the complainant stated that he had previously sent a message in Welsh to the Council informing them of a gig and that he later received English only correspondence from the Council, without offering a Welsh language service. The complainant provided a copy of that correspondence when submitting the complaint.

20/12/2019

**Commissioner's findings**

Standard 2: I find that the correspondence dated 24 April 2019 was not the first time that the Council had corresponded with the complainant and therefore the Council was not under a duty to ask specifically about language choice in that correspondence. Although the Council was already aware of the complainant's wish to receive correspondence in Welsh, in this case, the Council failed to ensure that a record was kept of that wish. I consider that the events team's failure to keep a record of the complainant's language choice led to this specific situation and that there was no way of knowing, therefore, whether the individual wished to receive correspondence in Welsh. This meant that the Council also failed to send subsequent correspondence to the complainant in Welsh, even though it was aware of his wish. I therefore find that the Council has failed to comply with parts a) and b) of the standard and therefore has failed to comply fully with the requirements of standard 2. Standard 5: Standard 5 requires a body to provide a Welsh version of correspondence if it does not know that the person does not wish to receive correspondence in Welsh. The Council's evidence suggests that it was aware of the complainant's language choice before sending the correspondence to him in English on 24/01/2019. It appears that the evidence received highlights that standard 5 does not therefore apply in this case.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The City and County of Swansea Council have failed to comply with parts a & b

of standard 2, but has not 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 have failed to comply with parts a & b of standard 2.

**Statement on the further action**

Standard 2 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The events team must ensure that it has a process in place to keep a record of any individual who wishes to receive correspondence in Welsh.
2. The Council must ensure that all of the team's officers are aware of the procedures for keeping records and of those individuals who wish to receive correspondence in Welsh, and ensure that adequate arrangements are in place to ensure that all relevant staff have access to that information when corresponding with individuals.
3. The Council's events team must ensure that it sends correspondence in Welsh on every occasion to any individual who has stated that they wish to receive correspondence in Welsh.
4. The City and County of Swansea Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps [1 to 3] have been completed.

Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to The City and County of Swansea Council on 20/12/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Powys County Council

CSG532 Powys County Council is proposing to close Ysgol Gynradd Llanfyllin and Ysgol Uwchradd Llanfyllin and establish a new bilingual all-through school on the sites of the current schools. The current primary school is a dual stream bilingual school, and the secondary school is a category 2C bilingual school (which means that it offers a Welsh language stream where 50-79% of the curriculum is available through the medium of Welsh). Between 27 November 2018 and 31 January 2019 Powys County Council held a consultation regarding establishing the new school for 4-18 year old pupils in Llanfyllin. Following an enquiry by a member of the public regarding the consultation, my officials reviewed the documents available in the public domain. This review raised doubts that the consultation was not conducted in accordance with the requirements of the standards as the consultation document and the associated questionnaire did not

19/12/2019

**Commissioner's findings**

Standards 88, 89 and 90: The policy making standards deal with the way in which a body considers the effects of its policy decisions on the Welsh language. A body needs to consider and identify all the possible effects a policy decision may have on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language. The Council has made a policy decision to reorganise schools in the community of Llanfyllin, and to close the current primary school and secondary school and open an all-through school on the same site. I find that the Council, in making this decision policy, did not consider sufficiently what effects the policy decision would have in accordance with the requirements of the standards. Standards 91, 92 and 93: These standards are a means of ensuring that a body's consultation documents, which relate to a policy decision, consider and seek views on the possible effects that the decision will have on the Welsh language and opportunities to use it. Powys County Council published a consultation document for a proposed policy decision to reorganise schools in Llanfyllin by opening an all-through school on the current schools' site. I find that the consultation document did not consider possible effects on the Welsh language nor did it include specific

consider sufficiently or seek opinion regarding, opportunities to use the Welsh language or treating the Welsh language no less favourably than the English language. A document titled 'Updated Impact Assessments' published in February 2019 is available on the Council's website. It includes a Welsh language impact assessment as well as impact assessments for other matters. It did not appear that the assessment had considered the matters required within the standards. The following is included in the assessment: o information about literacy and communication standards o a list of the opportunities to use the Welsh language outside school hours o a list of other Welsh language activities at the school and in the community o a summary of the consultation's comments on the effect of the decision on the Welsh language o the Council's response to the consultation's comments. It did not appear that an assessment and analysis had been conducted regarding opportunities for persons to use the Welsh language, or how to ensure the Welsh language is treated no less favourably than the English language. On 12 March 2019 a statutory notice was published by the Council stating its decision to create an

questions which sought public opinion regarding how the proposed policy decision will affect opportunities for persons to use the Welsh language, or to treat the Welsh language no less favourably than the English language. The standards impose a clear requirement that opinion must be sought regarding the possible effects as well as asking how it is possible to change or adapt the decision so that it has more positive effects or less adverse effects on opportunities to use the Welsh language. The consultation document in question did not include such specific questions.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys County Council have failed to comply with standards 88, 89, 90, 91, 92 and 93.

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

Further action was taken following the determination that Powys County Council have failed to comply with standards 88, 89, 90, 91, 92 and 93.

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

Standards 88, 98 and 90 – advice/requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure

1. Powys County Council must ensure that it operates in accordance with its own guidelines when conducting assessments of the effect of its policy decisions on the Welsh language. In order to achieve this the Council must : (d) Raise the



all-through school in Llanfyllin. From the information available in the public domain, I considered that there was a suspicion as to whether the Council had considered sufficiently, in accordance with the policy making standards, the possible effects of the decision on opportunities for persons to use the Welsh language or not treating the Welsh language no less favourably than the English language.

awareness of the elected members who make its policy decisions of the steps which must be taken to comply with the Welsh language standards when making their decisions (e) Provide training to all members of staff who are responsible for conducting impact assessments on how to assess effect on the Welsh language, including raising awareness of the Commissioner's advice document. (f) Develop a process of verifying and approving Welsh language impact assessments completed by Senior Officers as a way of ensuring that the Council's procedures and guidelines are followed.

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

2. Powys County Council must ensure that consultation documents include considerations based on concrete evidence of the effect of proposals on the Welsh language in order to enable stakeholders to respond to the consultation in an informed manner. The Council must develop guidance or revise guidance which already exists, in order to ensure that officials who are responsible for developing consultation documents are aware of the requirements of the standards and operate in accordance with those requirements.

3. Powys County Council must ensure, when publishing consultation documents relating to policy decisions, that those documents seek views on the possible effects of the proposals on (a) opportunities for persons to use the Welsh language and (b) treating

the Welsh language no less favourably than the English language. The context of the policy decision must be considered when producing any questions used to seek opinion on the possible effects of the proposals.

4. Powys County Council must ensure, when publishing consultation documents relating to policy decisions, that those documents seek views on how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on (a) opportunities for persons to use the Welsh language and (b) treating the Welsh language no less favourably than the English language. The context of the policy decision must be considered when producing any questions used to seek opinion on the possible effects of the proposals.

5. Powys County Council must ensure, when publishing consultation documents relating to policy decisions, that those documents seek views on how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on (a) opportunities for persons to use the Welsh language and (b) treating the Welsh language no less favourably than the English language. The context of the policy decision must be considered when producing any questions used to seek opinion on the possible effects of the proposals.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination

		<p>4. Powys County Council must provide written evidence for the Commissioner that enforcement steps 1-5 have been completed. Timetable: Within 4 months from the date of publication of the Commissioner's final determination</p> <p>Requirement to publicise in accordance with section 77(3)(d) The Council must give publicity to its failure to comply with standards 88, 89, 90, 1, 92 and 93 by publishing this report in a prominent place on its website, and include an item on regarding the investigation on the website's news section.</p> <p>Timetable: Within 4 weeks of the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Powys County Council on 19/12/2019</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal</p>
<p><u>Hywel Dda</u> <u>University</u> <u>Health Board</u></p>	<p>CSG584 On 24/06/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant received an English only letter regarding an appointment for an MRI scan and an English only form to be completed before the scan.</p>	<p>12/12/2019</p> <p><b>Commissioner's findings</b></p> <p>Standard 5: In order to comply with standard 5 the Health Board needed to send the appointment letter bilingually to any patients who have not informed the Health Board that they wish to receive correspondence in English. The complainant submitted a complaint to me because he was unhappy that he had received an appointment letter in English. The Health Board confirmed that a Welsh version of the appointment letter was not available on the date the letter was sent to the complainant. As the Health Board had sent the appointment letter in English to the</p>

complainant as there was no Welsh version available, the Health Board did not comply with standard 5 in this case. Standard 36: Standard 36 requires an organisation to ensure that if it produces a form in Welsh that is to be completed by an individual, it must produce it in Welsh. In this case the Health Board sent a form in English only for the complainant to complete and the Health Board confirmed that the form was not available in Welsh at the time. As the form sent to the complainant was not available in Welsh at the time the Health Board did not comply with standard 36 in this case.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Hywel Dda University Health Board council have failed to comply with Standards 5 and 36.

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

Further action was taken following the determination that Hywel Dda University Health Board have failed to comply with standards 5 and 36.

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

Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Health Board must conduct a review to check that appointment letters sent from other departments comply with standard 5 and act upon the results of the review. Timetable: Within 3 months of issuing the Commissioner's final determination.

			<p>Standard 36 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <p>2. The Health Board must conduct a review to check that forms provided to the public by other departments comply with standard 36 and act upon the results of the review. Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p>3. Hywel Dda University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1-2. Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Hywel Dda University Health Board on 12/12/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Neath Port Talbot County Borough Council</u></p>	<p>CSG459 On 22 November 2018 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the Council's use of the Welsh language on its website and social media. The complainant alleged that there were links on the Welsh version of the website which take the user from one</p>	<p>4/12/2019</p>	<p><b>Commissioner's findings</b> Standard 52: The standard requires the Council to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. It applies to all pages of the Council's website including any pages maintained by third parties on behalf of the Council. This investigation has shown that links on the Welsh version of the Council's website have led to English pages on two occasions. This was a failure by the Council to ensure that the Welsh language</p>

part of the website to another part leading to English pages. The complainant referred specifically to links relating to planning applications and information about Council members. The complainant also alleged that the Council did not use Welsh at all in several of its Facebook accounts, namely: Neath Port Talbot CBC, Recycle4NPT, NPT Waste Crime, NPT Family. The complainant also said that the Council had re-tweeted information in English on its Welsh medium Twitter account @CyngorCnPT on 22 November, 2018. The complainant shared several screenshots from the Council's website and social media accounts as evidence to support the allegations.

is not treated less favourably than the English language on its website. Therefore, the Council failed to comply with clause (c) of standard 52. The investigation also showed that the page to which one of the links led was not available in Welsh, and is still not available in Welsh. This was a failure by the Council to ensure that the text of each page of its website is available in Welsh. Therefore, the Council failed to comply with clause (a) of standard 52.

Standard 58: The standard requires the Council to ensure that the Welsh language is not treated less favourably than the English language when using social media. It applies to all Council social media accounts and to any information published by it on those accounts, whatever the circumstances. In order to comply with the standard the Council must ensure that any information published by it in English is also published in Welsh at the same time as the English language information. This investigation showed that the Council has a number of Facebook accounts where English was the only language used by it on the date relevant to the complaint. This was a failure by the Council to comply with standard 58. The investigation also showed that the Council published information in English only on a Welsh medium Twitter account. This was also failure by the Council to comply with standard 58.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough Council has failed to comply with standards 52 & 58.

**Statement of further action**

Further action was taken following the determination that Neath Port Talbot County Borough Council has failed to comply with standards 52 & 58.

**Statement on the further action**

Standard 52 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Council to prepare an action plan outlining: i. steps to be taken in order to ensure that the section of its website that holds details of planning applications complies with the requirements of the standard; ii. what staffing commitment will be required; iii. what budgetary commitment will be required; as well as iv. who will be responsible and accountable for the work. The action plan should set out the timetable for the delivery of each stage and the completion of the work.

Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 52 – Advice in accordance with section 77(4)(b) of the Welsh Language Measure.

2. I advise the Council to discuss with other local planning authorities how they are going to provide similar services in a way which complies with the requirements of the standard.

Standard 58 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

3. I require the Council to prepare an action plan outlining action to be taken in order to: i. review its use of Welsh on all its social media accounts; and ii. ensure that they all comply fully with the requirements of the standard. The action plan should fully identify the requirements of the standard and pay particular attention to the interpretation of Part 3, paragraph 34 of the Welsh Language Standards Regulations (No. 1) 2015. It should set out the timetable for the delivery of each stage and for the completion of the work, and who will be responsible and accountable.  
Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 58 – Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure.

4. The Council must ensure that it has appropriate arrangements in place for the translation of information that needs to be published urgently on social media. In order to comply with this enforcement action the Council must develop a procedure and accompanying guidelines for the urgent translation of information, and make relevant officers aware of said procedure and guidelines.
5. The Council must provide the Welsh Language Commissioner with adequate written evidence confirming that enforcement step four has been completed.



Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

**Decision notice given**

The Decision Notice was given to Neath Port Talbot County Borough Council on 04/12/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Neath Port  
Talbot County  
Borough Council

On 5 July 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was regards a number of factors relating to a public consultation undertaken by Neath Port Talbot County Borough Council during June 2019. The consultation was being undertaken in order to consult with stakeholders regarding proposed changes to the Council's policy for transport from home to school, that is 'Home to School Travel Policy 2020'. One allegation made by the complainant was that she was not invited to use the Welsh language at a public meeting held at the Neath Civic Centre on 2 July 2019 to discuss this policy.

3/12/2019

**Commissioner's findings**

Standard 36: A body must ensure that the Welsh language is not treated any less favourably than the English language when organising a public event. The Council held four 'drop in' events during the consultation process for proposals to change the Council's policy regards transport from home to school. The complainant alleged that they were not offered the opportunity to use the Welsh language during the event they attended. The Commissioner finds that in this case the Council had arranged and planned the events so that the Welsh language was not treated less favourably than the English language when offering a service of answering enquiries. However, due to circumstances beyond its expectation, it was not possible to fully deliver the intended services during one of the events.

Standard 81: A body must promote and advertise each service it provides in Welsh, and to do so in Welsh. In this case, the Council had arranged that a Welsh service would be available at a 'drop in' event it was delivering. However, the complainant was not aware of this offer to use the Welsh language. The Commissioner finds in this

case, that the Council missed an opportunity to promote a Welsh language service that was available for people attending the event.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough council have failed to comply with Standards 36 and 81.

**Statement of further action**

Further action was taken following the determination that Neath Port Talbot County Borough Council have failed to comply with standard 81.

**Statement on the further action**

Standard 81 –requirement to take steps in accordance with section 77(3(b)) of the Welsh Language Measure

1. Neath Port Talbot County Borough Council must develop a check list for officers to use when they are planning and attending events. The checklist must include practical support in order to allow them to promote Welsh language services. The list can include such matter as ensuring that 'Iaith Gwaith' resources are available, that Welsh materials are available and that the ability to use the Welsh language is promoted before and during the events, amongst other matters.

2. Neath Port Talbot County Borough Council must provide written evidence that shows that you have complied with enforcement step 1.

Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

			<p><b>Decision notice given</b> The Decision Notice was given to Neath Port Talbot County Borough Council on 03/12/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Pembrokeshire County Council</u></p>	<p>CSG549 The Commissioner received a complaint on 14/05/2019 from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the process of applying for an 'AOLE Development Lead' post with ERW (Education through Regional Working – Pembrokeshire County Council). The complainant applied for the post through the Council's website. The official closing date was 1 May 2019. In relation to the application process, the complainant alleged: i) that the website had not been fully translated and that a number of the drop-down menus appeared in English or a mixture of both languages. ii) that the website did not recognise letters with a circumflex. iii) that he had emailed the Council raising the issue. He offered to send a copy of his personal statement in Word format with the correct grammar in order to ensure that the application was legible.</p>	<p>3/12/2019</p>	<p><b>Commissioner's findings</b> Standard 52: The standard requires a body to ensure that the text of every page of its website is available in Welsh and is fully functional and that the Welsh language is treated no less favourably than the English language. It is alleged that the pages on the Council's website contained English language drop-down menus that were not available in Welsh, and that the website did not recognise Welsh accents and circumflexes as the complainant applied for a job online. The Council acknowledges the inability of the system to recognise characters and accents in Welsh, and accepts that the qualifications drop-down menu was available in English only. I conclude that the pages did not function fully at the time the complaint was submitted and as a result the Welsh language was treated less favourably than English. This constitutes a failure to comply with the standard. Standard 56: Standard 56 requires a body to ensure that the interface and menus on every page of its website are 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 a number of the drop-down menus appeared in English on the Welsh pages. The Council acknowledges that the 'qualifications' drop-down</p>

He did not receive a response. iv) that he received an English-only e-mail on 9 May 2019 informing him that his application had been unsuccessful. v) that his personal statement contained grammatical errors because the website was defective, as well as the fact that the personal statement had not being translated or read accurately by the organisation. The complainant felt that his application had not been considered fairly and possibly had not been translated at all as the feedback he had received contradicted the contents of his personal statement.

menu was available in English only. In considering the evidence I have received, I conclude that not all menus on the Council's website are provided in Welsh.

Standard 137b: The standard requires a body not to treat an application for a post made in Welsh less favourably than an application made in English. The complainant alleged that his job application had not been considered fairly and that he had been treated unfavourably because he chose to submit the application in Welsh. The Council explained that without being able to verify the complainant's application it was unable to comment on the way in which the job application was handled.

Standard 140: Standard 140 requires Pembrokeshire County Council to inform candidates of their decision in relation to a post in Welsh if the application was made in Welsh. The complainant submitted an application for a post in Welsh but received a decision email in English. As the complainant received an email in English regarding the decision, Pembrokeshire County Council failed to implement standard 140 in this case.

### **Commissioner's determination**

Under section 73(2) of the Welsh language Measure, the Commissioner has determined that Pembrokeshire County Council has failed to comply with standard 52, 56 and 140 but has not failed to comply with Standard 137b.

### **Statement of further action**

Further action was taken following the determination that Pembrokeshire County Council has failed to comply with standard 52, 56 and 140.

**Statement on the further action**

Standard 52 – Directions for Pembrokeshire County Council to take steps in accordance with section 79(1)(b)(ii) of the Welsh Language Measure

1. Pembrokeshire County Council must ensure that all Welsh pages of its website, relating to recruitment, include drop-down menus in Welsh.
2. Pembrokeshire County Council must ensure that its website enables the use of accents in the Welsh alphabet so that the Welsh language is treated no less favourably than the English language.
3. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-2.

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

4. Pembrokeshire County Council must provide guidance to officers who implement the recruitment process manually, explaining how to comply with Welsh language standards when issuing decision letters.
5. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 4.

Timetable: Within 60 days of publishing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Pembrokeshire County Council on 03/12/2019.

	<b>Appeals made to the tribunal</b> No appeal was made to the Tribunal
<div data-bbox="208 786 427 890" data-label="Text"> <p><u>The Information Commissioner's Office (ICO)</u></p> </div> <div data-bbox="477 572 1037 1102" data-label="Text"> <p>CSG567 On 05/06/2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. 1.2 The complaint relates to an automatic email the complainant received in response to an email sent to the Information Commissioner's Office (ICO). The complainant believed that the email treated the Welsh language less favourably than the English language as the title of the email was in English only and the English language text was placed above the Welsh language text.</p> </div> <div data-bbox="1075 820 1216 852" data-label="Text"> <p>3/12/2019</p> </div>	<div data-bbox="1292 325 1659 357" data-label="Section-Header"> <p><b>Commissioner's findings</b></p> </div> <div data-bbox="1292 360 2083 959" data-label="Text"> <p>Standard 6: Standard 6 requires organisations which send the same correspondence in Welsh and in English to not treat the Welsh language version less favourably than the English language version. The acknowledgement email received by the complainant in response to a Welsh language email included a title in English only and Welsh language text which was not visible until the recipient had read the very long English language text. In order to comply with standard 6 the title of the email would need to be bilingual and both languages to be equally prominent in the body of the email without the recipient having to take any additional steps to see the Welsh language version than are needed to see the English language version. As it was not possible for the recipient of the email to see the Welsh language version on opening the email I do not believe that the ICO has complied with standard 6 in this case.</p> </div> <div data-bbox="1292 999 1742 1031" data-label="Section-Header"> <p><b>Commissioner's determination</b></p> </div> <div data-bbox="1292 1034 2083 1137" data-label="Text"> <p>Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the ICO has failed to comply with Standard 6.</p> </div> <div data-bbox="1292 1177 1684 1209" data-label="Section-Header"> <p><b>Statement of further action</b></p> </div> <div data-bbox="1292 1212 2083 1281" data-label="Text"> <p>Further action was taken following the determination that the ICO has failed to comply with standard 6..</p> </div> <div data-bbox="1292 1321 1747 1353" data-label="Section-Header"> <p><b>Statement on the further action</b></p> </div>

	<p>Standard 6 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <ol style="list-style-type: none"> <li>1. The ICO must take steps to ensure that the acknowledgement email sent from the casework@ico.org.uk address does not treat the Welsh language version of the correspondence less favourably than the English language version.</li> <li>2. The ICO must provide written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed. Timetable: Within a month from the date of publication of the Commissioner's final determination.</li> </ol> <p><b>Decision notice given</b> The Decision Notice was given to the ICO on 03/12/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p> <p>CSG553 On 15/05/2019 and on 18/06/2019 complaints were received from a member of the public. The complaints met the conditions in section 93 of the Welsh Language Measure and were therefore valid complaints. The complaints relate to pay and display machines in car parks in the Wrexham area. The words 'follow prompts' and 'press key' appeared as instructions in English only on one machine, and the words Pay Parking Here appeared on</p>	<p>3/12/2019</p> <p><b>Commissioner's findings</b> Standard 60: Standard 60 requires that a body must ensure that any self service machine that it has, functions fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine. The complainant's evidence shows that two pay and display machines belonging to Wrexham County Borough Council displayed instructions in English only. Although the Council rectified the failure once it became aware of it, the machines, at the time the complaint was submitted, treated the Welsh language less favourably than the English language.</p>

the other machine located in the car park of Tŷ Pawb.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 60.

**Statement of further action**

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 60.

**Statement on the further action**

Standard 60 – advice for Wrexham County Borough Council in accordance with section 79(1)(b)(ii) of the Welsh Language Measure

1. Wrexham County Borough Council must carry out a review of all its pay and display machines in order to be assured that each machine contains relevant stickers and instructions that do not treat the Welsh language less favourably than the English language within 3 months from the date of publication of the Commissioner's final determination.
2. Wrexham County Borough Council must correct any text which does not comply with the requirements of standard 60 within 6 months from the date of publication of the Commissioner's final determination.
3. Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1 and 2 above.  
Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

**Decision notice given**



The Decision Notice was given to Wrexham County Borough Council on 03/12/2019

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Welsh Ministers

CSG557 The Commissioner received a complaint on 22/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the Welsh Government's explanatory memorandum in relation to The National Health Service (Welsh Language in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 was not available in Welsh at the same time as the English version.

14/11/2019

**Commissioner's findings**

Standard 47: In order to comply with standard 47 the Welsh Ministers needed to assess whether the subject matter of the document suggested that they should produce the document in Welsh, as well as assessing whether the anticipated audience, and their expectations, suggested that the document should be produced in Welsh. The Welsh Ministers should then have produced the document in Welsh or otherwise in accordance with the outcome of the assessment. In this case the Explanatory Memorandum was laid regarding the National Health Service (Welsh in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 in English only even though the subject matter of the document clearly suggested that it should also have been laid in Welsh. The response of some Assembly Members, namely some of the expected audience of the document, also suggested that it should be laid in Welsh. However, the document was laid in English only on 09/05/2019. As the Welsh Ministers laid the Explanatory Memorandum regarding the National Health Service (Welsh in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 in English only without assessing the need to lay it in Welsh when the related legislation was laid, my determination is that the Welsh Ministers have failed to comply with standard 47.

Standard 48: When the Welsh Ministers publish a document they must not treat any Welsh language version of a document less favourably than the English language version of that document. That includes treating the Welsh language no less favourably in terms of when and how the material is published. In this case the Explanatory Memorandum regarding the National Health Service (Welsh in Primary Care Services) (Miscellaneous Amendments) (Wales) Regulations 2019 was published in Welsh a fortnight after the English language version. As the Explanatory Memorandum was published in Welsh a fortnight after the English language version, I do not believe that the Welsh Ministers have complied with standard 48.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standards 47 and 48.

**Statement of further action**

Further action was taken following the determination that Welsh Ministers have failed to comply with Standards 47 and 48.

**Statement on the further action**

Standard 47 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must take steps to ensure that they assess whether Explanatory Memoranda need to be laid in Welsh by considering the subject

			<p>matter of the document and the anticipated audience and their expectations.</p> <p>Standard 47 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <p>2. The Welsh Ministers must take steps to ensure that Welsh language versions of Explanatory Memoranda are treated no less favourably than the English language versions.</p> <p>3. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps [1 – 2] have been completed.</p> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 14/11/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>CSG564 The Commissioner received a complaint on 31/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant in the case is acting on behalf of another individual. The person affected alleges</p>	<p>12/11/2019</p>	<p><b>Commissioner's findings</b> Standard 11: Standard 11 places a requirement on the Council to respond to telephone calls in Welsh, and to deal with calls in Welsh until such time as it is necessary to transfer the call to a non-Welsh speaking member of staff who can provide a service on a specific subject. A complaint was received from a member of the public alleging that he telephoned the Council's main telephone number on 31 May 2019 and that he had indicated a wish to receive a Welsh language service. Call handlers</p>

that he telephoned the main telephone number of Wrexham County Borough Council on four occasions over a 20 minute period on 31 May 2019 during late morning. The person alleges that he selected a button for indicating his choice to receive a service in Welsh on the four occasions, but that he received a response stating that no Welsh speaker was available. He alleged to have been transferred to a staff member who was unable to speak Welsh before being given the choice of calling back if he wished to talk to someone in Welsh.

passed on the calls not providing a service in Welsh or explaining why a Welsh service was not available. The call ended with a standard message from the Council stating that the caller should call back tomorrow. The Council must continue to build the confidence of its staff and organise its workforce to deal with calls in Welsh and to provide a genuine service in Welsh that is reliable and as easy to use as the English language service. I find that the Council failed to meet the requirements of standard 11 in this case as it had not dealt with the complainant's call in Welsh once it became aware of his wish to receive a Welsh language service. The Council did not explain to the complainant (in Welsh) that he needed to be transferred to an English speaker to deal with the query because it was on a specific subject.

#### **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 the requirements of standard 11 in this instance.

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with the requirements of standard 11 in this instance.

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

Standard 11 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure  
1. Wrexham County Borough Council must develop guidelines that support staff in understanding and meeting

the requirements of standard 11 in every context. The guidelines and the training must include, as a minimum: (g) an explanation of how to 'deal with a call in Welsh', (not just a bilingual greeting); (h) an explanation of why the provision of Welsh language services is important, and how to promote and facilitate them; (i) examples or 'scenarios' of calls and how to deal with them in order to comply with and provide good and easy to use services for Welsh speakers; (j) a full explanation of what is considered to be 'subject specific' within the context of the Council's services, including how to explain to customers if there is no Welsh language service available because their query is on a particular subject. Examples of wording could be provided (in Welsh) for use; (k) convenient means of locating Welsh speakers within the teams; (l) techniques or wording to respond to customer complaints or concerns about the Council's Welsh telephone services.

2. Wrexham County Borough Council must develop a training plan for every member of staff who provides a front line telephone service on behalf of the Council. They must be aware of the above guidelines and be confident in their implementation.

3. Wrexham County Borough Council must provide written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1 and 2.

Timetable: Within 90 days of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Council on 12/11/2019.

### Appeals made to the tribunal

No appeal was made to the Tribunal.

Bridgend  
County Borough  
Council

CSG500 he Commissioner received a complaint on 07/02/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. It was alleged that a meeting (or workshop) to discuss the reorganisation of post-16 education in the county had been conducted in English by a council officer at Ysgol Gyfun Gymraeg Llangynwyd at 6pm on 7 February 2019. The complainant provided a copy of a letter that was on the school's letterhead paper and in the name of the officer from the Council that specifically invited parents and guardians to attend the meeting (or workshop) in question.

11/11/2019

### Commissioner's findings

Standards 27, 27A and 27D: The Commissioner concludes that it was the Council that was responsible for the meeting in question as it formed part of its consultation exercise on post-16 education reform in the County, and because the Commissioner considers that the Council had made arrangements for the school to arrange the meeting on its behalf, and therefore it was the Council's responsibility to ensure that invites and simultaneous translation were provided in accordance with the requirements of standards 27, 27A and 27D. Based on the evidence in the Commissioner's possession, the Commissioner finds that the Council failed to comply with standard 27 by not asking those invited to the meeting whether they wished to use the Welsh language at that meeting in an invite sent on 30 January 2019. The Commissioner finds that this invite was sent by the school on behalf of the Council. Standards 27, 27A and 27D are reliant on each other, with the aim of implementing them together. By failing to comply with standard 27, it is reasonable to conclude that the persons invited would not have known that they could say that they wished to use the Welsh language at the meeting, and therefore that the Council did not necessarily know whether it needed to provide translation services at the meeting (or workshop) in question in accordance with the requirements of standards 27A and 27D. In terms of considering compliance with standards 27A and 27D in particular, the evidence in the

Commissioner's possession does not allow me to ascertain whether at least 10% of those invited wished to use the Welsh language at the meeting (or workshop) in question. Based on that, the Commissioner finds that the Council has not failed to comply with standards 27A and 27D.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that County Borough Council has failed to comply with standard 27 but has not failed to comply with Standards 27A and 27D.

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

Further action was taken following the determination that County Borough Council has failed to comply with standard 27.

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

Standard 27 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Bridgend County Borough Council must ensure that any invites sent out in relation to a meeting for which it is responsible (be that directly or by arranging for another person to do so on its behalf) asks all those invited whether they wish to use the Welsh language at that meeting.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

#### **Decision notice given**

			<p>The Decision Notice was given to Bridgend County Borough Council on 11/11/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>CSG554 The Commissioner received a complaint on 17/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to documents produced by Wrexham County Borough Council (the Council) which were available on its website. The documents related to Wrexham County Borough Council's Local Development Plan (LDP) for 2013-2028. The complainant alleged that the Welsh language was treated less favourably than the English language by the Council in some documents. He claimed that this meant that the Welsh versions were more difficult to read and placed him, and others users, at a disadvantage when trying to use those versions. The complaint related to one document in particular, Wrexham LDP: Deposit Plan Written Statement March 2018 (reference KDS04). The complainant</p>	<p>11/11/2019</p>	<p><b>Commissioner's findings</b> Standard 48: If the Council produces a document in both languages, it must ensure that the Welsh version of that document is not treated less favourably than the English version. This means that the Welsh version should not be treated less favourably in relation to its visual presentation, amongst other matters. This investigation showed that the Council treated the Welsh version of document KSD04 less favourably than the English version of the document as regards its visual presentation. This was a failure by the Council to comply with standard 48. I consider that the 'other matters' referred to in the interpretation of the Welsh Language Standards Regulations of the standard mean that the Council should not treat a Welsh version of a document less favourably as regards accuracy. The investigation showed that the Council had treated the Welsh version of document KSD04 less favourably than the English version of the document as regards accuracy. This was also a failure by the Council to comply with standard 48.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Council has failed to comply with standard 48.</p>



alleged that the Welsh version of this document was not numbered, even though other documents relating to the LDP referred to specific paragraphs within it. According to the complainant, this meant that he was forced to rely on the English version of the document for cross-referencing purposes as the paragraph numbers were absent from the Welsh version. The complaint alleged that the English version of the document included 156 footnotes compared with 149 in the Welsh version. The complainant stated that this implied that information was missing from the Welsh version. He also stated that the design of both versions varied greatly and that the use of special colours and formatting was absent from the Welsh version.

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

Further action was taken following the determination that the Council has failed to comply with standard 48. Statement on the further action Standard 48 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Council to prepare an action plan in order to ensure that it does not treat Welsh versions of consultation documents less favourably than the English versions of those documents. The action plan must set out steps to take in order to ensure that Welsh versions of consultation documents produced by the Council do not treat the Welsh language less favourably than the English as regards presentation. It should include a commitment to investigate the way in which other organisations ensure that such documents comply with the requirements of the standard. The action plan must acknowledge the requirements of the standard in full paying particular attention to the interpretation of Part 3, paragraph 29 of the Welsh Language Standards (No.1) 2015. A timetable must be identified for each step and for completing the work, as well as the individual who will be responsible and accountable for the work.

Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 48 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

2. The Council must ensure that it has appropriate proofreading arrangements in place. The Council

			<p>must develop a proofreading process and associated guidance, and actively raise awareness of the process and guidance amongst relevant officers.</p> <p>Timetable: The Council must take the above step within 3 months of receiving the final decision notice.</p> <p>3. The Council must provide sufficient written evidence to the Welsh Language Commissioner that enforcement action 2 has been completed.</p> <p>Timetable: The Council must take the above step within 3 months of receiving the final decision notice.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Wrexham County Borough Council on 11/11/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<u>Wrexham County Borough Council</u>	<p>CSG554 On 17 May, 2019 a complaint was received from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore valid. The complaint related to documents produced by Wrexham County Borough Council (the Council) which were available on its website. The documents related to Wrexham County Borough Council's Local Development Plan (LDP)</p>	11/11/2019	<p><b>Commissioner's findings</b></p> <p>Standard 48: If the Council produces a document in both languages, it must ensure that the Welsh version of that document is not treated less favourably than the English version. This means that the Welsh version should not be treated less favourably in relation to its visual presentation, amongst other matters. This investigation showed that the Council treated the Welsh version of document KSD04 less favourably than the English version of the document as regards its visual presentation. This was a failure by the Council to comply with standard 48. I</p>

for 2013-2028. The complainant alleged that the Welsh language was treated less favourably than the English language by the Council in some documents. He claimed that this meant that the Welsh versions were more difficult to read and placed him, and others users, at a disadvantage when trying to use those versions. The complaint related to one document in particular, Wrexham LDP: Deposit Plan Written Statement March 2018 (reference KDS04). The complainant alleged that the Welsh version of this document was not numbered, even though other documents relating to the LDP referred to specific paragraphs within it. According to the complainant, this meant that he was forced to rely on the English version of the document for cross-referencing purposes as the paragraph numbers were absent from the Welsh version. The complaint alleged that the English version of the document included 156 footnotes compared with 149 in the Welsh version. The complainant stated that this implied that information was missing from the Welsh version. He also stated that the design of both versions varied greatly and that the use of special colours and formatting was absent from the Welsh version.

consider that the 'other matters' referred to in the interpretation of the Welsh Language Standards Regulations of the standard mean that the Council should not treat a Welsh version of a document less favourably as regards accuracy. The investigation showed that the Council had treated the Welsh version of document KSD04 less favourably than the English version of the document as regards accuracy. This was also a failure by the Council to comply with standard 48.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough council have failed to comply with Standard 48.

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

Further action was taken following the determination that Wrexham County Borough Council have failed to comply with standard 48.

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

Standard 48 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure

1. I require the Council to prepare an action plan in order to ensure that it does not treat Welsh versions of consultation documents less favourably than the English versions of those documents. The action plan must set out steps to take in order to ensure that Welsh versions of consultation documents produced by the Council do not treat the Welsh language less favourably than the

English as regards presentation. It should include a commitment to investigate the way in which other organisations ensure that such documents comply with the requirements of the standard. The action plan must acknowledge the requirements of the standard in full paying particular attention to the interpretation of Part 3, paragraph 29 of the Welsh Language Standards (No.1) 2015. A timetable must be identified for each step and for completing the work, as well as the individual who will be responsible and accountable for the work.

Timetable: The Council must submit a draft action plan within 3 months of receiving the final decision notice.

Standard 48 – Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

2. The Council must ensure that it has appropriate proofreading arrangements in place. The Council must develop a proofreading process and associated guidance, and actively raise awareness of the process and guidance amongst relevant officers. Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

3. The Council must provide sufficient written evidence to the Welsh Language Commissioner that enforcement action 2 has been completed. Timetable: The Council must take the above step within 3 months of receiving the final decision notice.

**Decision notice given**

	<p>The Decision Notice was given to Wrexham County Borough Council on 11/11/2019</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Glyndŵr University</u></p> <p>CSG558 The Commissioner received a complaint on 23/05/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint alleges that the University is running an advertising campaign on the back of buses where the text on the advertisements is in English only.</p>	<p>28/10/2019</p> <p><b>Commissioner's findings</b></p> <p>Standard 37: Glyndŵr University must produce any publicity or advertising material in Welsh. If it produces advertising material in Welsh and in English, it must not treat the Welsh language version less favourably than the English language version. In this case, the University has produced advertising material for advertising its open days. The University has produced bilingual advertisements for Wales and English only advertisements for use in England. However, the advertisements are displayed on buses, and there is no guarantee that the English-only advertisements do not travel into Wales and therefore read by the public in Wales. accordance with the requirements of the standard for use in Wales and this material complies with the requirements of the standard. However, it has also produced English-only material for England, and there is a significant risk that the English-only material on buses travels into Wales and is seen by Welsh speakers contrary to the intent of the Welsh Language Measure. While it is not possible to know for certain whether the bus at the centre of the complaint travelled into Wales, there remains a risk that failure may occur in future if the University continues with its policy of producing English-only material in certain circumstances.</p> <p><b>Commissioner's determination</b></p>

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Glyndŵr University has not failed to comply with standard 37 in this instance.

**Statement of further action**

Further action was taken following the determination that Glyndŵr University has not failed to comply with standard 37 in this instance.

**Statement on the further action**

Standard 37 - recommendation in accordance with section 76(3)(a) of the Welsh Language Measure. Glyndŵr University should review its current policy of producing English-only marketing material in circumstances where there is a risk that it is unable to control where the advertisements are seen. The review should ensure that English-only marketing or advertising material is not used in Wales under any circumstances.

**Decision notice given**

The Decision Notice was given to Glyndŵr University on 28/10/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Welsh Ministers

CSG501 The Commissioner received a complaint on 08/06/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh

21/10/2019

**Commissioner's findings**

Standard 5: Standard 5 requires Welsh Ministers to ensure that letters sent out by them, or on their behalf, are sent in Welsh whether they know if a person wishes to receive a letter in Welsh or otherwise. In this case, the company contracted by Transport for Wales, which is a

Language Measure, and was therefore a valid complaint. A member of the public contacted me following an incident where the complainant and his wife were questioned in English under oath regarding an alleged failure to pay for a train ticket. According to the complainant there were no Welsh speaking members of staff in Cathays train station on 23 January 2019 and they also allege that the Ticket Irregularity Report was not available in Welsh. During the incident, whilst the train inspectors were trying to find a Welsh speaker, the complainant's wife heard the following comment from a member of Transport for Wales' staff (not the inspectors) "What's the point doing it in Welsh? She can speak English fine". The complainant received an English only letter and leaflet regarding the accusation of failing to pay for a ticket by TIL (Transport Investigation Ltd) in the post following the incident. The letter explains that TIL operates on behalf of Transport for Wales.

subsidiary under Welsh Government ownership, sent an English only letter to the complainant. Since the contractor sent an English only letter to the complainant, I am of the opinion that Welsh Ministers failed to comply with standard 5 in this instance.

Standard 40: In order to comply with standard 40, Transport Investigation Ltd, when acting on behalf of Transport for Wales, were required to ensure that any document they produced was produced in Welsh. In this case the complainant received an English 'Gwirio Tocynnau / Ticket Check' leaflet by post from TIL, which was acting on behalf of Transport for Wales. The leaflet has been designed with Transport for Wales branding. As the complainant received an English leaflet from a company which was acting on behalf of Transport for Wales, a subsidiary under full ownership of the Welsh Government, I am of the opinion that Welsh Ministers did not comply with standard 40 in this case.

Standard 50: Standard 50 requires the Council to ensure that all forms produced for public use are produced in Welsh. The complainant provided a copy of the English form he had to complete in the train station. According to the evidence of Welsh Ministers this form is available in Welsh. As the form is available in Welsh, I am of the opinion that Welsh Ministers have complied with standard 50 in this instance.

Standard 50A: In order to comply with standard 50A Welsh Ministers should have ensured that the English language version included the wording explaining that the form was also available in Welsh if the Welsh forms and English forms were not part of the same document. In this case the complainant provided a copy of the English form

he had to complete in Cathays train station. There is no statement included on this form explaining that the form is also available in Welsh. As no statement was included on this form explaining that the form was also available in Welsh, I am of the opinion that Welsh Ministers have failed to comply with standard 50A in this case.

Standard 132: Standard 132 requires Welsh Ministers to provide language awareness training courses for its staff in order to develop their awareness of the Welsh language and an understanding of the duty to operate in accordance with the Welsh Language Standards and understanding of the way the Welsh language can be used in the workplace. In this case the complainant heard the staff in the train station asking why he needed a Welsh language service as he understood English. There is no duty on Transport for Wales Trains (Keolis Amey Operations) to implement operational standards therefore there is no duty to comply with standard 132.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with Standards 5, 40 and 50A but have not failed to comply with Standards 50 and 132.

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

Further action was taken following the determination that Welsh Ministers have failed to comply with Standards 5, 40 and 50A but have not failed to comply with Standards 50 and 132.

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



Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must conduct a review of Transport Investigation Limited's letter sending process.

2. Welsh Ministers must implement the findings of the review and address any weaknesses in order to ensure that correspondence sent by TIL on their behalf is sent in a way that will comply with standard 5.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 40 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Welsh Ministers must conduct a review of Transport Investigation Limited (TIL) leaflets that are provided on behalf of Transport for Wales.

4. Welsh Ministers must implement the findings of the review and address any weaknesses in order to ensure that leaflets used by TIL on their behalf comply with standard 40.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 50 – recommendation in accordance with section 76 of the Welsh Language Measure I recommend that Welsh Ministers take action to ensure that the Ticket Irregularity Report is used in stations in Wales in the same format and to the same extent as the English version.

Standard 50A – requirement to take steps in accordance with section 77 of the Welsh Language Measure 5. Welsh Ministers must conduct a review of the enforcement forms used in train stations and take actions to ensure that they comply with standard 50A

		<p>Standard 132 – recommendation in accordance with section 76 of the Welsh Language Measure I recommend that the Welsh Ministers take steps to ensure that language awareness training is offered to all Transport for Wales staff who work in train stations in Wales.</p> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p>6. The Welsh Ministers must provide written evidence that shows that you have complied with enforcement steps [1-5] within 30 days of the last date to complete the enforcement steps.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 21/10/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>CSG505 The Commissioner received a complaint on 16/02/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an alleged failure by the Welsh Ministers to comply with the Welsh Language Standards. The complaint, dated 16/02/2019, relates to the following allegations regarding Transport for</p>	<p><b>Commissioner's findings</b> Standard 61: Standard 61 requires the Welsh Ministers, or someone working on their behalf, to ensure that any text displayed on electronic signs is in Welsh. The Commissioner received a complaint from a member of the public regarding electronic signs in English only at Carmarthen station and on a train from Swansea to Carmarthen on 8 February 2019. As the electronic signs on the train on which the complainant travelled and at the station where the complainant ended their journey on 8 February 2019 were not in Welsh then the Commissioner does not believe that the Welsh Ministers complied with standard 61 in this case.</p>

Wales services: i. A mobile strip giving information regarding the next station on the train in English only ii. Orange electronic sign in English only at Carmarthen station

#### **Commissioner's determination**

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

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

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

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

Standard 61 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The Welsh Ministers must present an action plan which outlines how electronic signs on trains and in stations will comply with standard 61.

The Welsh Ministers should prepare the draft action plan within 12 weeks. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

2. The Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/10/2019.

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

No appeal was made to the Tribunal.

Carmarthenshire  
County Council

CSG476 The Commissioner received a complaint on 08/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant's complaint related to a number of different aspects arising from the complainant contacting different sections within Carmarthenshire County Council. The issues referred to by the complainant are: • The complainant alleges that he received correspondence from the Council Tax Department regarding the need for him to repay Council tax (during Summer 2018), • The complainant provided a copy of the English language letter 'Council Tax Reduction Statement of Reason' (20 December 2018). • According to the complainant he received letters and forms in English only from the Council regarding an application for a multiple occupancy licence. • The complainant alleges that he received a letter in English from the Options and Housing Advice Section (December 2018), together with an English document sent to him – Licensing of

10/10/2019

**Commissioner's findings**

Standard 1 Standard 1 requires the Council to reply in Welsh to correspondence sent in Welsh. The complainant sent a Welsh language email to the Council on 29 December 2018. The Council provided a copy of the Welsh language letter sent to the complainant on 7 January 2019 in response to his correspondence in Welsh. As the Council has sent a response in Welsh to the complainant's Welsh language correspondence my determination is that Carmarthenshire County Council has not failed to comply with standard 1 in this case. Standard 5 In order to comply with standard 5, the Council, if they do not know whether a person wishes to receive correspondence in Welsh, must provide a Welsh language version of the correspondence when corresponding with them. The Council sent three pieces of correspondence to the complainant in English even though the departments were unaware of the complainant's chosen language. As the Council had sent three pieces of correspondence to the complainant in English without knowing his chosen language the Council did not comply with standard 5 in this case. Standard 50 Standard 50 requires the Council to ensure that every form it produces for public use must be produced in Welsh. The complainant provided English copies of three forms from the Council. According to the Council's evidence, each of these forms is available in Welsh. As these forms are available in Welsh, the Commissioner is of the view that the Council has complied with standard 50 in this case.

Private Rented Housing, Housing Act 2004, Application Form – Guidance Notes. • The complainant alleges that he received an e-mail in English and an English only form from the Council's Street Naming and Numbering Section (dated 19/12/18). The complainant provided a copy of the English form 'Street Naming and Numbering Application Form (SNN2)' and a copy of an English only email. • The complainant alleges that he went to the Council Office in Spillman Street and was told by an officer that there wasn't a Welsh copy of "Application for Housing Benefit, Local Housing Allowance and Council Tax Reduction" available and he had to take an English version. • The complainant alleges that he did not receive a reply to an email sent in Welsh to Budd.Daliadau@sirgar.gov.uk on 29 December 2018.

Standard 50A In order to comply with Standard 50A the Council needed to ensure that their forms contained wording which explained that the form was also available in Welsh if the English and Welsh forms were not part of the same document. At the time of the submission of the complaint one of the forms that was part of the complaint did not contain a statement that the form was also available in Welsh. As one of the forms did not contain a statement stating that the form was also available in Welsh at the time the complaint was made, the Commissioner determines that Carmarthenshire County Council has failed to comply with standard 50A in this case.

Standard 50B In order to comply with standard 50B the Council needed to ensure that the Welsh version of the form was available to the same extent as the English version when the complainant visited the Council's office. When the complainant visited the Council's office on Spilman Street in Carmarthen he claims that a member of Council staff told him that a Welsh version of the 'Application for Housing Benefit, Local Housing Allowance and Council Tax Reduction' was not available to him and he was given an English version. According to the Council, all advice officers working at the Centre are fully bilingual and fully aware of the responsibility to print a version of a form if there is no form left in Welsh or English. As there is insufficient evidence to confirm one way or another whether a Welsh version of the form 'Housing Benefit Claim, Local Housing Allowance and Council Tax Reduction' was available to the complainant on the day he went to office, I determine that the Council has not failed to comply with standard 50B in this case.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Carmarthenshire County Council has not failed to comply with standard 1, 50, 50A, 50B but has failed to comply with Standard 5.

**Statement of further action**

Further action was taken following the determination that Carmarthenshire County Council has not failed to comply with standard 1, 50, 50A, 50B but has failed to comply with Standard 5.

**Statement on the further action**

Standard 5 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Carmarthenshire County Council must take steps to raise staff awareness of the need to send a Welsh language version of correspondence if the recipient's chosen language has not been established.

2. Carmarthenshire County Council must conduct a review of the Housing Benefit and Council Tax Reduction standard letters and act on the findings of the review to ensure that it complies with standard 5.

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

Standard 5 – Recommendation in accordance with section 77 Welsh Language Measure I recommend that Carmarthenshire County Council conducts a survey of all standard letters by the Finance Department and action on the findings of the survey to ensure that they are complying with standard 5.

Standard 5 - requirement to prepare an action plan in accordance with section 77 (3) Welsh Language Measure. I require the Council to prepare an action plan showing what steps it will take to comply with standard 5 in relation to the document 'Council Tax Statement of Reason'. The Council should prepare and submit to me the first draft action plan within 12 weeks. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

Standard 50A – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure  
4. Carmarthenshire County Council must conduct a review of all forms used by the Street Naming and Numbering department and act on the findings of the review to ensure that it complies with standard 50A. Timetable: Within 3 months of issuing the Commissioner's final determination

Standard 50A – Recommendation in accordance with section 77 of the Welsh Language Measure I recommend that Carmarthenshire County Council conducts a survey of all forms used by the Planning Service and action on the findings of the survey to ensure that they are complying with standard 50A.

Standard 50B – advice to take steps in accordance with section 77(3) (b) of the Welsh Language Measure  
Carmarthenshire County Council should remind their staff to regularly check stocks of forms that are produced separately.

5. Carmarthenshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions

	<p>1-4. Timetable: Within 3 months of issuing the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to Carmarthenshire County Council on 10/10/2019</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>City and County of Swansea Council</u></p>	<p>CSG484 The Commissioner received a complaint on 08/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation by the complainant that a Council Tax Property Enquiry Form left at her property on 28 December 2018 was in English only. The complainant also alleges to have rung the Council Tax Department on 01792 635382 at 11:23am on 2 January 2019 and received an English only response. The complainant alleges that she had to wait to receive a call back from another member of staff who was able to deal with the call in Welsh in order to receive a Welsh language service, receiving a call back from a Welsh speaking member</p> <p>6/9/2019</p> <p><b>Commissioner's findings</b> Standard 5: The Council has confirmed that the form in question was not available in Welsh and there is no evidence to suggest that the complainant had noted to the Council that they did not wish to receive correspondence from the Council in Welsh. Based on the above, the Commissioner finds that the Council did not know that the complainant did not wish to receive correspondence from the Council in Welsh, and therefore the Council has failed to comply with standard 5 by leaving an English only form at the complainant's property on 28 December 2018. Standard 7: Evidence from the complainant shows that she, on 4 January 2019, received a letter from the Council Tax Department which included a Property Enquiry form to be completed and sent back to the Council. The letter included the following statement: "To receive this information in an alternative format, or in Welsh, please contact the above. I dderbyn y wybodaeth hon mewn fformat arall, neu yn Gymraeg, cysylltwch â'r uchod." and the form including the below statement: "A Welsh language version of this form is available – Please contact us if you would like one."</p>



of staff at 11:37am. The complainant states that the purpose of the call was to ask for a Welsh language version of the Council Tax Property Enquiry Form and that she expressed her disappointment at the lack of Welsh and that the form was not bilingual in the first instance. The complainant also alleges to have received a Welsh language response letter from the Council regarding this matter on 7 January 2019 (dated 4 January 2019). The complainant notes that she has now received a Welsh language version of the alleged form but did not appreciate the tone nor content of the letter, alleging that another English language version of the form was attached to the letter with the text "A Welsh language version of this form is available – Please contact us for one" highlighted. The complainant provided a copy of the letter and the alleged form when presenting the complaint. Further information from the complainant in response to the proposed terms of reference noted that she had to complete address details and council tax number on the Welsh language version of the form whilst that information was already pre-entered on the English version of the form.

Standard 19: Based on the evidence in his possession, the Commissioner finds that the Council failed to deal with the complainant's call, which related to a general enquiry, in Welsh when she phoned the Council Tax Department on 2 January 2019 and as a result had to wait around 15 minutes to receive a call back in order to receive a Welsh language telephone service.

Standard 20: Standard 20 imposes a requirement to ensure that a Welsh language greeting is available on staff and department's direct telephone lines, and that the greeting does not treat the Welsh language less favourably than the English language. The complainant's allegations relates to phoning the Council Tax Department by choosing the Welsh option but receiving an English only response. The Commissioner finds that there is insufficient evidence to determine whether or not the Council has failed to comply with standard 20 in this case.

Standard 50: The Commissioner finds that the City and County of Swansea Council has failed to comply with standard 50 in this instance as the form left at the complainant's property on 28 December 2018 had not been produced in Welsh.

Standard 50B: The Commissioner finds that the City and County of Swansea Council has failed to comply with standard 50B in this instance because the Welsh language form in question had not been published or provided at the same time or in the same way as the English language form, with information pre-entered on the English form. Furthermore, the Commissioner finds that the Welsh version of the form in question provided as evidence by the Council is inconsistent with the English version and therefore considers that the Welsh language

form is treated less favourably than the English language form. Standard 51: The standard imposes a requirement on the Council, when it pre-enters information on a Welsh language version of a form, to do so in Welsh. The Commissioner finds that there was no information pre-entered on the Welsh language version of the form, and therefore the requirements of the standard do not apply on this occasion.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and Town Council has failed to comply with standards 5, 7, 19, 50, 50B and that it has not failed to comply with standard 51. The Commissioner been unable to come to a determination regarding the City and County of Swansea Council's compliance with standard 20.

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

Further action was taken following the determination that Swansea City and Town Council has failed to comply with standards 5, 7, 19, 50, 50B.

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

Standard 5, 7 and 50B – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The City and County of Swansea Council must ensure that it has sufficient arrangements in place so that it provides a Welsh language version of correspondence in accordance with the requirements of standard 5 until it knows that a person does not wish that.

2. The City and County of Swansea Council must take steps to raise awareness of the requirements of standard 5 to staff.
4. The Council Tax Department must undertake a review of its templates for corresponding with persons by ensuring that there is a statement that fully complies with the requirements of standard 7 included within correspondence and publications and official notices that invite persons to respond to or correspond with the Council.
5. The Council Tax Department must conduct an awareness raising campaign and provide staff with guidelines regarding ensure that a statement that complies with the requirements of standards 7 is included within correspondence and publications and official notices that invite persons to respond to or correspond with the Council.
9. The City and County of Swansea Council's Council Tax Department must review the Property Enquiry form by ensuring that the Welsh language version is not treated less favourably than the English language version.
10. The City and County of Swansea Council's Council Tax Department must ensure, when it produces a Welsh an English language version of a form, that the Welsh language version is not treated less favourably than the English language version in accordance with the requirements of standard 50B by ensuring that both versions are published and provided at the same time.
11. The City and County of Swansea Council must take steps to raise the awareness of the requirements of standards 50B to Council Tax Department staff.

12. The City and County of Swansea Council must provide written evidence that shows that it has complied with enforcement steps [1-2, 4-5, 9-11].  
 Timetable: Within 30 days from the date of publication of the Commissioner's final determination.

Standard 19 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

7. The City and County of Swansea Council must review the arrangements that the Council Tax Department has in place at present, by ensuring that it has sufficient arrangements in place to be able to provide a Welsh language telephone service in Welsh until such a point that 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 until such a point that there is no Welsh speaking member of staff available to provide a service on a specific subject matter.

8. The City and County of Swansea Council must provide written evidence that shows that it has complied with enforcement step [7].  
 Timetable: Within 2 months from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Swansea City and Town Council on 06/09/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Powys County Council

CSG493 The Commissioner received a complaint on 26/01/2019 from a person

6/9/2019

**Commissioner's findings**

which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. An allegation that the complainant's address, and the street name ('Brook Street') in Llanidloes specifically, appears in English only on Powys County Council (the Council) tax bills and on related correspondence, even though the complainant has made several requests to the Council to receive correspondence that included the Welsh version of his address. The complainant also alleges to have received an English only response from the Council on 23 November 2018 to a letter he sent to the Council in Welsh regarding this matter. The complainant says that he complained to the Council regarding the lack of Welsh language response and received a Welsh language response but that his address continues to be in English on correspondence. The complainant has provided copies of the alleged correspondence as evidence to support some of his allegations, including a copy of a sign with a bilingual name of the street in question (Heol y Nant / Brook Street). The sign can be seen in

Standard 1: Standard 1 requires a body to respond in Welsh to Welsh language correspondence unless no reply is required, or that the person sending the correspondence in Welsh has indicated that there is no need to reply in Welsh. The complainant alleged that his address and the street name in particular, appeared in English only on correspondence from the Council Tax department, and that he had also received English-only correspondence from the Council. The evidence establishes that the complainant's allegation concerning the receipt of English-only correspondence from the Council on 23 November 2018 and 29 January 2019 in response to his correspondence in Welsh was correct and the Council accepts those allegations. Based on the above, the Commissioner finds the Council did not answer Welsh language correspondence from the complainant in Welsh on two separate occasions. The Commissioner also finds that the Council does not have a duty to translate a street name into Welsh if no Welsh name has been recorded for a street in accordance with the Public Health Act 1925. In this case, the Commissioner is satisfied that an English only name has been recorded for the street in question in accordance with the Act. However, the Commissioner does not consider that the Act prevents the Council from officially adopting a Welsh name (whether it is a Welsh only or bilingual name) for the street in question in the future.

Standard 2: The purpose of this standard is to ensure a procedure for asking about and maintaining a record of a person's wish to receive correspondence in Welsh, and that this is done when corresponding with an individual for the first time since the standard's imposition day. The

appendix 1 of the terms of reference. Further to the above, the complainant alleges to have received another English only letter from the Council on 29/01/2019 in response to his Welsh language correspondence informing the Council that he had made a complaint to the Welsh Language Commissioner.

standard also ensures that this information is used so that organisations can correspond with that individual in Welsh from then onwards as well as sending any forms to him / her in Welsh, if that is the individual's wish. The evidence suggests that this is not the first time that the Council has corresponded with the individual concerned and that the Council Tax Department had no record of the complainant wanting to receive correspondence in Welsh before 12 December 2018. The Commissioner is of the view that the evidence presented does not enable me to know whether or not Powys County Council has failed to comply with the requirements of standard 2 on this occasion. However, and on the basis of the evidence that has been submitted, the Commissioner is not convinced that adequate arrangements were in place during the time in question to ensure compliance with standard 2.

Standard 5: Standard 5 requires a body, if it does not know whether a person wishes to receive correspondence from it in Welsh, to provide a Welsh version of correspondence when corresponding with that person. The Commissioner considers that the purpose of the standard is to ensure that persons receive correspondence in Welsh, except where the body is aware that the person does not wish to receive correspondence in Welsh. The complaint related to a member of the public receiving a bilingual council tax bill but with his address, and the street name in particular, in English only, as well as an allegation that the Council had corresponded with him in English only on 23 November 2018 and 29 January 2019 in response to Welsh correspondence sent by him to the Council in relation to the council tax bill. The Council confirmed that it had

recorded the complainant's wish to receive correspondence in Welsh on 12 December 2018. The Commissioner finds that the Council has sent a Welsh language version of the council tax bill to the complainant but that the street name on the address of that correspondence is in English only in accordance with what is recorded on the Street Names Gazetteer, and the Local Street Names Gazetteer. Furthermore, the Commissioner finds that since the council tax bill was sent to the complainant, the Council has become aware of the complainant's wish to receive correspondence from the Council in Welsh, and therefore the requirements of standard 5 are not applicable for any correspondence from that point forward. Standard 6: The purpose of standard 6 is to ensure that a Welsh language version of correspondence is treated no less favourably than an English version of that correspondence. The Commissioner finds that the Council does not have a duty to translate a street name into Welsh if no Welsh name has been recorded for a street in accordance with the Public Health Act 1925. In this case, the Commissioner is satisfied that an English only name has been recorded for the street in question in accordance with the Act and therefore there was no requirement on the Council to include a Welsh language version of the name on the correspondence in question. However, the Commissioner does not consider that the Act prevents the Council from officially adopting a Welsh name (whether it is a Welsh only or bilingual name) for the street in question in the future.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys County Council has failed to comply with standard 1, and has not failed to comply with standards 5, 6 and enforcement actions imposed on it in a decision notice. The Commissioner is unable to come to a determination regarding Powys County Council's compliance with standard 2.

**Statement of further action**

Further action was taken following the Commissioner's determination.

**Statement on the further action**

Standard 2 – give advice in accordance with section 4(2)(j) of the Welsh Language Measure

1. Powys County Council should ensure that there are sufficient arrangements in place to ensure that the Council Tax Department: ' is able to establish whether or not it is the first time the Council (and not necessarily the department) has corresponded with an individual to be able to know whether or not it needs to ask them if they wish to receive correspondence in Welsh from the Council; ' knows (if this is not the first time the Council has corresponded with that individual) whether or not they wish to receive correspondence in Welsh; and ' is able to use that information in order to implement the requirements of the standard as appropriate.

Standard 5 – advice in accordance with section 76 of the Welsh Language Measure



1. I advise the Council to: ' raise Council Tax Department staff's awareness of any arrangements the Council has in place to identify whether a person wishes to receive correspondence in Welsh, by ensuring that those who wish receive correspondence in Welsh; and ' remind Council Tax Department staff of the need to provide a Welsh language version of correspondence if they do not know whether a person wishes to receive correspondence in Welsh.

**Decision notice given**

The Decision Notice was given to Powys County Council on 06/09/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

CSG478 The Commissioner received a complaint on 19/12/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint is regarding an allegation that the complainant, on 19/12/2018 (at approximately 16:50) and on 15/01/2019 (at 9:34 and 9:38) telephoned the Council's 'general enquiries' number,

29/8/2019

**Commissioner's findings**

Standard 11: The Council's evidence, in the form of a recording of the telephone calls made by the complainant, shows that they were answered and dealt with in Welsh. However, the Council confirmed that it agreed with the complainant that the message on the answer phone states press 2 for Welsh, and that if no one is available to deal with the call in Welsh, a message is heard indicating press 1 for English. The Commissioner concludes that Wrexham County Borough Council has not acted in accordance with the requirements of standard 11. Standard 17: Standard 17 requires a body to inform an individual when a Welsh language service will be

01978 298997. The number was obtained from the Council's website. He stated that he had selected option 2 for Welsh and waited for someone to answer the call. After a while, he heard another message informing him to press 1 for English or to call back another time and then the call ended.

available on its main telephone numbers. In considering the evidence received from the complainant and the Council; I consider that Wrexham County Borough Council failed to comply with standard 17 as it did not inform the caller when a Welsh language service would be available.

#### **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 standards 11 and 17 in this case.

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standards 11 and 17 in this case.

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

Standards 11 and 17 – directions for Wrexham County Borough Council in accordance with section 79(1)(b)(ii) of the Welsh Language Measure:

Enforcement action 1 Wrexham County Borough Council must: vi) conduct a review of its arrangements for dealing with telephone calls to its helpline numbers or call centre numbers where the caller wishes to receive a Welsh language service vii) act on the findings of the review, and make any necessary changes viii) monitor the extent to which Welsh telephone calls are dealt with in accordance with the Council's corporate standards ix) report on the monitoring work to a relevant committee within the Council x) inform the Commissioner of the review's

		<p>findings and explain in full what steps the Council has taken to ensure compliance with the relevant standards.  Timetable: These steps must be carried out within 90 days from the date of publication of the Commissioner's final determination which is by 27 November 2019.  Enforcement action 2: In accordance with section 77(3)(b) of the Welsh Language (Wales) Measure 2011 Wrexham County Borough Council must take steps in upgrading or renewing any telephone system to check that these systems enable compliance with the relevant standards.  Timetable: Within 28 days of the date of publication of the Commissioner's final determination.  Enforcement action 3: The Council must give publicity to its failure by publishing this report in a prominent place on its website.  Timetable: Within 28 days of the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b>  The Decision Notice was given to Wrexham County Borough Council on 29/08/2019.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<u>Isle of Anglesey</u> <u>County Council</u>	<p>CSG418 The Commissioner received a complaint on 18/09/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a</p> <p>28/8/2019</p>	<p><b>Commissioner's findings</b>  Standard 40: Standard 40 requires a body to ensure that any document produced for public use is produced in Welsh. The complainant alleges that documents relating to a consultation process before submitting a planning application to build a new school in Llangefni were available in English only that the documents, other than</p>

valid complaint. The complainant alleged that documents relating to the consultation process before submitting a planning application to build a new school in Llangefni were available in English only on 18/09/2018 by following the link

<http://www.ynysmon.gov.uk/cyngor-a-democratiaeth/ymgyngghori/ysgol-gynradd-newydd-llangefni-ymgyngghoriad-cyn-ymgeisio-am-ganiatd-cynllunio/135180.article>. The Council is seeking planning permission under Articles 2C and 2D to build a new school in Llangefni instead of Ysgol Corn Hir and Ysgol Bodffordd.

the technical documents, are now available in Welsh on its website. Considering the evidence in full, the Commissioner has found that technical documents are not exempt within the compliance notice issued to Isle of Anglesey County Council.

Standard 48: Standard 48 requires a body not to treat the Welsh language less favourably than the English language in documents which it produces. The complainant alleged that Isle of Anglesey County Council produced documents relating to a pre-planning application on its website in English only. As a result, the Commissioner finds that the Welsh language versions have been treated less favourably than the corresponding English language versions of the documents.

Standard 49: Where a body is required to comply with standard 49, it is expected that the English language version clearly states that the document is also available in Welsh. The documents relating to a pre-planning application from the Council were published in English only. Considering the complainant's evidence which notes that none of the documents state that Welsh language versions are available, and the Council's evidence which acknowledges that it produced and published the documents in English only, the Commissioner believe that this is contrary to the requirements of standard 49.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Isle of Anglesey County Council has failed to comply with standards 40, 48 and 49 in this case.

**Statement of further action**

Further action was taken following the determined that the Isle of Anglesey County Council has failed to comply with standards 40, 48 and 49 in this case.

**Statement on the further action**

Standard 40 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Isle of Anglesey County Council must ensure that all consultation documents for public use are produced (and published) in Welsh. The Council must raise awareness of the existence of the Welsh language version in order to comply with standard 40.

2. Isle of Anglesey County Council must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement step above has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 48 – requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure

3. Isle of Anglesey County Council must ensure that consultation documents produced in Welsh and English separately are published at the same time in order to comply with the requirements of standard 48.

4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement step above has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

Standard 49 – requirement to take steps in accordance with section 77 (3)(b) of the Welsh Language Measure

		<p>5. In order to comply with the requirements of standard 49, Isle of Anglesey County Council must ensure that it states clearly on English language versions of consultation documents that the document is also available in Welsh.</p> <p>6. The Council must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement step above has been completed.</p> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Isle of Anglesey County Council on 28/08/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Cardiff Council</u>	<p>CSG473 The Commissioner received a complaint on 13/12/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to email correspondence received by the complainant in response to comments on a planning application. On 13 December 2018, the complainant received an email from Cardiff Council confirming that he had registered in order</p>	<p>2/8/2019</p> <p><b>Commissioner's findings</b> Standard 1: When Cardiff Council receives correspondence in Welsh, and is required to answer that correspondence, it must reply in Welsh, unless the person who sent the correspondence has stated that it is not necessary to do so. The complainant sent correspondence in Welsh to Cardiff Council. He did not state that Cardiff Council did not need to reply in Welsh. The Council's response came in the form of two emails written in English. This shows a failure by Cardiff Council to comply with standard 1. Standard 2: In corresponding with an individual for the first time following the imposition of standards, Cardiff Council is required to ask that individual whether they wish to receive correspondence</p>

to be able to comment on a planning application. On the same date he received a further email from Cardiff Council confirming that his comments on the planning application had been received, summarising those comments. He complained that both emails, which appeared to be automated, were written in English.

from the Council in Welsh. The evidence shows that the complainant entered into correspondence with Cardiff Council on the two occasions in question. Standard 2 applies when Cardiff Council enters into correspondence with an individual. Standard 5 is therefore the relevant standard in this case. Cardiff Council's compliance with standard 5 is considered below.

Standard 5: Standard 5 means that Cardiff Council must provide a Welsh version of any correspondence it sends to a person if it does not know the person's chosen language. Correspondence in the form of two emails was produced and sent to the complainant by Cardiff Council. Although Cardiff Council replied to correspondence that had been written in Welsh, as the process was automated, the complainant's chosen language was not recognised. The correspondence sent by Cardiff Council was written in English. This shows a failure by Cardiff Council to comply with standard 5.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standards 1 and 5 in this case.

### **Statement of further action**

No further action was taken following the determination on the basis that Cardiff Council has taken steps to prevent the continuation or repetition of the failure to comply. From the end of July 2019 messages that are automatically produced and sent on behalf of Cardiff Council by Idox Public Access will be bilingual.

	<p><b>Statement on the further action</b></p> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff Council on 02/08/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>CSG435 The Commissioner received a complaint on 22/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that the Council's website treated the Welsh language less favourably than the English language when he tried to register for music lessons. He claimed that the link <a href="http://live186.paritor.com/p_web/04_001_192/2306/">http://live186.paritor.com/p_web/04_001_192/2306/</a> from a Welsh language page on the Council's website to create an account to pay for instrumental lessons for his daughter led to an English only page.</p>	<p><b>Commissioner's findings</b> Standard 50: Standard 50 requires Cardiff Council to produce any form for public use in Welsh. Schooble's registration form, on behalf of the Council, was produced in English only. In this respect, Cardiff Council appears to have failed to comply with standard 50 as it acknowledged that the page in question was available in English only "at present". Standard 52: Standard 52 states the need to ensure that all pages are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language. The complainant received an email from Cardiff Council which included a link that led to the Schooble page (a page off the Paritor computer software system used by the Council). A Schooble page containing a form to complete in order to create an account is not available in Welsh.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 50 and 52.</p>



**Statement of further action**

Further action was taken following the determination that Cardiff Council has failed to comply with standard 50 and 52.

**Statement on the further action**

Standard 50 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Cardiff Council must identify all forms a third party has produced on its behalf, and prepare an action plan to show what steps it will take to ensure that forms are produced for public use in Welsh, in order to meet the requirements of standard 50.

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

Timetable: Within 90 days of issuing the Commissioner's final determination. Standard 52 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Cardiff Council must conduct a review of its websites to find out where the English only pre-set command buttons are, putting a timetable in place to address the failure to comply with standard 52.

4. Cardiff Council must provide sufficient written evidence of the timetable within 60 days to satisfy the Welsh Language Commissioner that it has completed enforcement action 3.

Timetable: Completion of enforcement action 3 within 6 months from the date of

**Decision notice given**

The Natural  
Resources Body  
for Wales

CSG481 The Commissioner received a complaint on 02/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that she telephoned the 'Bwlch Nant yr Arian' centre and that nobody was available to speak to her in Welsh on the telephone. The complaint phoned the centre on Wednesday, 2 January 2019 at 9.57am. The telephone number called was 01970 890453.

29/7/2019

The Decision Notice was given to Cardiff Council on 30/07/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's findings**

Standard 10: Standard 10 imposes a requirement on a body to deal with calls to its main telephone numbers in their entirety in Welsh, if the caller wishes so. On 2 January 2019, the complainant called the Bwlch Nant yr Arian Centre, run by NRW, and it was not possible for her to complete her call in Welsh. Following full consideration NRW and the complainant's evidence, the Commissioner finds that NRW did not deal with the complainant's call in its entirety in Welsh, despite knowledge of her wish to receive a Welsh language service.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Natural Resources Body of Wales has failed to comply with standard 10 in this case.

**Statement of further action**

Further action was taken following the determined that the Natural Resources Body of Wales has failed to comply with standard 10 in this case.

**Statement on the further action**

Standard 10– requirement to take action in accordance with section 77 (3)(b) of the Welsh Language Measure

			<p>1. The Natural Resources Body of Wales must develop arrangements, either through use of staff that can provide a Welsh language service, or by means of technology; in order to ensure that it deals with Welsh language calls in their entirety in Welsh, without a break in the Welsh language service.</p> <p>2. The Natural Resources Body of Wales must provide written evidence that satisfies the Welsh Language Commissioner that it has completed shows that it has completed enforcement step 1 within 90 working days.</p> <p>Timetable: Within 90 working days from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to the Natural Resources Body of Wales on 29/07/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal</p>
<u>Glyndŵr University</u>	<p>CSG438 The Commissioner received a complaint on 23/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that she had contacted Wrexham Glyndŵr University on 23 October 2018. She asked the receptionist in Welsh to</p>	17/7/2019	<p><b>Commissioner's findings</b></p> <p>Standard 9 Wrexham Glyndŵr University is required to inform callers that a Welsh language service is available. But that does not have to be done in Welsh.</p> <p>Standard 11 requires the call to be dealt with in Welsh until such a point as it is necessary to transfer the call. The complainant claimed that she telephoned Glyndŵr University Wrexham and received a Welsh greeting but she failed to receive a service in Welsh. The University explained that it offered to transfer the call to a Welsh speaker in another department, and that the caller stated</p>

be transferred to 'Person A' in the sports department. She was greeted in Welsh and the receptionist explained in English that she was learning Welsh and so the conversation continued in English. As 'Person A' was unavailable, the receptionist offered that she speak to another member within the same department, 'Person B', or be transferred to a Welsh speaker in another department. She explained the reason for the call in English and was passed on to a non-Welsh speaking member of staff at the leisure centre, 'Person B'. The complainant claimed that she asked 'Person B' in Welsh if he spoke Welsh three times, to which he responded by saying that he could not hear her. The complainant asked in English "You can't hear me?" and Person B answered "I can hear you now".

that this was not necessary. In taking full account of the evidence, the Commissioner consider that an offer (in either language) to transfer the call to a Welsh speaker corresponds to informing the caller that a Welsh language service is available. Standard 11 The standard states that a body must deal with the telephone call in Welsh until it needs to be transferred. It is an unavoidable fact that the University failed to comply with standard 11 on the occasion in question. The complainant's wish to receive a service in Welsh was established as she began the conversation in Welsh. The Senior Receptionist who dealt with the call is not at fault of course. The Senior Receptionist followed the University's procedure for dealing with calls from Welsh speakers, but the procedure itself is not in keeping with the requirements of the standard. There is a need to ensure that the receptionist makes it clear that they cannot speak Welsh and that the call will be passed on to someone who can establish the nature of the call, doing so in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Glyndwr University has not failed to comply with standard 9 but has failed to comply with standard 11.

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

Further action was taken following the determination that Glyndŵr University has failed to comply with standard 11.

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

		<p>Standard 11 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <p>1. Wrexham Glyndŵr University must modify its procedure for dealing with telephone calls in Welsh in accordance with the requirements of standard 11. How it will implement the requirement is a matter for the University, but the procedure may include the use of an automated machine that would offer an option in Welsh when there are no staff available who are confident, or increase the number of staff on reception who have sufficient skills to meet the requirements of the standard.</p> <p>2. Wrexham Glyndŵr University must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement action 1.</p> <p>Timetable: Within 90 days of issuing the Commissioner's final determination, by 15/10/2019.</p> <p><b>Decision notice given</b> The Decision Notice was given to Glyndŵr University on 17/07/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>CSG455 The Commissioner received a complaint on 15/11/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a</p>	<p>12/7/2019</p> <p><b>Commissioner's findings</b> Standard 40 The standard relates to documents produced by a body for public use. It states that the body must ensure that those documents are produced in Welsh. The UK Government produced a document for the use of the Welsh public on behalf of the Welsh Ministers. The document was produced as part of a joint consultation</p>

valid complaint. The complaint related to a consultation that was being undertaken jointly by the Welsh Government, UK Government and Scottish Government. The subject of the consultation concerned proposals to reform the annual canvass and the public consultation period expired on 30 November, 2018. The consultation was hosted on the Scottish Government website and, according to the complainant, only the English version of the relevant consultation document appeared on the website.

between the Welsh Government, the Scottish Government and the UK Government. The document was not produced in Welsh. By failing to ensure that the document was produced in Welsh, the Welsh Ministers failed to comply with the standard.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 40.

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

Further action was taken following the determination that Welsh Ministers have failed to comply with standard 40. Statement on the further action Standard 40 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. The Welsh Ministers must ensure that consultation papers for the use of the public, which are drawn up as part of joint consultations, are produced in Welsh.
  2. The Welsh Ministers must amend the General Policy and Legislation Consultation Guidance in order to reflect the findings of this investigation.
  3. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement actions 1-2.
- Timetable: Within 3 months of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 12/07/2019.

	<p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Vale of Glamorgan Council</u></p> <p>CSG429 The Commissioner received a complaint on 08/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that he had received an email containing text in English only from the Vale of Glamorgan Council's School Improvement and Inclusion Department on 08/10/2018. The email informed parents that a vote had to be postponed for the election of parents and governors of Ysgol Gymraeg Pen y Garth.</p>	<p>11/7/2019</p> <p><b>Commissioner's findings</b> Standard 4 The Vale of Glamorgan Council is required to send a Welsh version of correspondence at the same time as the English version when sending the same correspondence to several persons. The complainant, and the rest of the parents of Ysgol Gymraeg Pen y Garth received an email message in English on 08/10/2018 from the Council. The Council explains that this was an error due to lack of time. It appears that it was an intentional decision not to translate the text because of the urgency involved in sending the specific message relating to parent governor elections. It is not possible to avoid the fact that the Vale of Glamorgan Council failed to comply with standard 4 on the occasion in question as it acknowledged that it was an error to send the email message in English only. The Council's procedure in dealing with urgent correspondence was not followed on this occasion.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Vale of Glamorgan Council has failed to comply with standard 4.</p> <p><b>Statement of further action</b> Further action was taken following the determined that Vale of Glamorgan Council has failed to comply with standard 4.</p> <p><b>Statement on the further action</b></p>

			<p>Standard 4 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <ol style="list-style-type: none"> <li>1. The Vale of Glamorgan Council must amend its translation procedures and guidelines in order to provide clear guidance to staff on the steps that should be taken to comply with the requirements of the standard when urgent correspondence is required.</li> <li>2. The Vale of Glamorgan Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1.</li> </ol> <p>Timetable: Within 90 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Vale of Glamorgan Council on 11/07/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Vale of Glamorgan Council</u>	CSG494: The Commissioner received a complaint on 27/01/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant had received an English only e-mail from the Council confirming arrangements for a	11/7/2019	<p><b>Commissioner's findings</b></p> <p>Standard 4: In this case, the Council sent a message giving details of a workshop to all stakeholders in English only to notify them of the session's arrangements. The Council had not sent the message in Welsh as it assumed that the representative wished to deal with them in English as the response received on their behalf was in English rather than Welsh. In considering the evidence received from the complainant and the Council, the Commissioner believes that sending correspondence in English only, and not including a Welsh language version</p>



workshop on the Council's operational plan.

in this instance, was in breach of the requirements of standard 4.

Standard 5: Standard 5 requires organisations to provide correspondence in Welsh if they don't know whether that person wishes to receive correspondence in Welsh. In this case the Council sent English only correspondence to several persons, and the Council noted that it had sent correspondence in English only as it had assumed that English was the complainant's preferred language as it had received a reservation form in English. This form was completed on behalf of the complainant.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Vale of Glamorgan Council has failed to comply with standard 4 but has not failed to comply with standard 5.

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

Further action was taken following the determined that the Vale of Glamorgan 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. Vale of Glamorgan Council must ensure that it has arrangements in place to ensure that a Welsh language version of correspondence is sent at the same time as English language correspondence when that correspondence is sent to several persons. The Council will also need to ensure that the Welsh version of the

			<p>correspondence is sent no matter what the preferred language of those persons is, and in every situation, not only when sending initial correspondence to those persons.</p> <p>2. It must be ensured that all Council staff are aware of these arrangements.</p> <p>3. Vale of Glamorgan Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 2 have been completed.</p> <p>Timetable: Within 28 days from the date of publication of the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to Vale of Glamorgan Council on 11/07/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<u>Welsh Ministers</u>	<p>CSG442 The Commissioner received a complaint on 25/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. It related to the Welsh Government's consultation document , Brexit a'n tir; Diogelu dyfodol ffermio yng Nghymru [Brexit and our land: Securing the future of Welsh farming]. The</p>	3/7/2019	<p><b>Commissioner's findings</b> Standard 48: When producing a document a body should not treat the Welsh version of the document less favourably than the English version. The Welsh Ministers produced a consultation document that contained inaccurate information in a figure in the Welsh version of the document. As a result, the Welsh version of the consultation document was treated less favourably than the English version in terms of its accuracy.</p> <p><b>Commissioner's determination</b></p>

complainant alleged that there were errors in the Welsh version of the document.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 48.

**Statement of further action**

No further action was taken following the determination on the basis that:

- i. the Welsh Government has appropriate arrangements in place for proofreading documents that have been translated into Welsh; and
- ii. another consultation will take place which will provide a further opportunity to include the correct information.

**Statement on the further action**

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 03/07/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

The Chief  
Constable of  
South Wales  
Police

CSG451 The Commissioner received a complaint on 09/11/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. It was made in relation to

3/7/2019

**Commissioner's findings**

Standard 22: The standard means that any automated telephone system that South Wales Police has in place must be available, in full, in Welsh. The evidence shows that the 101 telephone service, which is an automated telephone system, does not provide the complete service in Welsh. This highlights a failure by South Wales Police to comply with standard 22.

a South Wales Police non-emergency telephone service. The complainant stated that he telephoned the appropriate telephone number '101' at approximately 13:00 on 9 November 2018. He explained that he had 'chosen the Welsh option, and a number of other Welsh automated options' before hearing an automated voice asking, in English, which department of the police did he wish to speak to. He stated that the automated service did not recognise Welsh words when he tried to respond.

#### **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 22.

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

Further Action was taken following the determination Chief Constable of South Wales Police has failed to comply with standard 22.

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

Standard 22 – Advice in accordance with section 77(4)(b) of the Welsh Language Measure I advise South Wales Police to continue discussions with its provider about providing the complete automated 101 telephone service in Welsh and, possibly, amending its contract with the provider to enable that to happen. It is essential that South Wales Police ensures that the requirement of standard 22 is a central consideration when changing or developing its automated telephone systems, or when procuring a similar system in the future. Further advice on contracting can be found in the publication Contracting out Public Service Contracts: Welsh Language Considerations on my website.

#### **Decision notice given**

The Decision Notice was given to the Chief Constable of South Wales Police on 03/07/2019.

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

No appeal was made to the Tribunal.

Torfaen County  
Borough Council

CSG468 The Commissioner received a complaint on 04/12/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to a newsletter for members of the Greater Gwent Pension Fund (Torfaen) called 'Gwent Grapevine'. The complainant stated that he had received the 2018 winter edition of the newsletter in English only.

3/7/2019

**Commissioner's findings**

Standard 4: The Council sent a newsletter in English to the complainant and other members of the Greater Gwent Local Government Pension Fund (Torfaen). It was sent by the Council as it is the administering authority for the Fund. In exercising its statutory responsibility as administrative authority, the Council was 'delivering a service' to members of the Fund. In the delivery of services, whether directly or through the Fund, the Council is required to comply with the standards imposed on it in relation to the Welsh language. In order to comply with standard 4, any correspondence the Council sends to several of persons must be sent in Welsh. By sending the newsletter in English the Council failed to comply with the standard.

**Commissioner's determination**

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

**Statement of further action**

Further action was taken following the determination that Torfaen 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(3) (b) of the Welsh Language Measure  
1. The Council must send a Welsh version of the Gwent Grapevine/Llais Torfaen newsletter at the same time as it

			<p>sends the English version to members of the Greater Gwent Pension Fund (Torfaen).</p> <p>2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.</p> <p>Timetable: In time for the next publication of the newsletter which follows the date of the Commissioner's final determination.</p> <p>Standard 22 – Advice in accordance with section 74(4)(b) of the Welsh Language Measure As the administering authority of the Greater Gwent Local Government Pension Fund (Torfaen), the Council must ensure that the services it provides to members of the Fund comply with the standards imposed on the Council in relation to the Welsh language.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Torfaen County Borough Council on 03/07/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>CSG364 The Commissioner received a complaint on 14/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. 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</p>	<p>3/7/2019</p>	<p><b>Commissioner's findings</b></p> <p>Standard 52: Following the consideration of the evidence presented by the complainant and the Council, the Commissioner concludes that the procedures or processes in place to check the Welsh language content of the Tŷ Pawb website is insufficient to ensure that the Welsh content is of the same standard and accuracy as the English. As a result, the Commissioner concludes that the Welsh language has been treated less favourably on</p>

alleged failure of Wrexham County Borough Council (the Council) to comply with Welsh language standards on its websites. The complaint refers specifically to the 'Tŷ Pawb' website ([www.typawb.cymru](http://www.typawb.cymru)) and also the Council's main website ([www.wreccsam.gov.uk](http://www.wreccsam.gov.uk)). The complaint relates to a number of different aspects.

the Tŷ Pawb website. The Commissioner believes that there are clear advantages to defining a language correctly within a website code, however my investigation has not succeeded in proving or convincing me that Welsh speakers who are trying to access Welsh language information about Tŷ Pawb on the internet have experienced any disadvantage due to the fact that the code of the Welsh webpage is defined as “English”. Due to a lack of firm evidence in terms of how the language definition within the HTML code affects the search results of service users the Commissioner is unable to reach a determination regarding compliance with standard 52 on this aspect of the complaint. The Commissioner notes however that this case has highlighted some technical matters that need to be considered when outsourcing services related to creating websites and I welcome the commitment by the Council to be more aware of these issues when commissioning such work in the future.

#### **Commissioner’s determination**

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

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 52.

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

Standard 52 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Wrexham County Borough Council must conduct a full review of the Tŷ Pawb website to ensure that every Welsh page corresponds fully in terms of standard and accuracy to the English pages to ensure that the Welsh language is treated no less favourably than the English language.

2. Wrexham County Borough Council must review and update the Guidelines for Publishing Information on The Council's Web Site in order to provide clear guidance for staff on the requirements of the Welsh language standards relating to websites and the body's online services. The Council should also ensure that any electronic or online guidance is updated to consider the requirements of the Welsh language standards.

3. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 and 2 within 12 weeks of the Commissioner's final determination.

Standard 52 - recommendations in accordance with section 76(3)(a) of the Welsh Language Measure.

4. When commissioning website creation and design from a third party, the Council should ensure that any specification or contract gives details of the need to consider how the language of the website or webpages are defined in order to ensure their accessibility for Welsh speaking service users.

5. When the Council displays static maps on its websites, the street names should be shown in Welsh on its Welsh language website pages.

**Decision notice given**



	<p>The Decision Notice was given to Wrexham County Borough Council on 03/07/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>The British Broadcasting Corporation</u></p>	<p>CSG378 The Commissioner received a complaint on 17/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the British Broadcasting Corporation (the BBC)'s advertisements that appeared in the Hay Festival programme in May 2018. The advertisements promoted programmes and events held by the BBC during the Festival. The complainant provided images of the advertisements in question (see appendix 1). The complainant alleged that the advertisements were in English only and that he was of the opinion that this was contrary to the requirements of the Welsh language standards.</p> <p>13/6/2019</p> <p><b>Commissioner's findings</b> Standard 33: Standard 33 requires a body to produce any publicity or advertising material in Welsh. If a body produces advertising material in Welsh and in English, it must not treat the Welsh language version less favourably than the English language version. Following full consideration of the evidence provided by the complainant and the British Broadcasting Corporation, although the Corporation did produce publicity material in English only for the Hay Festival programme; this is not contrary to its Compliance Notice which provides the context for when the service delivery standards are relevant. As the advertisements under consideration are connected to programmes broadcast by the Corporation, they are exempt from the requirements of the standard.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the British Broadcasting Corporation has not failed to comply with standard 33.</p> <p><b>Statement of further action</b> No further action was taken following the determination that the British Broadcasting Corporation has not failed to comply with standard 33.</p>

### Statement on the further action

#### Decision notice given

The Decision Notice was given to the British Broadcasting Corporation on 13/06/2019.

#### Appeals made to the tribunal

No appeal was made to the Tribunal.

#### Commissioner's findings

Standard 2 : In considering the information available to me, and despite several attempts to try and establish the facts of the case in order to consider Welsh Ministers' compliance with standard 2 fully, the Commissioner believes that the evidence presented does not enable me to know whether Welsh Ministers failed to comply with the requirements of standard 2 or not. Without knowing with certainty whether or not this was the first time Welsh Ministers corresponded with the complainant since the imposition day of the standard, namely 30 March 2016, the Commissioner is not in a position in this case to make a determination on Welsh Ministers' compliance with standard 2. However, and based on the evidence presented the Commissioner is not convinced that there were sufficient arrangements in place during the period in question to allow Nest scheme staff to establish whether this was the first time that Welsh Ministers had contacted the complainant in order to know whether the complainant needed to be asked when sending the letter and survey whether he wished to receive correspondence in Welsh. Neither is the Commissioner convinced that there are sufficient arrangements in place in order to ensure that

#### Welsh Ministers

CSG365 The Commissioner received a complaint on 13/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to an allegation that the complainant received an English only letter and survey from Warm Homes Nest Scheme in order to provide feedback on the telephone service he received. The complainant stated that the telephone service he received was in Welsh.

6/6/2019

the question is established in writing when corresponding with an individual for the first time as there is a suggestion that this is only recorded following telephone contact only.

Standard 5: The Commissioner's findings are that Welsh Ministers did not know whether the complainant wished to receive correspondence from them in Welsh and that the complainant's language preference was recorded as English in error. In considering this, his findings are that Welsh Ministers should have sent a Welsh language version of the correspondence to the complainant.

Compliance with enforcement action CSG204 & CSG196: The enforcement action imposed on Welsh Ministers on 30 November 2017 in light of the CSG196 and CSG204 investigations required Welsh Ministers to ensure that they conducted a campaign to raise the awareness of staff who were subject to complaints about failures to implement the standards; and those who have regular contact with members of the public regarding the requirements of the correspondence standards in particular. However, after further consideration, the Commissioner does not consider that the enforcement actions are relevant to this case because it was not directly Welsh Government's direct staff that was responsible for sending the correspondence in question. Nevertheless, after considering the information available to me, the Commissioner is not satisfied that there are sufficient arrangements in place to raise the awareness of suppliers who provide services on behalf of Welsh Ministers of their requirements to comply with the Welsh Language Standards. That is because Nest scheme staff do not have access to guidelines on Welsh Ministers' intranet, and no evidence has been provided that these

guidelines are provided to Nest scheme staff in another way. Furthermore, the Commissioner is not satisfied that the clause included in the specification with British Gas is sufficient in itself to ensure clarity regarding the requirements of which standards the suppliers need to ensure compliance with. The Commissioner considers that Welsh Ministers should clearly note in any agreement with that third party the exact standards with which the third party is required to comply with instead of including a more general clause.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner failed to determine whether or not Welsh Ministers were complying with standard 2, determined the Welsh Ministers have failed to comply with standard 5 and determined that Welsh Ministers have not failed to comply with the enforcement action of CSG196 and CSG204.

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

Further action was taken following the Commissioner's determination.

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

Standard 2 – give advice in accordance with section 4(2)(j) of the Welsh Language Measure 1. Welsh Ministers should ensure that there are sufficient arrangements in place to: - to enable Nest scheme staff to know whether it is the first time Welsh Ministers have corresponded with an individual in order to know if there is a need to ask that individual in the correspondence whether he / she wishes to receive following

correspondence in Welsh; - ensure that there is a correct record kept of an individual's wish to receive correspondence in Welsh Standard 5 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers must ensure that there are sufficient arrangements in place by the Nest scheme to ensure that every person receives correspondence in Welsh, unless they know that the person does not wish to receive correspondence in Welsh.

2. Welsh Ministers must ensure that there are sufficient arrangements in place to share information about an individual's wish to receive correspondence in Welsh with different departments including a third party who is operating on behalf of Welsh Ministers in order for them to verify and act upon this, in accordance with the requirements of correspondence standards.

3. Welsh Ministers must conduct a further awareness campaign regarding the requirements of the Welsh Language Standards for correspondence, specifically targeting Welsh Government Warm Homes Nest Scheme staff:

4. Welsh Ministers must ensure that third party members of staff who operate on their behalf have access to any guidelines, advice documents or instructions / other relevant documents regarding how to comply with the standards relating to the service(s) they provide on behalf of Welsh Ministers.

5. Welsh Ministers must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-4 have been completed.

	<p>Timetable: Within 90 days from the date of publication of the Commissioner's final determination.</p> <p>Standard 5 – recommendation in accordance with section 77 of the Welsh Language Measure I recommend that Welsh Ministers review contracts with third parties in order to ensure that general clauses regarding compliance with the requirements of the Welsh Language Standards are replaced by more specific clauses which note clearly the exact standards and requirements with which the third party must comply.</p> <p><b>Decision notice given</b> The Decision Notive was given to Welsh Ministers on 06/06/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>Pembrokeshire</u> <u>County Council</u></p>	<p>CSG353 The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a response to a Welsh language email he sent to the Leader of the Council on 16/10/2017. He re-sent the email on 15/12/2017 and again on 12/03/2018 and</p> <p>5/6/2019</p> <p><b>Commissioner's findings</b> Standard 1: Standard 1 requires the Council to reply to Welsh language correspondence in Welsh unless the person has indicated that there is no need to reply in Welsh. In this case the complainant sent correspondence in Welsh to the Leader of the Council on three occasions before receiving a response over six months later. The public need to be assured that corresponding in Welsh with a public organisation will not lead to delay or even not receiving a response at all. As the complainant did not receive a response to his Welsh language correspondence within a reasonable time, the Council failed to comply with standard 1 in this case.</p>

25/04/2018. The email asked the Council to respond to questions regarding Welsh-medium education.

**Commissioner's determination**

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

**Statement of further action**

Further action was taken following the determination that Pembrokeshire County 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

1. The Council must carry out a review of the way in which it deals with Welsh correspondence which reaches the Council's Cabinet members.

2. The Council must act on the findings of the review and take steps to address any weaknesses to ensure that Welsh language correspondence: - is read by an appropriate person within the Council; - is translated (if necessary); - receives a response (if required) in accordance with the Council's corporate targets

3. The Council must take steps to ensure that elected members and supporting officers are aware of these arrangements.

4. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.

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

Wrexham  
County Borough  
Council

CSG402 The Commissioner received a complaint on 08/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had completed a questionnaire on the Council's website by following a link provided by the Council. He alleged that i) the link to the survey at the bottom of the page appeared in English only on the Welsh language page, ii) that the link led to the English version of the survey; and iii) that there were translating and spelling errors within the survey.

5/6/2019

#### **Decision notice given**

The Decision Notice was given to Pembrokeshire County Council on 05/06/2019.

#### **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 all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The complainant completed a survey provided on a Welsh language page of the Council's website. The link to complete the survey appeared in English, and took him to an English language version of the survey. He also alleged that the survey contained translation and spelling errors. Following full consideration of the evidence provided by the complainant and the Council, the Commissioner found that there is an error on one of the website's Welsh language pages taking users to the Your Voice Wrexham – A Study of Housing Needs survey, leading to a situation whereby the Welsh language service provided is less favourable than the corresponding English language service.

#### **Commissioner's determination**

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

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



			<p>Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 52.</p> <p><b>Statement on the further action</b></p> <p>Standard 52 – requirement to take steps in accordance with section 77(3) of the Welsh Language Measure</p> <ol style="list-style-type: none"> <li>1. Wrexham County Borough Council must ensure that every page of its website is available in Welsh.</li> <li>2. The Council must ensure that links provided on Welsh language pages direct the user to information or documents in Welsh.</li> <li>3. Wrexham County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that the enforcement steps above have been completed.</li> </ol> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Wrexham County Borough Council on 05/06/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal</p>
<u>Merthyr Tydfil County Borough Council</u>	CSG423 The Commissioner received a complaint on 27/03/2019 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh	5/6/2019	<p><b>Commissioner's findings</b></p> <p>Standard 8: Standard 8 requires a body to greet a person in Welsh when that person contacts the body on the relevant telephone numbers. The complainant alleged that she phoned the Council on 26 September 2018 and that the person who answered the phone stated that no</p>

Language Measure, and was therefore a valid complaint. The complainant alleged that she phoned Merthyr Tydfil County Borough Council (the "Council") on 26 September 2018 and that the person who answered the phone stated that no Welsh speakers were available. The complainant alleged that she phoned the Council again on 01685 725 000 between 10 and 11am on 27 September 2018 asking for a Welsh speaker. The complainant alleged that the person who answered the phone put the phone down.

Welsh speakers were available. The Council says that the greeting the complainant heard was 'Mae'n flin da fi, dydw i ddim yn siarad Cymraeg'. It appears that the complainant was greeted in Welsh according to the record the Council has of the call made by the complainant on 26 September 2018.

Standard 9: Standard 9 requires the Council to inform a caller that a Welsh language telephone service is available. The regulations do not stipulate how a body should do that. Neither do the regulations note that this must be done in Welsh. When calling 01685 725 000, an automatic message is heard welcoming the caller to Merthyr Tydfil County Borough Council in Welsh first, and asking the caller to press '2' if they wish to receive a Welsh language service. The Commissioner believes that the Council informs callers that a Welsh language service is available by greeting them in Welsh and by asking them to press '2' if they wish to receive a service in Welsh.

Standard 11: Standard 11 requires a body to deal with a call in Welsh once it is aware that the person wishes to receive a Welsh language service over the phone, transferring the call to a member of staff who is able to deal with the specific subject matter in Welsh where necessary. The Commissioner expects a body to establish a person's wish to receive a Welsh language service over the telephone at the earliest possible opportunity. When the person who answered the phone informed the complainant that they could not speak Welsh, they were not required to provide information on a specific subject matter and therefore, in accordance with standard 11, the Council was expected to deal with the

complainant's call in Welsh. The complainant's allegation constitutes a failure to comply with the standard.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Merthyr Tudful County Borough Council has failed to comply with standard 11 but has complied with standard 8 and 9.

### **Statement of further action**

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

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

Standard 11 – Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Merthyr Tydfil County Borough Council must adopt an accurate interpretation of standard 11 in accordance with clauses 3.40 and 3.41 of this report.

2. Merthyr Tydfil County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement step 1 has been completed.

Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

Standard 11 – Requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure 1. Merthyr Tydfil County Borough Council must prepare an action plan for the purpose of ensuring that One Stop Shop staff comply with standard 11.

Wrexham  
County Borough  
Council

CSG407 The Commissioner received a complaint on 15/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to two connected issues linked to the complainant's experience of using one of Wrexham County Council's websites: <https://wrexham-consult-cy.objective.co.uk/portal/>. The website in question is a specific portal for sharing consultation documents with the public and enabling residents to submit representations in response to consultations. When submitting representations on a consultation in Welsh via the above portal, the complainant alleged that he received an acknowledgement message in English

20/5/2019

Timetable: The Council must submit a draft action plan within 90 days of receiving the final decision notice.

**Decision notice given**

The Decision Notice was given to Merthyr Tudufi County Borough Council on 05/06/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's findings**

Standard 1: In this instance, the parties agree that the Council replied to representations submitted by the complainant via the consultation portal in Welsh with a standard acknowledgement email in English.

Standard 52: The Commissioner finds that the Welsh and that there were pages on the portal where the Welsh text was treated less favourably than the English text, on the date that the complainant used the website to submit representations on one of the Council's consultations.

Standard 55: The Commissioner's determination is that Wrexham County Borough Council has not failed to comply with standard 55 in this instance. The basis of his determination is that a link has been provided from English language pages to Welsh language pages in instances where a corresponding page is available.

Standard 56: The Commissioner finds that the Council failed to ensure that menus on its consultation portal were available in Welsh.

**Commissioner's determination**

only. The complainant also alleged that the website's interface and menus appeared in English only and that the 'Cymraeg' button at the top of the page did not change the pages or interface to offer further options. The complainant also alleges that there are pages on the website where Welsh text and English text appear on the same page and that the Welsh text is displayed under the English text, meaning that the Welsh language is treated less favourably than the English language.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 1, 52 and 56 but has complied with standard 55 in this instance.

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 1.

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

Standard 1 – requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must review all of its systems for producing standard correspondence (such as acknowledgement emails for correspondence) and act on the findings of the review in order to ensure that Welsh replies are generated on receipt of Welsh language correspondence.

2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 20/05/2019.

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

No appeal was made to the Tribunal.

Isle of Anglesey  
County Council

CSG391 The Commissioner received a complaint on 17/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant stated that a hyperlink to the Council's main website, [www.ynysmon.gov.uk](http://www.ynysmon.gov.uk), led to the microsite broadcasting Council meetings. The microsite's address was <https://ynysmon.public-i.tv>. The complainant noted that the link was in English, entitled 'View Webcast' despite appearing on the Welsh language version of the Council's main website. The complainant also complained that the link directed users to the English version of the microsite by default. The complainant stated that he understood that the website <https://ynysmon.public-i.tv> always defaulted to the English version, whichever way it was accessed by the user. He stated that the situation was common to all local authorities that use the same system for webcasting their meetings.

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### **Commissioner's findings**

Standard 52: The Commissioner received a complaint on 17/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant stated that a hyperlink to the Council's main website, [www.ynysmon.gov.uk](http://www.ynysmon.gov.uk), led to the microsite broadcasting Council meetings. The microsite's address was <https://ynysmon.public-i.tv>. The complainant noted that the link was in English, entitled 'View Webcast' despite appearing on the Welsh language version of the Council's main website. The complainant also complained that the link directed users to the English version of the microsite by default. The complainant stated that he understood that the website <https://ynysmon.public-i.tv> always defaulted to the English version, whichever way it was accessed by the user. He stated that the situation was common to all local authorities that use the same system for webcasting their meetings.

### **Commissioner's determination**

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

### **Statement of further action**

No further action was taken following the determination on the basis that the Council has taken appropriate steps to prevent the continuation or repetition of the failure.

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

Vale of  
Glamorgan  
Council

CSG356 The Commissioner received a complaint on 26/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he received a generic email message from the Vale of Glamorgan Council on 26/04/2018 asking that he complete the Have your Say survey. It was a message from the Council to inform people of the changes to recycling and refuse collection and asking them for their opinion. The complainant alleged: ' that the English message appeared before the Welsh on the email (see Appendix 1) ' that he was directed to the following English webpage having completed the Have Your Say survey in Welsh:

9/5/2019

#### **Decision notice given**

The Decision Notice was given to Isle of Anglesey County Council on 09/05/2019.

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

No appeal was made to the Tribunal

#### **Commissioner's findings**

Standard 6: The Council produced correspondence, in this case an email message, that treated the Welsh version less favourably than the English version. The Welsh text was not visible on the opening page of the message and the reader had to take the additional step of scrolling down the message to find the existence of Welsh text.

Standard 48: In considering the evidence received from the complainant and the Council, the Commissioner is of the view that the Welsh language version was treated less favourably than the English version of the document as a link from the Welsh version of the survey led to an English page.

Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The complainant received an email from the Council inviting him to fill in an online survey. Having completed the survey in Welsh, the only link in the survey led to an English language page on the Council's website thanking him for his comments on the survey. The page to which the complainant was directed on the Council's

website was available in Welsh however this was accessed by clicking the 'Cymraeg' button.

#### **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 10, 17 and enforcement step CSG114 but is complying with standards 8 and 9.6 and 48 but has complied with standard 52.

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

Further Action was taken following the determination Vale of Glamorgan Council has failed to comply with standard 16.

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

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. The Vale of Glamorgan Council must ensure that every element of its email messages complies with standard 6.
2. The Vale of Glamorgan Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action.

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 09/05/2019.



## Appeals made to the tribunal

No appeal was made to the Tribunal

### Torfaen County Borough Council

CSG321 a CSG349 The Commissioner received a complaint on 12/03/2018 and 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. On 12/03/2018, the complainant alleged that he received an automatic reply in English only after sending correspondence in Welsh to the your.call@torfaen.gov.uk address. On 25/04/2018 the complainant alleged that he did not receive a response to a Welsh language e-mail sent to the Leader of the Council on 16/10/2017. He sent the same e-mail again on 15/12/2017, 12/03/2018 and 25/04/2018. On 12/03/2018 and 25/04/2018 the message was also sent to your.call@torfaen.gov.uk. The e-mail asked the Council to respond to questions regarding Welsh-medium education.

9/5/2019

### Commissioner's findings

Standard 1: Standard 1 requires the Council, if it receives any correspondence in Welsh, to respond in Welsh if the member of the public has not indicated that they do not want to receive a reply in Welsh. On 16/10/17 the complainant received an automated reply in English only to the Welsh language correspondence sent to your.call@torfaen.gov.uk. The complainant sent an e-mail in Welsh to the Leader of the Council on 16/10/17, 15/12/17 and 12/03/18. He did not receive an acknowledgement or a reply to any of these three e-mails. As the complainant received an English language automated reply to his e-mail dated 16/10/17, and did not receive a reply to the e-mails sent on 16/10/17, 15/12/17 and 12/03/18 to the Leader of the Council, the Commissioner does not believe that the Council has complied with standard 1 in this case.

### Commissioner's determination

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

### Statement of further action

Further Action was taken following the determination Torfaen County Borough Council has failed to comply with standard 1.

### Statement on the further action

			<p>Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure</p> <ol style="list-style-type: none"> <li>1. Torfaen County Borough Council must check that every automatic reply to e-mails complies with standard 1.</li> <li>2. Torfaen County Borough Council must create clear guidelines which will assist staff to comply with standard 1.</li> <li>3. Torfaen County Borough Council must take steps to raise staff awareness of the requirements of standard 1.</li> <li>4. Torfaen County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 3 have been completed.</li> </ol> <p>Timetable: Within 6 months from the date of publication of the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to Torfaen County Borough Council on 09/05/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	CSG398 The Commissioner received a complaint on 04/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was in relation to the accounts of the First	9/5/2019	<p><b>Commissioner's findings</b> Standard 58: Standard 58 requires a body not to treat the Welsh language less favourably than the English language on social media accounts. In the case of the message on 1 August regarding the national playday on the @LlywodraethCym account, the Commissioner concludes that omitting the image in question from the Welsh message, when it was included within the corresponding English message on the</p>

Minister (@FMWales) and the Welsh Government (@LlywodraethCym). The complainant alleged that the Welsh language had been treated less favourably, noting: • that the tweets from the @FMWales account on 2 August 2018 were in three languages - English, French and Breton, but not in Welsh, and that it was unreasonable that messages in these languages were posted at the detriment of the Welsh language; and • that @FMWales retweets from the @LlywodraethCym and @WelshGovernment accounts on 1 August 2018 did not include an image within the Welsh message and that the image was in English only. The complainant sent a screenshot of the 2 August 2018 tweet to me with his complaint. 1.3 The Commissioner's officers carried out desktop research in order to look into the content of the Twitter message posted on 1 August. It appears that the message was posted in Welsh and English but that no image was attached to the Welsh message whilst an English only image was attached to the English message.

@WelshGovernment English account, treated the Welsh language less favourably than English in terms of content. The Commissioner finds that @FMWales retweeted the message in Welsh and English on the @FMWales account. No image was included within the Welsh message, whilst it was included within the corresponding English message and therefore the Commissioner concludes that this treated the Welsh language less favourably than English in terms of content. In the case of the message by the First Minister on 2 August, the Commissioner concludes that the Welsh language was treated less favourably than English on social media as the message was tweeted in English, French and Breton, but not in Welsh. Enforcement Action CSG95: The enforcement action required the Welsh Ministers to ensure that any Twitter messages published in English are also published in Welsh. The enforcement action was relevant to any messages posted from the Welsh Ministers accounts. On 1 August 2018, the Commissioner concludes that the Welsh Ministers published a Twitter message in English regarding the national playday on its @WelshGovernment account. Although the corresponding Welsh text was published on the body's Welsh language account @LlywodraethCym, that message did not include the image that was contained within the English message. The Commissioner concludes therefore that a fully corresponding version of the English message was not published in Welsh. The Commissioner concludes that on 1 August the Welsh Ministers published the same Twitter message on the @FMWales account. Although the corresponding Welsh text of the English message was published on that

account, the Welsh message on the account did not include the image that was contained within the English message. The Commissioner concludes therefore that a fully corresponding version of the English message was not published in Welsh. On 2 August 2018, I conclude that the First Minister published a Twitter message in English, French and Breton, and no Welsh version was published.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 58 and enforcement action CSG95.

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

Further Action was taken following the determination that Welsh Ministers have failed to comply with standard 58 and enforcement action CSG95.

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

Standard 58 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure In order to ensure that the Welsh language is treated no less favourably than English in accordance with the requirements of standard 58, Welsh Ministers must take steps to ensure:

1. That all elements of Welsh language messages published correspond fully to the corresponding English messages.
2. That retweets of its Welsh language messages correspond fully to corresponding English messages.

3. That it responds in Welsh to a message if it does so in English when that response is of a wider interest (this does not affect the requirement to comply with standard 59).  
4. That its procedures are updated to reflect enforcement actions 1-3. 5. The Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement actions 1-4.  
Timetable: Within 3 months of issuing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 09/05/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

CSG422: The Commissioner received a complaint on 27/09/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant claimed that she had telephoned the Student Loans Company's helpline on 08:49 on 5 September, 2018 and was greeted in English. The officer stated that the Student Loans Company did not have a

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**Commissioner's findings**

Standard 5: The evidence shows that an English letter was sent to the complainant by the Student Loans Company on 21 September, 2018 although the company knew that the complainant's language choice was Welsh. At the time the Welsh Ministers did not have a facility that automatically generated bilingual correspondence. The letter should therefore have been manually prepared in Welsh. The Welsh Ministers acknowledge and have apologised for sending the letter in English. Since November 2018 all system generated correspondence is produced bilingually. Bilingual statements will be introduced in May 2019. Standard 10: Standard 10

Welsh language telephone service when the complainant asked to be dealt with in Welsh. The complainant telephoned the Student Loans Company a second time at 08:58 on 20 September, 2018. She was greeted in Welsh. She claimed that the officer did not understand the Welsh word for twenty, 'ugain', when giving the details of her bank card. The payment failed and the complainant telephoned the Student Loans Company a third time. She also complained that a letter was sent to her in English following the telephone call confirming her payment.

requires the Welsh Ministers to deal with calls to its helpline numbers in full in Welsh if the caller wishes. In this instance the complainant telephoned two different helpline numbers on two separate occasions. On the first occasion she called a helpline for customers in other parts of the UK. This helpline does not offer a Welsh language service as it does not offer a service to persons in Wales. However, it does offer to transfer callers in Wales to the appropriate helpline. The Welsh Ministers believe that the complainant did not state that she was from Wales and that this is why her call was answered by an officer who did not speak Welsh. On the second occasion the complainant called the helpline for customers in Wales. The call was answered by a Welsh speaker. During the call the complainant gave her bank card details to make a repayment. The complainant suspects that the officer misunderstood what was said because their understanding of the language was not sufficient and that this caused the payment to fail. The Welsh Ministers dispute the complainant's suspicion; the officer is expected to be able to deal in full with Welsh language enquiries and a recording of the call shows that they did not hesitate when entering the details. The Welsh Ministers are unable to verify the details that were entered. From the evidence given, the Commissioner is unable to reach a definitive conclusion in relation to the Welsh Ministers' compliance with standard 10. On the first occasion the complainant telephoned a helpline for customers in other parts of the UK. Without definite confirmation that the complainant stated that she was in Wales, the Commissioner cannot conclude that the Welsh Ministers failed to comply with the standard in this

instance. On the second occasion, the evidence does not show that the payment failed because the officer understands of the Welsh language was not sufficient. The Commissioner cannot therefore conclude that the officer failed to deal with the call in full in Welsh. Enforcement Action CSG189: The enforcement action required the Welsh Ministers to establish a new repayment helpline for customers in Wales which greets call in Welsh and English. The evidence received shows that a helpline was established in accordance with action plan CSG189. This shows no failure by the Welsh Ministers to comply with the requirement in decision notice CSG189 to prepare an action plan.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standard 5, the Commissioner failed to reach a verdict in standard 10 and determined that Welsh Ministers have complied with enforcement action CSG189.

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

No further action was taken in relation to the failure to comply with standard 5. This is on the basis of the action taken by the Welsh Ministers for the purpose of preventing the continuation or repetition of that failure.

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

#### **Decision notice given**

	<p>The Decision Notice was given to Welsh Ministers on 08/05/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>CSG413 The Commissioner received a complaint on 07/09/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to correspondence sent by the Council. The complainant explained that he had sent an e-mail, in Welsh, to SPHTT-BusinessSupport@caerdydd.gov.uk at 14:33 on 13 August 2018. He alleged that the Council responded to that message in English. The response, which included an e-mail and an attached letter, was sent by the Planning, Transport and Environment department at 8:53 on 7 September 2018. The letter had been signed by a member of staff from the department. The complainant provided copies of the correspondence in question to support his complaint.</p>	<p><b>Commissioner's findings</b> Standard 1: When the Council receives correspondence in Welsh, and the Council is required to reply to that correspondence, it must reply in Welsh unless the person sending the correspondence has indicated that there is no need to do so. The complainant sent correspondence to the Council in Welsh. He did not say that the Council did not need to respond in Welsh. The Council's response came in the form of a letter and an e-mail written in English. This shows a failure by the Council to comply with standard 1.</p> <p>Enforcement Action CSG190: The enforcement action requires the Council to continue with its arrangements for ensuring compliance with the requirements of the Welsh language standards relating to correspondence. It also requires the Council to monitor and review those arrangements. The evidence received from the Council shows that it has appropriate arrangements in place for ensuring compliance with the requirements of the Welsh language standards relating to correspondence. However, the evidence is not sufficient to show how the Council monitors and reviews those arrangements. The Commissioner cannot determine whether or not the Council has complied with the enforcement action.</p> <p><b>Commissioner's determination</b></p>



			<p>Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 1 and cannot determine whether or not the Council has complied with the enforcement action.</p> <p><b>Statement of further action</b> No was taken in this case because the evidence has shown that the failure was due to individual error and that the Council has taken appropriate steps to address the situation.</p> <p><b>Statement on the further action</b></p> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff Council on 08/05/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<u>Bridgend County Borough Council</u>	<p>CSG432 The Commissioner received a complaint on 15/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged within their complaint that the council tax payment facility on Bridgend County Borough Council's (the Council) website</p>	8/5/2019	<p><b>Commissioner's findings</b> Standard 1: According to the requirements of standard 1, if the Council receives correspondence from a person in Welsh it must reply in Welsh (if an answer is required). The Commissioner finds that the Council included English attachments in a Welsh email, contrary to the requirements of standard 1. Standard 52: Standard 52 requires the Council 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</p>

is not fully functional in Welsh. The complainant alleged that the Welsh language page for making payments changed to English when inputting bank details for council tax payments. The complainant also refers to the Council's reply to an email raising the matter with them. The Council replied to the email in Welsh, but included a screen shot in the body of the email showing an English language page with English text from the website.

language on those pages and services. The Commissioner finds that the Council's online payment processing platform is not fully functional in Welsh and that this led to the Welsh language being treated less favourably than the English language for users wishing to pay their council tax online.

### **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 1 and 52.

### **Statement of further action**

Further Action was taken following the determination Bridgend County Borough Council has failed to comply with standard 52.

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

Standard 52 – requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure

1. Bridgend County Borough Council must take action to ensure that the public can make payments via its website in Welsh. The Council must ensure that the Welsh language is not treated less favourably than the English language when processing payments.

2. Bridgend County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed. Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

		<p><b>Decision notice given</b> The Decision Notice was given to Bridgend County Borough Council on 08/05/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>City and County of Swansea Council</u></p>	<p>CSG411 The Commissioner received a complaint on 29/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant stated that she had contacted Swansea Council (the "Council")'s Parking, Traffic Management and Highway Network Department (the "Department") for the first time on 27 July 2018 through the medium of English. The complainant wished to appeal against a Penalty Charge Notice. She received a response from the Council on the same date in English referring her to the Council's appeals form on the website. The complainant stated that she completed the Welsh appeals form on the Council's website via the following link: <a href="https://www.abertawe.gov.uk/apelpcn">https://www.abertawe.gov.uk/apelpcn</a> on 27 July 2018. She received an email acknowledging receipt of the form, but</p>	<p><b>Commissioner's findings</b> Standard 1: Standard 1 requires the Council to reply in Welsh if it receives correspondence from a person in Welsh (if an answer is required). The Council is not required to do so in situations where a person has confirmed that there is no need to reply in Welsh. The complainant sent an email in Welsh to the Council on 7 August 2018 and 14 August 2018. The complainant did not receive a reply. The complainant sent an email in English to the Council on 15 August 2018 and received a reply within half an hour. The Council's corporate target for replying to correspondence in Welsh and English is 28 days. This complaint was submitted to the Commissioner within 28 days of sending the first email to the Council. Standard 7: Standard 7 requires the Council to state in correspondence, and in publications and official notices that invite persons to respond to it or to correspond with it, 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 complainant received an English only reply from the Council on 15 August 2018. The email did not include a statement noting that the Council invites persons to reply or to send correspondence through the medium of Welsh. The Council has acknowledged that the statement was</p>

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heard nothing further. She emailed the Department in Welsh using the address meysydd.parcio@abertawe.gov.uk on 7 August 2018 and 14 August 2018 but received no reply. She contacted the Council using the address car.parks@swansea.gov.uk on 15 August and received a reply within half an hour from an officer requesting further information as there was no record of her appeal on the system. The complainant alleged that she did not receive a reply from the Council as she had corresponded in Welsh. The complainant provided copies of the emails sent to meysydd.parcio@abertawe.gov.uk and car.parks@swansea.gov.uk as well as the reply received in English. Looking at the emails, my officers realised that there was no statement included at the end of the email received by the complainant noting that the Council welcomes correspondence in Welsh.

not included in its emails. The above situation corresponds to a failure to comply with standard 7. There was no statement included at the end of the email received by the complainant from the Council noting that it welcomes correspondence in Welsh. Enforcement Action CSG201 (Standard 1): The enforcement action requires the Council to ensure that it replies in Welsh to any correspondence written in Welsh and requires an answer. The complainant sent an email in Welsh to the Council on 7 August 2018 and 14 August 2018. The complainant did not receive a reply. The complainant sent an email in English to the Council on 15 August 2018 and received a reply within half an hour. The Council's corporate target for replying to correspondence in Welsh and English is 28 days. This complaint was submitted to the Commissioner within 28 days of sending the first email to the Council. Enforcement Action CSG201 (Standard 7): The enforcement action requires the Council to ensure that emails include a statement noting that it welcomes correspondence in Welsh, that the Council will reply in Welsh to correspondence in Welsh and that corresponding in Welsh will not lead to a delay. The complainant received an English only reply from the Council on 15 August 2018. The email did not include a statement noting that the Council invites persons to reply or to send correspondence through the medium of Welsh. The Council has acknowledged that the statement was not included in its emails. The above situation corresponds to a failure to comply with the enforcement action. There was no statement included at the end of the email received by the complainant from the Council noting that it welcomes correspondence in Welsh.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and Town Council has failed to comply with standard 7 and with enforcement action CSG201 (Standard 7).

**Statement of further action**

Further Action was taken following the determination that Swansea City and Town has failed to comply with standard 7 and with enforcement action CSG201 (Standard 7).

**Statement on the further action**

Standard 1 - Recommendations in accordance with section 77(4)(b) of the Welsh Language Measure.

1. The Council should draw up a written procedure for replying to correspondence in Welsh that it receives and that requires an answer.
2. The Council should train Council staff and agency staff that work on its behalf in order to ensure that members of staff within the Department receive training and clear guidance in relation to the requirements of the standards before commencing their post.
3. The Council should consider the requirements of standard 136 when the Department is recruiting staff members.

Timetable: Within 30 days of issuing the Commissioner's determination

Standard 7 – enforcement actions in accordance with section 77(4) (b) of the Welsh Language Measure

1. The Department should prepare a standard wording for a statement inviting persons to send correspondence to

		<p>the Department in Welsh, that it will reply in Welsh to correspondence sent in Welsh and corresponding in Welsh will not lead to a delay.</p> <p>2. The Council must ensure that all Council staff include the statement by including the standard wording as part of an email template for members of staff to be inserted in a prominent position on the email.</p> <p>3. The Council must provide sufficient written evidence that it has carried out enforcement actions 1 and 2.</p> <p>Timetable: Within 30 days of issuing the Commissioner's determination</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Swansea City and Town Council on 08/05/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Neath Port</u> <u>Talbot County</u> <u>Borough Council</u></p>	<p>The Commissioner received a complaint on 27/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleges that they did not receive a telephone service in Welsh when calling the Council's main telephone line (01639 686 868). The complainant alleges that they called this number at 10.43am on 22 May 2018 and</p>	<p>29/4/2019</p> <p><b>Commissioner's findings</b></p> <p>Standard 8: Standard 8 requires a body to greet a person in Welsh when that person contacts the body on one of its relevant telephone numbers. Having examined the information available to the Commissioner, the Commissioner believes that the Council does greet those calling its main telephone number in Welsh.</p> <p>Standard 9: Standard 9 requires the body to inform a person that a Welsh language telephone service is available. Having examined the information available to the Commissioner, the Commissioner believes that the Council does inform those calling its main telephone line that a Welsh language service is available. Standard 10:</p>

asked to speak to someone in Welsh. They allege that attempts to transfer the call to a Welsh speaker resulted in a standard response stating 'this line is engaged' and that the call was transferred to an English speaker. The complainant said that they again asked to speak to someone in Welsh, but that the person who answered the call stated in English that they could either continue the call in English or telephone back in order to receive a Welsh language service.

Standard 10 requires a body to deal with calls made to its main telephone line in Welsh in their entirety if that is the person's wish. If the call needs to be transferred to another member of staff in order to deal with it, that member of staff must deal with the call in Welsh. Following full consideration of the evidence presented by the Council and the complainant in this case, the Commissioner believes that the Council did not deal with the complainant's call in Welsh in its entirety, despite the Council having established their wish to receive a service in Welsh. In addition, the Council's arrangements for transferring callers to English speakers in situations where Welsh speakers are busy do not comply with the requirements of the standard.

Standard 17: Standard 17 requires a body to inform the person calling when the Welsh language service will be available if no Welsh language service is available on the relevant telephone number or line. Following consideration of evidence presented by the Council and the complainant, the Commissioner finds that the Council does not inform callers to its main telephone line when the Welsh language service will be available if one is not available.

Enforcement step CSG114: In this case, the Commissioner finds that the Council has not fully taken the enforcement action set out following investigation CSG114 as the current investigation (CSG375) has found that the Council continues to fail to comply with standard 17, and that it has not established adequate arrangements to deal with calls in Welsh on its main telephone number.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough Council has failed to comply with standards 10, 17 and enforcement step CSG114 but is complying with standards 8 and 9.

**Statement of further action**

Further Action was taken following the determination Neath Port Talbot County Borough Council has failed to comply with standard 17.

**Statement on the further action**

Standard 17 – requirement to take action in accordance with section 77 (3) (3) of the Welsh Language Measure

1. Neath Port Talbot County Borough Council must introduce a system when a Welsh language service is not available on its main telephone number, helplines or call centre numbers which informs those calling when a Welsh language service will be available.

2. Neath Port Talbot County Borough Council must provide written evidence which satisfies the Welsh Language Commissioner that it has taken enforcement action 1.

Timeframe: Evidence to be provided by 15 September 2019

**Decision notice given**

The Decision Notice was given to Neath Port Talbot County Borough Council on 29/04/2019.

**Appeals made to the tribunal**



No appeal was made to the Tribunal.

Newport City  
Council

The Commissioner received a complaint on 09/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant wrote to the Council's Chief Executive by post on 22 October 2017 asking why he had not received responses to enquiries sent to the Electoral Officer in Welsh. The complainant's letter asked what the Council's policy was on the Welsh language in relation to responding to Welsh language correspondence. The complainant did not receive a response to the letter sent on 22 October and this raises doubts that he did not receive a response because his letter was in Welsh.

18/4/2019

**Commissioner's findings**

Standard 1: Standard 1 requires the Council to reply in Welsh to any correspondence sent to the Council in Welsh. In this instance, the Council received the complainant's Welsh language letter and a member of staff contacted the translation service in order to arrange a translation of the letter, but before the process of replying to the correspondence was completed, the member of staff was absent and the complainant did not receive a reply. The complainant wrote to the Council in Welsh and he expected to receive a response to his correspondence. As the complainant did not receive a response to his letter the Council failed to comply with standard 1.

**Commissioner's determination**

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

**Statement of further action**

Further Action was taken following the determination Newport City 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  
1. Newport City Council must create clear guidelines which will assist staff to comply with standard 1.

			<p>2. Newport City Council must take steps to raise staff awareness of the requirements of standard 1.</p> <p>3. Newport City Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 2 have been completed.</p> <p>Timetable: Within 6 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Newport City Council on 05/04/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<u>Bridgend County Borough Council</u>	<p>The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a response to a Welsh language email sent to the Leader of the Council on 16/10/2017. He re-sent the email on 15/12/2017 and again on 12/03/2018 and 25/04/2018. On 12/03/2018 and 25/04/2018 he also sent the message to talktous@bridgend.gov.uk. The email</p>	18/4/2019	<p><b>Commissioner's findings</b> Standard 1: Standard 1 requires the Council to respond in Welsh to any correspondence sent in Welsh, unless that person has indicated that there is no need to reply in Welsh. The Leader of the Council received emails from the complainant on 15/12/17, 12/03/18 and 25/04/18. No reply was sent to the complainant until 25/04/18. According to the Council, the reason for the delay was the workload of the Director preparing the response rather than the language of the correspondence. The complainant sent Welsh language correspondence to the Council on three occasions and did not receive a response. Since the complainant did not receive a response to correspondence sent in Welsh I am not of the view that the Council complied with Standard 1.</p>

asked the Council to respond to questions regarding Welsh-medium education.

**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 1.

**Statement of further action**

Further Action was taken following the determination that Bridgend County Borough 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

1. Bridgend County Borough Council must create clear guidelines which will assist staff to comply with standard 1.

2. Bridgend County Borough Council must take steps to raise staff awareness of the requirements of standard 1.

3. Bridgend County Borough Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 – 2 have been completed.

Timetable: Within 6 months from the date of publication of the Commissioner's final determination

**Decision notice given**

The Decision Notice was given to Bridgend County Borough Council on 18/04/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Powys County Council

The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a reply to an email sent in Welsh to the Leader of the Council on 16/10/2017. He sent the same email again on 15/12/2017, 12/03/2018 and 25/04/2018. The email asked the Council to respond to questions regarding Welsh-medium education.

18/4/2019

**Commissioner's findings**

Standard 1: Standard 1 requires the Council to answer Welsh language correspondence in Welsh if the person has not indicated that there is no need to reply in Welsh. In this case the Leader of the Council received the first email on 16/10/17 and within 24 hours this was translated and a bilingual version sent to the relevant department. However, for whatever reason, the complainant did not receive a reply to his Welsh language correspondence. The complainant sent Welsh language correspondence to the Council on three occasions and did not receive a response. Since the complainant did not receive a response to correspondence sent in Welsh I am not of the view that the Council complied with Standard 1.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Powys County Council has failed to comply with standard 1. Statement of further action Further Action was taken following the determination Powys County 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

1. Powys Council must create clear guidelines which will assist staff to comply with standard 1.
2. Powys Council must take steps to raise staff awareness of the requirements of standard 1.
3. Powys Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that

enforcement steps 1 – 2 have been completed.  
Timetable: Within 6 months from the date of publication of the Commissioner's final determination

**Decision notice given**

The Decision Notice was given to Ppwys County Council on 18/04/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

The Commissioner received a complaint on 26/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he (and fellow residents) received a fixed penalty notice from Cardiff Council on 10/01/2018 for failing to control their refuse under the Environmental Protection Act 1990. It is alleged: i. that the Welsh language notice received contained errors in terms of meaning and expression and did not contain the same information as the English Notice; ii. that English language text appeared on the Welsh letter; iii. that the Notice's date of issue did not appear on the Welsh side; iv. that the link from the Welsh page to

5/4/2019

**Commissioner's findings**

Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this instance a Fixed Penalty Notice, that treated the Welsh version less favourably than the English version and there were errors in the Welsh version in terms of meaning and expression as well as a number of examples where there was missing text in the Welsh. This highlights a failure by the Council to comply with the requirements of standard 6.  
Standard 12: Standard 12 requires the Council to treat the Welsh language no less favourably than the English language when advertising telephone numbers. The Welsh version of the Council's Fixed Penalty Notice included the telephone number for obtaining the English service and therefore treated the Welsh language less favourably than the English. This highlights a failure by

carry out the process of paying the fine led to an English language page on the Council's website; v. that he failed to receive a Welsh language service over the telephone to pay the fine.

the Council to comply with the requirements of standard 12.

Standard 22: Standard 22 requires the Council to ensure that its automated telephone system provides a full service in Welsh. The complainant failed to hear the Welsh language message on the answer machine when he phoned 029 2097 2087, the number recorded on the correspondence received. This is due to the fact that the number given led to the English telephone line rather than a failure by the Council to provide an automated message in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standards 6 and 12 but is complying with standard 22.

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

Further Action was taken following the determination Cardiff Council has failed to comply with standards 6 and 12.

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

Standard 6 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure 1. Cardiff Council must conduct a review of its arrangements for producing documents and notices ensuring that it does not treat a Welsh language version less favourably than an English language version.

		<p>2. Cardiff must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement actions.  Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p>Standard 12 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure</p> <p>1. Cardiff Council must ensure that when it advertises its telephone numbers, helplines or contact centre services the correct telephone number for the Welsh service must be recorded on each of its documents or adverts.</p> <p>2. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement action 1.  Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b>  The Decision Notice was given to Cardiff Council on 05/04/2019.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received a complaint on 23/10/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that</p> <p>5/4/2019</p>	<p><b>Commissioner's findings</b>  Standard 1: The Commissioner finds in this case that Cardiff Council has replied in English to correspondence sent to it in Welsh. This was due to the fact that it appears that the member of staff dealing with the complainant's application was unaware of the requirements of the Welsh language standards when replying to correspondence.  Enforcement steps CSG190: The Commissioner finds in</p>

they had submitted a form on 18 July 2018 to Cardiff Council in Welsh via the link:  
<https://www.caerdydd.gov.uk/CYM/Busnes/Trwyddedau/busking/Pages/default.aspx>. The purpose of completing the form was to apply for a street 'busking' permit for a specific date in July 2018. The complainant received a standard acknowledgement reply by email in Welsh on 18 July 2018 acknowledging receipt of the form. The standard acknowledgement was followed by an email in English from the email address of one of Council's officers asking that the complainant to resend the information provided in English as the officer did not speak Welsh. The complainant submitted a complaint to this officer in Welsh in response to the English language email, drawing the officer and Council's attention to their duties under the standards. The complainant alleges that they did not receive a reply to this email. The complainant also notes that they did not receive a reply to their application for a permit, and the date for which the permit was needed passed without the complainant receiving a response.

this case that the Council has not sufficiently implemented the enforcement action that I set out following the CSG190 investigation as there is no evidence that the Council is monitoring or reviewing its correspondence arrangement regularly to ensure compliance.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standard 1 and enforcement steps CSG190.

### **Statement of further action**

Further Action was taken following the determination that Cardiff Council has failed to comply with standard 1 and enforcement steps CSG190.

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

Standard 1 – requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

1. Cardiff Council must conduct a campaign aimed at those members of staff that provide services directly to the public, in order to raise their awareness of the requirements of the Welsh language standards and the Council's processes for compliance.

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

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



			<p>Failure to comply with a requirement in a decision notice - requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure</p> <p>3. Cardiff Council must develop self-regulatory arrangements to enable it to monitor its own performance in relation to replying to Welsh language correspondence.</p> <p>4. Cardiff Council must take steps to address any matters arising in relation to non-compliance when monitoring its own performance.</p> <p>5. Cardiff Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 3 and 4.</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 05/04/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Wrexham County Borough Council</u>	<p>The Commissioner received a complaint on 13/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant contacted the Commissioner regarding a new street sign in Gresford. The complainant</p>	5/4/2019	<p><b>Commissioner's findings</b> Standard 62: Standard 62 requires the Council to position the Welsh language text so that it is likely to be read first when erecting a sign. In this case the Council placed a street name sign in Gresford with the English language text above the Welsh language text. As the Council placed a new sign where the English language text was positioned so that it was likely to be read first, the Council did not comply with standard 62.</p>

provided a photograph of the sign and it can be seen from the photograph that the English “Hollyfields” has been placed above the Welsh and that there is a spelling error in the Welsh “Maes y Cleyn”.

**Standard 63:** Standard 63 requires the Council to ensure that the Welsh language text on signs is accurate in terms of expression and meaning. In this case there was a spelling error on the street sign in question. As there is a spelling error in the Welsh language text on the street sign, the Council did not comply with standard 63 in this case.

**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 62 and 63.

**Statement of further action**

No further action was taken following the determination that Wrexham County Borough Council has failed to comply with standards 62 and 63 because enforcement steps are already in action.

**Statement on the further action**

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 05/04/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff  
University

The Commissioner received a complaint on 19/09/2018 from a person which satisfied the conditions of section 93(3)

5/4/2019

**Commissioner’s findings**

Standard 5: Standard 5 requires that the University ensures that it provides a Welsh language version of

to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that she received an English only letter from the University following completion of the Welsh for Adults National Tutors Qualification course.

correspondence if the University does not know whether the recipient wishes to receive Welsh language correspondence from it or not. In this instance, the University did not send a Welsh version of the correspondence, although it knew that Welsh was the complainant's chosen language. As the University did not send a Welsh version of the correspondence to the complainant, despite the fact that the University knew that the complainant's chosen language was Welsh, the Commissioner is not of the view that the University has complied with the aim of standard 5 in this case.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff University has failed to comply with standard 5.

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

No further Action was taken following the determination that Cardiff University has failed to comply with standard 5 on the basis that the University has taken steps to ensure that the same mistake will not happen again.

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

#### **Decision notice given**

The Decision Notice was given to Cardiff University on 05/04/2019.

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

No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 27/03/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that, on 26 March 2018, the complainant received an English only e-mail message in response to correspondence sent in Welsh on 2 March 2018. The e-mail message attached Welsh language correspondence from the Minister for Lifelong Learning and Welsh Language<sup>1</sup> in response to the complainant's correspondence. The complainant provided a copy of the e-mail message which shows that an English only message was sent by the Welsh Government on 26 March 2018.

29/3/2019

**Commissioner's findings**

Standard 1: Standard 1 requires a body to respond in Welsh to Welsh language correspondence unless no reply is required, or that the person sending the correspondence in Welsh had indicated that there is no need to reply in Welsh. The complainant's allegation involved receiving an English only email message on 26 March 2018 in response to correspondence sent in Welsh to the Welsh Language Minister on 2 March 2018. The email involved and attached Welsh language correspondence from the Minister for Lifelong Learning and Welsh Language. Having considered the information available to the Commissioner, the Commissioner believes that Welsh Ministers failed to comply with the requirements of standard 1 by sending a covering email, attaching a Welsh language response from the Minister for Lifelong Learning and Welsh Language, in English only.

Enforcement step CSG181: The enforcement action imposed on Welsh Ministers following investigation CSG181 required Welsh Ministers to ensure that they had adequate arrangements in place to comply with the standards regarding correspondence in relation to emails. The enforcement action also required Welsh Ministers to ensure that they monitored and reviewed those arrangements in order to ensure that they are effective. The enforcement action came into force on 12 September 2017, 28 days after receiving the decision notice. On 27 March 2018 a complaint was received alleging that, on 26 March 2018, the complainant received an email message in English only in response to correspondence sent in Welsh to the Welsh Language Minister on 2 March 2018.

The email message involved and attached Welsh language correspondence from the Minister for Lifelong Learning and Welsh Language. Having considered the information available to the Commissioner, the Commissioner believes that Welsh Ministers failed to comply with the requirements of the enforcement action imposed. This is because the arrangement in place for sending email correspondence at that time did not prevent a member of staff from sending an English only email to the complainant in response to Welsh language correspondence received by using the wrong email template. This resulted in Welsh Ministers failing 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 Welsh Ministers have failed to comply with standard 1 and enforcement steps CSG181.

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

Further Action was taken following the determination that Welsh Ministers have failed to comply with standard 1 and enforcement steps CSG181.

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

Standard 1 – Advice in accordance with section 77 of the Welsh Language Measure

1. Welsh Ministers should review the desk instructions issued to clerks in order to ensure that they are aware that they must respond in Welsh to Welsh language

	<p>correspondence unless no reply is needed, or the person has indicated that there is no need to reply in Welsh.</p> <p>2. Welsh Ministers should ensure that a covering email template for a final reply, provided to staff to use with correspondence, does not treat the Welsh language less favourably than the English.</p> <p>Enforcement action – Advice in accordance with section 77 of the Welsh Language Measure</p> <p>1. Welsh Ministers should ensure that templates provided to staff to use with correspondence do not treat the Welsh language less favourably than the English.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Welsh Ministers on 29/03/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>The Chief Constable of Dyfed-Powys Police</u></p>	<p>The Commissioner received a complaint on 21/06/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to a telephone service provided by DriveTech, the company that delivers courses on behalf of the Chief Constable of Dyfed Powys Police (Dyfed Powys Police), after a member of the public was</p> <p>27/3/2019</p> <p><b>Commissioner's findings</b></p> <p>Standard 13: If a body provides a Welsh language service on one of its relevant telephone numbers, it must ensure that the telephone number for that Welsh language service is the same as for the corresponding English language service. This means that having a separate telephone number for a Welsh language service (which corresponds to the English language service) is not permitted. The Commissioner finds that the telephone service provided on behalf of the Chief Constable of Dyfed Powys Police uses two different numbers to provide the Welsh language service and the corresponding English language service, contrary to the</p>

caught not wearing a seatbelt whilst driving. The complainant alleged that he telephoned DriveTech's Welsh language line (0345 264605) to obtain information about courses. The call was not answered even though the complainant waited 20 minutes before abandoning the call. The complainant alleged that he telephoned the corresponding English language line (0345 264 6349) and that his call was answered immediately.

requirements of the standard. Standard 15: A body must ensure that performance indicators for dealing with telephone calls do not set measures which would treat telephone calls made in Welsh less favourably than calls made in English. The Commissioner finds that there is no evidence in this instance that performance indicators for dealing with telephone calls lead to telephone calls made in Welsh being treated less favourably than calls made in English.

Standard 17: According to the standard, when there is no Welsh language service available on a body's main telephone number (or numbers), or on any helpline numbers or call centre numbers, it must inform persons calling (by way of an automated message or otherwise) when a Welsh language service will be available. The Commissioner finds that on the date of the complaint the company providing the telephone service on behalf of the Chief Constable of Dyfed Powys Police did not inform callers when a Welsh language service would be available.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Chief Constable of Dyfed Powys Police has failed to comply with standards 13 and 17 but does comply with standard 15.

### **Statement of further action**

Further Action was taken following the determination that Chief Constable of Dyfed Powys Police has failed to comply with standards 13 and 17.

		<p><b>Statement on the further action</b>  Standard 13 – requirement to take action in accordance with section 77 (3)(b) of the Welsh Language Measure</p> <p>1. The Chief Constable of Dyfed Powys Police must ensure that telephone numbers offering Welsh language services are the same as the telephone numbers for the English language services.</p> <p>2. The Chief Constable of Dyfed Powys Police must provide written evidence to satisfy the Welsh Language Commissioner that they have completed enforcement action 1</p> <p>Timetable: Within 6 months from the date of publication of the Commissioner's final determination</p> <p><b>Decision notice given</b>  The Decision Notice was given to the Chief Constable of Dyfed Powys Police on 27/03/2019.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received complaints on 17/01/2018 and 02/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaints met the conditions in section 93 of the Welsh Language Measure, and were therefore valid complaints. The complainants alleged that there were English only temporary signs on the pavement near Duke St on 16/01/2018 and other English</p> <p>22/3/2019</p>	<p><b>Commissioner's findings</b>  Standard 61: Standard 61 requires the Council to ensure that any text on a sign (including a temporary sign) is displayed in Welsh. This could be on one sign or on a separate sign. The Commissioner received complaints from two members of the public regarding English only signs erected by contractors in two separate locations on behalf of Cardiff Council. The Commissioner has considered the Council and the complainants' evidence and is of the view that the Council had erected signs</p>



only temporary signs on the corner of Penarth Rd and Taff Embankment in the Grangetown area on 01/02/2018.

without Welsh language text, contrary to the requirements of the standard.

Enforcement Action CSG48 and CSG56: The enforcement action issued to the Council required the Council to take steps to ensure that any text displayed on temporary signs are displayed in Welsh (either on the same sign that displays the corresponding text in English or on a separate sign) and ensure that the Welsh text is treated no less favourably than English text if the text appears in both Welsh and English. The complaints received by members of the public raised doubts that the Council had not implemented the enforcement action. However, the Council provided evidence that it had included conditions within contracts that included checking specific bilingual signs before starting the work, using standardised bilingual signage and imposing penalties on contractors that erect signs that do not comply with the Welsh language standards. Therefore, the Council's evidence showed that Council had taken steps to ensure that any text displayed on temporary signs is displayed in Welsh and to ensure that the Welsh text is treated no less favourably than English text if the text appears in both Welsh and English.

#### **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**

No further action was taken on the basis that Cardiff Council has taken reasonable steps to try and ensure that

		<p>no English-only signs are erected by contractors working on its behalf, I have decided to take no further action in this instance.</p> <p><b>Statement on the further action</b>  <b>Decision notice given</b>  The Decision Notice was given to Cardiff Council on 22/03/2019.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<p><u>Caerphilly</u>  <u>County Borough</u>  <u>Council</u></p>	<p>The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a response to a Welsh language email sent to the Leader of the Council on 16/10/2017. He re-sent the email on 15/12/2017 and again on 12/03/2018 and 25/04/2018. The email asked the Council to respond to questions regarding Welsh-medium education.</p>	<p>22/3/2019</p> <p><b>Commissioner's findings</b>  Standard 1: Standard 1 requires the Council to answer Welsh language correspondence in Welsh if the person has not indicated that there is no need to reply in Welsh. The complainant sent an email to the Leader of the Council three times without receiving a response. The Commissioner's understanding is that the reason the complainant did not receive a response was because the Council had mistaken the correspondence for a newsletter or circular. The Commissioner believes that if the correspondence had been sent in English or bilingually the Council would have seen that it needed to respond to the correspondence. As the Council did not forward the correspondence for translation or to a Welsh speaker to read, it did not realise that a response was needed and the complainant did not receive a response to his correspondence. As the Council did not respond to the first three Welsh language emails the complainant sent to the Leader of the Council on 16/10/17, 15/12/17 and</p>

12/03/18 the Council did not succeed in complying with standard 1 in this case.

**Commissioner's determination**

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

**Statement of further action**

Further Action was taken following the determination that Caerphilly County Borough 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

1. The Council must make arrangements to ensure that Welsh language correspondence received by the Leader of the Council's office is read by Welsh speakers or is translated.

2. A review of the Welsh language correspondence received must be undertaken.

3. Caerphilly County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement step 1 has been completed.

Timetable: Within 3 months from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Caerphilly County Borough Council on 22/03/2019.

	<p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Flintshire</u> <u>County Council</u></p> <p>The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant was unhappy that he did not receive a response to a Welsh language email sent to the Leader of the Council on 16/10/2017. He re-sent the email on 15/12/2017 and again on 12/03/2018 and 25/04/2018. The message was also sent to CustomerServices@flintshire.gov.uk. The email asked the Council to respond to questions regarding Welsh-medium education. The complainant alleges that he received an English language response after sending Welsh language correspondence to the Council on 25/04/2018.</p>	<p>22/3/2019</p> <p><b>Commissioner's findings</b> Standard 1: Standard 1 requires the Council to answer Welsh language correspondence in Welsh if the person has not indicated that there is no need to reply in Welsh. In this case the complainant sent an email to the Leader of the Council on three occasions without receiving a response. On the fourth occasion he received a response in English. As the complainant did not receive a response to his Welsh language emails to the Council on three occasions, and as he received a response in English to a Welsh language email, the Commissioner does not believe that the Council has complied with standard 1 in this case.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Flintshire Council has failed to comply with standard 1.</p> <p><b>Statement of further action</b> Further Action was taken following the determination that Flintshire Council has failed to comply with standard 1.</p> <p><b>Statement on the further action</b> Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure 1. The Council must conduct a review of the way it deals with Welsh correspondence sent to Council Cabinet members.</p>

			<p>2. The Council must act on the findings of the review and take steps to address any weaknesses in order to ensure that Welsh correspondence is: - is read by a relevant person within the Council; - is translated, (if necessary) - and receives a response (if necessary) in line with the Council's corporate targets.</p> <p>3. The Council must take steps to ensure that elected members and the officers who support them are aware of these arrangements.</p> <p>Timetable: Within 3 months from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Flintshire Council on 22/03/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<u>Wrexham County Borough Council</u>	<p>The Commissioner received a complaint on 25/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that an official notice by Wrexham County Borough Council treated the Welsh language less favourably than the English. The official notice, in relation to a Public Consultation on Wrexham's</p>	22/3/2019	<p><b>Commissioner's findings</b> Standard 70: Standard 70 requires the Council to ensure that Welsh language text on a bilingual official notice is positioned so that it is likely to be read first. Welsh language text would be likely to be read first usually if it is positioned on the left or above any corresponding English text, based on the standard practice of reading from left to right and from top to bottom. The Council published an official notice, which in this case, referred to a Public Consultation on Wrexham's Local Development Plan, displaying the Welsh language text on the right side with the English on the left, and placing the Welsh language heading beneath the English heading.</p>

Local Development Plan displays Welsh language text on the right side with the English on the left, and that the Welsh language heading is beneath the English heading.

#### **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 70.

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

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 70.

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

Standard 70 – Requirement for Wrexham County Borough Council to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must produce specific guidance regarding publishing and displaying public notices. The Council must draw staff's attention to the revised guidance and make it available to them.
2. Wrexham County Borough Council must conduct a review of the current templates it uses for publishing and displaying official notices, and take steps to ensure that the text of each official notice that is in use positions the Welsh text so that it is likely to be read first. This means that the Welsh must appear on the left and the Welsh heading must appear above the English heading.
3. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed the enforcement actions set out above.

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

	<p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 22/03/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Welsh Ministers</u></p> <p>The Commissioner received a complaint on 21/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint involved an English language letter dated 12 June 2018 from the Student Loans Company in relation to a loan deferment application. It was alleged that the letter stated that the Student Loans Company was not willing to accept evidence of the complainant's income in Welsh.</p>	<p><b>Commissioner's findings</b> Standard 1: Standard 1 requires a body to answer correspondence in Welsh (if an answer is required), if it receives correspondence from a person in Welsh. A body is not required to do so in situations where a person has confirmed that there is no need for them to reply in Welsh. On 12 June 2018, SLC corresponded with the complainant via an English language letter in relation to an application to defer loan repayments. The letter noted that SLC was not willing to accept evidence relating to the complainant's income in Welsh, "Income evidence provided must be in English or accompanied with a translation". In considering the evidence received from the complainant and Welsh Ministers, the Commissioner believes that sending an English reply to Welsh language correspondence in this instance was in breach of the requirements of standard 1.</p> <p>Standard 7: Where a body is required to comply with standard 7, they must state in correspondence, publications and official notices that invite persons to respond to them or to correspond with them, that they welcome receiving correspondence in Welsh, that they will respond to Correspondence in Welsh, and that corresponding in Welsh will not lead to delay. On 12 June 2018, SLC corresponded with the complainant via an</p>

English language letter in relation to an application to defer loan repayments. The letter did not state that SLC welcomed correspondence in Welsh. Instead, it stated “Income evidence provided must be in English or accompanied with a translation”. In considering the evidence received from the complainant and Welsh Ministers, the Commissioner believes that the response given in this instance was in breach of the requirements of standard 7.

#### **Commissioner’s determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standards 1 and 7.

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

Further Action was taken following the determination that Welsh Ministers have failed to comply with standards 1 and 7.

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

Standard 1 If you receive correspondence from a person in Welsh you must reply in Welsh (if an answer is required), unless the person has indicated that there is no need to reply in Welsh. Imposition day: 30/03/2018  
Standard 7 You must state - (a) in correspondence, and (b) in publications and official notices that invite persons to respond to you or to correspond with you, that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. You must comply with standard 7 in every circumstance, except: ‘



where the correspondence, publication or official notice is sent outside Wales only. Imposition day: 30/03/2018

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 22/03/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Cardiff Council

The Commissioner received a complaint on 09/08/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant had telephoned the trading standards service phone number for Cardiff Council ('the Council') on 0300 123 6696 at approximately 10:00 on 9 August 2018. He alleged that he pressed '#' to select the Welsh language service and that the telephone rang for several minutes unanswered. He alleged that he telephoned the number again immediately, selecting the English option. He alleged that a number of automated sub-options were offered when he selected the English option,

22/3/2019

**Commissioner's findings**

Standard 10: When a person contacts the Council on its main telephone number (or numbers), or on any helpline numbers or call centre numbers, it must deal with the call in Welsh in its entirety if that is the person's wish (where necessary by transferring the call to a member of staff who is able to deal with the call in Welsh). The Commissioner has not been able to conclude whether the complainant selected the correct option to receive a Welsh language service during the first telephone call, due to a discrepancy in the evidence about which key applied at the time of the call. The Commissioner therefore is not been able to conclude that the Council failed to deal with the first telephone call in Welsh. The Commissioner concludes that the complainant telephoned the Council again and chose to select the option to receive an English language service from the Council rather than the Welsh language service. However, the Commissioner concludes that he later verbally expressed his wish to receive a service in Welsh. He received an English only telephone service and was promised a call back in Welsh. The Commissioner concludes that the

which were not available when he selected the Welsh option. He alleged that he was answered immediately when using the English option and that the response was in English only. He noted that he did not receive a call back in Welsh, as was promised during the call, at the time he submitted his complaint.

Council failed to deal with the complainant in Welsh once it became aware that the complainant wished to receive a Welsh language service. The Commissioner also concludes that more automated options are available in English than in Welsh but that this does not necessarily mean that the Council would have failed to deal with a telephone call in Welsh in its entirety. Although this does not mean that the Council has failed to comply with standard 10, it does raise doubts about a failure to comply with standard 22, even though this is not covered by the terms of reference for this investigation. The complainant alleged that he was answered immediately after selecting the English option but was not answered at all after selecting the Welsh option. As the Commissioner has not been able to conclude whether the complainant selected the correct option during the first call, the Commissioner cannot conclude that this allegation is correct. Even if there was a way of proving this, the Commissioner does not believe that this in itself would mean that the Council has failed to deal with the call in Welsh in its entirety and, therefore, failed to comply with this standard.

Standard 17: When there is no Welsh language service available on a body's main telephone number (or numbers), or any helpline numbers or call centre numbers, the body must inform persons calling when a Welsh language service will be available. The Commissioner concludes that the complainant pressed '#' to try to receive a Welsh language service but that the telephone rang for several minutes unanswered. The Commissioner concludes that the complainant telephoned the Council again and chose to receive an English language service from the Council. He received an

English only telephone service. The Commissioner concludes that a Welsh language service was available at the time of both calls in question but that the complainant, for different reasons, did not receive that service. In light of this, standard 17 would not have been applicable on this occasion.

#### **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 10 but has not failed to comply with standard 17.

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

Further Action was taken following the determination that Cardiff Council has failed to comply with standard 10.

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

Standard 10 – requirement to take action in accordance with section 77(b) of the Welsh Language Measure

1. The Council must conduct a review of its service on the 0300 1236696 telephone number, including the automated options.
2. On the basis of the review, the Council must ensure that it has (or any third party on its behalf) firm procedures in place to be able to deal with telephone calls to the 0300 1236696 number in Welsh in their entirety. This includes if the caller selects the English language telephone service initially but then changes their mind to receive a Welsh language telephone service.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that

			<p>enforcement action 1 and 2 have been completed.  Timetable: Within 3 months from the date of publication of the Commissioner's final determination.  Standard 17 – recommendation in accordance with section 76(3)(a) of the Welsh Language Measure  1. When there is no Welsh language service available on the telephone number 0300 1236696, the Council should ensure that there are adequate procedures in place to inform callers when a Welsh language service will be available.</p> <p><b>Decision notice given</b>  The Decision Notice was given to Cardiff Council on 22/03/2019.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<p><u>Neath Port</u>  <u>Talbot County</u>  <u>Borough Council</u></p>	<p>The Commissioner received a complaint on 28/11/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The Commissioner received a complaint that the Council's social media Twitter accounts were in English only. The complainant referred to a number of accounts as examples of this.</p>	<p>14/3/2019</p>	<p><b>Commissioner's findings</b>  Standard 58: Standard 58 requires the Council to ensure that the Welsh language is not treated less favourably than the English language when using social media. In order to comply with standard 58, the Council needs to ensure that any material that is in English on its social media accounts is also available in Welsh. The Council confirmed that the Twitter accounts referred to by the complainant, maintained by individual departments, are not available in Welsh. Therefore, the Council is treating the Welsh language less favourably than the English language in presenting information to the public on its Twitter accounts, therefore in this case, the Council does not comply with standard 58.</p>

**Commissioner's determination**

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

**Statement of further action**

Further Action was taken following the determination that Neath Port Talbot County Borough Council has failed to comply with standard 58.

**Statement on the further action**

Requirement 1 Standard 58 – requirement to prepare an action plan in accordance with section 77(3) of the Welsh Language Measure. I require that Neath Port Talbot County Borough Council draw up an action plan that will outline what steps the Council will take in order to comply with standard 58 when publishing departmental Twitter accounts. For each step of the action plan the Council should note the staffing commitment required, what budgetary commitment will be required, a definite timetable and responsibility and accountability. I implement this requirement in accordance with section 80 of the Welsh Language Measure.

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

Requirement 2 Standard 58 – requirement to take steps in accordance with section 77 of the Welsh Language Measure Neath Port Talbot County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that the commitments in the

	<p>action plan have been completed. The above is to be actioned within 20 days of the last date in the action plan.</p> <p><b>Decision notice given</b> The Decision Notice was given to Neath Port Talbot County Borough Council on 14/03/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 29/03/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed that the Council was made aware of mistakes in the Council Tax Demand Notice in 2014 and that a complaint had been made about the matter in 2015.</p> <p>4/3/2019</p> <p><b>Commissioner's findings</b> Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6. Enforcement Step CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it.</p>

The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored instructions issued by the Public Services Ombudsman for Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action. Enforcement Step CSG233: The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

#### **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 6 and enforcement steps 172 and 233.

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

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

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

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with

standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.  
Timetable: Within 3 months of issuing the Commissioner's final determination.

Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.

4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.

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

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.

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

No appeal was made to the Tribunal.

Pembrokeshire  
County Council

The Commissioner received a complaint on 28/06/2018 from a person which

22/2/2019

**Commissioner's findings**



satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he had contacted the Council on 26 June 2018 by telephoning 01437 764 551. Having chosen the Welsh language option, the complainant alleges that he had to wait 40 minutes before the call was answered. That answer was in English. When the complainant asked why the call was not answered in Welsh, the call handler replied that fewer people spoke Welsh in the County. The complainant also alleges that a colleague of his had contacted the Council on the same number, and having selected the English language option, received a response within minutes.

Standard 11: Standard 11 requires Pembrokeshire County Council to deal with calls in Welsh once it knows that the caller wishes to receive a Welsh language service over the telephone and only transferring the call to a member of staff to deal with the specific subject matter in English only where necessary. The complainant alleges that he waited for 40 minutes before receiving an answer in English having chosen the Welsh language option after telephoning the Council on 01437 764 551 on 26 June 2018. Following consideration of the evidence received by the Council, I am of the view that the Council did not deal with the call in question in Welsh once it became aware of the language wishes of the caller. Answering the call in the first place did not require any subject specific service and therefore the exceptions in sections (a) and (b) in standard 11 are not relevant in this situation. Standard 15: Standard 15 requires a body to ensure that performance indicators for dealing with telephone calls do not establish measures which would treat telephone calls made in Welsh less favourably than calls made in English. The complainant alleges that he waited for 40 minutes before receiving an answer in English having chosen the Welsh language option after telephoning the Council on 01437 764 551 on 26 June 2018. The complainant also alleges that a colleague of his had contacted the Council on the same number, and having selected the English language option, received a reply within minutes. The Council cannot confirm whether the complainant's allegation that his colleague contacted the Council on the same telephone number selecting the English option and receiving an answer within minutes, is correct.

**Commissioner's determination**

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

**Statement of further action**

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

**Statement on the further action**

Standard 11 – Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Pembrokeshire County Council must make arrangements to deal with calls in Welsh in accordance with standard 11.
  2. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action
1. Timetable: Within 30 days of issuing the Commissioner's final determination.

Standard 15 – Advice in accordance with section 77 of the Welsh Language Measure

1. Pembrokeshire County Council should ensure that any performance indicators for dealing with telephone calls it may adopt, does not treat telephone calls made in Welsh less favourably than calls made in English.
2. I recommend that Pembrokeshire County Council makes arrangements for monitoring its performance in dealing with telephone calls and reports on its performance to an appropriate Council committee.

Timetable: Within 30 days of issuing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Pembrokeshire County Council on 22/02/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

The Commissioner received a complaint on 21/03/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was regards the lack of availability of a Welsh language version of a survey (an online form) that was promoted on Cardiff Council's Welsh language 'Twitter' account. The survey was being run on behalf of the Council by 'Sound Diplomacy' and was related to a project to create a 'Music City' for the city of Cardiff. The complainant also alleged, that this survey did not refer to the Welsh language, despite noting that the purpose of the survey indicated by the message on twitter promoting the survey,

22/2/2019

**Commissioner's findings**

Standard 50: Standard 50 requires bodies to ensure that each form it produces for public use is produced in Welsh. This includes any written forms, be they electronic or in paper form. Following full consideration of Council and complainant's evidence, the Commissioner finds that the Council has produced and published an electronic form for public use in English only on the date of the complaint. Standard 58: Standard 58 requires that a body does not treat the Welsh Language any less favourably than the English Language when using social media. Following full consideration of the evidence of the Council and the complainant, the Commissioner finds that the Council provided a link to an English only survey on their Welsh language social media account and thereby treated the Welsh language less favourably than the English language.

Standards 95, 96 and 97: These standards are a method of ensuring that any research work a body undertakes or commissions that is intended to assist it to make policy decisions; considers and deals in particular with effects that the decision would have on the Welsh language and

was to 'develop and protect the music industry of Cardiff'.

opportunities for its use. Following full consideration of the evidence available to me, the Commissioner finds that the Council did not commission this Research work in accordance with the requirements of standards 95, 96 and 97.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has failed to comply with standards 50, 58, 95, 96 and 97. Statement of further action Further Action was taken following the determination that Cardiff Council has failed to comply with standards 50, 58, 95, 96 and 97.

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

Standard 50 – requirement to take steps in accordance with section 77 (3) (3) of the Welsh Language Measure

1. Cardiff Council must ensure that its contracts with third parties includes clear clauses that commit the third party to comply with the requirements of the Welsh language standards when delivering contact services to the public.
  2. Cardiff Council must provide advice and guidance to staff on how to ensure that third parties that operate on its behalf comply with the Welsh language standards, this advice should give direction on how to include relevant clauses in contracts, considering the Commissioners advice document when doing so.
  3. Cardiff Council must provide sufficient written evidence that demonstrates to the Welsh Language Commissioner that it has complied with enforcement steps 1 and 2.
- Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

Standard 50 – advice in accordance with section 77 (4) (b) of the Welsh Language Measure. Cardiff Council should consider the need to develop arrangements for checking and approving any forms or online surveys that are shared by third parties on its behalf, before they are sent, in order to ensure that they comply with the requirements of the Welsh language standards. Standard 58 – requirement to take steps in accordance with section 77 (3) (3) of the Welsh Language Measure

4. Cardiff Council must develop arrangement to check its use of social media to ensure that it does not treat the Welsh language less favourably than the English language. It should ensure that messages or Welsh language accounts do not provide links to material that is not in Welsh.

5. Cardiff Council must provide sufficient written evidence that demonstrates to the Welsh Language Commissioner that it has complied with enforcement step 4.

Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

Standards 95,96 and 97 – requirement to take steps in accordance with section 77 (3) (3) of the Welsh Language Measure

6. Cardiff Council must develop processes and guidance , including arrangements for training staff, in order to ensure that research is commissioned in accordance with the requirements of the Welsh language standards.

7. Cardiff Council must provide sufficient written evidence that demonstrates to the Welsh Language Commissioner that it has complied with enforcement step 6.

Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

Caerphilly  
County Borough  
Council

The Commissioner received a complaint on 11/12/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that he sent Welsh medium correspondence to Caerphilly County Borough Council's Community Occupational Therapy team on 7 December 2017 via the electronic form on the Council's website (on the 'Contact Us' section / Council Services / Children and Families contacts). The complainant alleges that he has not received a response to the correspondence and claims that the reason is because he chose to correspond with the Council in Welsh. The complainant provided a link to the relevant page which also showed that the Welsh medium page had an English heading, 'Information, Advice and

24/1/2019

#### **Decision notice given**

The Decision Notice was given to Cardiff Council on 22/02/2019.

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

No appeal was made to the Tribunal.

#### **Commissioner's findings**

Standard 1: Standard 1 requires the Council to reply in Welsh if it receives correspondence from a person in Welsh (if an answer is required). In its evidence, the Council states that it replied to the correspondence on 22/12/2017. The Council has also explained that the reason for the delay in responding was that the appropriate officer from the Reablement Team was on leave and that the complainant refused the Council's offer for another Welsh speaker to deal with the enquiry. The Commissioner therefore concludes that the Council took the appropriate steps to respond to the complainant's enquiry in Welsh within a reasonable timescale but that the complainant refused the service offered. Standard 52: Standard 52 requires the Council to ensure that the text of every page of its website is available in Welsh. The Council acknowledges that the heading 'Information, Advice and Assistance (IAA) for Children's Social Services' appeared in English on the website's Welsh language page in December 2017.

#### **Commissioner's determination**

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

Assistance (IAA) for Children's Social Services'.

**Statement of further action**

Further Action was taken following the determination that Caerphilly County Borough Council has failed to comply with standard 52.

**Statement on the further action**

Standard 52 – requirement to take action in accordance with section 52 of the Welsh Language Measure

1. Caerphilly County Borough Council must undertake a review of its website to ensure that the text of every page of the website is available in Welsh in accordance with the requirements of standard 52.

Timetable: Within 24 weeks from the date of publication of the Commissioner's final determination

2. Caerphilly County Borough Council must take steps to ensure that staff responsible for the website's content are aware of the requirements of standard 52.

Timetable: Within 12 weeks from the date of publication of the Commissioner's final determination

3. Caerphilly County Borough Council must prepare and provide guidelines for staff responsible for loading and monitoring website content in order to ensure compliance with standard 52.

Timetable: Within 12 weeks from the date of publication of the Commissioner's final determination

4. Caerphilly County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 – 3.

Timetable: Within 24 weeks from the date of publication of the Commissioner's final determination

		<p><b>Decision notice given</b> The Decision Notice was given to Caerphilly County Borough Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>City and County of Swansea Council</u></p>	<p>The Commissioner received a complaint on 07/12/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to the City and County of Swansea Council's (the Council) use of the Welsh language on a self service payment machine and in correspondence. The complainant said that the payment machine for parking tickets near Tŷ Tawe in Swansea gives priority to the English language as a button must be pressed in order to receive instructions in Welsh. He sent photographs of the self service machine to me as evidence to support his complaint. The complainant explained that he had complained to the Council about the self service machine and sent a copy of his complaint to me. The evidence showed that the complainant had sent an e-mail to</p> <p>24/1/2019</p>	<p><b>Commissioner's findings</b> Standard 1: When the Council receives correspondence in Welsh, and the Council is required to reply to that correspondence, it must reply in Welsh unless the person sending the correspondence has indicated that there is no need to do so. The complainant sent correspondence to the Council in Welsh. He did not say that the Council did not need to respond in Welsh. The Council's response came in the form of a letter written in Welsh, but the e-mail presenting the response was written in English. I consider the e-mail to be part of the Council's response; therefore it should have been in Welsh. This shows a failure by the Council to comply with standard 1. Standard 7: The Council must include a statement in correspondence that it welcomes correspondence in Welsh, and that it will respond in Welsh to Welsh language correspondence and that corresponding in Welsh will not lead to delay. The Council sent correspondence, in the form of a letter, to the complainant which did not include such a statement. This shows a failure by the Council to comply with standard 7. Standard 60: The Council must ensure that all of its self service machines (1) function fully in Welsh, and (2) that they treat the Welsh language no less favourably than the English language. In considering the evidence I received</p>



contact@swansea.gov.uk on 30 January 2018. The e-mail was written in Welsh. It outlined his complaint about the self service machine and attached were two photographs of the machine in question showing text in English only. On 23 February 2018 the Council responded to the complaint. According to the complainant's evidence, the e-mail which presented the Parking Services Manager's response to the complaint was written in English. It said: Good Afternoon Please find attached response to your email. Cofion/Regards

from the complainant and the Council, I believe that the Council has treated the Welsh language less favourably than the English language by setting English as the default language on a self service payment machine for parking tickets. This shows a failure by the Council to comply with standard 60.

Compliance with Enforcement Steps: Standard 1: The enforcement action required the Council to ensure that it replied in Welsh to any correspondence which was written in Welsh and required a reply by 13 December 2017. It was relevant to any correspondence sent to the Council. On 23 February 2018, a member of staff at the Council sent a letter written in Welsh in response to Welsh language correspondence from the complainant, but the e-mail presenting the response was written in English. Sending an e-mail written in English was a failure by the Council to comply with the enforcement action.

Standard 7: The enforcement action requires the Council to state in correspondence that it welcomes correspondence in Welsh, that it will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay in order to comply with the requirements of standard 7. The evidence showed that the Council had sent a letter to the complainant which did not include such a statement. This shows a failure by the Council to comply with the enforcement action.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and Town Council has failed to comply with standards 1, 7

and 60 and the enforcement steps given during a previous investigation.

**Statement of further action**

Further Action was taken following the determination that Swansea City and Town Council has failed to comply with standards 1, 7 and 60 and the enforcement steps given during a previous investigation.

**Statement on the further action**

Standard 1 – Requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure

1. The Council must take action to establish a formal process to receive and respond to correspondence in accordance with the requirements of standard 1, and produce staff guidance on that process. Timetable: Within 3 months from the date of publication of the Commissioner's determination.

Standard 7 – Requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure

2. The Council must adopt and publish a statement which meets the requirements of standard 7 in its correspondence (and its publications and official notices that invite persons to respond or send correspondence).

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

3. The Council should consider the prominence of the statement at the bottom of e-mails which it sends in accordance with standard 7.

4. The Council must provide sufficient written evidence that enforcement actions 1-3 have been completed.

			<p>Timetable: Within 3 months from the date of publication of the Commissioner's determination.</p> <p>Standard 60 – Requirement to take action in accordance with section 77(3)(b) of the Welsh Language Measure</p> <p>5. The Council must ensure that all self service machines for which it is responsible either offer an equal language choice between Welsh and English on the front screen, or preset the Welsh language as the default choice on machines.</p> <p>6. The Council must provide sufficient written evidence that enforcement action 5 has been completed.</p> <p>Timetable: Within 6 months from the date of publication of the Commissioner's determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Swansea City and Town Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 07/12/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complainant alleged that</p>	<p>24/1/2019</p>	<p><b>Commissioner's findings</b></p> <p>Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding</p>

the notice did not comply with the Welsh language standards in a number of ways, and outlined the following as examples:

- a number of sections in English only;
- English in bold and in a bigger font than the Welsh;
- the English appearing before the Welsh.

The complainant explained that they had complained to the Council about the Council Tax Demand Notice on several occasions from 2014 onwards.

English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6.

Enforcement Action CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it. English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action.

Enforcement Action CSG233: The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

### **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 6 and enforcement steps 172 and 233.

**Statement of further action**

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

**Statement on the further action**

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.

4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.

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

		<p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 29/03/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed that the Council was made aware of mistakes in the Council Tax Demand Notice in 2014 and that a complaint had been made about the matter in 2015. The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored</p>	<p><b>Commissioner's findings</b> Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6. Enforcement Step CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it. English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that</p>

instructions issued by the Public Services Ombudsman for Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action. Enforcement Step CSG233: The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

#### **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 6 and enforcement steps 172 and 233.

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

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

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

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure  
1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

		<p>2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section. Timetable: Within 3 months of issuing the Commissioner's final determination. Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure</p> <p>3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.</p> <p>4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3. Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 29/03/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language</p>	<p><b>Commissioner's findings</b> Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced</p>

24/1/2019



Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed that the Council was made aware of mistakes in the Council Tax Demand Notice in 2014 and that a complaint had been made about the matter in 2015. The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored instructions issued by the Public Services Ombudsman for Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6.

Enforcement Step CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it. English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action.

Enforcement Step CSG233: The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

**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 6 and enforcement steps 172 and 233.

**Statement of further action**

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

**Statement on the further action**

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.

			<p>4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3. Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham County Borough Council</u></p>	<p>The Commissioner received a complaint on 30/03/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed</p>	<p>24/1/2019</p>	<p><b>Commissioner's findings</b> Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6. Enforcement Step CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to</p>

that the Council was made aware of mistakes in the Council Tax Demand Notice in 2014 and that a complaint had been made about the matter in 2015. The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored instructions issued by the Public Services Ombudsman for Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

ensure that the Welsh language version is treated no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it. English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action. Enforcement Step CSG233: The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

#### **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 6 and enforcement steps 172 and 233.

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

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

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

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.

4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.

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

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.

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

No appeal was made to the Tribunal

Wrexham  
County Borough  
Council

The Commissioner received a complaint on 09/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed that the Council was made aware of mistakes in the Council Tax Demand Notice in 2014 and that a complaint had been made about the matter in 2015. The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored instructions issued by the Ombudsman for Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until

24/1/2019

**Commissioner's findings**

Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6.

Enforcement Step CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it. English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action.

Enforcement Step CSG233: The enforcement action requires the Council to

a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

#### **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 6 and enforcement steps 172 and 233.

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

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

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

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure
2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

			<p>Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p>Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure</p> <p>3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.</p> <p>4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.</p> <p>Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 08/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the</p>	<p>24/1/2019</p>	<p><b>Commissioner's findings</b></p> <p>Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual</p>



Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed that the Council was made aware of mistakes in the Council Tax Demand Notice in 2014 and that a complaint had been made about the matter in 2015. The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored instructions issued by the Opublic Services Ombudsman fr Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

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### **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 6 and enforcement steps 172 and 233.

**Statement of further action**

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

**Statement on the further action**

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.

4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language

			<p>Commissioner that it has completed enforcement actions 1, 2 and 3. Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 10/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complaint was sent to me as a copy of an email which was addressed to the Council's Leader. In the email to the Leader, the complainant alleged that the Council Tax Demand Notice treated the Welsh language less favourably than the English language in several ways. The complainant claimed that the Council was made aware of mistakes in the Council Tax Demand</p>	<p>24/1/2019</p>	<p><b>Commissioner's findings</b> Standard 6: Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh. This shows a failure by the Council to comply with standard 6. Enforcement Step CSG172: The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version. This is</p>

Notice in 2014 and that a complaint had been made about the matter in 2015. The complainant also alleged that the Council had disregarded the standards placed upon it by me, and had ignored instructions issued by the Public Services Ombudsman for Wales in relation to the Council Tax Demand Notice. The complainant explained that he would not pay his council tax bill until a corrected Council Tax Demand Notice was issued to him by 14 April, 2018.

relevant to any correspondence sent by the Council, whichever department is responsible for producing it. English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation. This shows a failure by the Council to comply with the enforcement action. Enforcement Step CSG233: The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department. The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19. This shows a failure by the Council to comply with the enforcement action.

#### **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 6 and enforcement steps 172 and 233.

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

Further Action was taken following the determination that Wrexham County Borough Council has failed to comply with standard 6 and enforcement steps 172 and 233.

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

Standard 6: Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6. Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Investigation CSG172 enforcement action: Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.

4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.

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

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 24/01/2019.

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

No appeal was made to the Tribunal.

City and County  
of Swansea  
Council

The Commissioner received a complaint on 15/11/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint relates to the Council's alleged failure to respond to Welsh language correspondence in Welsh. The complainant alleges that they corresponded with a member of staff at the Council between 29 November 2017 and 14 January 2018. It is alleged that the member of staff responded in English to Welsh language correspondence on 3 January 2018 and 10 January 2018. The member of staff's e-mail did not state that the Council welcomes correspondence in Welsh, and that corresponding in Welsh would not lead to delay.

11/1/2019

**Commissioner's findings**

Standard 1: Standard 1 requires the Council to reply in Welsh if it receives correspondence from a person in Welsh (if an answer is required). The enforcement action presented to the Council in light of investigation CSG201 requires the Council to respond in Welsh to all correspondence written in Welsh, if the correspondence requires a response. On 3 January and 10 January 2018, a Council officer corresponded in English only with a member of the public who had corresponded with the Council in Welsh.

Standard 7: Standard 7 requires the Council to 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 enforcement action presented to the Council in light of investigation CSG201 requires the Council to ensure that it states in correspondence that it welcomes correspondence in Welsh, that it will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. The Council's initial e-mail to the complainant dated 29 November 2017 included the following statement at the bottom of the message: "We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales".

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Swansea City and Town Council has failed to comply with standard 1 and

the requirement to take action in light of investigation CSG201.

**Statement of further action**

Further Action was taken following the determination that Newport City Council has failed to comply with standard 1 and the requirement to take action in light of investigation CSG201.

**Statement on the further action**

Standard 1 – requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. Swansea City and County Council must take steps to establish a formal process to receive and respond to correspondence in accordance with the requirements of standard 1, and produce staff guidance on that process.
2. Swansea City and County Council must remind / raise awareness of staff who receive and respond to correspondence of the arrangements and the guidance in place with regard to the processes for dealing with correspondence in accordance with the requirements of Standard 1.
3. Swansea City and County Council must make a formal apology to the complainant for failing to respect their language choice and failing to respond to the complaint in their e-mail dated 7 January 2018.
4. Swansea City and County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3.

Timetable: Within 12 weeks from the date of publication of the Commissioner's final determination

		<p><b>Decision notice given</b> The Decision Notice was given to Newport City Council on 11/01/2019.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Glyndŵr University</u></p> <p>The Commissioner received a complaint on 11/05/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint alleged that Glyndŵr University advertised posts on its website in English only. In addition, the complainant alleged that it was not possible to submit an application for the posts in Welsh. The complainant also alleged that the Welsh language service on the University's website was not adequate and added that the University's main Welsh language Twitter account posted fewer messages than the English language account; and that the Welsh language was therefore treated less favourably than the English language on this social media.</p>	<p>11/1/2019</p>	<p><b>Commissioner's findings</b> Standard 57: Standard 57 requires Glyndŵr University to ensure that any new or amended page on its website is available in Welsh, is fully functional in Welsh and that the Welsh language is treated no less favourably. After considering the evidence provided by the complainant and the University, the Commissioner concludes that Glyndŵr University published new pages on its website for the purpose of advertising posts, and that the pages were in English only for a period of time. Standard 62: Standard 62 requires a body to ensure that it does not treat the Welsh language less favourably than the English language when using social media. The evidence provided by the complainant and the University confirms that the University published less content on its Welsh language account during May 2018 than it published on its corresponding English language account, and thus treated the Welsh language less favourably than the English language. Standard 145A: Standard 145A requires a body to specify Welsh language skills which have been assessed for every role in the advertisement, and whether there is a requirement for Welsh language skills. After considering the evidence provided by the University and the complainant, the Commissioner finds that the University</p>



advertised posts in English only in May 2018 even though Welsh language skills were specified for those posts.

Standard 146: Standard 146 requires Glyndŵr University to ensure that it states clearly in every job advertisement that Welsh language applications may be submitted and that an application submitted in Welsh will not be treated less favourably than an application submitted in English. The Commissioner finds that the University states in accordance with standard 146 that it is possible to apply in Welsh and that a Welsh language application will not be treated less favourable than an English language application.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Glyndŵr University has failed to comply with standards 57, 62, 145A and 146.

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

Further Action was taken following the determination that Newport City Council has failed to comply with standards 57, 62, 145A and 146.

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

Standard 57 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure  
1. Glyndŵr University must conduct a campaign to raise awareness amongst staff of the guidelines and policies it has in place to ensure that its website complies with the requirements of the Welsh language standards.

Timetable: Within 28 days from the date of publication of the Commissioner's final determination.

2. Glyndŵr University must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1. Timetable: Within 90 days from the date of publication of the Commissioner's final determination. Standard 62 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

3. Glyndŵr University must ensure that the Welsh language is treated no less favourably than the English language when using social media. The University must ensure that the Welsh and English language content it publishes corresponds fully on social media which is subject to the standard. Timetable: Within 28 days from the date of publication of the Commissioner's final determination.

4. Glyndŵr University must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 3. Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

Standard 145A – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

5. Glyndŵr University must conduct a campaign to raise awareness amongst staff of the guidelines and policies it has in place to ensure that its website complies with the requirements of the Welsh language standards.

Timetable: Within 28 days from the date of publication of the Commissioner's final determination.

6. Glyndŵr University must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.

Timetable: Within 90 days from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Newport City Council on 11/01/2019.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Newport City Council

The Commissioner received a complaint on 07/12/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint outlined the complainant's concern regarding the consultation and decision taken by Newport City Council to open a new English medium school in the Glan Llyn area, Llanwern, Newport. In particular, the complainant noted that they were of the opinion that the 'Impact Assessment' completed by the Council during the consultation period did not fully consider how the decision to open the school effected the Welsh language, either positively or adversely. The impact assessment referred to was completed in September 2017.

17/12/2018

**Commissioner's findings**

Standard 88, 89 and 90: The policy making standards require bodies to consider and note all relevant effects a policy decision could have on opportunities for people to use the Welsh language or to treat the Welsh language no less favourably than the English language. In order to do this, a body must consider relevant evidence in order to consider likely effects a policy decision would have on the Welsh Language. The Commissioner received a complaint from a member of the public who alleged that the Council had not satisfactorily considered the possible effects on the Welsh language when completing impact assessments relating to a policy decision to open a new school. Following full consideration of the evidence of the complainant and the Council, the Commissioner is of the opinion that the Council has not implemented the requirements of standards 88, 89 and 90 when making its policy decision to open a new school. The Council has not considered what effects the decision could have on opportunities for persons to use the Welsh language or to not treat the Welsh language less favourably than the English language. Neither has the Council considered

how they could formulate the decision so that it could have more positive effects, or less adverse effects on opportunities for persons to use the Welsh language or to treat the Welsh language no less favourably than the English language.

Standards 91, 92 and 93: Standards 91,92 and 93 impose a requirement for a body's consultation documents relating to policy decisions, to consider and seek opinions from persons regards the possible effects that decision could have on the Welsh language and opportunities to use the language. Specific questions must be included in the consultation document that require a response. A body should give due attention and consideration to the information collected during the process when making the policy decision, and implements any conclusions resulting from the consultation. The Commissioner received a complaint from a member of the public alleging that the Council had not sufficiently sought the opinion of the pubic on the possible effects on the Welsh language when consulting on a decision to open a new school. Following full consideration of the evidence presented by the complainant and the Council, the Commissioner is of the opinion that the Council has not implemented the requirements of standards 91,92 and 93 when consulting on the policy decision to open a new school. The Council did not seek opinions in the consultation document regards what effects the decision could have on opportunities to use the Welsh language. Neither did they ask how the decision could be made so that it could have more positive effects, or less adverse effects, on opportunities for persons to use the Welsh language, or to

not treat the Welsh language any less favourably than the English language.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council has failed to comply with standards 88, 89, 90, 91, 92 and 93.

**Statement of further action**

Further Action was taken following the determination that Newport City Council has failed to comply with standards 88, 89, 90, 91, 92 and 93.

**Statement on the further action**

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

1. Newport City Council must adopt a robust process for completing and recording consideration of any effects a policy decision could have on opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and councillors regards how they should complete and record the relevant considerations.

Timetable: Within 90 days of publication of the Commissioner's final determination.

2. Newport City Council must adopt a robust process for completing and recording considerations for how a policy decision could be formulated so that it can have positive effects on opportunities for persons to use the Welsh

language and treating the Welsh language no less favourably than the English language. The process must include clear guidance for officers and councillors regarding how they should complete and record the relevant considerations.

Timetable: Within 90 days of publication of the Commissioner's final determination.

3. Newport City Council must adopt a robust process for completing and recording considerations for how a policy decision could be formulated so that it can 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. The process must include clear guidance for officers and Councillors regarding how they should complete and record the relevant considerations.

Timetable: Within 90 days of publication of the Commissioner's final determination. 4. Newport City Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1, 2 and 3 have been completed.

Timetable: Within 110 days of the date of publication of the Commissioner's final determination.

5. Newport City Council must develop a series of standard questions to use in consultation documents that relate to policy decisions so that they seek opinions in line with the requirements of standards 91, 92 and 93

6. Newport City Council must incorporate considerations on complying with the Welsh language standards into any consultation process it undertakes. Timetable: Within 90

		<p>days from the date of publication of the Commissioner's final determination.</p> <p>7. Newport City Council must provide sufficient written evidence that satisfies the Welsh Language Commissioner that enforcement steps 5 and 6 have been completed.</p> <p>Timetable: Within 110 days from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to Newport City Council on 17/12/2018.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<p><u>Neath Port Talbot County Borough Council</u></p>	<p>On 05/06/2017 the Commissioner 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 was in relation to a pay and display machine in a car park owned by Neath Port Talbot County Borough Council, located at Harbourside, Parkway, Port Talbot. It is claimed that the default language on the machine is English. It is claimed that it is necessary to press a button in order to receive a Welsh language service.</p>	<p>12/12/2018</p> <p><b>Commissioner's findings</b></p> <p>Standard 60: Standard 60 requires that any self service machine must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language. The Commissioner received a complaint from a member of the public claiming that the default language on the pay and display machine at the Harbourside car park in Port Talbot was English. The Council confirmed: "The machines' default language is indeed English; but the Welsh Language Service can be accessed at a press of a button." In consideration of the evidence received from the Council and the complainant, the Commissioner is of the view that Neath Port Talbot County Borough Council has treated the Welsh language less favourably than the English language, as the default</p>

language on the pay and display machine for which the Council is responsible, is English.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port-Talbot County Borough Council has failed to comply with standard 60.

**Statement of further action**

Further action was taken in respect of the determination that Neath Port-Talbot County Borough Council has failed to comply with standard 60.

**Statement on the further action**

Standard 60 – requirement for Neath Port Talbot County Borough Council to take action in accordance with section 77(3)(b) of the Welsh Language Measure (Wales) 2011

□□ Neath Port Talbot County Borough Council must prepare an action plan that will show the steps taken to change the default language to Welsh in parking ticket machines which can accommodate an alternative language indicator (button). The action plan should include the following information: - The main stages of the process when planning the work - The timetable for completing the work (it should not exceed 12 months to complete the task) - The budget for completing the work - The name of the person who has responsibility for the project  
Timetable: The Council must prepare the draft action plan within 12 weeks of receiving the investigations' final report. I will act in accordance with section 80 of the Welsh Language Measure in relation to



			<p>the action plan. □□Neath Port Talbot County Borough Council must prepare an action plan that will show the steps taken to comply with standard 60 in relation to screens on the parking ticket machines which are too small to accommodate an alternative language indicator (button) these would be replaced within 3 years. The action plan should include the following information: - The main stages of the process when planning the work - The timetable for completing the work - The budget for completing the work - The name of the person who has responsibility for the project</p> <p>Timetable: The Council must prepare the draft action plan within 12 weeks of receiving the investigations' final report. I will act in accordance</p> <p><b>Decision notice given</b> The Decision Notice was given to Neath Port-Talbot County Borough Council on 12/12/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Newport City Council</u>	<p>The Commissioner received a complaint on 25/04/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that Newport City Council's website is not fully functional in Welsh.</p>	12/12/2018	<p><b>Commissioner's findings</b> Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The Commissioner received a complaint from a member of the public on 25 April 2018 alleging that clicking on 'C' under the 'A-Z of Services' on top of the Welsh homepage <a href="http://www.newport.gov.uk/cy/Hafan.aspx">http://www.newport.gov.uk/cy/Hafan.aspx</a> leads to an</p>

The complainant alleged that they had clicked on 'C' under the 'A-Z of Services' on top of the Welsh homepage: <http://www.newport.gov.uk/cy/Hafan.aspx> and that this had led them to an English only page. They also allege that an English only pop-up survey had appeared on the Welsh pages.

English only page. The complainant also alleged that a pop-up survey on the Council's website appeared in English only. After considering the evidence received, the Commissioner concludes that not all pages on the Council's website are available and fully functional in Welsh and the Council recognises this.

Standard 56: Standard 56 requires a body to ensure that the interface and menus on every page of its website are available in Welsh. The nature of interfaces and menus changes according to each individual website specifically, but they may be considered to include those parts of a website that do not show content but are part of the infrastructure and allow the user to communicate with a programme. Menus can include options and lists to select from. The Commissioner received complaint from a member of the public on 25 April 2018 alleging that clicking on 'C' under the 'A-Z of Services' on top of the Welsh homepage <http://www.newport.gov.uk/cy/Hafan.aspx> leads to an English only page. The complainant also alleged that a pop-up survey on the Council's website appeared in English only. After considering the evidence received, the Commissioner concludes that not all menus on the Council's website are available in Welsh.

### **Commissioner's determination**

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

### **Statement of further action**

Further action was taken following the determination that Newport City Council has failed to comply with standard 52 and 56.

**Statement on the further action**

Standard 52 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure  
Enforcement action 1: Newport City Council must ensure the following in relation to its website: a) that every page is available in Welsh b) that links provided on Welsh language pages direct the user to information or documents in Welsh.

Enforcement action 2: Newport City Council must ensure that pop-up surveys do not treat the Welsh language less favourably than the English language. The Council must ensure that users are given the option to respond to surveys in Welsh every time.

Enforcement action 3: Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions [1-2].

Standard 56 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure  
Enforcement action 4: Newport City Council must provide every interface and menu on each page of your website in Welsh.

Enforcement action 5: Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 5.

	<p>Timetable: Within 90 days from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Newport City Council on 12/12/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>On 14/05/2018 the Commissioner 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 claimed that on one of Cardiff Council's websites (<a href="http://www.keepingcardiffmoving.co.uk">www.keepingcardiffmoving.co.uk</a>) Welsh pages were not available for the corresponding English pages. The complainant claimed that the 'Cymraeg' button at the top of each page led the user to pages that did not correspond to the English page.</p>	<p>10/12/2018</p> <p><b>Commissioner's findings</b> Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The Commissioner received a complaint from a member of the public. The complainant claims that on one of the Council's websites (<a href="http://www.keepingcardiffmoving.co.uk">www.keepingcardiffmoving.co.uk</a>) no Welsh page was available for the corresponding English page. After considering the evidence provided by both the complainant and the Council, the Commissioner concludes that there were pages where no Welsh was available on the website in question, and that the website was not fully functional in Welsh.</p> <p>Standard 55: Standard 55 requires a body, if it has a Welsh language web page that corresponds to an English language web page, to state clearly on the English language web page that the page is also available in Welsh. It must also provide a direct link to the Welsh language page on the corresponding English language</p>

page. The Commissioner received a complaint from a member of the public. The complainant claimed that the 'Cymraeg' button at the top of each page led the user to pages that did not correspond to the English pages. After considering the evidence provided by both the complainant and the Council, the Commissioner concludes that although a 'Cymraeg' button informed the website user that there was a corresponding Welsh language page available, that link was not working correctly and led the user to pages that did not correspond to the English pages.

#### **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 52 and 55.

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

Further action was taken following the determination that Cardiff Council has failed to comply with standards 52 and 55.

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

Standard 52 – advice in accordance with section 77(4)(b) of the Welsh Language Measure As City of Cardiff Council completes the work of recreating the website, it should ensure that it complies fully with the requirements of standard 52. The website should be checked and tested to ensure that it is fully functional in Welsh before it is published.

		<p>Standard 55 – advice in accordance with section 77(4)(b) of the Welsh Language Measure As City of Cardiff Council completes the work of recreating the website in question, it should ensure that it complies fully with the requirements of standard 55. Any use of links such as 'Cymraeg' buttons at the top of web pages should be checked and tested to ensure that they are fully functional in Welsh before the website it is published.</p> <p><b>Decision notice given</b> The Decision Notice was given to Cardiff Council on 10/12/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>The National Theatre of Wales</u></p>	<p>On 23/11/2017 the Commissioner 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 alleges that NTW treats the Welsh language less favourably than the English language by circulating its newsletter via email in English requiring those who wish to read the newsletter in Welsh to click on a link that directs readers to the information in Welsh on the organisation's website. The complainant submitted a copy of the newsletter entitled “What’s New at NTW?”</p>	<p>6/12/2018</p> <p><b>Commissioner’s findings</b> Standard 1: Standard 1 requires a body to reply in Welsh to correspondence in Welsh. It appears that NTW did respond to the correspondence, although it did take 4 weeks to do so. There is no further interpretation within the regulations that detail what is considered a reasonable period within which an organisation is required to respond to correspondence. Therefore, I must consider the organisation's common practice or policies. NTW does not have an organisationally agreed specific timescale for responding to correspondence, but the evidence states that it can take 4 or more weeks to respond to correspondence. NTW acknowledged that it did not respond to the complainant's correspondence within a reasonable timescale in this instance. The complainant is of the view that the delay in NTW's reply to</p>

his email was due to the fact he had corresponded with NTW in Welsh. However, following evidence from NTW, there is nothing to suggest that the delay in replying was due to the language medium of the correspondence. NTW has confirmed that the correspondence had been received by the communications team that include two Welsh speaking members of staff. Therefore the Commissioner must accept NTW's position that it was human error that led to the delay in replying to the original email before 24 November 2017.

Standard 6 and 33: Standard 6 and standard 33 require a body to ensure that the Welsh language is treated no less favourably than the English language when producing correspondence and publicity material. On 26 October 2017 NTW distributed the the newsletter 'What's New at NTW?' via email to NTW subscribers that had an English only title, with the English version appearing in the body of the email with a link to the Welsh version. In publishing the newsletter 'What's New at NTW?' with an English only title and the English version of the newsletter included within the email, requiring the reader to click on a link to see the Welsh version, NTW 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 National Theatre for Wales has not failed to comply with standard 1 in this case but has failed to comply with standards 6 and 33.

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

Further action was taken in respect of the determination that the National Theatre for Wales has failed to comply with standards 6 and 33.

**Statement on the further action**

National Theatre Wales must take steps to ensure that the Welsh version of any newsletter produced and published by the organisation is treated no less favourably than the English version. National Theatre Wales must provide written evidence that shows that you have complied with enforcement steps 1. Timetable: Within 12 weeks of issuing the Commissioner's final determination

**Decision notice given**

The Decision Notice was given to the National Theatre for Wales on 06/12/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Flintshire  
County Council

On 13/12/2017 the Commissioner 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 alleges that the content of the 'Do it Online' page on Flintshire County Council's website ([www.flintshire.gov.uk](http://www.flintshire.gov.uk)) is not available in Welsh in its entirety. The complainant refers specifically to 3 sections that

19/11/2018

**Commissioner's findings**

Standard 52: Standard 52 requires Flintshire County Council to ensure that the text of each page of its website is available and fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language. Although the Council has since taken steps to rectify the errors that appeared on the 'Do it Online' page, it acknowledges that English only sections did appear on the web page at the time the complainant submitted his complaint. In failing to ensure that the 'Do it Online' web pages on the Council's website were fully



appeared in English only on the 'Do it Online' webpage: 'Apply for it', 'Pay for it', and 'Report it'. A screenshot of the page in question was provided as part of the complaint. The screenshot is shown with the final terms of reference in appendix 1.

functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages, the Commissioner is of the view that the Council has failed to comply with standard 52.

**Standard 56:** Standard 56 requires Flintshire County Council to ensure that the interface and menus on every page of its website are in Welsh. Although the Council has since taken steps to rectify the errors that appeared on the 'Do it Online' page, it acknowledges that English only headings did appear on the web page at the time the complainant submitted his complaint. In failing to ensure that the interface and menus were in Welsh on the 'Do it Online' page of the Council's website, the Commissioner is of the view that the Council has failed to comply with standard 56.

### **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 standards 52 and 56.

### **Statement of further action**

Further action was taken in respect of the determination that Flintshire County Council has failed to comply with standards 52 and 56.

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

Standard 52 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure 1. Flintshire County Council must review the arrangements and guidance in place for publishing and

uploading text on the website in order to comply with standard 52. 2. Flintshire County Council must take steps to remind staff within the individual services who are responsible for content appearing on the Council's website, of the requirements of standard 52. Standard 56 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure 3. Flintshire County Council must review the arrangements and guidance in place for publishing and uploading text on the website in order to comply with standard 56. 4. Flintshire County Council must take steps to remind staff within the individual services who are responsible for content appearing on the Council's website, of the requirements of standard 56. 5. Flintshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-4. Timetable: Within 12 weeks of issuing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Flintshire County Council on 19/11/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Pembrokeshire  
County Council

On 18/10/2017 the Commissioner 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. submitting the complaint,

16/11/2018

**Commissioner's findings**

Standard 52: Standard 52 requires Pembrokeshire County Council to ensure that the text of each page of its website is available and fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language. The Council acknowledges that the

the complainant provided copies of correspondence between the complainant and the Council between April 2016 and October 2017 regarding the lack of Welsh language content on the website and the Twitter and Facebook accounts.

Visit Pembrokeshire website is in English only since its creation in 2014, and has stated that the website will not be bilingual until October 2018. The Council stated that there were technical and budgetary reasons why the website had not been developed bilingually. Standard 56: Standard 56 requires Pembrokeshire County Council to ensure that the interface and menus on every page of its website are in Welsh. The Council has stated that the [www.visitpembrokeshire.com](http://www.visitpembrokeshire.com) website is in English only and that the work of creating a bilingual website will not be finished until October 2018. The Council noted that there were technical and budgetary reasons why the website had not been developed bilingually. Standard 58: Standard 58 requires Pembrokeshire County Council to treat the Welsh language no less favourably than the English language when using social media. The Council has been required to comply with the standard since 30 March 2016. In response to the evidence notice, the Council has stated that it has not yet undertaken bilingual Social Media activities and that Welsh language content will not be developed on the Visit Pembrokeshire Twitter and Facebook accounts until the bilingual Visit Pembrokeshire website is completed. The Commissioner is of the opinion that anything is preventing the Council from ensuring that messages posted on the Visit Pembrokeshire Twitter and Facebook accounts are available in Welsh.

#### **Commissioner's determination**

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

Council has failed to comply with standards 52, 56 and 58.

**Statement of further action**

Further action was taken in respect of the determination that Pembrokeshire Council has failed to comply with standards 52, 56 and 58.

**Statement on the further action**

Standard 52 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure 1. Pembrokeshire County Council must take steps to ensure that the Visit Pembrokeshire website functions bilingually in full and that the Welsh language content corresponds fully to the English language content. Timetable: By 31 January 2019 Standard 56 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure 2. Pembrokeshire County Council must take steps to ensure that the Visit Pembrokeshire website interface and menus are available in Welsh. Timetable: By 31 January 2019 Standard 58 – requirement to take steps in accordance with section 79(1) (b)(ii) of the Welsh Language Measure 3. Pembrokeshire County Council must prepare an action plan to ensure that the Welsh language is treated no less favourably than the English language on its social media. The action plan must address: ☐ the Council's policy for posting content on social media ☐ procedures for posting Welsh language content on social media ☐ staff awareness of Welsh language standard requirements in relation to posting content on social media ☐ Staff training Timetable: The Council should prepare the initial

		<p>draft action plan within 8 weeks of the date of the decision notice in this case, with the aim that the Council fully complies with Standard 58 by 31 January 2019. 4. Pembrokeshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3. Timetable: 28 February 2019</p> <p><b>Decision notice given</b> The Decision Notice was given to Pembrokeshire Council on 16/11/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Denbighshire County Council</u></p>	<p>On 25 April, 2018 the Commissioner received a complaint from a member of the public. The complaint met the conditions set out in section 93 of the Welsh Language Measure, and was therefore a valid. The complaint related to Denbighshire County Council's (the Council's) parking services. The complainant claimed that the Welsh language was treated less favourably than the English language on Council parking tickets. The complainant alleged that: a) the Welsh text appeared in lower case letters with the English in capital letters; b) the Welsh font size was smaller; c) the word 'Date' appeared above the Welsh word 'Dyddiad' d) the</p>	<p>15/11/2018</p> <p><b>Commissioner's findings</b> Having considered the evidence presented to the Commissioner in light of the interpretation given in part 3 paragraph 29 of the Welsh Language Regulations of treating the Welsh language no less favourably than the English language, the Commissioner is of the opinion that the parking ticket treats the Welsh language less favourably in terms of the visual presentation of the material. Although the same information is conveyed in both languages, with the Welsh language largely preceding the English, it is clear that the English text is more prominent on the parking ticket. The English text appears in capital letters with the corresponding Welsh either in lower case letters or in a smaller font. There is no Welsh word for 'fee' on the ticket. This also means that the ticket treats the Welsh language less favourably than the English language. Standard 61: The standard is clear</p>

word 'Fee' appeared in English only The complainant also claimed that a 'post-it' note had been placed on a pay and display ticket machine in one of the Council's car parks in April 2018. According to the complainant's evidence, this note read: "Please use other machine other side of stairwell."

that the Council must ensure that the text of any temporary sign it erects is displayed in Welsh. A temporary sign – in this case a 'post it' note – displaying English only text was placed on a pay and display ticket machine.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Denbighshire County Council has failed to comply with standards 48 and 61 in this case.

### **Statement of further action**

Further action was taken in respect of the determination that Denbighshire County Council has failed to comply with standards 48 and 61.

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

Standard 48 Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure 1. Denbighshire County Council must ensure that parking tickets produced by it comply with standard 48. 2. Denbighshire County Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1. Timetable: Within 3 months of issuing the Commissioner's final determination. Standard 61 Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure 3. Denbighshire County Council must ensure that any temporary signs it erects on pay and display machines comply with standard 61. 4. Denbighshire County Council

	<p>must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 3. Timetable: Within 3 months of issuing the Commissioner's final determination</p> <p><b>Decision notice given</b> The Decision Notice was given to Denbighshire County Council on 15/11/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p> <p>On 9 May 2018 the Commissioner 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 related to a sign erected in Rhosddu Park, Wrexham, displaying rules for using the park. The complainant alleges that the sign includes a map with English only street names.</p>	<p>12/11/2018</p> <p><b>Commissioner's findings</b> Standard 61: Standard 61 requires the Council, when it erects a new sign or renews a sign (including temporary signs), to ensure that any text displayed on the sign is displayed in Welsh (whether on the same sign as it displays corresponding English language text or on a separate sign). The body must not treat the Welsh language text less favourably than the English language text on those signs. The Commissioner received a complaint from a member of the public regarding a sign erected in Rhosddu Park, Wrexham displaying rules for park users. The complainant alleges that the sign includes a map with English only street names. Having considered the evidence of the Council and the complainant, the Commissioner believes that the Council has erected a sign where not all of the text was displayed in Welsh, contrary to the requirements of the standard.</p> <p><b>Commissioner's determination</b></p>

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 61 in this case.

**Statement of further action**

Further action was taken in respect of the determination that Wrexham County Borough Council has failed to comply with standard 61.

**Statement on the further action**

Standard 61 – Requirement to take steps in accordance with section 77 (3) (b) of the Welsh Language Measure 1. Wrexham County Borough Council must ensure that all of the text displayed on the sign in question in Rhosddu Park, Wrexham appears in Welsh in accordance with the requirements of standard 61. 2. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1. Timetable: Within 60 days from the date of publication of the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 12/11/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.



The Sports  
Council for  
Wales

On 13/12/2017 the Commissioner received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that the Sports Council for Wales (Council), posted the majority of its Twitter messages in English only on its @sport\_Wales account.

12/11/2018

**Commissioner's findings**

Standard 54: Standard 54 requires the Council to treat the Welsh language no less favourably than the English language when using social media. The Commissioner received a complaint from a member of the public alleging that the Council posted the majority of its Twitter messages in English only on its @sport\_Wales account. In light of the original complaint and the evidence sent to the Commissioner by the Council, the Commissioner is of the opinion that the Council has failed to comply with standard 54.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Sports Council for Wales has failed to comply with standard 54.

**Statement of further action**

Further action was taken in respect of the determination that Sports Council for Wales has failed to comply with standard 54.

**Statement on the further action**

Standard 54 – requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure 1. When the Council produces text to be published on its social media, any message in English must also be published in Welsh. The meaning of the Welsh text must convey what is explained by the English text; 2. The Council must adopt a formal procedure to ensure that it acts in such a way as to comply with standard 54; 3. The Council must provide sufficient written evidence to satisfy

	<p>the Welsh Language Commissioner that it has carried out enforcement action 1 and 2. Timetable: Within 90 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Sports Council for Wales on 12/11/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p> <p>The Commissioner received a complaint on 16/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to temporary signs which had been erected on the junction between Price Road and Rhosddu Road, Wrexham, during road works. The complaint was accompanied by photographs of a sign with English only text and a sign with the Welsh language text displayed below the English text.</p>	<p><b>Commissioner's findings</b> Standard 61: Standard 61 requires the Council, when it erects a new sign or renews a sign (including temporary signs), to ensure that any text displayed on the sign is displayed in Welsh (whether on the same sign as it displays corresponding English language text or on a separate sign). The body must not treat the Welsh language text less favourably than the English language text on those signs. The Commissioner received a complaint relating to temporary signs which had been erected on the junction between Price Road and Rhosddu Road, Wrexham during road works. The complaint was accompanied by photographs of one sign with English only text. Following full consideration of evidence provided by the complainant and the Council, the Commissioner concludes that an English only sign was erected on the junction between Price Road and Rhosddu Road, Wrexham on 16 February, 2018. Standard 62: Standard 62 requires the Council, when erecting or renewing a sign (including temporary signs) that conveys the same information in Welsh and in English, the Welsh</p>

language text is positioned so that it is likely to be read first. The Commissioner received a complaint regarding temporary signs which had been erected on the junction between Price Road and Rhosddu Road, Wrexham during road works. The complainant provided a photograph of a sign where the Welsh language text was displayed below the English language text. Following full consideration of evidence provided by the complainant and the Council, the Commissioner concludes that a sign where the Welsh language was less likely to be read first was erected on the junction between Price Road and Rhosddu Road, Wrexham on the 16 February, 2018.

#### **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 standards 61 and 62.

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

Following the Commissioner's determination that Wrexham County Borough Council has failed to comply with standards 61 and 62, no further action was taken in this case.

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

No further action was taken because on 20 June 2018, the Commissioner determined in another investigation into the Council's compliance with these standards (investigation reference CSG237). Following the determination that the Council had failed to comply with standards 61, 62 and 63 in that investigation, the

Commissioner imposed 9 enforcement actions on the Council which requires them to take action to ensure compliance with the standards.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 08/10/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Vale of  
Glamorgan  
Council

The Commissioner received a complaint on 19/10/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that a webpage was only available in English on the Vale of Glamorgan Council website. The complainant was unhappy that he was being directed to an English page after inputting his postcode on the Welsh page of the website in order to find out more information on waste and recycling.

26/9/2018

**Commissioner's findings**

The Commissioner conducted investigations (CSG116, CSG142, CSG143, and CSG148) into the alleged failure by the Vale of Glamorgan Council to comply with Welsh language standards relating to the Council's website. On 1 March 2017, the Commissioner determined that the Vale of Glamorgan Council had failed to comply with standards 47, 48 and 52. The decision notice required the Vale of Glamorgan Council to take steps for the purpose of preventing the continuation or repetition of the failure. The Council was required to comply with these steps by 27 April 2017. This complaint raises suspicions of failure to comply with the following steps noted in the decision notice. Enforcement Action 1 The enforcement action placed on the Vale of Glamorgan Council on 1 March 2017, required the Council to take steps for the purpose of preventing the continuation or repetition of the failure. The enforcement action required the Council to ensure its compliance with standard 52 in relation to the text of each webpage, the way in which the Welsh pages on its website function, and to treat the Welsh language no less

favourably than English on its website by 27 April 2017. The Commissioner received a complaint from a member of the public on 02/11/2017 alleging that a webpage was only available in English on the Vale of Glamorgan Council website. As the complaint highlights the fact that not every page on the Council's website was available in Welsh on a date after 27 April 2017, the Council had not succeeded to comply with the first enforcement action. Enforcement Action 2 The enforcement action required the Council to review the website's editorial procedures and processes as the Council updates its website or makes changes to the website. The Council provided instructions to staff regarding the need for each page of the website to be available in Welsh together with instructions on how to achieve this. The Council implemented the enforcement action by reviewing the website's editorial procedures and processes through making changes to the system of uploading information onto the website, providing instructions and guidance for staff on how to do so.

### **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 enforcement action 1 in this case. The Commissioner determined that the Council had not failed to comply with enforcement action 2.

### **Statement of further action**

Further action was taken in respect of the determination that Vale of Glamorgan Council has failed to comply with enforcement action 1.

		<p><b>Statement on the further action</b> Requirement to take further steps in accordance with section 77(b) of the Welsh Language Measure 1. The Vale of Glamorgan Council must undertake a full review of the Council's website to ensure that each page of the website complies with standard 52 in relation to the text of each web page, the way in which the Welsh pages on its website function, and to treat the Welsh language no less favourably than English on its website. The review should include checking the language of each section of the website, assessing each step in the editorial processes of the website, checking the adequacy of that stage, considering any risk factor, and putting steps in place to mitigate any risk. 2. The Vale of Glamorgan Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement action 1. Timetable: Within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Vale of Glamorgan Council on 26/09/2018</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 22/02/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in</p> <p>20/9/2018</p>	<p><b>Commissioner's findings</b> Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on</p>

section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to the Council's web pages:  
<http://planning.wrexham.gov.uk/Planning/Ig/GFPlanningWelcome.page?lang=cy>.  
These pages list current planning applications within the Borough and enable the public to search for applications, view any documents relating to an application and to make comments or challenge an application. The complainant alleges that there was an error on the Welsh language page of this website. When attempting to view documents relating to any application, an error message appears ("bu gwall mewnol"). The complainant claims that this error does not occur when using the English language page.

those pages. The Commissioner received a complaint alleging that there is an error on the Welsh language pages of the Council's planning application website. As a result of the error, it is not possible for the public to look at or download documents relating to a specific planning application. This error does not exist on the English language pages of the website in question. Following full consideration of the evidence provided by the complainant and the Council, the Commissioner has found that there is an operational error on the Welsh language pages of the Council's planning application website leading to a situation whereby the Welsh language service provided is less favourable than the corresponding English language service.

#### **Commissioner's determination**

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

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

Further action was taken in respect of the determination that Wrexham County Borough Council has failed to comply with standard 52.

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

Standard 52 – requirement to prepare an action plan in accordance with section 77(3)(a) of the Welsh Language Measure Wrexham Council Borough Council must prepare an action plan for the purpose of preventing the continuation of the failure to comply with standard 52 on the Council's planning application web pages. Timetable:

	<p>The Council must submit a draft action plan within 90 days of receiving the final decision notice.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 20/09/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham County Borough Council</u></p> <p>The Commissioner received a complaint on 7/12/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that signs with English only text had been erected within the People's Market car park, Wrexham. The complainant alleged that signs had been erected on 7 December 2017 noting "This car park closes at 9pm Thursday".</p>	<p>19/9/2018</p> <p><b>Commissioner's findings</b> Standard 61: Standard 61 requires that the Council, when erecting or renewing a sign (including temporary signs), ensures that any text on the sign is displayed in Welsh (either on the same sign as the corresponding English text or on a separate sign). The Council must not treat the Welsh language text any less favourably than the English text on these signs. The Commissioner received a complaint alleging that a sign with English only text was erected within the car park at the People's Market, Wrexham on 7 December 2017. Following full consideration of the evidence of the complainant and the Council, the Commissioner finds that a sign with English only text was erected on 7 December 2017 within the car park of the People's Market, Wrexham.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Wrexham County Borough Council has failed to comply with standard 61.</p> <p><b>Statement of further action</b></p>



No further action was taken in respect of the determination that Wrexham County Borough Council has failed to comply with standard 61.

**Statement on the further action**

This is due to two reasons. The first reason is that the Council has taken steps to remove the sign complained about on the day that it became aware that a complaint had been presented to the Commissioner, erecting a bilingual sign that does comply with the requirements of the Welsh language standards. The second reason is that the Commissioner has recently completed an expansive investigation into the compliance of the Council with the standards relating to signs that are displayed by the Council that is standards 61, 62 and 63. Following the Commissioner's determination in that investigation, the Commissioner imposed 9 enforcement action that require steps to be taken in order to comply with the standards.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 19/09/2018

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Newport City Council

The Commissioner received a complaint on 19/10/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language

10/9/2018

**Commissioner's findings**

Standard 52: Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. The Commissioner received a complaint

Measure, and was therefore a valid complaint. The complaint related to an allegation that the Council had failed to provide a link on its website to Welsh language versions of meeting documents and the Council's annual monitoring report. In addition, the complainant alleged that there was English text on the Welsh pages of the Council's website.

from a member of the public alleging that links to specific documents on the Council's website directed the user to English language documents only, and also that not all pages on the Council's website were available in Welsh. In considering the evidence received, the Commissioner concludes that not all pages on the Council's website are available in Welsh. The Council recognises that some pages are available in English only and are not fully functional in Welsh. Standard 55: Standard 55 requires a body, if it has a Welsh language web page that corresponds to an English language web page, to state clearly on the English language web page that the page is also available in Welsh. It also requires that a direct link to the Welsh page is provided on the corresponding English page. The Commissioner received a complaint from a member of the public alleging that links to specific documents on the Council's website directed the user to English language documents only, and also that not all pages on the Council's website were available in Welsh. In examining the evidence, the Commissioner concludes that the Council, where it has a page in Welsh on its website which corresponds to a page in English, has noted that the page in English is also available in Welsh. The Council has also used a 'Cymraeg' link to take users directly to the corresponding page in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Newport City Council has failed to comply with standards 52 and 55.

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

Further action was taken in respect of the determination that Newport City Council has failed to comply with standards 52 and 55.

**Statement on the further action**

Standard 52 – Requirement to take action in accordance with section 77 of the Welsh Language Measure  
Enforcement action 1: Newport City Council must complete the translation of pages on its corporate website in order to ensure: a) that all pages are available in Welsh b) that links provided on Welsh language pages direct the user to information or documents in Welsh. Timetable: Within 6 months of issuing the Commissioner's final determination. Enforcement action 2: Newport City Council must ensure that Welsh language pages are available on its website hosted by modern.gov. Timetable: Within 9 months of issuing the Commissioner's final determination. Enforcement action 3: Newport City Council must confirm in writing to the Welsh Language Commissioner that it has undertaken enforcement actions 1 and 2. Timetable: 20 working days following undertaking the final enforcement action . Standard 55 – recommendations in accordance with section 76 of the Welsh Language Measure As Newport City Council undertakes enforcement action 2 - it should ensure that it complies in full with the requirements of standard 55 by making it clear on English web pages that there is a corresponding page in Welsh and by providing a direct link to that corresponding page.

**Decision notice given**

Neath Port  
Talbot County  
Borough Council

The Commissioner received a complaint on 22/11/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant contacted the Council on Twitter on 25 June 2017 to inform the Council of refuse. The complainant did not receive a reply and contacted the Council again on 6 August to ask why he had not received a reply and questioned whether it was because she contact the Council in Welsh. The complainant did not receive a response until 22 November 2017. The response was in English.

28/8/2018

The Decision Notice was given to Newport City Council on 10/09/2018.

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

No appeal was made to the Tribunal.

#### **Commissioner's findings**

Standard 59: Standard 59 requires the organisation to ensure that they reply in Welsh to any message sent in Welsh to the organisation via social media if the message is one that requires an answer. The complainant sent a Twitter message in Welsh to the Council's Welsh language Twitter account and did not receive a response for over three months. The response received was in English. As the Council responded in English to a message in Welsh on Twitter, the Council did not comply with standard 59 in this case.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Neath Port Talbot County Borough Council has failed to comply with standard 59.

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

Further action was taken in respect of the determination that Neath Port Talbot County Borough Council has failed to comply with standard 59.

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

Requirement 1 Standard 59 – requirement to take steps in accordance with section 77 of the Welsh Language

			<p>Measure Undertake a review of the effectiveness of the new arrangements in order to ensure that the procedure for responding to messages in Welsh works as the Council intended. The above is to be actioned within 28 days of issuing the Commissioner's final determination. Requirement 2 Standard 59 – requirement to take steps in accordance with section 77 of the Welsh Language Measure Neath Port Talbot County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that Requirement 1 has been completed. The above is to be actioned within 20 days of completing Requirement 1.</p> <p><b>Decision notice given</b> The Decision Notice was given to Neath Port Talbot County Borough Council on 28/08/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 19/07/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an alleged failure by the Council to use the Welsh version of the complainant's address in its correspondence with him via email. The complainant received an</p>	<p>23/8/2018</p>	<p><b>Commissioner's findings</b> Standard 6: Standard 6 requires Wrexham County Borough Council to ensure that it does not treat the Welsh language version of correspondence less favourably than the corresponding English language version. I received a complaint from a member of the public alleging that he had received correspondence that included the English version of his home address when it should have been provided in Welsh. I have considered all the evidence presented by both parties regarding the requirements of the standard, and I find that the Council have acted contrary to the requirements of standard 6.</p>

email from the Digital Services team on 17/07/2017 quoting his home address and customer number. The complainant's address had been written in English on the email, e.g. the use of 'Wrexham' instead of 'Wrecsam'. The complainant alleges that he had asked Wrexham County Borough Council on several occasions to use the Welsh version of his address in their correspondence with him.

#### **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 6.

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

Further action was taken in respect of the determination that Wrexham County Borough Council has failed to comply with standard 6.

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

Wrexham County Borough Council must take steps to ensure that Welsh versions of addresses are used on Welsh language correspondence sent by the Council in order to comply with standard 6. Timetable: Within 28 days of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 23/08/2018

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

No appeal was made to the Tribunal.

#### Torfaen County Borough Council

The Commissioner received a complaint on 31/12/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid

23/8/2018

#### **Commissioner's findings**

Standard 58: Standard 58 requires Torfaen County Borough Council to not treat the Welsh language less favourably than the English language when using social media. The Commissioner received a complaint from a member of the public alleging that Torfaen County Borough Council was publishing more information on its

complaint. The complaint related to an allegation that Torfaen County Borough Council was publishing more information on its English language Twitter account than its Welsh language Twitter account. According to the complainant, there were approximately 15 Twitter messages on the English language account between 20 and 31 December 2017 that were not published on the Welsh language account.

English language Twitter account than its Welsh language Twitter account. According to the complainant, there were approximately 15 Twitter messages on the English language account between 20 and 31 December 2017 that were not published on the Welsh language account. In light of the original complaint and the evidence sent to the Commissioner by Torfaen County Borough Council, the Commissioner believes that the Council has failed to comply with standard 58.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner determines that Torfaen County Borough Council has failed to comply with standard 58.

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

Further action was taken in respect of the determination that Torfaen County Borough Council has failed to comply with standard 58.

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

Torfaen County Borough Council must take the following steps in order to ensure compliance with standard 58: 1. When the Council publishes its own information or shares information by other people on its social media accounts, whether in Welsh, in English or bilingually, it must ensure that the Welsh language is not treated less favourably than the English language. 2. When the Council plans Welsh language, English language and bilingual messages to be published automatically (or otherwise) on its social media accounts, for example, before a holiday period, it must not treat the Welsh language less

		<p>favourably than the English language. 3. The Council must establish a clear system which explains how the content and consistency of its Welsh language social media accounts are checked. 4. Torfaen County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1-3. Timetable: Within 90 days from the date of publication of the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Torfaen County Borough Council on 23/08/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>Powys County Council</u></p>	<p>The Commissioner received a complaint on 10/11/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that English text appears on the Welsh language side of Powys County Council's 'Councillors and meetings' page and following the link to the Council's Committees, this leads to an English only page.</p>	<p>30/7/2018</p> <p><b>Commissioner's findings</b> Standard 52: Standard 52 requires Powys County Council to ensure that the test of each page of its website is available and fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language, The Commissioner received a complainant by a member of the public alleging that, when visiting the Council's 'Councillors and meetings' page and following the link to the Council's committees and meetings, this leads to an English only page. The Commissioner had considered all of the evidence presented by the complainant and the Council. Not all of the text on the Council's Welsh language website pages was available in Welsh, and the pages were not fully functional in Welsh. As a result, the Welsh language was treated less</p>



favourably than the English language. The Commissioner therefore finds that Powys County Council acted in contrary to the requirements of standard 52.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 52: Powys County Council has failed to comply with standard 52 in this instance.

**Statement of further action**

Further action was taken in respect of Powys County Council's failure to comply with standard 52.

**Statement on the further action**

Powys County Council must review its arrangements for publishing information on its website via modern.gov. Powys County Council must implement the findings of the review in order to ensure that complies with standard 52 when publishing information on its website via modern.gov. Powys County Council must conduct a campaign to raise awareness amongst members of staff responsible for its website content of the requirements of the Welsh language standards with regard to websites and online services. This action must be taken within 90 days of publishing the final determination.

**Decision notice given**

The Decision Notice was given to Powys County Council on 30/07/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 17/08/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an English only version of the 'Dysg' newsletter received by the complainant via email on 17/08/2017. The complainant alleges that he had previously asked for Welsh language emails from Welsh Ministers.

26/7/2018

**Commissioner's findings**

Standard 4: Standard 4 requires Welsh Ministers to ensure that, when sending correspondence to several persons, a Welsh language version of the correspondence is sent at the same time as the English language version. The Commissioner received a complaint from a member of the public alleging that he had received an English only version of the Dysg newsletter on 17/08/2017. Standard 37: Standard 37 requires Welsh Ministers to ensure that it produces publicity material in Welsh, without treating the Welsh language less favourably than the English language. The Commissioner received a complaint from a member of the public alleging that he did not receive a Welsh language version of the Dysg newsletter on 17/08/2017.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 4: Welsh Ministers have not failed to comply with standard 4 in this instance. Standard 37: Welsh Ministers have not failed to comply with standard 37 in this instance.

**Statement of further action**

Recommendation was given to Welsh Ministers following the determination that they have not failed to comply with standard 4.

**Statement on the further action**

		<p>Standard 4 – Recommendation I recommend that Welsh Ministers review the way in which they send Welsh and English Dysg newsletters. The Welsh Language Commissioner’s Bilingual Design guide gives guidance to organisations on the best practice when designing and publishing Bilingual material. See the link to the guide is below:</p> <p><a href="http://www.comisiynyddygymraeg.cymru/English/Publications%20List/CYG1754%20Canllaw%20Dylunio%20ENGLISH.pdf">http://www.comisiynyddygymraeg.cymru/English/Publications%20List/CYG1754%20Canllaw%20Dylunio%20ENGLISH.pdf</a></p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 26/07/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Cardiff Council</u>	<p>The Commissioner received a complaint on 04/07/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that Cardiff City Council continued to place English only Council meeting agendas and papers on their website. The complaint referred to the Public Protection Committee agenda and papers for 4 July 2017, and the agenda</p>	<p>12/7/2018</p> <p><b>Commissioner’s findings</b> Requirements to take steps i, ii and iii placed on the Council on the 01/06/2017: The requirement to take step (i) required Cardiff City Council to ensure that the agendas and minutes of management board or cabinet meetings, and/or meetings open to the public are produced and published in Welsh in order to comply with standard 41 by 30 June 2017. The requirement to take step (ii) required Cardiff City Council to ensure that PDF versions of the agendas and minutes of management board or cabinet meetings, and/or meetings open to the public are produced and published in Welsh on the Council's website in order to comply with standard 48 by 30 June 2017. The requirement to take step (iii) required</p>

and papers of the Planning Committee for 12 July 2017.

Cardiff City Council, where there are English language PDF versions of agendas and minutes of management board or cabinet meetings, and/or meetings open to the public, to ensure that these documents are also available in Welsh, at the same time and in the same location as the English versions in order to comply with standard 48 by 30 June 2017. In July 2017, the Council published PDF versions of agendas and minutes of the Public Protection Committee meetings and Planning Committee meetings on the Council's website in English before publishing them in Welsh. The Council accept that the failure did occur and explain that this failure was due to an administrative irregularity. The research conducted by my officers also shows that it appears that the Council is now in compliance with the above requirements. The Commissioner therefore accept the view of the Council that there are arrangements in place to comply in the majority of cases. However, the Commissioner notes that the complaint has highlighted that the arrangements in place at the time of the complaint allowed errors to occur at times. In publishing agendas and minutes of the Council's Public Protection Committee meeting and the Planning Committee meeting in English before publishing the corresponding Welsh versions, the Commissioner is of the opinion that the Welsh language documents have been treated less favourably. Therefore, the Commissioner must conclude that Cardiff City Council have failed to act on the requirement to take step (i) (ii) and (iii) to prevent the continuation or repetition of the failure to comply with standard 41 and 48. Requirements to take step iv placed on the Council on the 01/06/2017: The Council published PDF versions of agendas and

minutes of the Public Protection Committee meetings and Planning Committee meetings on the Council's website in English without publishing them in Welsh in July 2017. Step (iv) requires the Council, when publishing documents in Welsh and English, to ensure that there is no difference in terms of the format of both versions. In this case, the Council failed to publish a Welsh version of the document, and therefore it is not possible to determine whether there was a difference in the format of the Welsh and English versions as no Welsh version was published. Requirements to take step v placed on the Council on the 01/06/2017: Step (v) required the Council to ensure that English language PDF versions of the agendas and minutes of management board or cabinet meetings, and/or meetings open to the public clearly state that they are also available in Welsh. The research conducted by my investigation and compliance officer showed that PDF versions of minutes and papers for the Public Protection Committee and the Planning Committee were published in English. The statement 'This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg' was included at the bottom of the documents in question. In including the statement 'This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg' on the English documents, the Council have acted in accordance with the requirements of step (v). Requirements to take steps vi, vii and viii placed on the Council on the 01/06/2017: The requirement to take step (vi) required the Council to ensure that the text of each agenda incorporated on the website was available in Welsh. The requirement to take step (vii) required the Council to ensure that all Welsh language pages relating

to Council committee meetings on its website are fully functional in order to comply with standard 52. The requirement to take step (viii) required the Council to ensure that any text available in English is also available in Welsh so that the Welsh language page is not treated less favourably than the corresponding English language page. The Commissioner has already noted in paragraph 3.11 that she accepts the view of the Council that there are now effective arrangements in place and that the examples in question were an exception. However, by failing to ensure that the text and content of the Welsh pages corresponded to the English pages in relation to committee meetings on the Council's website on the 4th and 6th of July, Cardiff City Council failed to comply with the requirement to take step (vi), (vii) and (viii).

Requirements to take step ix placed on the Council on the 01/06/2017: The requirement to take step (ix) required the Council to ensure that its staff is aware of the guidance and arrangements in place for producing (and publishing) agendas and minutes in Welsh. On 4 July and 6 July 2017, Cardiff City Council published the text of the agendas for the Public Protection Committee and the Planning Committee meetings on the Council's website together with the meeting documents in English without displaying corresponding text or corresponding documents in Welsh. No evidence was provided of the steps taken by the Council in terms of informing or reminding staff of the guidance or arrangements in place for producing and publishing meeting agendas and minutes. As a result, I am not satisfied that Cardiff City Council have taken the steps noted in step (ix) to prevent the failure to comply with the Welsh language standards.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Cardiff City Council has failed to comply with the requirements to take steps i, ii, iii, vi, vii, viii and ix.

**Statement of further action**

Further action was taken in respect of Cardiff City Council's failure to comply with the requirements to take steps i, ii, iii, vi, vii, viii and ix.

**Statement on the further action**

Cardiff City Council must undertake a full review of their arrangements for producing and publishing agendas, minutes and papers in relation to management board or cabinet meetings, and/or meetings open to the public in accordance with standards 41, 48 and 52. Timetable: Within 6 weeks of issuing the Commissioner's final determination Cardiff City Council must take steps to remind or raise awareness of staff who are: i) responsible for producing and publishing documents such as agendas and minutes of management board or cabinet meetings, and/or meetings open to the public, ii) responsible for monitoring and updating content on the Council's web pages, in relation to management board or cabinet meetings, and/or meetings open to the public of the guidance and arrangements in place in relation to producing and publishing text for Cardiff City Council's website or agendas, minutes and papers in relation to management board or cabinet meetings, and/or meetings open to the public in order to ensure compliance with

standards 41, 48 and 52. Timetable: Within 8 weeks of issuing the Commissioner's final determination Cardiff City Council must put measures in place to ensure robust administrative processes are in place within the Council to ensure that the Welsh language is treated no less favourably than the English language in producing and publishing web page text, agendas, minutes and papers in relation to management board or cabinet meetings, and/or meetings open to the public. Timetable: Within 10 weeks of issuing the Commissioner's final determination Cardiff City Council must submit a report to the Welsh Language Commissioner reporting on the implementation of steps 1, 2 and 3. The report should include completion dates, evidence of how the steps have been implemented and any further action required. Timetable: Within 12 weeks of issuing the Commissioner's final determination

#### **Decision notice given**

The Decision Notice was given to Cardiff City Council on 12/07/2018.

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

No appeal was made to the Tribunal.

#### Ceredigion County Council

The Commissioner received a complaint on 03/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an

3/7/2018

#### **Commissioner's findings**

Standard 84: Standard 84 requires Ceredigion County Council, if it offers an education course that is open to the public, to offer that course in Welsh until an assessment undertaken in accordance with standard 86 shows that the course is not required in Welsh. In its evidence, the Council stated that it has not undertaken an assessment of the need to deliver the course in Welsh, therefore the



alleged failure by Ceredigion County Council to provide a Welsh medium tutor to deliver harp lessons to primary school pupils.

exception is not relevant to this investigation. In its evidence, the Council has noted that not all instrumental courses provided are offered in Welsh. The Council has produced a draft action plan showing the steps it intends to take in order to develop provision. The action plan has not been finalised and was not in operation during the investigation. In offering harp lessons that are open to the public and not offering all of those in Welsh, Ceredigion County Council has failed to comply with standard 84. Standard 86: The requirement in standard 86 to assess the need to offer an education course in Welsh is not relevant unless a course is developed. The Council has explained that the harp lessons are continuous courses held on an annual basis. As a result, the duty to comply with standard 86 does not apply in this case. Therefore, there has been no failure to comply with standard 86 in this case.

#### **Commissioner's determination**

The Commissioner determined that Ceredigion County Council has failed to comply with standard 84 in this case.

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

Further action was taken in respect of the determination that Ceredigion County Council has failed to comply with standard 84.

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

The Council must prepare an action plan showing the steps it will take to comply with standard 84 in relation to harp lessons. The Council should prepare the initial draft action plan within 12 weeks of publishing the final report. I

			<p>will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. I have provided the Council with an advice document which will assist it in preparing the action plan. Timetable: Within 12 weeks of publishing the Commissioner's final determination which is by 25/09/2018.</p> <p><b>Decision notice given</b> The Decision Notice was given to Ceredigion County Council on 03/07/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Powys County Council</u>	<p>The Commissioner received a complaint on 06/08/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that an English only bus timetable at Trefonnen bus stop on Temple Street, Llandrindod Wells. The complainant alleged that the timetable, which was placed on a post near the bus stop, was in English only and stated that it was sponsored by Powys County Council. The complainant saw the timetable there sometime during the last week of July 2017.</p>	3/7/2018	<p><b>Commissioner's findings</b> Standard 38: Standard 38 requires Powys County Council to ensure that any material it displays in public is displayed in Welsh and to treat the Welsh language no less favourably than the English language if an English language version of that material is displayed. The Commissioner received a complaint from a member of the public alleging that there was an English only bus timetable on Temple Street, Llandrindod Wells. The Council has confirmed that the timetable was in English only on the date the complaint was received. Standard 69: Standard 69 requires the Council to ensure that any official notice it publishes or displays is published or displayed in Welsh. The Commissioner received a complaint from a member of the public alleging that there was an English only bus timetable on Temple Street, Llandrindod Wells. Given all of the evidence presented by the organisation, which confirms that the timetable was</p>

displayed in English only and that the Welsh language was therefore treated less favourably than the English language, the Commissioner finds that Powys County Council has failed to comply with standard 69 in this case.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Powys County Council has not failed to comply with standard 38.

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

Further action was taken in respect of Powys County Council's failure to comply with standards 38 and 69.

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

Standard 38: I require Powys County Council to take the following steps in order to ensure that all timetables displayed in public are available in Welsh. The Council will be required to confirm that the work of updating the timetables has been completed within the timetable noted below. The Council must make arrangements to ensure that any new software it uses which enables it to deliver services also enables it to comply with the Welsh language standards. Timetable: Within 90 days of issuing the Commissioner's final determination. Standard 69: I require Powys County Council to ensure that it complies with standard 69 by checking that all bus timetables in the Council's catchment area are displayed in Welsh, thereby ensuring that the Welsh language is treated no less favourably than the English language. Timetable: This action must be completed by the 31/10/2018.

Wrexham  
County Borough  
Council

The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure as the Commissioner suspected that Wrexham County Borough Council (the Council) was not complying with some of the standards with which it has a duty to comply. The standards under consideration are 61, 62 and 63. The Commissioner opened an expansive investigation in order to consider the general arrangements adopted by the Council when erecting signs both at a corporate and departmental level. The basis for the Commissioner's suspicion that there were insufficient arrangements in place to guarantee that the Welsh language was receiving appropriate treatment on signs, was the receipt of a number of complaints.

29/6/2018

**Decision notice given**

The Decision Notice was given to Powys County Council on 03/07/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's findings**

The Commissioner is of the opinion that the standards require organisations to possess strong corporate processes in order to support departments and services to comply successfully. In the absence of such arrangements, departments and services will interpret the standards differently to each other. They will come to their own conclusions regarding the need to comply, and adopt a department approach towards failure to comply and tolerance of failure. In such situations, there is a high risk of misinterpreting the requirements of standards, or of a failure to operate in a way that complies with the requirements. The Commissioner acknowledges that the Council has developed some guidance and has taken some steps to promote the requirements of the standards amongst staff. However, the Commissioner is of the opinion that the steps taken have not been sufficient, in particular in the context of erecting signs to ensure full understanding of the impact of the standards and the culture change required in order to comply with them. In order for an organisation to comply with the standards, strategic and corporate leadership is essential. This means the Council must establish a culture where there is zero tolerance of such failures. It appears that English

only signs and signs that treat the Welsh language less favourably than the English language continue to be erected by different departments of the Council, and that this is happening when erecting both permanent and temporary signs. Following consideration of the evidence received, the Commissioner concludes that Wrexham County Borough Council has erected signs without ensuring that the text on that sign is displayed in Welsh.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standards 61, 62 and 63: The Commissioner determined that Wrexham County Borough Council has not failed to comply with standard 61, 62 and 63.

### **Statement of further action**

Further action was taken in respect of Wrexham County Council's failure to comply with standards 61, 62 and 63.

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

Enforcement action 1 Wrexham County Borough Council must take steps to: ☐ Ensure that any text displayed on signs that have been erected since 30 March 2016, (including temporary signs) is displayed in Welsh (either on the same sign that displayed the corresponding English text or on a separate sign). Ensure that the Welsh text is not treated less favourably than the English text, if the text is displayed in Welsh and English. Timetable: Within 6 months of the date of publication of the Commissioner's final determination. Enforcement action 2 The Council must take steps to improve its corporate

arrangements by: ☐ Producing clear guidance and procedures for staff for designing, producing and approving new signs or signs that are being renewed ☐ Create a programme of activities in order to raise staff awareness of the requirements of standards 61,62, and 63. Timetable: Within 6 months of the date of publication of the Commissioner's final determination. Enforcement action 3 Wrexham County Borough Council must: ☐ Develop an inspection and review process to check all signs that have been since the imposition date to ensure that they comply with the Welsh Language standards. ☐ The Council must replace any signs that do not comply within 3 months of their discovery. Timetable: Within 6 months of the date of publication of the Commissioner's final determination. Enforcement action 4 The Council must give publicity to its failure by publishing this report in a prominent place on its website and include an item regarding the investigation in its news section. Timetable: Within 28 days of the date of publication of the Commissioner's final determination. Enforcement action 5 Wrexham County Borough Council must ensure that any text on signs erected since the imposition date of standard 62 displays any Welsh text in a position whereby it is most likely to be read first. Timetable: Within 6 months of the date of publication of the Commissioner's final determination. Enforcement action 6 Wrexham County Borough Council must review their Transport and Highways contracts with third parties that erect signs on their behalf, in order to ensure that correct reference is made to the requirement to comply with standards relating to displaying signs. Timetable: Within 3 months of the date of publication of the Commissioner's final

determination. Enforcement action 7 Wrexham County Borough Council must create processes and guidance for the use of staff to ensure that Welsh language text on signs is accurate in terms of meaning and expression. Timetable: Within 6 months of the date of publication of the Commissioner's final determination. Enforced action 8 Wrexham County Borough Council must present the report on this investigation to a relevant scrutiny Committee of the Council. Timetable: Within 6 months of the date of publication of the Commissioner's final determination. Enforced action 9 Wrexham County Borough Council must provide written evidence that gives sufficient assurance to the Welsh Language Commissioner that it has completed enforcement actions 1-8. Timetable: Within 20 working days of completing the final enforcement action.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 29/06/2018.

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

No appeal was made to the Tribunal.

#### Newport City Council

The Commissioner received a complaint on 20/07/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an

19/6/2018

#### **Commissioner's findings**

Standard 61: Standard 61 requires Newport City Council, when they erect a new sign or renew a sign (including temporary signs), to ensure that any text displayed on the sign is displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign). During July 2017, Newport City Council displayed 6 signs displaying English text without any corresponding

alleged failure by Newport City Council to comply with the Welsh Language Standards in erecting signs in car parks and other public areas across the county. It is alleged that the Council:

- Erected a sign on the mayor's parking bay displaying the text 'This bay is reserved for the Mayor's car' without any corresponding Welsh text
- Erected a sign at the councillor's car park at Newport's Civic Centre displaying the text 'Parking for Councillors Only' and 'No stopping' without any corresponding Welsh text
- Erected a sign at Coed-Melyn Park, Newport displaying the text 'Keep to Footpath Uneven Ground' without any corresponding Welsh text.
- Erected a sign opposite the St Julian's Inn Tavern displaying the text 'Motor Vehicles Prohibited' without any corresponding Welsh text
- Erected a sign at Piper Close, St Julians displaying the text 'No Hunting Allowed on this Land' without any corresponding Welsh text
- Erected a sign at the Allt-yr-ynn Nature Reserve displaying the text 'Allt Yr Yn Nature Reserve – 1.2 miles' without any corresponding Welsh text.

Images were provided of the signs subject to the allegation.

Welsh text in public areas within the county. In presenting its response to the evidence notice, the Council states that the signs in question were erected before the imposition day of Standard 61, which was 30 March 2016. The Commissioner therefore conclude that Newport City Council was not required to comply with the Welsh language standards when the Council erected the signs in question.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 61: The Commissioner determined that Newport City Council has not failed to comply with standard 61 in this case.

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

No further action was taken in respect of the determination that Newport City Councils have not failed to comply with standard 1.

#### **Decision notice given**

The Decision Notice was given to Newport City Council on 15/06/2018.

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

No appeal was made to the Tribunal.



Wrexham  
County Borough  
Council

The Commissioner received a complaint on 16/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that some consultations on the English pages of Wrexham County Borough Council's (the Council) website were not available on the Welsh pages. Links were provided by the complainant to the relevant pages. It appeared that there were fewer links to consultations on the Welsh pages than there were on the English pages and the closing dates for some of the consultations had expired.

18/6/2018

**Commissioner's findings**

Standard 44: Standard 44 requires an organisation to produce consultation papers that are available to the public, in Welsh. The Commissioner received a complaint from a member of the public alleging that some consultations on the English pages of Wrexham County Borough Council's (the Council) website were not available in Welsh. In considering the evidence received from the complainant and Wrexham County Borough Council, the Commissioner is of the opinion that the consultation papers were produced in Welsh by the Council, in the sense that they were prepared for the purpose of publication. Standard 52: Standard 52 requires organisations to ensure that every page on its website is available and fully functional in Welsh and that the Welsh language is not treated less favourably on those pages. Wrexham County Borough Council has been subject to standard 52 since 30 March 2016. The Commissioner received a complaint from a member of the public alleging that some consultations on the English pages of Wrexham County Borough Council's (the Council) website were not available on the website's Welsh pages. In considering the evidence received from the complainant and Wrexham County Borough Council, the Commissioner is of the opinion that some consultations published on the Council website's English pages were not included on the website's Welsh pages on 18 December 2017 and as a result the Welsh pages were not complete and fully functional, contrary to the requirements of standard 52.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 44 - The Commissioner determined that Wrexham County Borough Council has not failed to comply with standard 44. Standard 52 - Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 1 - The Commissioner determined that Wrexham County Borough Council have failed to comply with standard 52.

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

Further action was taken in respect of Wrexham County Council's failure to comply with standard 52

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

Wrexham County Borough Council must review its procedure for uploading and deleting contents on corresponding Welsh and English pages of its website, and take appropriate steps to minimise the risk of failure to comply with Standard 52 as a result of human error. Timetable: Within 90 days of the publication of the Commissioner's decision notice for the case

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 18/06/2018.

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

No appeal was made to the Tribunal.

Flintshire  
County Council

The Commissioner received a complaint on 03/10/2017 from a person which

15/6/2018

**Commissioner's findings**

satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation the complainant telephoned Flintshire County Council's main telephone line on 3 October 2017 and chose the Welsh language service by pressing option '2'. The complainant alleged that they waited 20 minutes for someone to answer the call. The complainant decided to call the main number again, choosing the English option by pressing option '1', and that this call was answered immediately. The complainant requested that the call be transferred to a Welsh speaker but the responder replied that the Welsh speaker was on holiday. The complainant provided additional information on 30 October 2017, stating that they had also tried to telephone the Council on that day and that there was no Welsh language service available. The complainant alleges that they telephoned the Council three times during October 2017 and that, each time, the Council offered that a Welsh speaker would call them back, but the complainant call was not returned on any of these occasions.

Standard 11: Standard 11 requires Flintshire County Council to deal with a call in Welsh once it is aware that the person wishes to receive a Welsh language service over the phone, transferring the call to a member of staff who is able to deal with the specific subject matter in English only where necessary. The Commissioner received a complaint from a member of the public alleging that they were unable to receive a Welsh language service on two occasions during October 2017. They alleged that they had to terminate calls after experiencing delays and a failure to answer the calls after choosing a Welsh language service. After considering evidence submitted by the complainant and the Council, the Commissioner is of the opinion that there is sufficient information that the Council does not provide an adequate Welsh language service on its main telephone line, resulting in members of the public giving up on waiting for a Welsh language service. Therefore, the Council is not meeting the requirements of the standard to provide a Welsh language service to all those who wish to receive it. Standard 15: Standard 15 requires a body to ensure that performance indicators for dealing with telephone calls do not set measures which would treat telephone calls made in Welsh less favourable than calls made in English. Flintshire County Council has been subject to this standard since 30 March 2016. In considering evidence received by Flintshire County Council, the Commissioner concludes that the body's performance indicators for dealing with telephone calls set the same measures for dealing with Welsh and English language calls, and that this meets the requirements of the standard. Standard 17: Standard 17 requires a body to inform the caller when a

Welsh language service will be available if no Welsh language service is available on the relevant telephone number or line. The Commissioner received a complaint from a member of the public who had been informed by the Council that there was no Welsh language service available. They did not receive any information about when a Welsh language service would be available and although the Council offered to provide a Welsh language service via call-back, they did not receive that call. In considering evidence provided by the complainant and the Council, the Commissioner notes that the Council does not inform the public when a Welsh language service will be available as a matter of course if that service is not available.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 27 - The Commissioner determined that Welsh Ministers have not failed to comply with standard 27.

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

Standard 11: The Commissioner determined that Flintshire County Council have failed to comply with standard 11. Standard 15: The Commissioner determined that Flintshire County Council have not failed to comply with standard 15. Standard 17: The Commissioner determined that Flintshire County Council have failed to comply with standard 17.

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

	<p>Standard 11: Further action was taken in respect of Flintshire County Council's failure to comply with standard 11. Standard 15: A recommendation was given to Flintshire County Council in respect of the determination that they had not failed to conform with standard 15. Standard 17: Further action was taken in respect of Flintshire County Council's failure to comply with standard 17.</p> <p><b>Decision notice given</b> The Decision Notice was given to Flintshire County Council on 15/06/2018</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>The Natural Resources Body for Wales</u></p> <p>The Commissioner received a complaint on 08/11/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant sent an email in Welsh to Natural Resources Wales on 17 October 2017 and 5 November 2017 and that he received an email response in English only on 7 November 2017.</p>	<p>15/6/2018</p> <p><b>Commissioner's findings</b> Standard 1: Standard 1 requires a body to reply in Welsh if it receives correspondence from a person in Welsh (if an answer is required). A body does not have to do so in situations where a person has confirmed that there is no need to reply in Welsh. Natural Resources Wales has been subject to this standard since 25 January 2017. The Commissioner received a complaint from a member of the public alleging that they had received a response in English only to an email enquiry sent in Welsh. Having considered evidence from the complainant and Natural Resources Wales, the Commissioner concludes that a response in English only was sent to the complainant despite having made his enquiry in Welsh. This is contrary to the requirements of the standard. Standard 7: Standard 7 requires bodies to state in correspondence,</p>

and in publications and official notices that invite persons to respond to them or to correspond with them, that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. Natural Resources Wales has been subject to standard 7 since 25 January 2017. When responding to an email enquiry in English only, the body did not include a statement welcoming correspondence in Welsh, stating that it would respond to correspondence in Welsh, and that corresponding in Welsh would not lead to delay. In considering evidence from the complainant and Natural Resources Wales, the Commissioner concludes that it did not include a statement in its email correspondence in accordance with the requirements of standard 7.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 1: Natural Resources Wales has failed to comply with standard 1 in this instance. Standard 7: Natural Resources Wales has failed to comply with standard 7 in this instance.

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

Further action was taken in respect of Natural Resources Wales' failure to comply with standard 7.

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

Natural Resources Wales must ensure that it includes a statement on all correspondence in accordance with the

		<p>requirements of standard 7. Timetable: Within 28 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Natural Resources Wales on 15/06/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>The Commissioner received a complaint on 16/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the Welsh version of the Welsh Government's absent from work policies, do not correspond with the English versions. The complainant alleges that following the relevant links to the Welsh version of the policies leads to a document that provides a summary of the policy's main principles, but that following the relevant links to the English version of the policies leads to an absence from work policy document including a guidelines and procedures document.</p>	<p>13/6/2018</p> <p><b>Commissioner's findings</b> Standard 109: Standard 109 requires Welsh Ministers to ensure that any policy published in relation to absence from work is published in Welsh. The Commissioner received a complaint from a member of the public who alleges that not all documents relating to absence from work policies are available in Welsh. The complainant alleges that the policies themselves are available in Welsh but that the explanatory documents, the guidance and procedures, are only available in English and not in Welsh. Welsh Ministers provide bilingual policies but the guidance and procedures documents which expand on implementing the policies further are only available in English. The Commissioner believes that this is contrary to the requirements of standard 109.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 109: The Commissioner determined that Welsh Ministers have failed to comply with standard 109.</p>

			<p><b>Statement of further action</b> Further action was taken in respect of Welsh Ministers' failure to comply with standard 109.</p> <p><b>Statement on the further action</b> Welsh Ministers must comply fully with standard 109 by ensuring that all documents relating to absence from work policies are available in Welsh. Timetable: Within 6 months of publishing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 13/06/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Torfaen County Borough Council</u></p>	<p>The Commissioner received a complaint on 22/08/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that Welsh version of Torfaen County Borough Council's official app contains linguistic errors on the. The complainant alleges that the app is full of Welsh language errors.</p>	<p>13/6/2018</p>	<p><b>Commissioner's findings</b> Standard 57: Standard 57 requires Torfaen County Borough Council to ensure that any app it publishes is fully functional in Welsh and that the Welsh language is treated no less favourably than the English language. The Commissioner received a complaint from a member of the public who alleges that there are linguistic errors on the Welsh version of Torfaen County Borough Council's official app. The complainant alleged that the app was full of Welsh language errors. In this case, the Commissioner believes that Torfaen County Borough Council has not complied with the requirements of standard 57. The evidence presented shows that the Welsh language has been treated less favourably than the English language.</p>



**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 1 - The Commissioner determined that Torfaen County Borough Council have failed to comply with standard 57.

**Statement of further action**

Further action was taken in respect of Torfaen County Borough Council's failure to comply with standard 57.

**Statement on the further action**

Torfaen County Borough Council must ensure that it complies with standard 57 by preparing an action plan to ensure that the Council's main app functions fully in Welsh and that the Welsh language is treated no less favourably than the English language. The action plan should: ☐ a) include a timetable for undertaking the various steps involved in creating and publishing accurate Welsh language text ☐ b) designate a responsible person to undertake the steps ☐ c) identify the budget and resources required Torfaen County Borough Council should prepare the initial draft action plan within 3 months of the date of the decision notice. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

**Decision notice given**

The Decision Notice was given to Torfaen County Borough Council on 13/06/2018.

**Appeals made to the tribunal**

			No appeal was made to the Tribunal.
<u>Welsh Ministers</u>	<p>The Commissioner received a complaint on 16/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant received an English only letter from the Care and Social Services Inspectorate Wales in response to Welsh language correspondence. The complainant was also unhappy that the Inspectorate had used the English name of the town in his address rather than the Welsh name that he had used in correspondence.</p>	7/6/2018	<p><b>Commissioner's findings</b> Standard 1: Standard 1 requires Welsh Ministers to reply in Welsh, if an answer is required, unless the person has indicated that there is no need to reply in Welsh. In this case, the complainant sent an e-mail to CSSIW in Welsh and received a reply in English. As Welsh Ministers had sent an English language letter to the complainant in response to a Welsh language e-mail, CSSIW, and thereby Welsh Ministers, have failed to comply with standard 1 in this case.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 1 - The Commissioner determined that Welsh Ministers have failed to comply with standard 1.</p> <p><b>Statement of further action</b> No further action was taken in respect of Welsh Ministers' failure to comply with standard 1.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 07/06/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>The Commissioner received a complaint on 24/05/2017 from a person which</p>	24/5/2018	<b>Commissioner's findings</b>

satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the Welsh language was not heard (with the exception of the opening sentence) and no translation facilities were available during an evening arranged by Farming Connect (funded by the Welsh Government) at Wrexham on 23/05/2017.

Standard 27 - Standard 27 requires a body to ask persons invited to a meeting whether they wish to use the Welsh language at the meeting. In my opinion, the email sent to 6,000 addresses informing recipients of the event, and asking attendees to identify their preferred language, constituted an invitation to the event at Wrexham Glyndŵr University on 23 May 2017. In response to the Commissioner's question, "Were the persons invited asked whether they wished to use the Welsh language during the meeting?", "yes" was the answer provided, and Welsh Ministers noted that 234 people informed them that they wished to use Welsh at the meeting. Standard 27A - Standard 27A requires a body which invites attendees to a meeting to arrange a simultaneous translation service from Welsh to English if at least 10% of those invited have informed them that they wish to use Welsh at the meeting. An email invitation was sent to around 6,000 people, and 234 said that they wished to use Welsh at the meeting. Welsh Ministers did initially arrange translation provision for the meeting, but it was decided to proceed with the meeting without using the equipment as there were not enough headsets for all those wishing to use them. As a result of the decision made, there was no translation service available at the meeting. Standard 33 - Standard 33 requires a body to ensure that a simultaneous translation service is available where a meeting is open to the public, with those in attendance orally informed that they are welcome to use Welsh and that a simultaneous translation service is available. The event in question was not open to the public. An email was sent to Farming Connect members informing them of the event. The following criteria had to be met before attending: i)

registering with Farming Connect in advance; (ii) registering for a specific date and location offered; (iii) being a main partner in the business; and (iv) stating their preferred language.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 27 - The Commissioner determined that Welsh Ministers have not failed to comply with standard 27. Standard 27A - The Commissioner determined that Welsh Ministers have failed to comply with standard 27A. Standard 33 - The Commissioner determined that Welsh Ministers have not failed to comply with standard 33.

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

Further action was taken in respect of Welsh Ministers' failure to comply with standard 27A

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

Standard 27A - Welsh Ministers must produce a guide for the use of third parties acting on their behalf regarding compliance with the Welsh language standards when arranging meetings held on their behalf. Timetable: Within 3 months of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 24/05/2018.

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

No appeal was made to the Tribunal.

Cardiff Council

The Commissioner received a complaint on 29/01/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to the fact that the address on a bilingual Council Tax bill was in English only.

21/5/2018

**Commissioner's findings**

Standard 6 - Standard 6 requires a body to ensure that the Welsh language is treated no less favourably than the English language when producing correspondence. City of Cardiff Council has been subject to this standard since 31 March 2016. The Commissioner received a complaint from a member of the public which claimed that the Welsh language was being treated less favourably than the English language on standard council tax correspondence as the addresses on the correspondence are in English only. In considering the evidence received from the complainant and the Council, the Commissioner concludes that English only addresses were included on standard council tax correspondence.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 6 - City of Cardiff Council has failed to comply with standard 6

**Statement of further action**

Further action was taken in respect of City of Cardiff Council's failure to comply with standard 6.

**Statement on the further action**

Standard 6 - City of Cardiff Council must prepare an action plan that will demonstrate what steps they will take in order to comply with standard 6. This requirement is enforced in accordance with section 80 of the Welsh

	<p>Language Measure. Timetable: Within 3 months of publishing the final determination of the Commissioner.</p> <p><b>Decision notice given</b> The Decision Notice was given to the City of Cardiff Council on 21/05/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Caerphilly</u> <u>County Borough</u> <u>Council</u></p> <p>The Commissioner received a complaint on 03/08/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant was unhappy after receiving an English only email with the title "Summer Reading Challenge at your local library". The contents of the email explained that it was the Library's first news bulletin. The email referred to the summer reading challenge and provided information on library services.</p> <p>15/5/2018</p>	<p><b>Commissioner's findings</b> Standard 4 - Standard 4 requires the Council to send a Welsh language version of correspondence at the same time as the English language version if that correspondence is being sent to several persons. The Council sent the library service's first news bulletin to several persons in English only. As the Council did not send a Welsh language version at the same time as the English language version when it emailed the bulletin to several persons, it did not comply with standard 4 in this case.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 4 - The Commissioner determined that Caerphilly County Borough Council has failed to comply with standard 4.</p> <p><b>Statement of further action</b> Further action was taken in respect of Caerphilly County Borough Council's failure to comply with standard 4.</p>

			<p><b>Statement on the further action</b> Standard 4 - Caerphilly County Borough Council must ensure that when it sends bulletins to several persons via email, it sends the Welsh language version at the same time as any English language version within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Caerphilly County Borough Council on 15/05/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Rhondda Cynon</u> <u>Taf County</u> <u>Borough Council</u></p>	<p>The Commissioner received a complaint on 30/08/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to letter that the complainant had received from Rhondda Cynon Taf Pension Fund. The standard letter dated 'August 2017' provided information and encouraged the complainant to join 'My Pension On-line', an online service to manage their pension. The complainant alleged that they had received this standard letter in English only.</p>	<p>9/5/2018</p>	<p><b>Commissioner's findings</b> Standard 4 - Standard 4 requires a body to send a Welsh language version of correspondence that it sends to several persons. The body must also ensure that a Welsh language version of the correspondence is sent at the same time as any English language version. The Commissioner received a complaint from a member of the public alleging that they had received a letter in English only from the Council. It appears that the letter's subject matter was standard text and text that would be used for several persons. Following full consideration of the evidence provided by the complainant and the Council, the Commissioner is of the view that the Council sent a letter to several persons in English only, contrary to the requirements of standard 4.</p> <p><b>Commissioner's determination</b></p>

			<p>Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 4 - The Commissioner determined that Rhondda Cynon Taf County Borough Council did not comply with standard 4.</p> <p><b>Statement of further action</b> Further action was taken in respect of Rhondda Cynon Taf County Borough Council's failure to comply with standard 4.</p> <p><b>Statement on the further action</b> Standard 4 - Rhondda Cynon Taf County Borough Council must conduct a review of each standard letter it sends to several persons in order to ensure a Welsh version is available. The Council must ensure that any correspondence sent to several persons is sent in Welsh at the same time as any English version. Timetable: Within 6 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Rhondda Cynon Taf County Borough Council on 09/05/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Powys County Council</u>	<p>The Commissioner received a complaint on 26/05/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in</p>	1/5/2018	<p><b>Commissioner's findings</b> Standard 1 Standard 1 requires the Council, or any party acting on behalf of the Council, to respond in Welsh to correspondence in Welsh. A company acting on behalf of Powys County Council sent an English only letter to the</p>



section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that the complainant contacted Powys County Council's Highways department to say that the condition of one of their roads had caused damage to his car. He sent the Council a bill for the repair of his car and the complainant received a letter in Welsh from the Council to say that they had passed on the bill for the damage to the car to their department dealing with vehicle damage. Following this, the complainant received a letter in English only by the Loss Adjusters, Gallagher Bassett. The letter included the following: "Please be advised that we are appointed by Powys County Council as claims handlers therefore all correspondence should be addressed to ourselves in relation to this matter from hereon." "We would be grateful if you could correspond with us in English as we are claims handlers / insurers based in England and are not Welsh speaking"

complainant in response to a letter in Welsh only. As the complainant received an English only response to his correspondence in Welsh, the Council did not comply with standard 1 in this case. Standard 7 Standard 7 requires Powys County Council to include a statement explaining that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. In this case, the company acting on behalf of Powys County Council was expected to include this statement on their correspondence. In this case, the letter. As the letter to the complainant did not include the required statement, Powys County Council did not comply with standard 7 in this case.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 1 The Commissioner determined that Powys County Council did not comply with standard 1. Standard 7 The Commissioner determined that Powys County Council did not comply with standard 7.

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

Further action was taken in respect of Powys County Council's failure to comply with standards 1 and 7.

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

Standard 1 and 7 When sub-contracting, Powys County Council must instruct third parties on how to comply with the Welsh language standards. Powys County Council

	<p>must complete these steps within 3 months of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Powys County Council on 01/05/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>The British Broadcasting Corporation</u></p> <p>The Commissioner received a complaint on 03/07/2018 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint alleges that a person on behalf of the BBC called at his home address in Cardiff on 26/06/2017 and left correspondence in English only regarding a television licence.</p> <p>26/4/2018</p>	<p><b>Commissioner's findings</b> Standard 5 Standard 5 requires the BBC to provide a Welsh version of correspondence when corresponding with a person if they don't know whether a person wishes to receive correspondence in Welsh. The complainant did not receive a Welsh version of the correspondence left at his home in Cardiff on 26/06/2017. The BBC noted that the correspondence is available in Welsh but the newly recruited enquiry officer had used copies given to him during the training course. "Standard letters (where we don't know if the person wishes to receive correspondence from us in Welsh or English) are sent bilingually to postcodes... in Wales". The BBC noted that they conducted a risk review and are putting an action plan in place to resolve any areas of potential risk.</p> <p><b>Commissioner's determination</b> Under section 73 (2) of the Welsh language Measure, the Commissioner has determined hat the BBC failed to comply with standard 5.</p> <p><b>Statement of further action</b></p>

No further action was taken in respect of the BBC's failure to comply with standard 5.

**Statement on the further action**

The Commissioner was of the opinion that the BBC have taken sufficient action to ensure that the failure is not likely to happen again.

**Decision notice given**

The Decision Notice was given to the BBC on the 26/04/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

The Commissioner received a complaint on 17/05/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant alleged that tickets printed by Wrexham Borough County's pay and display parking machines included errors in the Welsh language. The complainant noted specifically that the word 'Bwrdeistref' had been incorrectly spelled - as 'bwrdeisdref' and in addition, the complainant alleged that there were language errors in the adverts on the

25/4/2018

**Commissioner's findings**

Standard 48 requires a body not to treat any Welsh language version of a document being produced less favourably than the English language version of that document. Wrexham County Borough Council has been subject to this standard since 30 March 2016. The Commissioner received a complaint from a member of the public alleging that there were spelling errors and language errors in the Welsh text appearing on pay and display tickets and that the adverts on the back of the tickets treated the Welsh language less favourably than the English language. Following consideration of the evidence presented by the complainant and the Council, the Commissioner concludes that the pay and display tickets include spelling errors and that text on these tickets treats the Welsh language less favourably than the English language through the use of different

back of tickets and that the Welsh language was being treated less favourably than the English language on the adverts due to use of a smaller font for the Welsh text, and that the English language text in the adverts was in bold print.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Wrexham County Borough Council has failed to comply with standard 48 in this instance. The basis for the determination is that the Welsh text on the pay and display tickets is treated less favourably than the English text.

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

Further action was taken in respect of Wrexham County Borough Council failure to comply with standard 48.

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

Wrexham County Borough Council must ensure that the text on pay and display tickets does not treat the Welsh language less favourably than the English language. Wrexham County Borough Council must rectify the language errors that appear on the pay and display tickets. These steps must be completed within 90 days of issuing the Commissioner's final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on the 25th of April 2018

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

No appeal was made to the Tribunal.

Powys County Council

The Commissioner received a complaint on 20/07/2017 from a person which

25/4/2018

**Commissioner's findings**

satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to an allegation that only English language content is found on the @Powysarchives and @Sport\_Powys Twitter accounts and the Chwaraeon Sport Powys Facebook account. The complainant also alleges that they did not receive a response to a Welsh language email sent to the cwsmer@powys.gov.uk email address on 06/06/2017 and again on 15/07/2017, informing Powys County Council that only English language content was to be found on the Twitter and Facebook accounts.

Standard 1: Standard 1 requires Powys County Council to respond in Welsh to correspondence received in Welsh. The Commissioner received a complaint from a member of the public alleging that they did not receive a response to an email written in Welsh and sent to the Council. In considering the evidence received from the complainant and Powys County Council, the Commissioner believes that Powys County Council has failed to comply with standard 1. Standard 58: Standard 58 requires Powys County Council to ensure that it does not treat the Welsh language less favourably than the English language when using social media. The Commissioner received a complaint from a member of the public claiming that no Welsh language messages were to be seen on the @Powysarchives and @Sport\_Powys Twitter accounts nor the Sport Powys Facebook account. 3.37 In considering the evidence received from the complainant and Powys County Council, the Commissioner believes that the Council has failed to comply with standard 58 in this case.

### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 1 - The Commissioner determined that Powys County Council have failed to comply with standard 1. Standard 58 - The Commissioner determined that Powys County Council have failed to comply with standard 58.

### **Statement of further action**

Further action was taken in respect of the determination that Powys County Council have failed to comply with standards 1 and 58.

**Statement on the further action**

Standard 1: Powys County Council must ensure that its policy on responding to correspondence makes it quite clear that the Welsh language should be treated no less favourably than the English language. Powys County Council must provide its staff with guidance and support in relation to how to respond to correspondence in Welsh in accordance with its policy on responding to correspondence and in accordance with the requirements of standard 1. The Council should take these steps within 28 days of the date of publication of the final investigation report. Standard 58: Powys County Council must prepare an action plan to ensure that the Welsh language is treated no less favourably than the English language on its social media platforms. The action plan must address:

- the Council's policy for posting content on social media
- procedures for posting Welsh language content on social media
- staff awareness of Welsh language standard requirements in relation to posting content on social media
- staff training

The Council should prepare the initial draft action plan within 3 months of the date of the decision notice in this case. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan .

**Decision notice given**

The Decision Notice was given to Powys County Council on 25/04/2018.

The Natural  
Resources Body  
for Wales

The Commissioner received a complaint on 14/08/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint alleged that the recruitment process for a new Chief Executive for the Body had treated the Welsh language less favourably than the English language. The complainant alleged that there was a requirement to submit an online application for the role by means of an English only website provided by a third party, Odgers Berndston. The complainant alleged that there was no obvious method of submitting an application for the post in Welsh. The complainant noted that they had been unwilling on principle to submit an application for the post in English as the website was in English only. The complainant decided therefore to not submit an application.

19/3/2018

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's findings**

Standard 133 Where a body is required to comply with standard 133, they must, when advertising a post, state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English. The Commissioner received a complaint from a member of the public alleging that the recruitment process for a new Chief Executive for the Body treated the Welsh language less favourably than the English language. In considering the evidence received from the complainant and Natural Resources Wales, the Commissioner concluded that Natural Resources Wales did not state that applications may be submitted in Welsh when it advertised the post of Chief Executive. Standard 133A Standard 133A requires bodies to publish the following in Welsh, if at all published: application forms for posts; material that explains their procedure for applying for posts; information about their interview process, or about other assessment methods when applying for posts; job descriptions. The Commissioner received a complaint from a member of the public alleging that the recruitment process for a new Chief Executive for the Body treated the Welsh language less favourably than the English language. In consideration of the evidence received from the complainant and Natural Resources Wales, the Commissioner concluded that an online form provided for

applicants equates to an application form, and this was only available in English.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 133 The Commissioner determined that Natural Resources Wales has failed to comply with standard 133 in this instance. Standard 133A The Commissioner determined that Natural Resources Wales has failed to comply with standard 133A in this instance.

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

Further action was taken in respect of Natural Resources Wales' failure to comply with standards 133 and 133A.

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

Standard 133 Natural Resources Wales must ensure that it complies with the requirements of standard 133 at all times when advertising posts. NRW must make a clear statement that it welcomes applications for posts in Welsh and that applications made in Welsh will be treated no less favourably than applications made in English. Natural Resources Wales must ensure that such statements are made by any third party conducting a recruitment and appointments campaign on its behalf. Timetable: Within 28 days of issuing the Commissioner's final determination. Standard 133A Natural Resources Wales must review its procedures for the use of third parties to conduct recruitment and appointments campaigns on its behalf in order to: (1) Ensure that application forms do not treat the Welsh language less favourably than the English



		<p>language. (2) Ensure that it is possible to submit an application in Welsh in the same way as it is possible to submit an application in English. Timetable: Within 28 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Natural Resources Wales on 19/03/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Caerphilly</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 03/04/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to more than one of the Council's services. The complainant had received an English-only letter from the tax department and they were also unhappy about the fact that permanent and temporary signs at Rhymney Library and Rhymney Recycling Centre were in English only. They also wanted to complain about English-only announcements at Caerphilly and Bargoed libraries. The complainant also made a complaint directly to the Council and the Council provided a copy of the response dated 03/05/2017.</p>	<p>5/2/2018</p> <p><b>Commissioner's findings</b> Standard 4 - Standard 4 requires the Council to send a Welsh language version of correspondence at the same time as the English version if that correspondence is being sent to several persons. In this case, the Council sent the tax decision and housing benefit letter to several persons in English only. But according to the Council's comments following receipt of a copy of the proposed report, the Housing Benefit and Council Tax decision notices are not the same. As the letters are not the same, compliance with standard 4 is not in doubt. Standard 5 - Standard 5 requires a body to send a Welsh version of correspondence to a person at all times, unless it knows that the person does not wish to receive correspondence in Welsh. The Council sent letters relating to housing benefit and council tax to a large number of people in English only, even though it did not know whether these individuals wanted to receive correspondence in Welsh. As the Council sent English-only letters to a large number of people, not knowing whether they wanted to receive</p>

Welsh correspondence, it did not comply with standard 5 in this instance. In order to comply with standard 5, bilingual letters should have been sent to everyone whose language choice was not known. Standard 7 - The standard imposes a requirement on organisations to include a statement in correspondence, or in publications and official notices that invite persons to correspond with it, stating 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 letter in question was one that welcomed correspondence. The letter sent to the complainant did not include this statement. As the letter did not include the statement which must be included in correspondence that invites a response or correspondence, the Council did not comply with standard 7 in this instance. Standard 61 - Standard 61 requires the Council to ensure that any text on new signs is in Welsh and, if the new sign is also in English, it must not treat the Welsh language text less favourably than the English language text. Caerphilly County Borough Council confirmed that the 'Fire Exit' sign at Rhymney Library was a new sign that had been erected since the Council had been implementing standard 61. As the 'Fire Exit' sign was a new sign displaying only English text, the Council did not comply with standard 61 in this instance. Standard 87 - Standard 87 required a body to ensure that all messages announced over a public address system are made in Welsh and, if the message is also announced in English, the announcement must be made in Welsh first. At the time of the complaint, the loudspeaker announcements at Caerphilly and Bargoed Libraries (for example,

announcements stating that the Library will be closing) were not being made in Welsh. As the loudspeaker announcements at the libraries were not being made in Welsh, Caerphilly County Borough Council was not complying with standard 87 in this instance.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 4 - The Commissioner determined that Caerphilly County Borough Council has not failed to comply with standard 4. Standard 5 - The Commissioner determined that Caerphilly County Borough Council has failed to comply with standard 5. Standard 7 - The Commissioner determined that Caerphilly County Borough Council has failed to comply with standard 7. Standard 61 - The Commissioner determined Caerphilly County Borough Council has failed to comply with standard 61. Standard 83 - The Commissioner determined Caerphilly County Borough Council has failed to comply with standard 87.

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

Further action was taken in respect of Caerphilly County Borough Council's failure to comply with standard 5,7,61 a 87.

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

Standard 5 - Caerphilly County Borough Council must prepare an action plan (and a timetable) outlining the main steps that will be taken to ensure that letters regarding housing benefit and council tax are sent bilingually. This is to be actioned within 3 months of

issuing the Commissioner's final determination Standard 7 - Caerphilly County Borough Council must state in correspondence relating to council tax and housing benefit 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. This is to be actioned within 28 days of issuing the Commissioner's final determination. Standard 61 - Caerphilly County Borough Council must ensure that any text on signs erected at its libraries since the standard's imposition day display Welsh language text (on the same sign as the corresponding English language text or on a separate sign) and, if the same text is displayed in Welsh and English, it must not treat the Welsh language text less favourably than the English language text. This is to be actioned within 28 days of issuing the Commissioner's final determination. Standard 83 - Caerphilly County Borough Council must ensure that, when it announces messages over public address system in libraries, it makes the announcement in Welsh and, if the announcement is made in Welsh and in English, the announcement must be made in Welsh first. This is to be actioned within 3 months of issuing the Commissioner's final determination.

**Decision notice given**

The Decision Notice was given to Caerphilly County Borough Council on 05/02/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Pembrokeshire  
County Council

The Commissioner received a complaint on 10/05/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to English text appearing on the Welsh language page of the Council's website. The text referred to Minecraft activities held in Tenby libraries during May half term holidays. The following words appeared on the website's Welsh language page: "Mae'r dudalen hon wrthi'n cael ei chyfieithu ar hyn o bryd, felly diolch am eich amynedd wrth i ni ychwanegu'r cynnwys". (This page is currently being translated, therefore thank you for your patience whilst we update the contents). The text that followed appeared in English.

1/2/2018

**Commissioner's findings**

Standard 52 Standard 52 requires Pembrokeshire County Council to ensure that the text of each page of its website is available and fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language. English language text relating to Minecraft activities held during the summer half term at Tenby Library appeared on the Welsh page of the Council website, along with the words: "Mae'r dudalen hon wrthi'n cael ei chyfieithu ar hyn o bryd, felly diolch am eich amynedd wrth i ni ychwanegu'r cynnwys". (This page is currently being translated, therefore thank you for your patience whilst we update the contents). The Council noted that "this was an administrative error and arrangements have been made to ensure compliance by adopting a technical process whereby we have removed the 'translation optional' option ..... and replacing it with 'translation mandatory'".

**Commissioner's determination**

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

**Statement of further action**

Further action was taken in respect of Pembrokeshire County Council 's failure to comply with standard 52.

**Statement on the further action**

Standard 52 Pembrokeshire County Council must raise staff awareness of the requirements of standard 52 and provide them with guidance on how to operate in a

		<p>manner that allows them to comply with the standard. This is to be actioned within 28 days of the final presentation of the investigation report.</p> <p><b>Decision notice given</b> The Decision Notice was given to Pembrokeshire County Council 01/02/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 13/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to Wrexham County Borough Council's alleged failure to provide a Welsh language telephone service to a member of the public in the Council Tax department on 13/06/2017 when using the 01978 298992 telephone number. The complainant also alleged that there were linguistic errors in the Welsh version of the Council Tax summons letter sent to the complainant on 12/06/2017. The Commissioner decided to undertake an investigation under section 71 of the Wrexham County Borough Council in order to ascertain whether or not Welsh Ministers had failed to comply with standards 6 and 11.</p>	<p>31/1/2018</p> <p><b>Commissioner's findings</b> Standard 6 Standard 6 requires a body to ensure that the Welsh language is treated no less favourably than the English language when producing correspondence. Wrexham County Borough Council has been subject to this standard since 31 March 2016. The Commissioner received a complaint from a member of the public alleging that Wrexham County Borough Council had treated the Welsh language less favourably than the English language in a Council Tax summons letter as there were linguistic errors in the Welsh language version. In considering the evidence received from the complainant and the Council, the Commissioner conclude's that there were errors in the Welsh language version of the Council Tax summons letter sent to the complainant, contrary to the requirements of standard 6. Standard 11 Standard 11 requires Wrexham County Borough Council to deal with phone a call in Welsh if that is the person's wish, when a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, until it is necessary to transfer the call to a</p>

member of staff who does not speak Welsh who can provide a service on a specific subject matter; and until such a point as no Welsh speaking member of staff is available to provide a service on that specific subject matter. Wrexham County Borough Council has been subject to this standard since 31 March 2016. The Commissioner received a complaint from a member of the public alleging that he did not receive a Welsh language service over the phone from Wrexham County Borough Council in order to discuss a Council Tax summons. In considering the evidence received from the complainant and the Council, the Commissioner concludes that the Council has acted in accordance with the requirements of standard 11 in this instance.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Wrexham County Borough Council did fail to comply with standard 6. The Commissioner determined that Wrexham County Borough Council did not fail to comply with standard 11.

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

Further action was taken in respect of Wrexham County Borough Council failure to comply with standard 6.

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

In terms of the Commissioner's determination that Wrexham County Borough Council has failed to comply with standard 6, Wrexham County Borough Council is required to take the following steps in order to prevent the

		<p>failure being repeated: Standard 6 The Commissioner requires Wrexham County Borough Council to take steps to ensure that there are no linguistic errors in correspondence that is sent to the public within the Council Tax department in accordance with the requirements of standard 6. This enforcement action is operational 40 days from the date of receiving this investigation's final report and determination notice.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 31/01/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Powys County Council</u>	<p>The Commissioner received a complaint on 13/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to Powys County Council's arrangements for publishing information on a specific planning application. The planning application was in relation to a development on the outskirts of Machynlleth. The complainant alleges that the Council had presented the planning application and related information on the development in English only to the Planning Committee. The complainant alleges that he also attended the meeting at which</p>	<p>31/1/2018</p> <p><b>Commissioner's findings</b> Standard 30 Standard 30 requires a body to state on any material advertising a meeting that is open to the general public, and on any invitation to the meeting that anyone attending is welcome to use the Welsh language at the meeting. This can include public notices. The Commissioner received a complaint from a member of the public alleging that there was no simultaneous translation equipment from Welsh to English available at a Planning Committee meeting. In considering the evidence received from the complainant and Powys County Council the Commissioner is of the view that the Council did not make it clear to persons invited to Planning Committee meetings that they were able to use the Welsh language. Standard 32 Standard 32 requires a body to ask persons invited to speak at a meeting whether they wish to use the</p>



the application was discussed and that no simultaneous translation equipment was available at the Planning Committee meeting.

Welsh language at the meeting. If one or more of those persons has informed the body that he or she wishes to do so, the body must provide a simultaneous translation service from Welsh to English at the meeting. Powys County Council have been subject to standard 32 since 30 March 2016. The Commissioner received a complaint from a member of the public alleging that there was no simultaneous translation equipment from Welsh to English available in a Planning Committee meeting. In considering the evidence received from the complainant and Powys County Council, the Commissioner concludes that the Council did not ask every attendee invited to address the Planning Committee whether they wished to use Welsh. As they did not ask this question it was not possible for the Council to ensure that simultaneous translation from Welsh to English was available to those who wished to speak Welsh. Standard 33 Standard 33 requires a body to provide a simultaneous translation service from Welsh into English for every meeting open to the public. The standard also requires a body to ensure that those present at a meeting are orally informed, in Welsh, that they are welcome to use the Welsh language and that a simultaneous translation service is available. Powys County Council have been subject to the standard since 30 March 2016. The Commissioner received a complaint from a member of the public alleging that there was no simultaneous translation equipment from Welsh to English available in a Planning Committee meeting. In considering the evidence received by the complainant and Powys County Council, the Commissioner concludes that there was no simultaneous translation available at a meeting of the Planning Committee as a matter of course before May

2017 in breach of standard 33. Standard 47 Standard 47 requires a body to assess whether the subject matter of the document in question suggests that it should be produced in Welsh if no other standard has required them to produce the document in Welsh. Powys County Council have been subject to standard 47 since 30 March 2016. The Commissioner received a complaint from a member of the public in relation to Powys County Council's arrangements for publishing information on a specific planning application. The planning application was in relation to a development on the outskirts of Machynlleth. The complainant alleges that the Council had presented a planning application and related information on the development in English only to the Planning Committee. Considering the circumstances of the case, the Commissioner is of the view that the Council had not considered sufficiently whether there was a need to produce documents in Welsh, contrary to the requirements of the standards.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 30 The Commissioner determined that Powys County Council has failed to comply with standard 30. Standard 32 The Commissioner determined that Powys County Council has failed to comply with standard 32. Standard 33 The Commissioner determined that Powys County Council has failed to comply with standard 33. Standard 47 The Commissioner determined Powys County Council has failed to comply with standard 47.

**Statement of further action**

Further action was taken in respect of Powys County Council's failure to comply with standards 30, 32, 33 and 47.

**Statement on the further action**

Standard 30 Powys County Council must check that every standard advertisement or invitation used for meetings that are open to the public clearly states that anyone attending is welcome to use the Welsh language at the meeting. This enforcement action is operational 28 days following receipt of the case decision notice. Standard 32 Powys County Council must ensure that it asks persons invited to address the Planning Committee whether they wishes to use the Welsh language at the meeting, and if at least one of those persons notifies the Council that they wish to do so, the Council must ensure that a simultaneous translation service from Welsh to English is available at that meeting. This enforcement action is operational 28 days following receipt of the Decision Notice. Standard 33 Powys County Council must ensure that a simultaneous translation service from Welsh to English is available in every meeting open to the public. This enforcement action is operational 28 days following receipt of the Decision Notice. Standard 47 Powys County Council must develop a standard process for assessing the topic and anticipated audience of documents produced for public use. The assessment should determine if there is a need for that document to be produced in Welsh as is required to comply with standard 47. This enforcement action is operational 28 days after the date of the Decision Notice.

	<p><b>Decision notice given</b> The Decision Notice was given to Powys County Council on 31/01/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Powys County Council</u></p>	<p>The Commissioner received a complaint on 13/06/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was regarding Powys County Council's arrangements for publishing information on a specific planning application. The planning application was in relation to a development on the outskirts of Machynlleth. The complainant alleges that the Council had presented the planning application and related information on the development in English only to the Planning Committee. The complainant alleges that he also attended the meeting at which the application was discussed and that no simultaneous translation equipment was available at the Planning Committee meeting. The Commissioner decided to undertake an investigation under section 71 of the Wrexham County Borough Council in order to ascertain whether or</p> <p>29/1/2018</p> <p><b>Commissioner's findings</b> Standard 30 Standard 30 requires a body to state on any material advertising a meeting that is open to the general public, and on any invitation to the meeting that anyone attending is welcome to use the Welsh language at the meeting. This can include public notices. The Commissioner received a complaint from a member of the public alleging that there was no simultaneous translation equipment from Welsh to English available at a Planning Committee meeting. In considering the evidence received from the complainant and Powys County Council, the Commissioner is of the view that the Council did not make it clear to persons invited to Planning Committee meetings that they were able to use the Welsh language. Standard 32 Standard 32 requires a body to ask persons invited to speak at a meeting whether they wish to use the Welsh language at the meeting. If one or more of those persons has informed the body that he or she wishes to do so, the body must provide a simultaneous translation service from Welsh to English at the meeting. Powys County Council have been subject to standard 32 since 30 March 2016. The Commissioner received a complaint from a member of the public alleging that there was no simultaneous translation equipment from Welsh to English</p>

not Welsh Ministers had failed to comply with standards 30, 32, 33 and 47

available in a Planning Committee meeting. In considering the evidence received from the complainant and Powys County Council, the Commissioner concludes that the Council did not ask every attendee invited to address the Planning Committee whether they wished to use Welsh. As they did not ask this question it was not possible for the Council to ensure that simultaneous translation from Welsh to English was available to those who wished to speak Welsh. Standard 33 Standard 33 requires a body to provide a simultaneous translation service from Welsh into English for every meeting open to the public. The standard also requires a body to ensure that those present at a meeting are orally informed, in Welsh, that they are welcome to use the Welsh language and that a simultaneous translation service is available. Powys County Council have been subject to the standard since 30 March 2016. The Commissioner received a complaint from a member of the public alleging that there was no simultaneous translation equipment from Welsh to English available in a Planning Committee meeting. In considering the evidence received by the complainant and Powys County Council, the Commissioner concludes that there was no simultaneous translation available at a meeting of the Planning Committee as a matter of course before May 2017 in breach of standard 33. Standard 47 Standard 47 requires a body to assess whether the subject matter of the document in question suggests that it should be produced in Welsh if no other standard has required them to produce the document in Welsh. Powys County Council have been subject to standard 47 since 30 March 2016. The Commissioner received a complaint from a member of the public in relation to Powys County Council's

arrangements for publishing information on a specific planning application. The planning application was in relation to a development on the outskirts of Machynlleth. The complainant alleges that the Council had presented a planning application and related information on the development in English only to the Planning Committee. Considering the circumstances of the case, the Commissioner is of the view that the Council had not considered sufficiently whether there was a need to produce documents in Welsh, contrary to the requirements of the standards.

#### **Commissioner's determination**

Commissioner's determination Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Powys County Council did fail to comply with standard 30 The Commissioner determined that Powys County Council did fail to comply with standard 32 The Commissioner determined that Powys County Council did fail to comply with standard 33 The Commissioner determined that Powys County Council did fail to comply with standard 47

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

Further action was taken in respect of Powys County Council's failure to comply with standards 30, 32, 33 and 47

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

In terms of the Commissioner's determination that Wrexham County Borough Council has failed to comply

with standards 30, 32, 33 and 47 Powys County Council is required to take the following steps in order to prevent the failure being repeated: Standard 30 Powys County Council must check that every standard advertisement or invitation used for meetings that are open to the public clearly states that anyone attending is welcome to use the Welsh language at that meeting. This enforcement action is operational 28 days following receipt of the case decision notice. Standard 32 Powys County Council must ensure that it asks persons invited to address the Planning Committee whether they wish to use the Welsh language at the meeting, and if at least one of those persons notifies the Council that they wish to do so, the Council must ensure that a simultaneous translation service from Welsh to English is available at that meeting. This enforcement action is operational 28 days following receipt of the Decision Notice. Standard 33 Powys County Council must ensure that a simultaneous translation service from Welsh to English is available in every meeting open to the public. This enforcement action is operational 28 days following receipt of the Decision Notice. Standard 47 Powys County Council must develop a standard process for assessing the topic and anticipated audience of documents produced for public use. The process should conclude if there is a need for that document to be produced in Welsh as is required to comply with standard 47. This enforcement action is operational 28 days after the date of the Decision Notice.

**Decision notice given**

The Decision Notice was given to Powys County Council on 31/01/2018.

Wrexham  
County Borough  
Council

The Commissioner received a complaint on 16/05/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint alleges that the information on Wrexham County Borough Council's website page regarding the County's leisure centres was deficient in Welsh. The complainant states that the Welsh language version of the web page contained less information than the English language version of the same page. The complainant also states that links on the Welsh language web page led to information in English only on Freedom Leisure's website pages – an external provider who runs the County's leisure centres on behalf of the Council. The Commissioner decided to undertake an investigation under section 71 of the Wrexham County Borough Council in order to ascertain whether or not Welsh Ministers had failed to comply with standards 52 and 56.

12/1/2018

**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 all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. Wrexham County Borough Council has been subject to standard 52 since 30 March 2016. In considering the evidence received from the complainant and Wrexham County Borough Council, the Commissioner is of the opinion that all the text on Freedom Leisure's website pages wasn't available in Welsh, contrary to the requirements of the standard. Standard 56 Standard 56 requires the body to ensure that the interface and menus on every page of its website are available in Welsh. Wrexham County Borough Council been subject to standard 56 since 30 March 2016. In considering the evidence received from the complainant and Wrexham County Borough Council, the Commissioner concludes that not all menus on every page of Freedom Leisure's website were in Welsh.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Wrexham County Borough Council did fail to comply with standard 52 and 56.

**Statement of further action**



Further action was taken in respect of Wrexham County Borough Council failure to comply with standard 52 and 56.

**Statement on the further action**

In terms of the Commissioner's determination that Wrexham County Borough Council has failed to comply with standard 52 and 56, Wrexham County Borough Council is required to take the following steps in order to prevent the failure being repeated: Standard 52 Wrexham County Borough Council must ensure that – (a) the text of each page of their website is available in Welsh, (b) every Welsh language page on their website is fully functional, and (c) the Welsh language is not treated less favourably than the English language on their website. Standard 56 Wrexham County Borough Council must provide the interface and menus on every page of their website in Welsh.

**Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 12/01/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Rhondda Cynon  
Taf County  
Borough Council

The Commissioner received a complaint from a person on 11/04/2017 which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleges to have contacted the Council's main telephone

11/1/2018

**Commissioner's findings**

Standard 11 Standard 11 requires the Council to offer a Welsh language service on its telephone numbers, and to provide a Welsh language service to a person if that is the person's wish. A duty to comply with the standard 11 has been placed on the Council since 30 March 2016. On 11

number on 11 April 2017. She pressed '1' for the Welsh language service and her call was answered by a member of staff who spoke the language. She then asked to be transferred to the Human Resources department. However, her call was answered by another member of the main call centre's staff. This individual did not speak Welsh and the complainant had to repeat her enquiry in English. Her call was then successfully transferred to the Human Resources department and was answered by a member of staff who greeted her in English. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 11 and 20.

April 2017, the complainant contacted the Council on the telephone number 01443 425005, with an enquiry to the Human Resources department. The complainant chose to continue her call in Welsh by pressing the number 1 button, in accordance with the instructions of the automatic message. The call was answered by a Welsh adviser at the contact centre. When trying to transfer the call to the Human Resources department the adviser keyed the wrong number which meant that the call was transferred to a non-Welsh speaking adviser within the contact centre. The complainant started to speak Welsh but had to repeat her enquiry in English. When considering the evidence received from the complainant and the Council, the Commissioner is satisfied that it was a human error that had led to the call being transferred to a non-Welsh speaking adviser. It is the Commissioner's opinion that there are appropriate arrangements in place at the Council to deal with Welsh language telephone enquiries, and that had the call been transferred without error, the Council would not have failed to comply with the standard. However, as a result of this error in this instance, the Council failed to deal with the complainant's call in Welsh, despite the complainant's wish to receive a Welsh language service being established due to her initiating the conversation in Welsh. The Commissioner must therefore determine that the Council failed to comply with standard 11. Standard 20 Standard 20 requires an organisation to ensure that the Welsh language is not treated less favourably than English when greeting a person who contacts them on a direct line number. The complainant claims to have received an English greeting (with no corresponding Welsh greeting) when her call was

transferred to the Human Resources Department at Rhondda Cynon Taf County Borough Council. Having considered the evidence submitted by the Council and the complainant, the Commissioner concludes that the complaint is regarding the greeting the complainant received when she was transferred to the relevant department, and that the standard is therefore not relevant to the investigation.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 11. The Commissioner was unable to determine the Council's compliance with standard 20.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Rhondda Cynon Taff County Borough Council has failed to comply with standard 11, the Commissioner will take further action for the purpose of preventing the failure of Rhondda Cynon Taff County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 11 Rhondda Cynon Taf County Borough Council must take steps to ensure that calls are dealt with in Welsh if that is the person's wish, in accordance with Standard 11. □ Rhondda Cynon Taf

County Borough Council must take steps to ensure that, when transferring call, you continue to deal with the call in Welsh if that is the person's wish, in accordance with Standard 11. Timetable: Within 28 days of publishing the Commissioner's final determination

**Decision notice given**

The Decision Notice was given to the Council on 11/01/2018.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 09/03/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant was unhappy that an address was not included on a Welsh version of a letter he received inviting him to take part in the National Survey for Wales. I received a copy of the letter from the complainant.

10/1/2018

**Commissioner's findings**

Standard 6 Standard 6 requires a body to ensure that the Welsh language is treated no less favourably than the English language when producing correspondence. The standard provides examples of treating the Welsh language less no favourably than the English language in this context, such as ensuring that there are corresponding signatures and contact details on both versions of the correspondence. The letter received by the complainant regarding the National Survey for Wales did not include the address on the Welsh version of the letter. In their evidence, the Welsh Ministers note that this was the usual practice with letters regarding the National Survey. As the letter did not include the address on the Welsh version as with the English version, the Welsh Ministers treated the Welsh version of the letter less favourably than the English version. Standard 7 Standard 7 places a requirement on organisations to include a statement in correspondence, publications or official

notices that invite persons to respond to them or to correspond with them, that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. The letter received by the complainant did not include this statement. As the letter did not include the statement required in correspondence inviting persons to respond or to correspond with the organisation, the Welsh Ministers did not implement standard 7 in this instance.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: Standard 6 The Commissioner determined that Welsh Ministers have failed to comply with standard 6. Standard 7 The Commissioner determined that Welsh Ministers have failed to comply with standard 7.

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

Further action was taken in respect of Welsh Ministers' failure to comply with standard 6 and 7.

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

Standard 6 In conducting the National Survey for Wales, Welsh Ministers must ensure that when they produce a corresponding Welsh and English version of correspondence they must include the recipients Welsh address on the Welsh version of the letter, and you must not treat the Welsh version less favourably than the English version. This is to be actioned within 28 days of issuing the Commissioner's final determination. Standard

			<p>7 The Welsh Ministers must state in correspondence regarding the National Survey for Wales that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. This is to be actioned within 3 months of issuing the Commissioner's final determination. During the next 3 months the Commissioner advises the Welsh Ministers to consider other methods of informing the public that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Welsh Ministers on 10/01/2018.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>The Commissioner received a complaint on 28/04/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to the Welsh language technical support telephone service for users of the Sell2Wales website. The complainant claims that the Welsh web pages of the Sell2Wales website did not display a phone number for the technical helpline and that they had to phone the Sell2Wales general</p>	21/12/2017	<p><b>Commissioner's findings</b> Standard 13 Standard 13 requires a body to ensure that the telephone number for the Welsh language is the same as for the corresponding telephone number for the English language service. Providing a separate telephone number for the Welsh language service is not permitted. Welsh Ministers have been subject to this standard since 30 September 2016 for the Sell2Wales service. I received a complaint from a member of the public claiming that the Welsh language pages of the Sell2Wales website did not display a technical support telephone number. In considering the evidence received from the complainant</p>

number three times in order to get the number. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 13 and 52.

and Welsh Ministers, I conclude that the body uses different telephone numbers for the Sell2Wales technical support service contrary to the requirements of the standard Standard 52 Standard 52 requires a body to ensure that all pages on its website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. Welsh Ministers have been subject to standard 52 since 30 March 2016. The Commissioner received a complaint from a member of the public claiming that the Welsh language pages of the Sell2Wales website did not display a technical support telephone number. In considering the evidence received from the complainant and Welsh Ministers, the Commissioner concludes that the Welsh web pages of the Sell2Wales website contained less information information regarding the technical telephone service. This caused frustration to the complainant when seeking to use the Welsh language service.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 13 and 52.

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

Further action was taken in respect of Welsh Ministers' failure to comply with standard 13 and 52.

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

In terms of the Commissioner's determination that Welsh Ministers has failed to comply with standard 14 and 52, Welsh Ministers is required to take the following steps in order to prevent the failure being repeated: Standard 13 Welsh Ministers must use the same number to deliver all Sell2Wales telephone support services and ensure that the Welsh language service offered is akin to the English language service offered on that line. This enforcement action is operational 3 months after the Decision Notice for case CSG223 is received. Standard 52 Welsh Ministers must ensure that clear information is available to the public about the support services available to them on the Welsh web pages of the Sell2Wales website. As Welsh Ministers complete the enforcement actions for this case and establish one number for technical support, it should be ensured that the number in question is displayed on the Welsh language web pages of the Sell2Wales website. This enforcement action is operational 28 days after the decision notice of this case is received.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/12/2017.

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

No appeal was made to the Tribunal.

Bridgend  
County Borough  
Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. On 3 June

14/12/2017

#### **Commissioner's findings**

Standard 81 The Commissioner determines that Bridgend County Borough Council has not failed to comply with standard 81 in this case, on the basis that the evidence



2016 the Commissioner received a number of complaints from a member of the public. The complaints involved swimming lesson provision of a number of local authorities, including Bridgend County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Bridgend County Borough Council, a copy of the Council's response to a telephone enquiry regarding Welsh language swimming lessons was received. The response stated that the Council offered Welsh medium swimming lessons to children but not to adults. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid in accordance with section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that

available to me highlights that the Council has taken sufficient steps to advertise and promote the current provision of swimming lessons in Welsh, and does so in Welsh. Standard 84 The Commissioner determines that Bridgend County Borough Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at some levels, although swimming lessons are offered in English at these levels. Standard 86 The Commissioner determines that Bridgend County Borough Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that the Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of the Council to comply with the

the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

relevant requirement from continuing or being repeated:  
Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 6 February 2018. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan.

**Decision notice given**

The Decision Notice was given to the Council on 14/12/2017

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Welsh Ministers

The Commissioner received two complaints from two complainants which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The first complaint was received on 21 February 2017. The complainant claimed that they had received an English only email on 21 February 2017 from one of the officers of the Welsh Ministers inviting him to a meeting with the Education Director of the Welsh Government's Education and Public Services Group. The second complaint

30/11/2017

**Commissioner's findings**

Standard 2 Standard 2 requires a body to ask individuals whether they wish to receive correspondence in Welsh, when corresponding with them for the first time. If an individual responds to say that they do wish to receive correspondence in Welsh from the body, that body will need to keep a record of that wish, and correspond with them in Welsh from then onwards. Welsh Ministers have been subject to this standard since 30 March 2016. The complainant received English only emails from Welsh Minister officials. This was contrary to their wish to receive correspondence in Welsh from the organisation. The parties agree that English only emails were sent to the

was received on 8 March 2017. The complainant alleged that they had received an English only email on 8 March 2017 from one of the Welsh Ministers officers in response to a telephone enquiry made in Welsh. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 2, 5 and 7.

complainant in these cases despite the fact that a record had been made of the complainant's wish to receive correspondence in Welsh from Welsh Ministers. Standard 5 Standard 5 requires bodies to provide a Welsh language version of correspondence when corresponding with a person, if they don't know whether that person wishes to receive correspondence in Welsh. Therefore, bodies are required to send a Welsh version of correspondence to an individual at all times, unless they are aware of the individual's language choice (e.g. through information provided to the body in accordance with standard 2 and/or 3). Welsh Ministers have been subject to standard 5 since 30 March 2016. The complainant received an English only email from a Welsh Minister official inviting them to a meeting. This was contrary to their wish to receive correspondence in Welsh from the organisation. The evidence from Welsh Ministers highlights that a record of the complainant's language choice had been made and therefore this standard no longer applies to the investigation. Standard 7 Standard 7 requires a body to state in all correspondence, including electronic correspondence, that it welcomes receiving correspondence in Welsh, that it will respond in Welsh and that corresponding in Welsh will not lead to delay. Welsh Ministers have been subject to standard 7 since 30 March 2016. The complainant received an English only email from a Welsh Minister official inviting them to a meeting. The statement on the email did not state that they are welcome to correspond with the organisation in Welsh. The evidence from Welsh Ministers highlights that there was no standard statement in place in officials'

standard electronic signatures regarding welcoming correspondence in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 2 and 7. On the basis that Welsh Ministers were aware of the complainant's language choice, the Commissioner could not make a determination on compliance with standard 5.

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

Further action was taken in respect of Welsh Ministers' failure to comply with standard 2 and 7

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

In terms of the Commissioner's determination that Welsh Ministers has failed to comply with standard 2 and 7, Welsh Ministers is required to take the following steps in order to prevent the failure being repeated: Standard 2 - Welsh Ministers must conduct a further awareness campaign regarding the requirements of the Welsh language standards for correspondence, specifically targeting: - Members of staff in regular contact with members of the public; - Members of staff who are the subject of complaints about failures to implement the standards. Standard 7 - Welsh Ministers must ensure that all officials' electronic signatures include a standard statement in accordance with the requirements of standard 7. The above is to be actioned within 28 days of the final presentation of the investigating report.

	<p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on 30/11/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Welsh Ministers</u></p>	<p>The Commissioner received a complaint on 27/07/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The Commissioner received an allegation from an individual that training provided by National Union of Journalists Training Wales (NUJTW) between May 2016 – January 2017, and advertised on the NUJTW website was not available in Welsh. It is alleged that NUJTW receives funding from the Welsh Government to deliver the training. The complainant wished to attend a “How to run a successful social media campaign” course in Welsh. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 94.</p> <p>28/11/2017</p> <p><b>Commissioner’s findings</b> Standard 94 Standard 94 requires Welsh Ministers to produce and publish a policy on awarding grants which ensures that the body considers the Welsh language when awarding a grant. Welsh Ministers provided a guidance document to use when awarding grants to bodies. The toolkit provided by Welsh Ministers recognises the fundamental principles of the Welsh Language Measure, but the content is not sufficient to convey what needs to be done to comply with standard 94 by considering the issues identified in a-ch. The complainant wished to attend the course held on 18 July, 2016 namely "How to run a Successful Social Media Campaign", but it was not available in Welsh. It was noted that courses are held bilingually but that there was no demand for the course in Welsh. The Commissioner does not believe that the Welsh Ministers' policy on awarding grants is sufficient, in terms of complying with the standard in question on the basis that it is not possible to consider the effects of a-ch on the Welsh language when undertaking an assessment.</p> <p><b>Commissioner’s determination</b></p>

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 94.

**Statement of further action**

Further action was taken in respect of Welsh Ministers' failure to comply with standard 94.

**Statement on the further action**

In terms of the Commissioner's determination that Welsh Ministers has failed to comply with standard 94, Welsh Ministers is required to take the following steps in order to prevent the failure being repeated: Standard 94 – requirement for Welsh Ministers to take steps in accordance with section 77 of the Welsh Language Measure: □ Revise the policy on awarding grants to reflect the requirements of the standard by including detailed guidance on how to consider the effects of a-ch on the Welsh language, so that the policy itself is sufficient to convey what needs to be done to comply with the standard. This is to be actioned within 28 days of the final presentation of the investigating report.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 28/11/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 12/01/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was regarding Student Finance Wales services. The complaint stated that the complainant received a letter entitled 'Financial evidence needed for tax year 2014-15' from Student Finance Wales in English only, on 05/01/2017. The complaint also states that that the complainant received a form entitled 'Evidence Return Form' from Student Finance Wales in English only, on 05/01/2017. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 2, 5, 7 and 50.

21/11/2017

**Commissioner's findings**

Standard 2 Standard 2 requires a body, when corresponding with an individual for the first time after the imposition day for the standard, to ask that individual whether they wish to receive correspondence from the body in Welsh. The letter sent to the complainant on 05/01/2017 was not Student Finance Wales' first correspondence with the complainant after the imposition day for standard 2. Standard 2 only applies to first-time correspondence with an individual and therefore standard 2 does not apply in this case. Standard 5 Standard 5 requires the Welsh Ministers to provide a Welsh language version of correspondence when corresponding with a person, if the body doesn't know whether that person wishes to receive correspondence in Welsh. However, no Welsh language version was provided of the letter sent by Student Finance Wales to the complainant on 05/01/2017, even though Student Finance Wales was not aware at the time whether the complainant wished to receive correspondence in Welsh. Standard 7 Standard 7 requires the Welsh Ministers to state in correspondence that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. However, the letter sent to the complainant on 05/01/2017 included no such statement. Standard 50 Standard 50 requires that any forms produced by the Welsh Ministers for public use are produced in Welsh. Student Finance Wales' Evidence Return Form, sent to the complainant on 05/01/2017, has not been produced in Welsh.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 5, 7, and 50. The Commissioner determined that Welsh Ministers did not fail to comply with standard 2.

**Statement of further action**

Further action was taken in respect of Welsh Ministers' failure to comply with standard 5, 7 and 50.

**Statement on the further action**

In terms of the Commissioner's determination that Welsh Ministers has failed to comply with standard 1, Welsh Ministers is required to take the following steps in order to prevent the failure being repeated: Standard 5 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 5 in relation to correspondence sent by Student Finance Wales. The Welsh Ministers should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps. Standard 7 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 7 in relation to correspondence sent by Student Finance Wales. The Welsh Ministers should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and



appoint a person responsible for executing the steps. Standard 50 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 50 in relation to forms produced by Student Finance Wales. The Welsh Ministers should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps. The Welsh Ministers should prepare a first draft action plan within 40 days from the date of the decision notice for this case that is by 03/01/2018. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/11/2017

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

No appeal was made to the Tribunal.

#### Welsh Ministers

The Commissioner received a complaint on 05/01/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was regarding Student Loans Company Limited services. The complaint stated that the complainant received a letter entitled 'Action required – complete the enclosed form to update

21/11/2017

#### **Commissioner's findings**

Standard 2 Standard 2 requires a body, when corresponding with an individual for the first time after the imposition day for the standard, to ask that individual whether they wish to receive correspondence from the body in Welsh. In this instance, by sending the letter dated 09/12/2016 to the complainant, the Student Loans Company was corresponding with the individual for the first time since the imposition day for standard 2,

your current employment status' from the Student Loans Company in English only, on 09/12/2016. The complaint also states that the complainant received a form entitled 'Confirmation of Customer Details Form' from the Student Loans Company in English only, on 09/12/2016. Additionally, the complainant noted that the Student Loans Company's website (<http://www.slc.co.uk/>) is not available in Welsh and that the complainant was unable to speak Welsh to the Student Loans Company on the phone when she called 0300 100 0611 at 16:24 on 05/01/2017. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 2, 5, 7, 8, 9, 10, 50 and 52.

30/03/2016. The Student Loans Company did not ask the complainant whether they wished to receive correspondence in Welsh from the body. Standard 5 The Student Loans Company was aware of the complainant's preferred language when the letter was sent on 09/12/2016. Standard 5 only applies to situations where a body does not know whether a person wishes to receive correspondence in Welsh from them and therefore standard 5 does not apply in this instance. Standard 7 Standard 7 requires the Welsh Ministers to state in correspondence that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. However, the letter sent to the complainant on 09/12/2016 included no such statement. Standard 8 Standard 8 requires the Welsh Ministers to greet callers contacting one of their main telephone numbers in Welsh. The complainant was not greeted in Welsh when they called the Student Loans Company's main telephone number at 16:24 on 05/01/2017 because the voice recognition system used at the beginning of every call does not greet callers in Welsh. Standard 9 Standard 9 requires that any person contacting the Welsh Ministers on one of their main telephone numbers is informed that a Welsh language service is available. Normally with calls to the Student Loans Company's main telephone number, callers from Wales are informed that a Welsh language service is available after being identified via their customer number, but this did not happen in this instance because the complainant did not input their customer number. The customer advisor informed the complainant that a Welsh

language service was available, but this was done late during the call. Standard 10 Standard 10 requires the Welsh Ministers to deal with calls made to one of their main telephone numbers in Welsh in their entirety if that is the caller's wish. I believe that efforts should be made to establish, at the first possible opportunity, whether the person wishes to receive a service in Welsh over the phone. Normally with calls to the Student Loans Company's main telephone number, it is established whether callers from Wales wish to receive a Welsh language service after being identified via their customer number, but this did not happen in this instance because the complainant did not input their customer number. Additionally, the voice recognition system greets callers and directs them to input their customer number in English. This means that the first half of the call is conducted in English and that there is no option to change this. Standard 50 Standard 50 requires that any forms produced by the Welsh Ministers for public use are produced in Welsh. The Student Loans Company's Confirmation of Customer Details form, sent to the complainant on 09/12/2016, has not been produced in Welsh. Standard 52 Standard 52 requires the Welsh Ministers to ensure that all pages on websites that they are responsible for are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those websites. None of the pages on the Student Loans Company's corporate website, [www.slc.co.uk](http://www.slc.co.uk), are available in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 2, 7, 8, 10, 50 and 52. The Commissioner determined that Welsh Ministers did not fail to comply with standard 5 and 9.

**Statement of further action**

Further action was taken in respect of Welsh Ministers' failure to comply with standard 2, 7, 8, 10, 50 and 52.

**Statement on the further action**

Standard 2 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 2 in relation to correspondence sent by the Student Loans Company. The Welsh Ministers should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps.

Standard 7 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 7 in relation to correspondence sent by the Student Loans Company. The Welsh Ministers should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps.

Standard 8 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which

steps it will take steps to comply with standard 8 in relation to calls made to the Student Loans Company's main telephone number from landlines and mobile phones. The Welsh Minsters should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps.

Standard 10 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 10 in relation to calls made to the Student Loans Company's main telephone number. The Welsh Minsters should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps.

Standard 50 The Commissioner requires require the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 50 in relation to forms produced by the Student Loans Company. The Welsh Minsters should base the action plan on the representations presented in response to the proposed investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps.

Standard 52 The Commissioner requires the Welsh Ministers to prepare an action plan which will state which steps it will take steps to comply with standard 52 in relation to the Student Loans Company's websites. The Welsh Minsters should base the action plan on the representations presented in response to the proposed

investigation report for this case; it should include dates for completing each action step, and appoint a person responsible for executing the steps. The Welsh Ministers should prepare first draft action plans within 40 days from the date of the decision notice for this case that is by 03/01/2018. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

**Decision notice given**

The Decision Notice was given to Welsh Ministers on 21/11/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 30/03/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint related to road signs on the M4 motorway. The complainant alleges to have seen English text placed above the corresponding Welsh language text on matrix screens on the M4 motorway between junction 44 and 42. The complainant was travelling eastbound on 30 March 2016 when they saw the signs in question. The signs were showing 'P+RIDE J42' on the first line and 'P+TEITHIO' on the second line. The complainant also alleges to have

21/11/2017

**Commissioner's findings**

Standard 61 Standard 61 places a duty on an organisation to ensure that any new or renewed signs are displayed in Welsh, and that the Welsh text must be treated no less favourably than the English text on those signs. By displaying an English message on the exit of junction 42 on 4 April 2016 without a corresponding Welsh message, Welsh Ministers have failed to display a sign in Welsh, and have therefore treated the Welsh language less favourably than the English language on this occasion. By displaying the sign in question, Welsh Ministers failed to comply with standard 61. Standard 62 Standard 62 places a duty on organisation to ensure that Welsh text on newly erected temporary and / or permanent signs, or signs that are renewed on or after the imposition date, is positioned so that it is likely to be read

seen a sign next to the junction 42 exit whilst travelling eastbound on the M4 on 4 April 2016 displaying the text "Congestion Slow Down" in English without any corresponding Welsh text. The complainant alleges that temporary signs for overnight works on 5 April 2016 continued to display information with the English preceding the Welsh text. The complainant provided a link to the Information Signs page on the Traffic Wales website and noted that this page showed that English text precedes the Welsh text on information signs on highways in Wales.

first. The purpose of the standard is to ensure that when information is expressed in Welsh and English, that Welsh is placed in a position so that is likely to be read first. It is my opinion that Welsh text is not likely to be read first if it is placed below the English text. The Commissioner considered whether or not the sign in question was a new sign. The Commissioner is of the opinion that a new sign is erected every time a new message is displayed on the electronic sign. Due to the limitations of the hardware which supported the control of the sign in question, English text was placed above the corresponding Welsh text on an electronic information sign on the M4 motorway on 30 March 2016. As a result, Welsh Ministers failed to place the Welsh text in a position where it is most likely to be read first. By displaying the sign in question, Welsh Ministers failed to comply with standard 62.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers have failed to comply with standards 61 and 62.

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

Further action was taken in respect of Welsh Ministers failure to comply with standards 61 and 62.

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

Standard 61 Welsh ministers must take steps to ensure that, when displaying text on variable message signs, the text is displayed in Welsh (whether on the same sign as the corresponding English text or on a separate paired sign), with the exception of signs subject to the Traffic

		<p>Signs Regulations and General Directions 2016. Within 3 mis of the date of publishing the Commissioner's final determination. Standard 62 Welsh Ministers must take steps to ensure that variable message signs can display the Welsh text above the English text when the two languages appear on the same sign, in order to comply with standard 62. Within 3 mis of the date of publishing the Commissioner's final determination. Welsh Ministers must take steps to ensure that temporary signs display Welsh text above the English text in order to comply with Standard 62. Within 3 mis of the date of publishing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Welsh Ministers on the 21/11/2017</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>City and County of Swansea Council</u></p>	<p>The Commissioner received a complaint on 07/03/2017 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that he had received and English only reply to an email which was sent, in Welsh, on 7 March 2017. The reply was sent at 19.31 o'clock on the same date by a member of the City and County of Swansea Council's (the Council) staff.</p>	<p>15/11/2017</p> <p><b>Commissioner's findings</b> Standard 1 Standard 1 requires that the Council replies in Welsh to any correspondence which is written in Welsh and requires a reply. On this occasion the Council failed to reply in Welsh to a piece of correspondence - an email - which was written in Welsh and required a reply. By failing to reply in Welsh to the correspondence in question, the Council failed to comply with standard 1. Standard 7 Standard 7 requires that correspondence generated by the Council states that it welcomes correspondence in Welsh, that it will respond to correspondence in Welsh and that corresponding in</p>



Welsh will not lead to delay. The correspondence in question - an email sent in reply by a member of the Council's staff - did not include such a statement. By failing to state in correspondence that it welcomes correspondence in Welsh, that it will respond to correspondence in Welsh and that corresponding in Welsh will not lead to delay the Council failed to comply with standard 7.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that the Council failed to comply with standards 1 and 7.

**Statement of further action**

Further action was taken in respect of the City and County of Swansea Council's failure to comply with standards 1 and 7.

**Statement on the further action**

Standard 1 The Council must ensure that it replies in Welsh to any correspondence which is written in Welsh and requires a reply within 28 days of publishing the Commissioner's final determination. Standard 7 The Council must ensure that it states in correspondence (and any publications or official notices inviting a response or requesting correspondence from persons) that it welcomes correspondence in Welsh, that it will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay within 28 days of publishing the Commissioner's final determination.

	<p><b>Decision notice given</b> The Decision Notice was given to the City and County of Swansea Council on the 15/11/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that the microsite established to enable the public to search for current (and historic) planning applications is not available in Welsh and that it is not possible to search for planning applications on the English pages by using Welsh street names or terms. The complainant notes that they followed a link from a Welsh language page on Cardiff City Council's main website. General information on the planning application process is available on the main website in Welsh, but the link to track applications etc as described in leads to the above English only search page for applications. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 52, 55 and 56.</p> <p>17/10/2017</p> <p><b>Commissioner's findings</b> Standard 52 In considering the evidence received from the complainant and the Council, I conclude that this microsite is not available in Welsh and this is in breach of the standard's requirements. Standard 55 As a result of my determination that a failure to comply with standard 52 on the basis that the microsite is only available in English, it is not possible for me to give a determination on compliance with standard 55. Standard 56 In considering the evidence received from the complainant and the Council, I conclude that the interface and menus are not available in Welsh on this microsite.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 52 and 56. The Council has not failed to comply with standard 55.</p> <p><b>Statement of further action</b> The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.</p> <p><b>Statement on the further action</b></p>

			<p>The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: Cardiff City Council must prepare an action plan for the purpose of ensuring that the microsite <a href="http://planning.cardiff.gov.uk/online-applications/">http://planning.cardiff.gov.uk/online-applications/</a> is available and fully functioning in Welsh. Timetable: Cardiff City Council must submit a draft improvement plan in accordance with Section 80 of the Welsh Language Measure within 90 days of receiving the final decision notice.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 17/10/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that they received a response in English only to a freedom of information request presented in Welsh to <a href="mailto:foi@caerdydd.gov.uk">foi@caerdydd.gov.uk</a>. Subsequently the complainant noted that they had received a response in Welsh following a direct complaint made to the Council at the same time as making this complaint. However, the complainant alleged that making the original request in Welsh had</p>	<p>17/10/2017</p>	<p><b>Commissioner's findings</b> Standard 1 Having examined the evidence provided by the complainant and the Council, I conclude that an English language response was provided to Welsh language correspondence in this case, and also that a delay in receiving a Welsh language response meant that the Welsh language was treated less favourably than the English language in this case.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 1.</p>

caused delay in receiving a response in their preferred language, and therefore that the Welsh language request had been treated less favourably than had the request been made in English. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 1.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: City of Cardiff Council must ensure that it has robust procedures in place so that it responds in Welsh to Welsh language correspondence received in relation to freedom of information requests. City of Cardiff Council must ensure that submitting a freedom of information request in Welsh does not lead to a delay on the part of those making the request and that the Welsh language is treated no less favourably than the English language when dealing with requests. This enforcement action is operational 28 days from the date the final Decision Notice of this case is received.

#### **Decision notice given**

The Decision Notice was given to the Council on 17/10/2017.

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

No appeal was made to the Tribunal.

Rhondda Cynon  
Taf County  
Borough Council

The Commissioner received a complaint on 24/11/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint alleged that the Rhondda

16/10/2017

#### **Commissioner's findings**

Standard 1 Standard 1 requires that the Council replies in Welsh to any correspondence which is written in Welsh and requires a reply. On this occasion the Council failed to reply in a timely manner to a piece of correspondence

Cynon Taf County Borough Council (the Council) failed to reply to an email which was written in Welsh. The email related to the Rhondda Cynon Taf Local Government Pension Scheme. In it the complainant enquired what forms would needed to be completed in order to inform of a change in circumstances. The email was sent at 20:36 on 29 September 2016 to the address, pensions@rctcbc.gov.uk. The complainant also claimed that she sent a second email to the same address at 20:37 on 8 November 2016. In it she complained that her initial enquiry had not been replied to and that the acknowledgment which was sent in response to that enquiry was written in English.

which was written in Welsh and required a reply. However, the evidence received does not indicate that the delay was the result of a failure by the Council to formulate a reply, in Welsh, to that correspondence. In this regard the Commissioner finds that there has been no failure by the Council to comply with standard 1. However, this investigation has identified that the automatically generated acknowledgement which is sent in response to electronic correspondence was written solely in English. The Council disputes that this acknowledgement constitutes a reply in the context of standard 1, describing it as merely a 'courteous record of enquiry receipt'. Although the Commissioner does not disagree with this description, the Commissioner argues that the acknowledgement is generated solely in response to receiving a piece of correspondence and should therefore be considered a reply. The Commissioner realises that the content of that acknowledgment cannot be tailored to the recipient's language choice before it is sent. The Commissioner is therefore of the opinion that it should be written in Welsh in order to comply with standard 1 – that is not to say that it should only be written in Welsh – and that the Council failed to comply with that standard in this regard.

#### **Commissioner's determination**

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

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

		<p>Further action was taken in respect of Rhondda Cynon Taf County Borough Council failure to comply with standard 1.</p> <p><b>Statement on the further action</b> Standard 1 The Council must continue to ensure that automatically generated email acknowledgements which are sent from the account pensions@rctbc.gov.uk are written bilingually. Within 28 days of publishing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to Rhondda Cynon Taf County Borough Council on 16/10/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Cardiff Council</u>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that the Welsh language is treated less favourably than the English language on Cardiff Central Library's self service machines as English is their default language, and that a button must be pressed at the bottom of the home screen in order to receive a Welsh language service. The complainant also alleged that the city's car parking self service machines, which</p>	<p>3/10/2017</p> <p><b>Commissioner's findings</b> Standard 60 By setting English as the default language of self service machines in the central library and in car parks, and by not actively offering a Welsh language option, the self service machines used by the complainant treated the Welsh language less favourably than the English language.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 60.</p> <p><b>Statement of further action</b></p>

are under the control of City of Cardiff Council, display English text on the screen as the default language and that a button must be pressed in order to receive a Welsh language service. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 60.

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: City of Cardiff Council must ensure that every self service machine that it is responsible for offers an equal language choice between Welsh and English on the front page of the machine, or set the default language of the machine as Welsh. This is to be actioned within 6 months of the final presentation of the investigation report.

#### **Decision notice given**

The Decision Notice was given to the Council on 03/10/2017.

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

No appeal was made to the Tribunal.

Neath Port  
Talbot County  
Borough Council

The Commissioner received a complaint from a person on July 21, 2016 which met the conditions of section 93 (3) to (6) of the Welsh Language Measure. The complainant contacted me because he was dissatisfied at having to wait longer than the usual time limit to receive a response to a request for information under the Freedom of Information Act 2000. The complainant submitted his request for information on 14 June 2016.

26/9/2017

#### **Commissioner's findings**

Standard 1 Although the Council failed to respond to the information request within the time limit required under the Freedom of Information Act 2000, there is no evidence to suggest that this was due to the language of submission. The Council also failed to respond to 106 information requests made in English within the time limit during the same period. The Council explained that human error was responsible for the failure to respond within the time limit to the request in question rather than a systemic problem and given the number of English requests that did not

The time limit for receiving a response to a request for information under the Freedom of Information Act 2000 is 20 working days which was 12 July 2016 in this case. The complainant received the Council's response to his request for information on 1 August 2016, 34 working days after submitting the request. The complainant believed that the delay was due to the fact that he had submitted the request in Welsh.

receive a response either, the Commissioner is satisfied that this does not reflect a problem with the Council's Welsh language service. Standard 7 By including the statement “Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni” in its correspondence, the Council has complied with standard 7 in this case.

#### **Commissioner's determination**

Commissioner's determination Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has not failed to comply with standard 1 and 7.

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

Section 76 of the Welsh Language Measure allows the Commissioner to take further action where there has been no failure to comply with a standard, and section 77 allows the Commissioner to take further action where there has been a failure.

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

In the case of the Commissioner's determination that Neath Port Talbot County Borough Council has not failed to comply with standards 1 and 7, the Commissioner will not be taking any further action.

#### **Decision notice given**

The Decision Notice was given to the Council on 26/09/2017.

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



No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 21/12/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint involved a standard acknowledgement email sent to a person, after she had corresponded with one of the Welsh Ministers on 8 December 2016 in Welsh. It is alleged that the standard email response was sent in English only. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 1.

15/8/2017

**Commissioner's findings**

Standard 1 Standard 1 requires Welsh Ministers to respond in Welsh to correspondence received in Welsh. The parties are agreed that the complainant received a standard acknowledgement email in English only to correspondence that was sent in Welsh to one of the Welsh Ministers on 8 December 2016. In considering the evidence received from the complainant and Welsh Ministers, the Commissioner believes that Welsh Ministers had sent an English response to Welsh correspondence in this instance, in breach of the requirements of standard 1.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 1.

**Statement of further action**

Further action was taken in respect of Welsh Ministers' failure to comply with standard 1.

**Statement on the further action**

In terms of the Commissioner's determination that Welsh Ministers has failed to comply with standard 1, Welsh Ministers is required to take the following steps in order to prevent the failure being repeated: Standard 1 Welsh Ministers must continue with their arrangements for ensuring that they comply with the requirements of the

			<p>Welsh Language Standards in relation to email correspondence; by monitoring and reviewing those arrangements regularly to ensure that they are effective. This enforcement action is operational 28 days from the date the report and final decision notice of this investigation are received.</p> <p><b>Decision notice given</b> Decision notice given The Decision Notice was given to Welsh Ministers on 15/08/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint on 31/12/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. There are two elements to the complaint. Firstly, the complainant alleged that an English only sign had been placed on new pay and display self service machines in Wrexham. A photo was provided showing that the signs were temporary, advising the public that the machines were not as yet operational. The complainant also alleged that the new self service pay and display machines were not fully operational in Welsh; that instructions placed on the machines were in English only and that the machine's default language on the</p>	<p>15/8/2017</p>	<p><b>Commissioner's findings</b> Standard 60 The Commissioner concludes that Wrexham County Borough Council has failed to comply with standard 60 in this case on the basis that the English language is the preset default language on the digital screens of the pay and display parking self service machines; and therefore treats the Welsh language less favourably than the English language. Standard 61 The Commissioner concludes that Wrexham County Borough Council has failed to comply with standard 61 in this case on the basis that an English only temporary sign was erected. Standard 62 On the basis of the Commissioner's determination that there has been a failure to comply with standard 61 on the basis that the sign was in English only, the Commissioner is unable to determine compliance with standard 62.</p> <p><b>Commissioner's determination</b></p>

screen was English. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 60, 61 and 62.

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Wrexham County Borough Council did fail to comply with standard 60 and 61.

**Statement of further action**

Further action was taken in respect of Wrexham County Borough Council failure to comply with standard 61 and 62.

**Statement on the further action**

In terms of the Commissioner's determination that Wrexham County Borough Council has failed to comply with standard 60 and 61, Wrexham County Borough Council is required to take the following steps in order to prevent the failure being repeated: Standard 60 Wrexham County Borough Council must ensure that all self service machines for which it is responsible offer an equal language choice between Welsh and English on the front page of the machines; or set the Welsh language as the default language so that the Welsh language is treated no less favourably than the English language. Wrexham County Borough Council must, within 180 days of receiving the final investigation report, confirm in writing; that it has completed the steps above. Standard 61 Wrexham County Borough Council must, within 90 working days following the date of the final report (that is by 19 December 2017), conduct a review of signs for which the Council is responsible in its car parks to ensure that they comply with the requirements of standard 61. Wrexham County Borough Council must confirm in writing

	<p>that it has completed this enforcement action, 10 working days after implementation period has ended.</p> <p><b>Decision notice given</b> The Decision Notice was given to Wrexham County Borough Council on 15/08/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was in relation to mistakes and language errors on a Welsh sign in a car park on Severn Road, Canton, Cardiff. The complainant claimed that the sign included Welsh language text that was an incorrect grammatical translation and was not sensible in meaning. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 63.</p>	<p>26/7/2017</p> <p><b>Commissioner's findings</b> Standard 63 In considering the evidence received from the complainant and the Council, the Commissioner is of the opinion that City of Cardiff Council has failed to comply with standard 63 in this case on the basis that the Welsh language text on signs in the city's car parks were inaccurate in terms of meaning and expression in the period between the standard's imposition date and 6 February 2017.</p> <p><b>Commissioner's determination</b> Commissioner's determination Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 63.</p> <p><b>Statement of further action</b> The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.</p> <p><b>Statement on the further action</b></p>

	<p>The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: City of Cardiff Council must review all signs in its car parks. When the review discovers inaccurate signs, the Council must take steps to ensure that the sign is renewed to ensure that the Welsh language text is accurate in terms of meaning and expression. City of Cardiff Council must confirm in writing that it has completed this enforcement action within 60 days.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 26/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that he sent an e-mail in Welsh to the mailbox pensions@cardiff.gov.uk and that he received an English only reply on 23 January 2017. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 1.</p> <p>26/7/2017</p> <p><b>Commissioner's findings</b> Standard 1 In considering the evidence received from the complainant and the Council, the Commissioner is of the opinion that City of Cardiff Council sent an English reply to Welsh correspondence in this instance, in breach of the requirements of standard 1.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 1.</p> <p><b>Statement of further action</b></p>

	<p>Statement of further action Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.</p> <p><b>Statement on the further action</b>  The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: The Council should continue with its arrangements for ensuring compliance with the requirements of the Welsh language standards in relation to correspondence; by monitoring and reviewing those arrangements regularly to ensure that they are effective. This recommendation is operational 28 days from the date the final report is received.</p> <p><b>Decision notice given</b>  The Decision Notice was given to the Council on 26/07/2017.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal</p>
<p><u>City and County of Swansea Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved swimming lesson provision of a number of local authorities, including Swansea City and County Council. Evidence was provided to support the complaints; this evidence</p> <p>25/7/2017</p> <p><b>Commissioner's findings</b>  Standard 81 The Commissioner determines that Swansea City and County Council has not failed to comply with standard 81 in this case, on the basis that the Council does not offer a Welsh language service in relation to swimming lessons and that therefore the duty to comply with standard 81 does not apply. Standard 84 The Commissioner determines that Swansea City and County Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming</p>

involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Swansea City and County Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in March 2016. The response stated that the Council did not offer any swimming lessons in Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid in accordance with section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an

lessons in Welsh at any level, although swimming lessons are offered in English Standard 86 The Commissioner determines that Swansea City and County Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Swansea City and County Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Swansea City and County Council to comply with the relevant requirement from continuing or being repeated: Standard 81 When the Council offers swimming lessons in Welsh, it will be required to comply with standard 81 in relation to the Welsh language service. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner

investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, which is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Blaenau Gwent  
County Borough  
Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved swimming lesson provision of a number of local authorities, including Blaenau Gwent County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Blaenau Gwent County Borough Council has not failed to comply with standard 81 in this case, on the basis that the Council does not offer a Welsh language service in relation to swimming lessons, and that therefore the duty to comply with standard 81 does not apply. Standard 84 The Commissioner determines that Blaenau Gwent County Borough Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at any level, although swimming lessons are offered in English.



availability of Welsh language swimming lessons. In the case of Blaenau Gwent County Borough Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in May 2016. The response stated that the Council did not offer any swimming lessons in Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the

Standard 86 The Commissioner determines that Blaenau Gwent County Borough Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

### **Statement of further action**

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Blaenau Gwent County Borough Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Blaenau Gwent County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 81 When the Council offers swimming lessons in Welsh, it will be required to comply with standard 81 in relation to the Welsh language service. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action

Council had failed to comply with standards 81, 84 and 86.

plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Vale of  
Glamorgan  
Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved swimming lesson provision of a number of local authorities, Vale of Glamorgan Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Vale of

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Vale of Glamorgan Council has not failed to comply with standard 81 in this case, on the basis that the person offering the swimming lessons in Welsh on its behalf promotes the lessons and advertises them in Welsh. Standard 84 The Commissioner determines that Vale of Glamorgan Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at a number of levels, although swimming lessons for those levels are offered in English. Standard 86 The Commissioner determines that Vale of Glamorgan Council has not failed to comply with standard

Glamorgan Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in March 2016. The response stated that the Council did not have any swimming instructors who could offer swimming lessons in Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the

86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Vale of Glamorgan Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Vale of Glamorgan Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should consider, in the light of its responsibility to promote and facilitate the use of the Welsh language, taking action for itself to promote the swimming lessons it offers in Welsh, and to encourage its leisure services provider to do the same. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will

	<p>Council had failed to comply with standards 81, 84 and 86.</p>	<p>take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 25/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including City of Cardiff Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of City of Cardiff</p>	<p>25/7/2017</p> <p><b>Commissioner's findings</b> Standard 81 The Commissioner determines that City of Cardiff Council has not failed to comply with standard 81 in this case, on the basis that the persons offering swimming lessons in Welsh on its behalf promote the lessons and advertises them in Welsh Standard 84 The Commissioner determines that City of Cardiff Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at a number of levels, although swimming lessons for those levels are offered in English. Standard 86 The Commissioner determines that the City of Cardiff Council has failed to comply with standard 86 in this case, on the basis that it has not published on its website an</p>

Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in March 2016. In the view of the enquirer, the Council's response did not provide sufficient assurance regarding the availability of swimming lessons in Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the

assessment of the need for courses that have been developed to be offered in Welsh.

### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84 and 86. The Council has not failed to comply with standard 81.

### **Statement of further action**

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Cardiff City Council has failed to comply with standard 84 and 86, the Commissioner will take further action for the purpose of preventing the failure Cardiff City Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should consider, in the light of its responsibility to promote and facilitate the use of the Welsh language, taking action for itself to promote the swimming lessons it offers in Welsh. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh

Council had failed to comply with standards 81, 84 and 86.

Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 The Council should take steps to comply with standard 86 in relation to the courses stated to have been developed since 30/03/2016, and any courses that are developed in the future.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Caerphilly  
County Borough  
Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Caerphilly County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Caerphilly County Borough Council, the Commissioner received a copy of the Council's response to a written query regarding

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Caerphilly County Borough Council has failed to comply with standard 81 in this case, on the grounds that the Council has advertised the swimming lessons offered in Welsh in English only. Standard 84 The Commissioner determines that Caerphilly County Borough Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at a number of levels, although swimming lessons are offered at those levels in English. Standard 86 The Commissioner determines that Caerphilly County Borough Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the

Welsh language swimming lessons. The query was made by email by a member of the public in March 2016. The response stated that the Council offered swimming lessons in Welsh in one location, dependent on ability. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

standard, and that therefore the duty to comply with standard 86 does not apply.

### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 81 and 84. The Council has not failed to comply with standard 86.

### **Statement of further action**

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Caerphilly County Borough Council has failed to comply with standard 81 and 84, the Commissioner will take further action for the purpose of preventing the failure of Caerphilly County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should take steps to comply with standard 81. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86



When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Carmarthenshire  
County Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Carmarthenshire County Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Carmarthenshire County Council, the Commissioner received a copy of a record of the Council's response to an oral query regarding Welsh language swimming lessons. A member of the public had enquired about the swimming lessons at a meeting with a member of Council staff

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Carmarthenshire County Council has not failed to comply with standard 81 in this case, on the basis that the Council promotes the Welsh language swimming lessons and advertises them in Welsh. Standard 84 The Commissioner determines that Carmarthenshire County Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at a number of levels, although swimming lessons are offered at those levels in English. Standard 86 The Commissioner determines that Carmarthenshire County Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

**Commissioner's determination**



in April 2016. The response stated that some swimming lessons were available in Welsh, but there was doubt about the availability of swimming lessons Welsh at certain levels. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Carmarthenshire County Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Carmarthenshire County Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should consider drawing attention within individual timetables, and on pages of individual leisure centres, to the fact that swimming lessons are offered in Welsh. The Council should also have regard to the need to comply with standard 82. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 When the Council develops an education

course in relation to swimming lessons, it will be required to comply with standard 86.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Newport City Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Newport City Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Newport City Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in April 2016. The response stated that the Council did not offer any swimming lessons in Welsh. The complainant was

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Newport City Council has not failed to comply with standard 81 in this case, on the basis that the Council does not offer a Welsh language service in relation to swimming lessons, and that therefore the duty to comply with standard 81 does not apply. Standard 84 The Commissioner determines that Newport City Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at any level, although swimming lessons are offered in English. Standard 86 The Commissioner determines that Newport City Council has failed to comply with standard 86 in this case, on the basis that the Council has developed courses of swimming lessons in the period since the imposition day for the standard, and did not carry out an assessment in accordance with standard 86.

**Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has

acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, The Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

failed to comply with standard 84 and 86. The Council has not failed to comply with standard 81.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure

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

In the case of the Commissioner's determination that Newport City Council has failed to comply with standard 84 and 86, the Commissioner will take further action for the purpose of preventing the failure of Newport City Council to comply with the relevant requirement from continuing or being repeated: Standard 81 When the Council offers swimming lessons in Welsh, it will be required to comply with standard 81 in relation to the Welsh language service. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 The Council should take steps to comply with standard 86 in relation to the courses stated to have been developed since

30/03/2016, and any courses that are developed in the future.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Conwy County  
Borough Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Conwy County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Conwy County Borough Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in May 2016. The response stated that the Council offered swimming lessons in Welsh at one location, but that

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Conwy County Borough Council has failed to comply with standard 81 in this case, on the basis that the Council does not state that swimming lessons are offered in Welsh as it promotes and advertises the swimming lessons. Standard 84 The Commissioner determines that Conwy County Borough Council has not failed to comply with standard 84 in this case, on the basis that the Council does offer swimming lessons in Welsh for each of the levels for which it offers swimming lessons in English. Standard 86 The Commissioner determines that Conwy County Borough Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

**Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has

lessons were usually held in English only in other locations. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

failed to comply with standard 81. The Council has not failed to comply with standard 84 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Conwy County Borough Council has failed to comply with standard 81, the Commissioner will take further action for the purpose of preventing the failure of Conwy County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should take steps to comply with standard 81. Standard 84 With regard to the fact that a smaller number of swimming lessons is offered in Welsh than in English, the Council should ensure that its provision does not cause unreasonable disadvantage for individuals who wish to receive swimming lessons in Welsh, compared with those who wish to receive swimming lessons in English. With regard to the fact that the Council offers some swimming lessons bilingually, the Council should ensure that the Welsh language is treated no less favourably than the English language within lessons offered bilingually. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.

#### **Decision notice given**

		<p>The Decision Notice was given to the Council on 25/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Denbighshire</u> <u>County Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Denbighshire County Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Denbighshire County Council, the Commissioner received a copy of a record of the Council's response to an oral query regarding Welsh language swimming lessons. A member of the public had enquired about the swimming lessons in a telephone conversation with a member of Council staff in April 2016. The response stated that it would be possible for the Council to offer bilingual lessons, but not lessons in Welsh only. The response also stated that the Council did</p> <p>25/7/2017</p>	<p><b>Commissioner's findings</b> Standard 81 The Commissioner determines that Denbighshire County Council has failed to comply with standard 81 in this case, on the basis that the Council does not state that swimming lessons are offered in Welsh as it promotes and advertises the swimming lessons. Standard 84 The Commissioner determines that Denbighshire County Council has not failed to comply with standard 84 in this case, on the basis that the Council does offer swimming lessons in Welsh for each of the levels for which it offers swimming lessons in English.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 81. The Council has not failed to comply with standard 84. Statement of further action The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.</p> <p><b>Statement on the further action</b> In the case of the Commissioner's determination that Denbighshire County Council has failed to comply with standard 81, the Commissioner will take further action for</p>

not consider that there was a statutory requirement to offer swimming lessons in Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81 and 84.

the purpose of preventing the failure of Denbighshire County Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should take steps to comply with standard 81. Standard 84 With regard to the fact that swimming lessons are offered in Welsh in fewer locations than in English, and that a smaller number of swimming lessons is offered in Welsh than in English, the Council should ensure that its provision does not cause unreasonable disadvantage for individuals who wish to receive swimming lessons in Welsh, compared with those who wish to receive swimming lessons in English. With regard to the fact that the Council offers some swimming lessons bilingually, the Council should ensure that the Welsh language is treated no less favourably than the English language within lessons offered bilingually.

#### **Decision notice given**

The Decision Notice was given to the Council on 25/07/2017.

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

No appeal was made to the Tribunal

Gwynedd  
Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016.

25/7/2017

#### **Commissioner's findings**

Standard 81 The Commissioner determines that Gwynedd Council has failed to comply with standard 81 in this case, on the basis that the Council does not state that swimming lessons are offered in Welsh as it promotes



The complaint involved the swimming lessons provision of a number of local authorities, including Gwynedd Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Gwynedd Council, the Commissioner received a copy of the Council's responses to written queries regarding Welsh language swimming lessons. The queries were made by email by members of the public in March 2016. The responses indicated that the Council did offer swimming lessons in Welsh in several locations, but there was doubt regarding the availability of Welsh language swimming lessons in other locations. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language

and advertises the swimming lessons. Standard 84 The Commissioner determines that Gwynedd Council has not failed to comply with standard 84 in this case, on the basis that the Council does offer swimming lessons in Welsh for each of the levels for which it offers swimming lessons.

### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 81. The Council has not failed to comply with standard 84.

### **Statement of further action**

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Gwynedd Council has failed to comply with standard 81, the Commissioner will take further action for the purpose of preventing the failure of Gwynedd Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should take steps to comply with standard 81. Standard 84 With regard to the fact that the Council offers some swimming lessons bilingually, the Council should ensure that the Welsh language is treated no less favourably than the English language within lessons offered bilingually.

### **Decision notice given**



Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81 and 84.

The Decision Notice was given to the Council on 25/07/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Pembrokeshire  
County Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Pembrokeshire County Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Pembrokeshire County Council, the Commissioner received a copy of the Council's responses to written queries regarding Welsh language swimming lessons. The queries were made by email by members of the public in March 2016. The

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Pembrokeshire Council has not failed to comply with standard 81 in this case, on the basis that the Council promotes the Welsh language swimming lessons and advertises them in Welsh.

Standard 84 The Commissioner determines that Pembrokeshire Council has not failed to comply with standard 84 in this case, on the basis that the Council does offer swimming lessons in Welsh for each of the levels for which it offers swimming lessons in English. Standard 86 The Commissioner determines that Pembrokeshire Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

**Commissioner's determination**

responses indicated that the Council did offer swimming lessons in Welsh in several locations, but there was doubt regarding the availability of Welsh language swimming lessons at some levels, and Welsh language swimming lessons were not offered in other locations. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Pembrokeshire County Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Pembrokeshire County Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should consider drawing attention within individual timetables, and on pages of individual leisure centres, to the fact that swimming lessons are offered in Welsh. The Council should also have regard to the need to comply with standard 82. Standard 84 With regard to the fact that swimming lessons are offered in Welsh in fewer locations than in English, and that a smaller number of swimming lessons is offered in Welsh than in English, the Council should ensure that its provision does not cause unreasonable disadvantage for individuals who wish to receive swimming lessons in Welsh, compared with those who wish to receive swimming lessons in English. With regard to the fact that the Council offers some swimming lessons bilingually, the Council should ensure that the Welsh language is treated no less

		<p>favourably than the English language within lessons offered bilingually. Standard 86 When the Council develops an education course</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 25/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Rhondda Cynon</u> <u>Taf County</u> <u>Borough Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaints involved the swimming lessons provision of a number of local authorities, including Rhondda Cynon Taff County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Rhondda Cynon Taff County Borough Council, the Commissioner received a copy of the Council's responses to written queries regarding Welsh language swimming lessons. The queries were made by email by members</p>	<p>25/7/2017</p> <p><b>Commissioner's findings</b> Standard 81 The Commissioner determines that Rhondda Cynon Taff County Borough Council has not failed to comply with standard 81 in this case, on the basis that the person offering the swimming lessons in Welsh on its behalf promotes the lessons and advertises them in Welsh. Standard 84 The Commissioner determines that Rhondda Cynon Taff County Borough Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at a number of levels, although swimming lessons are offered at those levels in English.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81.</p> <p><b>Statement of further action</b></p>

of the public in May 2016. The responses indicated that the Council did offer swimming lessons in Welsh in some locations, but that swimming lessons were not offered in Welsh in a number of locations. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81 and 84.

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Rhondda Cynon Taff County Borough Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Rhondda Cynon Taff County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council should consider, in the light of its responsibility to promote and facilitate the use of the Welsh language, taking action for itself to promote the swimming lessons it offers in Welsh. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks; that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan.

#### **Decision notice given**

The Decision Notice was given to the Council on 25/07/2017.

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

No appeal was made to the Tribunal.

Powys County Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Powys County Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Powys County Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in April 2016. The list provided in response to the query indicated that swimming lessons were offered in Welsh in one location of the nine listed on the date to which the query related. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Powys County Council has failed to comply with standard 81 in this case, on the basis that the Council does not state that swimming lessons are offered in Welsh as it promotes and advertises the swimming lessons. Standard 84 The Commissioner determines that Powys County Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at one level, although swimming lessons are offered at that level in English.

**Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 81 and 84.

**Statement of further action**

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

**Statement on the further action**

In the case of the Commissioner's determination that Powys County Council has failed to comply with standard 81 and 84, the Commissioner will take further action for the purpose of preventing the failure of Powys County Council to comply with the relevant requirement from continuing or being repeated: Standard 81 The Council

Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81 and 84.

should take steps to comply with standard 81. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan.

**Decision notice given**

The Decision Notice was given to the Council on 25/07/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Monmouthshire  
County Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Monmouthshire County Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the

25/7/2017

**Commissioner's findings**

Standard 81 The Commissioner determines that Monmouthshire County Council has not failed to comply with standard 81 in this case, on the basis that the Council does not offer a Welsh language service in relation to swimming lessons, and that therefore the duty to comply with standard 81 does not apply. Standard 84 The Commissioner determines that Monmouthshire County Council has not failed to comply with standard 84 in this case, even though it has not conducted swimming lessons in Welsh, on the basis that the Council has taken reasonable action to offer swimming lessons in Welsh.

availability of Welsh language swimming lessons. In the case of Monmouthshire County Council, the Commissioner received a copy of the Council's response to a written query regarding Welsh language swimming lessons. The query was made by email by a member of the public in March 2016. The response stated that the Council did not offer any swimming lessons in Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the

Standard 86 The Commissioner determines that Monmouthshire County Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Monmouthshire County Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Monmouthshire County Council to comply with the relevant requirement from continuing or being repeated: Standard 81 When the Council offers swimming lessons in Welsh, it will be required to comply with standard 81 in relation to the Welsh language service. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Council should continue to offer swimming lessons in Welsh, and it should continue



	<p>Council had failed to comply with standards 81, 84 and 86.</p>	<p>making arrangements to conduct swimming lessons in Welsh should there be demand for them. In order to facilitate this, the Council should consider preparing (on a voluntary basis) an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Commissioner will give the Council an advice document which will be of assistance in preparing the action plan. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 25/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Torfaen County Borough Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Torfaen County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Torfaen County</p>	<p>25/7/2017</p> <p><b>Commissioner's findings</b> Standard 81 The Commissioner determines that Torfaen County Borough Council has not failed to comply with standard 81 in this case, on the basis that the Council does not offer a Welsh language service in relation to swimming lessons, and that therefore the duty to comply with standard 81 does not apply. Standard 84 The Commissioner determines that Torfaen County Borough Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at any level, although swimming lessons are offered in English. Standard 86 The Commissioner determines that Torfaen County Borough Council has not failed to comply with standard 86 in this case, on the</p>



Borough Council, the Commissioner received information which claimed that the Council had indicated, in response to a query, that it did not offer any swimming lessons in Welsh. The query was made by a member of the public in a telephone call to Torfaen County Borough Council on 01/06/2016. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the standard, and that therefore the duty to comply with standard 86 does not apply.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Torfaen County Borough Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Torfaen County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 81 When the Council offers swimming lessons in Welsh, it will be required to comply with standard 81 in relation to the Welsh language service. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October

			<p>2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be of assistance in preparing the action plan. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 25/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u> <u>County Borough</u> <u>Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was received on 03/06/2016. The complaint involved the swimming lessons provision of a number of local authorities, including Wrexham County Borough Council. Evidence was provided to support the complaints; this evidence involved the response of the local authorities to queries regarding the availability of Welsh language swimming lessons. In the case of Wrexham County Borough Council, the Commissioner received written information indicating that an oral query was made by a</p>	<p>25/7/2017</p>	<p><b>Commissioner's findings</b> Standard 81 The Commissioner determines that Wrexham County Borough Council has not failed to comply with standard 81 in this case, on the basis that the Council does not offer a Welsh language service in relation to swimming lessons, and that therefore the duty to comply with standard 81 does not apply. Standard 84 The Commissioner determines that Wrexham County Borough Council has failed to comply with standard 84 in this case, on the basis that the Council does not offer swimming lessons in Welsh at any level, although swimming lessons are offered in English. Standard 86 The Commissioner determines that Wrexham County Borough Council has not failed to comply with standard 86 in this case, on the basis that the Council has not developed any education course in relation to swimming lessons in the period since the imposition day for the</p>

member of the public on 04/04/2016 at Waterworld Leisure and Activity Centre, Wrexham. This person claimed he was informed by the receptionist that the Council did not offer any swimming lessons designated as being in Welsh, although some of the swimming instructors did speak Welsh. The complainant was acting on behalf of other persons, who had made the queries to the councils, but the information submitted did not make it known who these persons were. Consequently, the Commissioner was not satisfied that the complainant was acting on behalf of persons who have been directly affected by the alleged conduct. On that basis, the Commissioner was not of the opinion that the complaints were valid according to section 93 of the Welsh Language Measure. However, the Commissioner was of the opinion that the information received created a suspicion of a failure by the Council to comply with some of the Welsh language standards imposed on it. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 81, 84 and 86.

standard, and that therefore the duty to comply with standard 86 does not apply.

### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 84. The Council has not failed to comply with standard 81 and 86.

Statement of further actionThe Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

In the case of the Commissioner's determination that Wrexham County Borough Council has failed to comply with standard 84, the Commissioner will take further action for the purpose of preventing the failure of Wrexham County Borough Council to comply with the relevant requirement from continuing or being repeated: Standard 81 When the Council offers swimming lessons in Welsh, it will be required to comply with standard 81 in relation to the Welsh language service. The Council should also ensure that it complies with standard 82 where required to do so. Standard 84 The Commissioner requires the Council to prepare an action plan which will state what steps it will take in order to comply with standard 84 in relation to swimming lessons. The Council should prepare a first draft action plan within 12 weeks, that is by 17 October 2017. The Commissioner will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan. The Commissioner has given the Council an advice document which will be

		<p>of assistance in preparing the action plan. Standard 86 When the Council develops an education course in relation to swimming lessons, it will be required to comply with standard 86.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 25/07/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Powys County Council</u></p>	<p>The Commissioner received a complaint from a person on 23/12/2016 which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was regarding the pay and display car park self service machine at Rhayader. The complainant claimed that there was no apparent way of switching from the default English language set on the machine. The complainant therefore claimed that the pay and display self service parking machines failed to function fully in Welsh and treated the Welsh language less favourably than the English language. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 60.</p>	<p>27/6/2017</p> <p><b>Commissioner's findings</b> Standard 60 The Commissioner proposes to determine that Powys County Council has failed to comply with standard 60 in this instance, due to the fact that not all pay and display self service parking machines function fully in Welsh. The Commissioner also determines that the self service machines which do function in Welsh treat the Welsh language less favourably than the English language due to the fact that the digital screen has English as the default language.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 60.</p> <p><b>Statement of further action</b> The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.</p>

		<p><b>Statement on the further action</b>  The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: Standard 60 Powys County Council must ensure that all pay and display self service parking machines for which it is responsible function fully in Welsh. Powys County Council must ensure that all self service machines for which it is responsible either offer an equal language choice between Welsh and English on the front page of the machine, or set the Welsh language as the default language so that the Welsh language is treated no less favourably than the English language. Powys County Council must, within 180 days of receiving the final investigation report, confirm in writing; that it has completed the steps above.</p> <p><b>Decision notice given</b>  The Decision Notice was given to the Council on 27/06/2017.</p> <p><b>Appeals made to the tribunal</b>  No appeal was made to the Tribunal.</p>
<p><u>Wrexham</u>  <u>County Borough</u>  <u>Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The nature of the complaint is that a member of the public had contacted the "general enquiries" telephone number of Wrexham County Borough Council (the Council) on 22 September 2016. The</p> <p>27/6/2017</p>	<p><b>Commissioner's findings</b>  Standard 11 The Commissioner's determination is that Wrexham County Borough Council failed to comply with standard 11 in this case on the basis that they did not deal with a telephone call through the medium of Welsh, despite this being the notified wish of the individual. Standard 17 The Commissioner's determination is that Wrexham County Borough Council failed to comply with standard 17 in this case on the basis that they did not</p>

complainant alleges that they did not receive a Welsh language service on this telephone line. The complaint notes that the complainant chose option 2 on hearing a standard greeting menu, in order to receive a Welsh language service. After a pause, the complainant heard a standard message offering to answer the call in English by pressing number 1 or suggesting that the complainant call back for a Welsh language service. As the complainant had not pressed 1; after a period of two minutes, the call was disconnected. The complainant noted therefore that this telephone line did not provide a Welsh language service and in addition they were not informed as to when a Welsh language service would be available. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 11 and 17.

inform the caller that a Welsh language service was not available, and did not inform the caller as to when a Welsh language service would be available.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standards 11 and 17.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: Standard 11 Wrexham County Borough Council must take action when upgrading or updating any telephone systems to check that those systems enable compliance with the relevant standards. Standard 17 Wrexham County Borough Council must take action when upgrading or updating any telephone systems to check that those systems enable compliance with the relevant standards. The enforcement actions are in force 28 days after the organisation receives the final Decision Notice.

#### **Decision notice given**

The Decision Notice was given to the Council on 27/06/2017.

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

No appeal was made to the Tribunal.

Welsh Ministers

The Commissioner received a complaint on 09/08/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was regarding an alleged failure by the Welsh Ministers to provide a telephone service in Welsh on a direct line telephone number in one of their departments. The complainant alleged that he called 01443 663718 (a direct line telephone number within the Education Directorate) on 09/08/2016; that the call was answered by someone who did not speak Welsh; that this person did not offer to transfer the complainant to a Welsh speaker; and that, instead, the person spoke to the complainant in English. In an e-mail on 08/11/2016, in response to a request by the Commissioner for further information, the complainant stated that the relevant call was between 14:00 and 15:00 on 09/08/2016.

9/6/2017

**Commissioner's findings**

Standard 18 Standard 18 requires the Welsh Ministers to provide a service in Welsh in its entirety in cases where a person uses a direct line telephone number to contact one of their departments, and where that person wishes to receive a service in Welsh. The complainant wished to receive a service in Welsh when he telephoned the direct line telephone number allocated to a member of staff working for the Welsh Ministers on 09/08/2016, but the Welsh Ministers did not provide the service (i.e. the telephone call) in Welsh. The Commissioner believes that this is tantamount to a failure on the part of the Welsh Ministers to comply with the requirement in standard 18 to provide a service in Welsh in its entirety if the person calling wishes to receive a service in Welsh.

**Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 18.

**Statement of further action**

Further action was taken in respect of Welsh Ministers' failure to comply with standard 18.

**Statement on the further action**

In the case of the Commissioner's determination that the Welsh Ministers failed to comply with standard 18, the Commissioner shall be taking further action in order to



		<p>prevent the continuation or repetition of the failure by Welsh Ministers to comply with the relevant requirement: Standard 18 The Commissioner requires the Welsh Ministers to take further action to ensure that all members of staff are aware of how they should deal with telephone calls to departments on direct line telephone numbers in order to ensure compliance with the Welsh language standards. The Welsh Ministers should take this action within 40 working days of the date of the final investigation report.</p> <p><b>Decision notice given</b> Decision notice given The Decision Notice was given to Welsh Ministers on 09/06/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>The Commissioner received a complaint on 22/09/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint involved an alleged failure by the Welsh Ministers to provide a telephone service in Welsh on their main telephone number. The complainant alleged that he telephoned 0300 0604400 (the Welsh Ministers' main telephone number) around 12:00 on 22/09/2016, and asked to speak to the press office; that he received a Welsh language response and service from the</p>	<p>9/6/2017</p> <p><b>Commissioner's findings</b> Standard 10 Standard 10 requires the Welsh Ministers to provide a service in Welsh in its entirety in cases where a person contacts a body on its main telephone number, and where that person wishes to receive a service in Welsh. The Commissioner believes that this means, if the call needs to be transferred from the main telephone number to a member of staff who can provide a service on a specific subject matter, that it should be transferred to a member of staff who can do so in Welsh. The complainant wished to receive a service in Welsh when he contacted the Welsh Ministers on their main telephone number on 22/09/2016 to speak to the press office. The complainant received a service in Welsh from the member</p>



person who answered the call; that he was transferred to the press office and received an English only greeting 'Hello, press office'; that no offer was made to transfer him to a member of staff who could deal with the call in Welsh, and that instead he had to ask to be transferred. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standard 10.

of staff who answered the call to the main telephone number, but the call was transferred to a member of staff from the press office who could not deal with the call in Welsh. The Commissioner believes that this amounts to a failure on the part of the Welsh Ministers to comply with the requirement in standard 10 to deal with the call in Welsh in its entirety if the person calling wishes to receive a service in Welsh.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 10.

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

Further action was taken in respect of Welsh Ministers' failure to comply with standard 10.

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

In the case of the Commissioner's determination that the Welsh Ministers have failed to comply with standard 10, the Commissioner shall be taking further action in order to prevent the continuation or repetition of the failure by Welsh Ministers to comply with the relevant requirement: Standard 10 I require the Welsh Ministers to take action to ensure that members of staff who answer calls to their main telephone number establish whether the person calling wishes to receive a service in Welsh, and to ensure that telephone calls are transferred to Welsh-speaking members of staff if necessary. The Commissioner requires the Welsh Ministers to take further

action to ensure that all members of staff are aware of what they should do when dealing with telephone calls in order to comply with the Welsh language standards. The Welsh Ministers should take these actions within 40 working days of the date of the final investigation report.

**Decision notice given**

Decision notice given The Decision Notice was given to Welsh Ministers on 09/06/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Cardiff Council

The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that the agendas and minutes of the City of Cardiff Council's (the Council) main committees were not available in Welsh on its website. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 41, 48, 49 and 52.

1/6/2017

**Commissioner's findings**

Standard 48 In failing to ensure that all agendas and minutes relating to management board or cabinet meetings, and/or meetings open to the public, were available in Welsh after the imposition day, the Commissioner concludes that the City of Cardiff Council has failed to produce agendas and minutes in Welsh for management board or cabinet meetings, and/or agendas and minutes for meetings open to the public. Standard 48 In failing to provide Welsh language versions of all agendas and minutes available in English on its website, the Commissioner concludes that the Council has treated the Welsh language less favourably than the English language in producing and publishing agendas and minutes in relation to management board or cabinet meetings, and/or meetings open to the public. The Council has failed to ensure that all agendas and minutes relating to management board or cabinet meetings, and/or meetings open to the public available in English are also

available in Welsh in a public space, namely its website, since the imposition day. The Commissioner therefore concludes that it has failed to ensure that Welsh language documents are not treated less favourably than their English language counterparts in terms of their location and prominence. The Council also failed to ensure that the Welsh and English language versions of the Cabinet meeting's agenda, which was held on 12 July 2016, did not differ in terms of their visual presentation. The Commissioner therefore concludes that the Council has treated the Welsh language less favourably than the English language in producing this document.

Standard 49 By failing to include a statement in English language agendas and minutes that those documents are available in Welsh, the Commissioner concludes that the Council failed to clearly state that those documents are also available in Welsh.

Standard 52 The Council stated that the text and menus of its website are now available in Welsh. However, this investigation found no Welsh language agenda for the Economy and Scrutiny Committee meeting held on 12 May 2016 incorporated onto the website's Welsh language interface. This was despite there being an English language version of the same agenda available on the corresponding English language page. The Commissioner therefore concludes that the Council failed to ensure that the text of each page of its website was available in Welsh following the imposition date. This conclusion is consolidated by the Council's own admission that that pages of its website did not function bilingually following the imposition day. By ensuring the use of the same font, colour and size for the text of agendas incorporated onto its website, the

Commissioner concludes that the Council ensured that the Welsh language is treated no less favourably than the English language in terms of the visual presentation of text on its website. In failing to ensure that the text of every English language page was also available in Welsh, the Commissioner concludes that Welsh language text has been treated less favourably than English language text in terms of its publication on the Council's website.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standards 41, 48, 49 and 52.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: The Council must ensure that the agendas and minutes of management board or cabinet meetings, and/or meetings open to the public are produced and published in Welsh in order to comply with standard 41. ii. The Council must ensure that PDF versions of the agendas and minutes of management board or cabinet meetings, and/or meetings open to the public are produced and published in Welsh on its website in order to comply with standard 48. iii. Where there are English language PDF versions of agendas and minutes of

management board or cabinet meetings, and/or meetings open to the public, the Council must ensure that these documents are also available in Welsh, at the same time and in the same location as corresponding English language versions in order to comply with standard 48. iv. The Council must ensure that there is no difference in terms of the format of Welsh and English PDF versions of agendas and minutes of management board or cabinet meetings, and/or meetings open to the public in order to comply with standard 48. v. The Council must ensure that English language PDF versions of the agendas and minutes of management board or cabinet meetings, and/or meetings open to the public clearly state that those documents are also available in Welsh in order to comply with standard 49. vi. The Council must ensure that the text of all agendas incorporated onto its website is available in Welsh in order to comply with standard 52. vii. The Council must ensure that all Welsh language pages relating to Council committee meetings on its website are fully functional in order to comply with standard 52. viii. The Council must ensure that any text available in English on its website is also available in Welsh so that Welsh language pages are not treated less favourably than corresponding English language pages in order to comply with standard 52. ix. The Council must ensure that its staff is aware of the arrangements in place for, and guidance on, producing (and publishing) agendas and minutes in Welsh. These steps are to be implemented within 28 days of issuing the Commissioner's final determination.

#### **Decision notice given**

Neath Port  
Talbot County  
Borough Council

The Commissioner received a complaint from a person on the 2nd of August 2016 which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that she phoned Neath Port Talbot County Borough Council's (the Council) main telephone number, 01639 686 868, on 29 July 2016 to make an enquiry. She chose the option to receive a Welsh language service. The complainant alleges that she waited on the phone for ten minutes. A Welsh language service did not seem to be available at the time and there was a regular (automated) message informing callers that an English language telephone service was available. The complainant said that she did not have time to wait for a Welsh language service that Day; she, therefore, had to choose the English language service in order to receive an answer to her enquiry.

1/6/2017

The Decision Notice was given to the Council on 01/06/2017

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's findings**

Standard 17 By failing to ensure, during periods when no Welsh language telephone service is available, that there are adequate arrangements in place to inform persons who choose the Welsh language option and who do not switch to the English language line, when the Welsh language service will be available, I conclude that the Council has failed to inform persons when a Welsh language service will be available.

**Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 17.

**Statement of further action**

The Commissioner decided to take further action in accordance with section 76 and 77 of the Welsh Language Measure.

**Statement on the further action**

In accordance with section 77(3)(b) of the The Welsh Language Measure, the Commissioner requires Neath Port Talbot County Borough Council to take the following steps: i. Neath Port Talbot Borough Council must ensure that adequate arrangements are in place to receive

telephone calls in Welsh and/or inform persons that their call can be transferred to a Welsh speaking member of staff in order to comply with standard 10. ii. When no Welsh language telephone service is available, Neath Port Talbot County Borough Council must inform persons calling when a Welsh language service will be available in order to comply with standard 17. These steps are to be implemented within 28 days of issuing the Commissioner's final determination. In accordance with section 76(3)(a) of the Welsh Language Measure, the Commissioner makes the following recommendations to Neath Port Talbot County Borough Council: i. Neath Port Talbot County Borough Council should ensure that its staff are aware, and that they inform persons who wish to receive a Welsh language telephone service, that it is possible to arrange for a Welsh speaker to call them back. ii. Neath Port Talbot County Borough Council should ensure, when persons select the option for a Welsh language service, that it does not encourage them to receive an English language service. iii. Neath Port Talbot County Borough Council should ensure that messages that are played to persons who have selected the option for a Welsh language service do not imply that a Welsh language service is not available.

**Decision notice given**

The Decision Notice was given to the Council on 01/06/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Flintshire  
County Council

The Commissioner received a complaint on 30/03/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. It is alleged that the following publicity material is in English only; posters and signs advertising fitness classes and special offers for customers. A complaint was received that the Council's website along with Deeside Leisure Centre's Facebook page treat the Welsh language less favourably than the English language. A complaint was also made that the Technogym self-service machine was in English only, along with the absence of S4C on Technogym machines at Deeside Leisure Centre. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Flintshire County Council had failed to comply with standards 37, 38, 52, 58, 60, 61 and 63.

12/5/2017

**Commissioner's findings**

Standard 37 The standard requires a body to produce all publicity or advertising material in Welsh, and if it produces the advertising material in Welsh and in English, it must not treat the Welsh language version less favourably than it treats the English language version. According to the evidence presented, Flintshire County Council produced publicity and advertising material in English only, in the form of posters and via language choices on screen. Standard 38 The standard asks a body to display any material in public in Welsh and to not treat the Welsh language version less favourably than the English language version. No publicity and advertising material complained about was displayed in public in Welsh. This means that Flintshire County Council was not complying with standard 38 when the complainant contacted the Council. Standard 52 Standard 52 requires a body to ensure that the pages of its website are available and are fully functional in Welsh, and that the Welsh language is not treated less favourably than the English language. Flintshire County Council recognises that the Welsh language page for Deeside Leisure Centre did not correspond to its English language page. This means that the Welsh language was treated less favourably than the English language. Standard 58 Standard 58 requires a body to ensure that the Welsh language is not treated less favourably than the English language when using social media. The Council acknowledges that not all messages which appear on the Council's Facebook page are bilingual. That means that the Welsh language has been treated less favourably than the English language when using social media.



Standard 60 The standard requires any self service machines available to function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine. From the evidence presented, it is clear that the Welsh language is not offered as a language choice on screen. That means that the machine complained about does not function fully in Welsh, and the Welsh language is treated less favourably than the English language in relation to that machine. Standard 61 During the temporary works outside the leisure centre in April, the sign erected was in English only. It has been established that the permanent sign on the leisure centre and library building containing a grammatical error, namely an incorrect mutation 'Ganolfan Hamdden Dyfrdwy a Llyfrgell', was erected before the imposition day. Standard 63 The permanent sign which contained an incorrect mutation in the Welsh language version on the leisure centre and library building had been erected before the imposition day. When the sign was erected has no bearing on consideration of this standard. This means that the Council failed to ensure that Welsh language text on signs is accurate in terms of meaning and expression.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that the Council did fail to comply with standards 37, 38, 52, 58, 60, 61 and 63.

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

Further action was taken in respect of the Council's failure to comply with standards 37, 38, 52, 58, 60, 61 and 63.

**Statement on the further action**

In terms of the Commissioner's determination that the Council has failed to comply with standards 37, 38, 52, 58, 60, 61 and 63, the Council is required to take the following steps in order to prevent the failure being repeated, in accordance with section 79(1)(b)(ii) of the Welsh Language Measure:

**Standard 37** In order to comply with standard 37, Flintshire County Council must issue all departments involved in producing publicity or advertising material with guidance on the need to produce material in Welsh in order to avoid treating the Welsh language less favourably than the English language.

**Standard 38** In order to comply with standard 38, Flintshire County Council must ensure that all members of staff are aware of the need to display any material in public in Welsh, in order to avoid treating the Welsh language less favourably than the English language.

**Standard 52** In order to comply with standard 52, Flintshire County Council must ensure that every Welsh language page on the Council's website is updated at the same time as the English language page, so that the text functions fully and consistently in both languages.

**Standard 58** In order to comply with standard 52, Flintshire County Council must publish all messages on the Council's Facebook page in Welsh.

**Standard 60** In order to comply with standard 60, Flintshire County Council must take steps to include the Welsh language on the Technogym self service machine when the company develops it, in order to ensure that the machine functions

		<p>in Welsh. Standard 61 In order to comply with standard 61, Flintshire County Council must provide clear guidance to anyone who supplies or provides a service on its behalf regarding the need to erect all signs in Welsh. Standard 63 In order to comply with standard 63, Flintshire County Council must ensure that arrangements are put in place to check all Welsh language signs to ensure that they are accurate in terms of meaning and expression. In accordance with Section 76(3)(a) Welsh Language Measure, the Commissioner gives Flintshire County Council the following recommendation: The Commissioner recommends including S4C as a TV channel choice within Deeside Leisure Centre.</p> <p><b>Decision notice given</b> Decision notice given The Decision Notice was given to the Council on 12/05/2017</p> <p><b>Appeals made to the tribunal</b> Appeals made to the Tribunal No appeal was made to the Tribunal.</p>
<u>Welsh Ministers</u>	<p>The Commissioner received a complaint on 30/03/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleges that she received a telephone call on Saturday morning, 18 June 2016, from a person acting on behalf of the Welsh Ministers, who were conducting the Superfast Cymru survey. She alleges that she was</p>	<p>12/5/2017</p> <p><b>Commissioner's findings</b> Standard 21 The standard imposes a requirement on the Welsh Ministers, amongst other things, to ask an individual, when they telephone the individual for the first time, whether the individual wishes to receive telephone calls from them in Welsh. Welsh Ministers is duty-bound to comply with the standard since 30/03/2016. Beaufort Research, when conducting the survey on behalf of the Welsh Ministers, did not ask the complainant, when making the telephone call to the individual for the first</p>

not given the choice to participate in the survey through the medium of Welsh, and that she had to request a Welsh language service. Following her request, her call was transferred to a Welsh speaker, and the survey was then conducted successfully through the medium of Welsh. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standards 21 and 81.

time, if the individual wished to receive telephone calls from them in Welsh. This means that the Welsh Ministers were not complying with the requirements of standard 21 when they made a telephone call to the complainant for the first time on 18 June 2016. Standard 81. The standard requires a body to take proactive steps to promote and facilitate the fact that a Welsh service is available, and to encourage use of the said service. The Welsh Ministers did not inform the complainant that a Welsh service was available, and they did not encourage use of the said service.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that Welsh Ministers did fail to comply with standard 21 and 81.

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

Further action was taken in respect of Welsh Ministers' failure to comply with standards 21 and 81

Statement on the further action In terms of the Commissioner's determination that Welsh Ministers has failed to comply with standards 21 and 81, Welsh Ministers is required to take the following steps in order to prevent the failure being repeated, in accordance with section 79(1)(b)(ii) of the Welsh Language Measure: Standard 21 In order to comply with standard 21, the Welsh Ministers must give clear instruction to anyone making telephone calls on their behalf to individuals for the first time of the need: - to ask if the individual wishes to receive telephone calls from the Welsh Ministers in

	<p>Welsh - to make a record of that choice if the individual wishes to receive telephone calls in Welsh - to transfer this information to the Welsh Ministers Standard 81 In order to comply with standard 81, the Welsh Ministers must give clear instruction to anyone delivering or providing a service on their behalf of the need to promote any Welsh service provided, and to advertise the said service in Welsh.</p> <p><b>Decision notice given</b> Decision notice given The Decision Notice was given to Welsh Ministers on 12/05/2017</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>Cardiff Council</u></p> <p>The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant stated that the online change of address form for Council Tax, which is on City of Cardiff Council's website, was not available in Welsh. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 50.</p>	<p>21/3/2017</p> <p><b>Commissioner's findings</b> The change of address, disability relief and change of tenant online forms for Council Tax had been available in English since 2007, and therefore the Council had produced the forms before the imposition day. However, the Council stated in its evidence that the change of address form was not available in Welsh until 16/12/2016. The Council also stated that the disability relief and change of tenant forms were not available in Welsh until 02/12/2016. This means that the Council did not comply with the requirements of standard 50 in relation to these three forms between the imposition day (30/03/2016) and December 2016.</p> <p><b>Commissioner's determination</b></p>

Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standard 50.

**Statement of further action**

The Commissioner decided to take further action in accordance with section 77 Welsh Language Measure.

**Statement on the further action**

The Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure: The Council should continue with its arrangements for ensuring that it complies with the requirements of Welsh language standards in relation to forms and documents, and in relation to websites, online services and social media, and it should review those arrangements regularly to ensure that they are effective. In connection with those arrangements, the Council should ensure that forms are checked as part of the audits conducted to ensure compliance with the standards. When shortcomings are made apparent as a result of audits, the Council should take action to comply with the standards.

**Decision notice given**

The decision notice was presented to the Council on 21/03/2017.

**Appeals made to the tribunal**

No appeal was made to the tribunal.

Cardiff Council

The Commissioner received a complaint from a person on 10/06/2016 that met the conditions of section 93 (3) to (6) of the Welsh Language Measure. The complainant alleged that they did not receive a reception service in Welsh whilst visiting the Council's main office at Atlantic Wharf, Cardiff Bay on the afternoon of 7 June 2016. The complainant was seeking to obtain a postal vote. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Flintshire County Council had failed to comply with standard 64.

1/3/2017

**Commissioner's findings**

The Council's response suggests that the reception staff did not greet the complainant in Welsh or offer them a Welsh language reception service on 7 June 2016. Furthermore, the complainant did not receive a Welsh language service as they had wished on 7 June. The complainant did not receive a Welsh language service as desired on 7 June, but did receive a full service in English by staff members at the reception. The Commissioner therefore is of the opinion that the complainant, in requiring a Welsh language service, was treated less favourably than had he required a reception service in English.

**Commissioner's determination**

Commissioner's determination Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that the City of Cardiff Council has failed to comply with Standard 64 in this instance.

**Statement of further action**

Further action was taken in respect of the Council's failure to comply with standards 64.

**Statement on the further action**

In terms of the Commissioner's determination that the Council has failed to comply with standard 64, the Council is required to take the following steps in order to prevent the failure being repeated: The City of Cardiff Council must prepare an action plan in order to ensure that the Council makes available a Welsh language reception

service, including informing a person that a Welsh language service is available, in order to comply with standard 64. The City of Cardiff Council must prepare an action plan in order to ensure that reception staff at the Council's main reception can provide a Welsh language reception service so that visitors do not have to turn to English to receive a reception service, in order to comply with standard 64. The City of Cardiff Council must prepare an action plan in order to ensure that arrangements are put in place by the Council to ensure that a person who requires a Welsh language reception does not have to wait longer for a reception service than a person who requires an English language reception service. The City of Cardiff Council must prepare an action plan in order to review its linguistic requirements in relation to reception posts as outlined in the Council's Linguistic Skills Strategy, to ensure that reception staff possess the appropriate linguistic requirements to provide a Welsh language reception service in relation to enquiries by individuals visiting the Council's main reception.

**Decision notice given**

The Decision Notice was given to the Council on 01/03/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Vale of Glamorgan Council

Description of the investigation The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the

1/3/2017

**Commissioner's findings**

The Council confirmed that the Welsh version of the PDF document which included information on all the summer activities had only been published on the English



Welsh Language Measure. The complaint was regarding information on the Vale of Glamorgan Council website in relation to 2016 summer activities. The complaint stated: - that a link on the website's English language homepage went to the 'Summer Activities 2016' page (which contained dedicated information regarding summer activities), but that the equivalent link on the Welsh language homepage took the user to the 'Beth sy'n digwydd' page (a more general events page, with less information about summer activities), even though the 'Gweithgareddau Haf 2016' page was available on the Welsh version of the website; - that the information on the 'Gweithgareddau Haf 2016' page was not complete, compared with the 'Summer Activities 2016' page; - that a Welsh language PDF document, containing information about all the summer activities, had been placed on the 'Summer Activities 2016' page but not on the 'Gweithgareddau Haf 2016' page. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 48 and 52.

language 'Summer Activities 2016' page. The Council stated that this was 'an error on the part of the page editor but that it was rectified once attention was drawn to it'. The Commissioner believes that failing to publish the Welsh version of the document on the appropriate Welsh language page equates to treating the document less favourably than the English version, as individuals using the Welsh language website would not be aware of the availability of the document. Individuals using the English language website would come across the English version of the document. When the Commissioner looked at the website on 15/08/2016, I found that the Council's 'Youth Centres' web page was not available in Welsh. Like all other pages on the Council's website, this web page should be available in Welsh in order to comply with standard 52. The Council confirmed that a link to the 'Beth sy'n digwydd' page had been placed on the website homepage instead of a link to the 'Gweithgareddau Haf 2016' page. This was an error which was rectified once the matter was brought to the Council's attention. The Commissioner believes that providing a link to the wrong page equates to treating the Welsh language less favourably than the English language on the website, as individuals using the Welsh language website would not be directed to the appropriate information.

#### **Commissioner's determination**

Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standards 48 and 52.

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

The Commissioner decided to take further action in accordance with section 77 Welsh Language Measure.

**Statement on the further action**

The Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure: Standard 48: The Commissioner requires that Vale of Glamorgan Council, within 40 working days (by 27/04/2017), ensures that any documents that need to be produced in Welsh are produced in Welsh, and that any Welsh language versions of documents are not treated less favourably than English language versions. Standard 52: The Commissioner requires that Vale of Glamorgan Council, within 40 working days (by 27/04/2017), ensures that it complies with standard 52 in relation to the text of each page on its website, the functioning of Welsh language pages on its website, and not treating the Welsh language less favourably than the English language on its website.

**Decision notice given**

The decision notice was presented to the Council on 01/03/2017.

**Appeals made to the tribunal**

No appeal was made to the tribunal.

Vale of  
Glamorgan  
Council

The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint stated that the 'Updated

1/3/2017

**Commissioner's findings**

The Council has not argued that the document should not be produced in Welsh based on the fact that the document's subject matter and audience suggests that it should not do so. The Commissioner believes that the

Policy for the Appointment of LA Governors' document, which was on the 'Swyddi Llywodraethwyr Awdurdod Lleol (ALI)' page on the Vale of Glamorgan Council website, and on the English version of that page, was not available in Welsh. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 47.

document's subject matter and audience suggests that it should be produced in Welsh. The Council stated that the failure to publish the Welsh language document on the website at the same time as the English version was an 'administrative error' and that this was rectified immediately once the Council became aware that there was no Welsh language document there. As a Welsh language version of the document was not published until 16/09/2016, and an English version of the document had been published on 02/09/2016, the Council was not complying with the standard during the period when the document was only available in English.

#### **Commissioner's determination**

Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standard 47

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

The Commissioner decided to take further action in accordance with section 77 Welsh Language Measure.

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

Statement on the further action The Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure: The Commissioner requires that Vale of Glamorgan Council, within 40 working days (by 27/04/2017), establishes procedures and processes for assessing the need to produce documents in Welsh, for ensuring that any documents that need to be produced in Welsh are produced in Welsh, and for ensuring that any Welsh language

		<p>versions of documents are not treated less favourably than English language versions. If such procedures and procedures are already in place, they should be reviewed.</p> <p><b>Decision notice given</b> The decision notice was presented to the Council on 01/03/2017.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the tribunal</p>
<p><u>Vale of Glamorgan Council</u></p>	<p>Description of the investigation The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint was regarding information about Planning on the Vale of Glamorgan Council website. Specifically, it was stated that the Development and Building Control Registers, and the 'A Guide to Planning in the Vale of Glamorgan' document, were not available in Welsh. There are links to the register and the document on the 'Cynllunio a Rheolaeth Adeiladu' page on the Council website, and on the English version of that page. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or</p>	<p>1/3/2017</p> <p><b>Commissioner's findings</b> The Council has not argued that the document should not be produced in Welsh based on the fact that the document's subject matter and audience suggests that it should not do so. The Commissioner believes that the document's subject matter and audience suggests that it should be produced in Welsh. As an English version of the document is available, but a Welsh version of the document is not available, the Council is not complying with standard 47, and this has been the case since the imposition day for the standard. The Council stated that the Development and Building Control Registers had been available in English 'for a number of years', but that they were not available in Welsh. The Registers are now available in Welsh. I am of the opinion that the registers constitute pages on the Council's website and that, therefore, in order to comply with standard 52, they should have been available in Welsh.</p> <p><b>Commissioner's determination</b></p>

not the Council had failed to comply with standards 47 and 52.

Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standards 47 and 52.

**Statement of further action**

The Commissioner decided to take further action in accordance with section 77 Welsh Language Measure.

**Statement on the further action**

The Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure: Standard 47: The Commissioner requires that Vale of Glamorgan Council, within 40 working days (by 27/04/2017), establishes procedures and processes for assessing the need to produce documents in Welsh, for ensuring that any documents that need to be produced in Welsh are produced in Welsh, and for ensuring that any Welsh language versions of documents are not treated less favourably than English language versions. If such procedures and procedures are already in place, they should be reviewed. Standard 52: The Commissioner requires that Vale of Glamorgan Council, within 40 working days (by 27/04/2017), ensures that it complies with standard 52 in relation to the text of each page on its website, the functioning of Welsh language pages on its website, and not treating the Welsh language less favourably than the English language on its website.

**Decision notice given**

The decision notice was presented to the Council on 01/03/2017.

	<b>Appeals made to the tribunal</b> No appeal was made to the tribunal.
<p data-bbox="210 767 365 871"><u>Vale of Glamorgan Council</u></p> <p data-bbox="477 539 1039 1099">The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complaint stated that all the text on the 'Swyddi Gwag Cyfredol' page on the Vale of Glamorgan Council website was not available in Welsh, and that the Welsh text within individual job advertisements was positioned below the English text. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 52.</p>	<p data-bbox="1077 804 1200 836">1/3/2017</p> <p data-bbox="1292 327 1659 359"><b>Commissioner's findings</b></p> <p data-bbox="1292 363 2080 675">The Commissioner does not believe that the Welsh text needs to be placed above the English text or to the left of it in order to comply with the standard. In terms of not treating the Welsh language less favourably than the English language, the Commissioner believes that placing the Welsh and English languages on separate pages could be more effective, but the Council is not failing to comply with the standard by placing the English text above the Welsh text.</p> <p data-bbox="1292 718 1742 750"><b>Commissioner's determination</b></p> <p data-bbox="1292 754 2063 852">Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standard 52.</p> <p data-bbox="1292 895 1686 927"><b>Statement of further action</b></p> <p data-bbox="1292 932 2038 997">The Commissioner decided to take further action in accordance with section 77 Welsh Language Measure.</p> <p data-bbox="1292 1040 1749 1072"><b>Statement on the further action</b></p> <p data-bbox="1292 1077 2080 1318">The Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure: The Commissioner requires that Vale of Glamorgan Council, within 40 working days (by 27/04/2017), ensures that it complies with standard 52 in relation to the text of each page on its website, the functioning of Welsh language pages on its website, and not treating the Welsh</p>

language less favourably than the English language on its website.

**Decision notice given**

The decision notice was presented to the Council on 01/03/2017.

**Appeals made to the tribunal**

No appeal was made to the tribunal.

Flintshire  
County Council

The Commissioner received a complaint on 30/03/2016 from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that the Council did not provide swimming lessons through the medium of Welsh beyond Wave 2 lessons at Mold Leisure Centre. The complainant alleged that the leisure centre's receptionist explained that a comprehensive programme of Wave 1 and 2 swimming lessons were available through the medium of Welsh but that there were no Wave 3 and 4 lessons available through the medium of Welsh. Furthermore, the complainant alleged that the leisure centre did not have a plan in place to provide lessons beyond Wave 2 in the future. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or

15/2/2017

**Commissioner's findings**

The Council explained that the current programme of swimming lessons had been available since October 2015. The swimming lessons concerned do not represent a course developed since the imposition date (30 March 2016), therefore the Commissioner concluded that the Council was not required to conduct nor publish an assessment on this occasion, and standard 86 is not considered relevant in this instance. The Commissioner understands that the Council has been offering the current programme of swimming lessons since October 2015 and therefore the Commissioner concludes that the Council was not required to assess nor publish the assessment of the need for swimming lessons through the medium of Welsh on its website on this occasion. The Council has confirmed that it does not provide swimming lessons through the medium of Welsh beyond Wave 2 at Mold Leisure Centre, but that it does provide swimming lessons through the medium of beyond Wave 2 at other locations in the County. The Commissioner is of the opinion that a Council does not have to provide swimming lessons through the medium of Welsh in every leisure

not the Flintshire County Council had failed to comply with standards 84 and 86.

centre as a matter of course in order to meet the requirements of standard 84. The standard, as it stands, does not require the Council to provide a course through the medium of Welsh at the same location nor the same number of times as swimming lessons provided through the medium of English.

#### **Commissioner's determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined as follows: The Commissioner determined that the Council did not fail to comply with standard 86. The Commissioner determined that the Council did fail to comply with standard 84.

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

Further action was taken in respect of the Council's failure to comply with standard 84

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

In terms of the Commissioner's determination that the Council has failed to comply with standard 84, the Council is required to take the following steps in order to prevent the failure being repeated, in accordance with section 79(1)(b)(ii) of the Welsh Language Measure: Flintshire County Council must ensure that its staff offer and provide information to the public on swimming lessons through the medium of Welsh provided by the Council. In this regard standard 81 should be implemented. Flintshire County Council must instruct staff on how to offer and provide information relating to the provision of swimming lessons available through the medium of Welsh so that anyone making enquiries about swimming lessons through the



medium of Welsh are provided with specific information regarding such provision within the County. In terms of the Commissioner's determination that the Council did not failed to comply with standard 86, no further action will be taken.

**Decision notice given**

The Decision Notice was given to the Council on 15/02/2017.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Welsh Ministers

The Commissioner received a complaint from a person on 20/04/2016 that met the conditions of section 93 (3) to (6) of the Welsh Language Measure. The complainant alleged that there was an issue with the planning forms on the Planning Portal website which meant that it was not possible to submit a planning application to the local authority through the medium of Welsh. The complainant also alleged that much of the Welsh content found on the Planning Portal website was incorrect. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not Welsh Ministers had failed to comply with standards 50, 50A, 50B, 52 and 55.

20/12/2016

**Commissioner's findings**

Welsh Ministers failed to ensure that it was possible to complete an interactive version of the planning application form during April 2016. Welsh Ministers failed to ensure that headings appeared in Welsh on forms completed online and then printed. Welsh Ministers declared that a form which could be printed and completed by hand in Welsh was available during the period in question. Welsh Ministers did not ensure that all versions of planning application forms were available in Welsh on the Planning Portal website during the period in question. As two pages of an interactive or online planning application form on the Planning Portal website failed to contain the statement "Gweld y dudalen hon yn Gymraeg", Welsh Ministers failed to ensure that the English language version clearly stated that the form was also available in Welsh. By not providing fully functional forms and by not providing Welsh language headings on Welsh language versions of planning forms, Welsh Ministers failed to ensure that the

Welsh language version is treated no less favourably than the English language version. By not providing Welsh language versions of all planning forms which are the responsibility of Welsh Ministers, Welsh Ministers failed to ensure that the Welsh language version is treated no less favourably than the English language version. By failing to provide all the information which is the responsibility of Welsh Ministers in Welsh on the Planning Portal website, Welsh Ministers failed to ensure that the text on each page was available in Welsh on the Planning Portal website. In acknowledging that not all Welsh language pages, and specifically a Welsh language interactive planning application form, were fully functional on the Planning Portal website, Welsh Ministers failed to ensure that every page was fully functional on the Planning Portal website. In acknowledging that there were errors in Welsh, and that it was not possible to choose a Welsh language version of the interactive planning application form on the Planning Portal website, Welsh Ministers failed to ensure that the Welsh language is not treated less favourably on the Planning Portal website. By failing to provide a direct link to Welsh language pages from two corresponding English language pages, Welsh Ministers failed to clearly note that the page was also available in Welsh.

#### **Commissioner's determination**

Commissioner's determination Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Commissioner's determination on failure to comply with standards 50, 50A, 50B, 52 and 55.

	<p><b>Statement of further action</b> Further action was taken in respect of Welsh Ministers' failure to comply with standards 50, 50A, 50B, 52 and 55.</p> <p><b>Statement on the further action</b> In terms of my determination that Welsh Ministers has failed to comply with standards 50, 50A 50B, 52 and 55, Welsh Ministers is required to take the following steps in order to prevent the failure to comply with the standards from continuing or being repeated, in accordance with section 79(1)(b)(ii) of the Welsh Language Measure: The Welsh Ministers must comply with standards 50, 50A, 50B, 52 and 55. These steps are to be implemented within 28 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 20/12/16 Appeals made to the tribunal</p> <p><b>Appeals made to the Tribunal</b> No appeal was made to the Tribunal.</p>
<p><u>City and County of Swansea Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The Complainant alleged that that he was not greeted in Welsh having telephoned the Council's main telephone line on 01792 636000, on 30 March 2016 at 12.25pm. The complainant alleges that he was not</p> <p>21/11/2016</p> <p><b>Commissioner's findings</b> The Council did not greet the complainant in Welsh when he contacted the Council on its main telephone line 30/3/16. The Council did not inform the complainant that a Welsh language service is available when he contacted the Council on its main telephone line 30/3/16. The Council did not deal with the complainants call in Welsh as was the complainants wish. The use of Welsh on the Council's Facebook page is limited. A high percentage of</p>

asked whether he wished to receive a service in Welsh and that there was a delay before he was transferred to a Welsh speaker. The complainant also alleges that it is not possible to view Welsh language content on the Council's Facebook page via the mobile phone app. In addition, it is alleged that official notices on the Public Notices website and in the South Wales Evening Post (specific reference is made to the notice on planning developments which appeared on 4 April, 2016 in the Evening Post) appeared in English only. The information raised suspicions that the Council had failed to comply with the Welsh language standards. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 8, 9, 11, 58 a 69.

posts and texts that appear on the Council's Facebook page appear in English only. The Council published two official notices in English only in the South Wales Evening Post on 4/4/16.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined that the Council had failed to comply with standards 8, 9, 11, 58 a 69.

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

Further action was taken in respect of the Council's failure to comply with standards 58 and 69, but no further action was taken in respect of the Council's failure to comply with standards 8, 9 and 11.

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

In terms of my determination that the Council has failed to comply with standard 58 by treating the Welsh language less favourably than the English language on its Facebook page, the Council is required to take the following steps in order to prevent the failure to comply with standard 58 from continuing or being repeated, in accordance with section 79(1)(b)(ii) of the Welsh Language Measure: The City and County of Swansea Council must ensure that every message and text that appear on the Council's social media accounts appears in Welsh in order that the Welsh language is not treated less favourably than the English language. The City and County of Swansea Council must ensure that messages and text that appear on the Council's social media accounts does not treat the Welsh Language less

			<p>favourably than the English language. These steps are to be implemented within 28 days of issuing the Commissioner's final determination. In terms of my determination that the Council has failed to comply with standards 8, 9 and 11 by failing to provide a greeting in Welsh, identifying the availability of a service in Welsh and dealing with the telephone call in Welsh until the call was transferred, I will not be taking any further action. This is because I am satisfied that a system is now in place to deal with telephone calls in Welsh and that guidance has been prepared for staff that deal with those calls in order to comply with the standards.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 21/11/16.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal.</p>
<u>Carmarthenshire County Council</u>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that the Welsh text displayed on a sign that has been erected by the CWM Environmental recycling centre at Nantycaws, Carmarthen is inaccurate. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to</p>	21/11/2016	<p><b>Commissioner's findings</b> The Welsh text on the sign in question is not grammatically correct. As a result, the Welsh language is treated less favourably than the English language. The sign was erected before 30 March, 2016 which is the imposition day for the standard.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined that the Council had not failed to comply with standard 61, but that the Council had failed to comply with standard 63.</p>

ascertain whether or not the Council had failed to comply with standards 61 and 63.

**Statement of further action**

In terms of the determination that Carmarthenshire County Council has not failed to comply with standard 61 as the sign in question was erected before 30 March 2016, no further action was taken. In terms of the determination that Carmarthenshire County Council has failed to comply with standard 63 further action was taken.

**Statement on the further action**

In terms of the determination that Carmarthenshire County Council has failed to comply with standard 63 the Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure to comply with the standard: Carmarthenshire County Council must erect a new sign that is accurate in terms of meaning and expression at the CWM Environmental Waste centre, in Nantycaws, Carmarthen. Carmarthenshire County Council must ensure that the Welsh text on signs at its environmental centres are accurate in terms of meaning and expression.

**Decision notice given**

The Decision Notice was given to the Council on 21/11/16.

**Appeals made to the tribunal**

No appeal was made to the Tribunal

Cardiff Council

The Commissioner received a complaint from a person on 11/04/2016 that met the conditions of section 93 (3) to (6) of the Welsh Language Measure. The

10/11/2016

**Commissioner's findings**

By failing to transfer the telephone call to the planning department on a direct line number to a Welsh speaker, the Council did not deliver a telephone service through

complaint raises suspicion that Cardiff City Council has failed to comply with a standard. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to determine whether there was a failure by Cardiff City Council to comply with standards 18 and 20.

the medium of Welsh in its entirety. The Council did not ensure that the Welsh language is not treated less favourably than the English by providing an English only greeting.

#### **Commissioner's determination**

Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 18. The Council has failed to comply with standard 20.

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

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

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

The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: i. The Council must put arrangements in place in the Planning department to provide a Welsh language service in its entirety (if necessary by transferring the call to a member of staff who is able to deal with the call in Welsh) in order to comply with standard 18. Those arrangements must include providing a Welsh language service when greeting the person and, when necessary, by conveying a message that the call is being transferred to a member of staff who is able to deal with the call in Welsh. ii. The Council must raise awareness in the planning department of the steps they are required to take to transfer calls in order to comply with standard 18. iii. The Council must ensure that the Welsh language is

		<p>treated no less favourably than the English language when greeting a person by ensuring that a Welsh greeting which corresponds to the English greeting is given when a person contacts the planning department on a direct line number, in order to comply with standard 20. These steps are to be implemented within 28 days of issuing the Commissioner's final determination.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 10/11/16.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<u>Cardiff Council</u>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The Complainant alleged that an operator on the Connect 2 Cardiff telephone line (02920 872088) offered that the complainant speak to an operator in English in order to get a faster service. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 9, 10 and 17.</p>	<p>10/11/2016</p> <p><b>Commissioner's findings</b> By providing a dedicated Welsh language telephone line and by giving the complainant the option of staying on the line or to receive a return phone call from a Customer Services Representative who was able to speak Welsh and deal with the subject of the enquiry, the City of Cardiff Council succeeded in informing the complainant that a Welsh language service was available on 25/4/16. The Council dealt with the complainant's call in Welsh in its entirety on 25 April, 2016. The Council provided a Welsh language telephone service on the Connect 2 Cardiff Welsh telephone line on 25/4/16.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined that the Council had not failed to comply with standards 9, 10 and 17.</p>



			<p><b>Statement of further action</b> The Commissioner took further action in accordance with section 76 of the Welsh Language Measure.</p> <p><b>Statement on the further action</b> The Commissioner made the following recommendation to the Council: The Council should not encourage customers who contact a Welsh language telephone line and/or chose to receive a Welsh language service to accept an English language service.</p> <p><b>Decision notice given</b> The Decision Notice was given to the Council on 10/11/16.</p> <p><b>Appeals made to the tribunal</b> No appeal was made to the Tribunal</p>
<p><u>Cardiff Council</u></p>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that English only temporary signs had been erected in Bute Park, Cardiff, and on Caerphilly Road, Cardiff. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 61.</p>	<p>26/10/2016</p>	<p><b>Commissioner's findings</b> The Council placed English only temporary signs, and failed to display corresponding Welsh text in the Cardiff area after 30/3/16.</p> <p><b>Commissioner's determination</b> Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 61.</p> <p><b>Statement of further action</b> The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.</p>

			<p><b>Statement on the further action</b></p> <p>The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: City of Cardiff Council must take steps to i. ensure that any text displayed on temporary signs that are erected on or after the imposition day of standard 61 must be displayed in Welsh (either on the same sign that displays the corresponding text in English or on a separate sign). ii. ensure that the Welsh text is not treated less favourably than the English text if the same text is displayed in Welsh and English. These steps are to be implemented by 30 November 2016.</p> <p><b>Decision notice given</b></p> <p>The Decision Notice was given to the Council on 26/10/16.</p> <p><b>Appeals made to the tribunal</b></p> <p>No appeal was made to the Tribunal.</p>
<u>Cardiff Council</u>	<p>The Commissioner received a complaint from a person which satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that English only temporary signs had been erected in Bute Park, Cardiff, and on Caerphilly Road, Cardiff. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or</p>	26/10/2016	<p><b>Commissioner's findings</b></p> <p>The Council placed English only temporary signs, and failed to display corresponding Welsh text in the Cardiff area after 30/3/16.</p> <p><b>Commissioner's determination</b></p> <p>Under section 73(2) of the Welsh Language Measure the Commissioner determined as follows: The Council has failed to comply with standard 61.</p> <p><b>Statement of further action</b></p>

not the Council had failed to comply with standard 61.

The Commissioner decided to take further action in accordance with section 77 of the Welsh Language Measure.

**Statement on the further action**

The Council is required to take the following steps for the purpose of preventing the failure from continuing or being repeated: City of Cardiff Council must take steps to i. ensure that any text displayed on temporary signs that are erected on or after the imposition day of standard 61 must be displayed in Welsh (either on the same sign that displays the corresponding text in English or on a separate sign). ii. ensure that the Welsh text is not treated less favourably than the English text if the same text is displayed in Welsh and English. These steps are to be implemented by 30 November 2016.

**Decision notice given**

The Decision Notice was given to the Council on 26/10/16.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

Wrexham  
County Borough  
Council

The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleges that there was no Welsh speaker available on reception at the Guildhall, Wrexham when he visited the reception on 1/4/16. The

19/10/2016

**Commissioner's findings**

When the complainant visited the reception, he was unable to receive a Welsh language service, although it was possible to receive the reception service in English. The complainant was treated less favourably than a person wishing to receive an English language reception service by having to wait for a longer length of time in order to receive a Welsh language service.

complainant alleges that he was informed by the customer advisor working on reception that he would have to wait for another member of staff to return to the reception area before he could be provided with a Welsh language service. The complainant alleges that a full and prompt service was available to anyone who wished to receive an English language service. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standard 64.

**Commissioner's determination**

Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standard 64.

**Statement of further action**

The Commissioner decided to take further action in accordance with section 77 Welsh Language Measure.

**Statement on the further action**

The Council is required to take the following steps for the purpose of preventing the continuation or repetition of the failure: Wrexham County Borough Council must: i. Arrange the reception service at the Guildhall, Wrexham, so that staff absences from the reception does not lead to a failure by the Council to comply with standard 64. ii. Ensure that sufficient members of staff that can provide a Welsh language service are available in the reception at the Guildhall, Wrexham in order to comply with standard 64 and make available a Welsh language reception service if it is also available in English at all times. These steps are to be implemented within 28 days of the date of submitting the final report on the investigation.

**Decision notice given**

The decision notice was presented to the Council on 19/10/16.

**Appeals made to the tribunal**

No appeal was made to the tribunal.

Caerphilly  
County Borough  
Council

The Commissioner received a complaint from a member of the public that satisfied the conditions of section 93(3) to (6) of the Welsh Language Measure. The complainant alleged that the use of the slogan "yn barod i'w renti" and the hashtag #GweithioiGaerffili on the Council's facebook pages is incorrect. The complainant also alleged that the use of "Ystafelloedd Newid Dan Do" on signage displayed in leisure centres is also incorrect. The complaint raised doubts about the Council's compliance with the standards. The Commissioner decided to undertake an investigation under section 71 of the Welsh Language Measure in order to ascertain whether or not the Council had failed to comply with standards 58 and 63.

20/9/2016

**Commissioner's findings**

In using the incorrect term "rhenti" instead of "rhentu" on Facebook, the Council has treated the Welsh language less favourably than the English language when using social media. In using the hashtag "GweithioiGaerffili" the Council did not treat the Welsh language less favourably than the English language when using social media as it correctly corresponds to the English version #WorkforCaerphilly In using "Ystafelloedd Newid Dan Do" on signage displayed in leisure centres, the Council used a standard term widely used in relation to sport and leisure. Commissioner's determination Under Section 73(2) Welsh Language Measure the Commissioner's determination is as follows: The Council has failed to comply with standard 58 in using the term "rhenti" The Council has not failed to comply with standard 58 in using the hashtag #GweithioiGaerffili The Council has not failed to comply with standard 63 in using the term "ystafelloedd newid dan do" on signage in leisure centres

**Statement of further action**

The Commissioner decided to take no further action in accordance with section 76 and 77 of the Welsh Language Measure.

**Statement on the further action**

In respect of the determination that the Council has failed to comply with standard 58 in using the term "rhenti" instead of "rhentu" on social media, the Commissioner will not be taking any further action in accordance with section 77(2) (a) Welsh Language (Wales) Measure) 2011 That is because the Commissioner is satisfied that an error by an

individual was responsible for this failure and no evidence has been presented of other similar errors. The Commissioner is therefore satisfied that the Council has sufficient arrangements in place for publishing Welsh language text which is grammatically correct on social media. In respect of the determination that the Council has not failed to comply with standard 58 in using the hashtag #GweithioiGaerffili, the Commissioner will not be taking any further action. In respect of the determination that the Council has not failed to comply with standard 63 in using the term "ystafelloedd newid dan do" on signage, the Commissioner will not be taking any further action.

**Decision notice given**

The decision notice was presented to the Council on 20/09/16.

**Appeals made to the tribunal**

No appeal was made to the tribunal