

Relevant person	Investigation	Date decision notice was given	Commissioner's findings and determinations
<p><u>Betsi Cadwaladr University Health Board</u></p>	<p><b>CS123(a)</b> On 25/02/2022, I received a complaint 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's mother was taken to Glan Clwyd Hospital Accident and Emergency department on 20 February 2022. P claims there were no Welsh-speaking staff at that reception.</p>	<p>23/02/2023</p>	<p><b>Commissioner's Findings</b>  Standard 50: Standard 50 requires D to make any reception service it makes available in English at its reception, is also made available in Welsh. The standard also requires D to ensure that any person who requires a Welsh language reception service in their reception area is not treated less favourably than a person who requires an English language reception service. On 20 February 2022, a member of the public (P) visited Glan Clwyd Hospital's A&amp;E department. No Welsh-speaking staff were working at the department's reception during P's visit. As a result, P failed to receive a reception service in Welsh at the reception. In accordance with standard 50, D was required to make a reception service available to P in Welsh at the reception. D failed to ensure this, and as a result, failed to comply with the requirements of this standard.</p> <p><b>Commissioner's Determination</b>  Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with standard 50..</p> <p><b>Statement of further action</b></p>

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

**Statement on the further action**

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

1. D must ensure that there is capacity within the pool of staff responsible for providing a reception service at the reception area of Glan Clwyd Hospital A&E department to ensure that it is able provide a reception service through the medium of Welsh in accordance with the requirements of standard 50 (at any time a corresponding reception service is provided in English).

2. In planning which staff members are made responsible for providing a reception service at the reception on a day-by-day basis, D must designate members of staff who are able to provide a Welsh language reception service in accordance with standard 50 to work on reception.

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

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Betsi Cadwaladr University Health Board on 23/02/2023.

**Appeals made to the tribunal**

Hywel Dda  
University  
Health Board

**CS1009** On 06/05/2022, I received a complaint 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's complaint was in relation to her mother's visit (A) to Ward 1 at Withybush Hospital on 14 March 2022. P claimed that a nurse from Ward 1 had asked P if A was a "confused person", without further explanation as to why they were asking that. P was of the view that this question was asked because hospital staff had failed to recognise that A was speaking Welsh. P felt that this showed a lack of awareness and respect for the Welsh language.

23/02/2023

No appeal was made to the Tribunal.

### **Commissioner's Findings**

Standard 102: In order to comply with standard 102, D is required to provide training courses so that its employees develop their awareness of the Welsh language, their understanding of the duty to operate in accordance with the Welsh language standards and their understanding of how the Welsh language can be used in the workplace. Standard 102 places a duty on D to provide these courses to all current employees of D. However, D has not ensured that all of its employees have attended training courses in accordance with standard 102. There is evidence that D only provides training courses to a proportion of its employees and the content of the courses provided does not fully meet the requirements of the standard.

Standard 103: Standard 103 requires D to ensure that it provides information to its new employees to raise their awareness of the Welsh language. As part of the health board's corporate induction process, D arranges for this information to be provided through the presentation delivered as part of its Welsh Language Awareness training session (where a member of D's Welsh Language Services team is present to talk through the presentation and answer any questions) and through the 'Give it a go' resources distributed to those present at the session. D has provided the sessions in question to only a proportion of its new employees and the content of the sessions does not fully meet the requirements of the standard.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has that Hywel Dda University Health Board has failed to comply with standards 102 and 103.

**Statement of further action**

Further action was taken following the determination that Hywel Dda University Health Board has failed to comply with standards 102 and 103.

**Statement on the further action**

Standards 102 and 103: Requirement to prepare an action plan in accordance with section 77 of the Welsh Language Measure

1. I require Hywel Dda University Health Board (D) to prepare an action plan. I am doing so for the purpose of preventing the continuation or repetition of D's failure to comply with standards 102 and 103, which is the duty in accordance with:

- standard 102 for D to provide training courses to each one of its employees for them to develop –
  - a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
  - b) an understanding of the duty to operate in accordance with the Welsh language standards; and
  - c) an understanding of how the Welsh language can be used in the workplace.
- standard 103 for D to provide information to each of its new employees to raise their awareness of the Welsh language.

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

The action plan must include the following information:

- a description of each of the steps D will take:
  - in accordance with the requirements of standard 102 to ensure that it provides courses to all its employees to develop their awareness of the Welsh language (and their understanding of the duty to operate in accordance with the standards and how the language can be used in the workplace);
  - in accordance with the requirements of standard 103 to ensure that it provides information to all of its new employees to raise their awareness of the Welsh language;
- a timetable for undertaking each of the actions (including any milestones) with:
  - each action in relation to standard 102 to be carried out in not more than 18 months from the date of the Commissioner's approval of the plan;
  - all actions in relation to standard 103 to be carried out in not more than 6 months from the date of the Commissioner's approval of the plan;
- who will be responsible and accountable for implementing each of the actions set out in the plan;
- who from the Senior Management Team is responsible for scrutinising D's progress against the action plan;
- a description of the supervisory arrangements adopted to ensure the achievement of the plan;

- the resources (e.g. funding/staff) needed to carry out each of the actions.

#### Standard 102

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

- D conducts an audit of its current employees to establish and report on the following:
  - the number of current employees D has;
  - the number and percentage of those employees who have not been on training courses in accordance with the requirements of standard 102;
- D formulates and implements a comprehensive training programme based on the results of the audit in order to provide training courses to all of its employees, who have not yet attended training courses in accordance with standard 102, within the lifetime of the plan;
- D assesses and revises the content of the training courses to ensure that it provides sufficient information to meet the requirement to develop employees' awareness of the Welsh language, including (but not limited to) information on the following:
  - information to develop the ability of employees (e.g. those who do not yet understand Welsh or have not been exposed to or had much exposure to the Welsh language) to recognise and understand when patients are communicating through the medium of Welsh;
  - the history of the Welsh language;
  - the role of the Welsh language in Welsh culture;
  - the origin of the Welsh language;
  - facts about the Welsh language (e.g. information about the language from the Census);

- information on the Welsh language in the area served by the body;
- the benefits and importance of using the Welsh language;
- information about the Welsh Language Commissioner
- D assesses and revises the content of the training courses to ensure that it provides sufficient information to meet the requirement for employees to develop an understanding of the duty to operate in accordance with the Welsh language standards; including (but not limited to) information on the following:
  - information about what standards the body must comply with;
  - information on the Welsh Language (Wales) Measure 2011 and its objectives.
- D assesses and revises the content of the training courses to ensure that it provides sufficient information to meet the requirement to develop an understanding of how Welsh can be used in the workplace; including (but not limited to) information on the following:
  - information on how the body promotes and facilitates the use of Welsh in the workplace;
  - information about the operational standards in the Welsh Language Standards (No. 7) Regulations 2018 (and those imposed on the body in its compliance notice) and the rights arising from those.

#### Standard 103

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

- D conducts an audit of its current employees to establish and report on the following:

- the number of current employees recruited to the organisation since 30/05/2019 ("new employees");
- the number and percentage of new employees who have not been attended a Welsh Language Awareness training session to raise their awareness of the Welsh language;
- D formulates and implements a comprehensive training programme based on the results of the audit to provide a Welsh Language Awareness training session to all of its new employees, who have not attended a session, within the lifetime of the plan;
- D assesses and revises the contents of the training session to ensure that it provides sufficient information to meet the requirement for it to raise employees' awareness of the Welsh language, including (but not limited to) information on the following:
  - information to raise the ability of employees (e.g. those who do not yet understand Welsh or have not been exposed to or had much exposure to the Welsh language) to recognise and understand when patients are communicating through the medium of Welsh;
  - the history of the Welsh language;
  - the role of the Welsh language in Welsh culture;
  - the origin of the Welsh language;
  - facts about the Welsh language (e.g. information about the language from the Census);
  - information on the Welsh language in the area served by the body;
  - the benefits and importance of using the Welsh language;
  - information about the Welsh Language Commissioner, Welsh language standards and other duties relating to the



Wrexham  
County Borough  
Council

**CS115** On 10/01/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant alleges that he telephoned one of Wrexham County Borough Council's (the Council's) general telephone numbers on 01978 298997. Having chosen the Welsh option, the

10/02/2023

Welsh language.

Timetable:

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

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

#### **Decision notice given**

The Decision Notice was given to Hywel Dda University Health Board on 23/02/2023.

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

No appeal was made to the Tribunal.

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

Standard 11: A body must ensure that when a person contacts them on their main telephone number (or numbers), or on any helpline numbers or call centre numbers, that the body deals with the call in Welsh if that is the person's wish until such point as - (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific matter; and b) no Welsh speaking member of staff is available to provide a service on that specific subject

complainant claims that he received an answerphone message telling him to choose the English option or to call back 'on the next working day'.

matter. The complainant received no Welsh service during his phone call to the Council. This represents a failure to comply with Standard 11. Furthermore, it appears that Welsh language telephone calls to the Council's main telephone numbers are handled by one part-time member of staff only. On days when this member of staff is not working, or when they are working but not available to answer a call, no Welsh telephone provision is available for service users in accordance with the Standards. The evidence suggests that the Council also has no procedure in place to try to offer a Welsh language service in accordance with the Standard when this member of staff is not available. A shortage of Welsh-speaking officers and the Council's reliance on a single officer to provide the Welsh language service will mean that the Welsh service will not be available as consistently as the English service.

Standard 17: A body must ensure that when there is no Welsh language service available on its main telephone number (or numbers), or on any helpline numbers or call centre numbers, that it informs the persons calling (by way of an automated message or otherwise), when a Welsh language service will be available. As the call was subject to the Standards, as it was made during working hours and the complainant had not reached a point in the conversation where he was dealing with a particular subject, Standard 17 does not apply here. The complainant should have received a Welsh service. There is therefore no need for me to consider the Council's compliance with Standard 17 as the standard does not apply to the circumstances of this complaint.

However, it is clear to me that if Standard 17 had applied here and that this was an occasion where, for example, the Office was closed or a person was unavailable to discuss a particular subject, the Council would not have complied with the requirements of this Standard. Under the Standard, any message under Standard 17 must indicate when a Welsh language service will be available. The first message gives no explanation of when a Welsh language service would be available. The message almost encourages individuals who require a service to choose the English option as no information is given (in the first message option) about when a Welsh language service will be available. Customers expect to be able to access services quickly and easily, and that there are clear routes to the service. A poor quality Welsh service can lead to a lack of confidence or trust in Welsh language services which becomes a barrier to their future use. It is highly unlikely that anyone receiving such a message would attempt to use the Welsh language service again. If the Council wishes to provide an automated message in accordance with Standard 17 in the correct circumstances, the Council needs to ensure that accurate information is given about when the service will be available.

Standard 127: A body must ensure that it assesses the Welsh language skills of its employees. In order to comply with the Standard and go on to provide Welsh language services, it is not sufficient to merely 'encourage', 'remind' or even 'require' staff to update their language skills level record. The Standards and the Code of Practice ask the Council to assess these skills, keep a record of the skills

and re-assess them annually in order to ensure that records are kept up to date. Assessment is not just about gathering information. Information must be analysed and conclusions drawn about the significance of the data and the language skills of staff within the organisation. No evidence has been submitted showing how the Council conducts assessments of staff language skills. Nothing has been submitted to show how the organisation uses this information to determine which language skills they need. No evidence has been submitted to show how and when the Council looks at and considers the data, and there is no evidence to show that data is reported to senior officers and elected members nor that this is done annually. Staff are a key part of the public face of an organisation, particularly 'front line' staff who deal with telephone calls and customer service. Staff can influence the language people use when accessing a service with an organisation. Assessing language skills is therefore vital in order to increase the number of people who can provide a Welsh language service within an organisation. One of the main influences on the ability of organisations to offer suitable Welsh language provision is the number of staff who have Welsh language skills. Assessing the language skills of staff should be crucial for the Council in order to ensure it benefits from the skills it already has, builds staff confidence and augments Welsh language capacity via recruitment and training, depending on the skills which already exist within the workplace. There is a lack of planning and a lack of awareness of how to recognise the relationship between staff language skills and the Welsh language service that needs to be provided. In the context of services, a lack of assessment

systems for staff language skills can have a direct impact on the Welsh language services the Council is able to offer. Providers offering Welsh language services should focus on assessing the Welsh language skills of their staff in order to utilize the skills they already have, build staff confidence and augment Welsh language capacity through recruitment and training. If the Council is unable to comply with this standard, it is highly unlikely that it will ever comply with the other standards, particularly if the Council is having difficulties recruiting and retaining new staff members who are Welsh speakers. If it does not have sufficient data on staff skills, the Council cannot adequately plan for the staff needed in the organisation in order to comply with the Standards. It is clear that there are language skills gaps within the Council's telephone answering workforce, and it is vital that it has a robust procedure in place for assessing staff language skills, in accordance with this Standard, in order to utilize and observe existing language skills and fill any gaps. This represents a failure to comply with standard 127.

Standard 130: A body must provide opportunities during working hours for its employees to receive basic Welsh language lessons, and for employees who manage others to receive training on using the Welsh language in their role as managers. I have not received sufficient evidence to show that there is a procedure in place in terms of compliance with Standard 130 and in terms of providing opportunities for staff to receive basic Welsh language training. No evidence has been submitted to show that staff who manage others have the opportunity to receive training on using the Welsh language in their role as

managers. This represents a failure to comply with standard 130.

Standard 131: A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills. In order to provide an opportunity, the Council must inform its staff that such an opportunity exists. I have not received any evidence from the Council showing that it informed its staff that such an opportunity existed, and so on this basis I determine that the Council has failed to comply with Standard 131.

Standard 132: A body must provide training for its employees on awareness of the Welsh language, an understanding of the duty to operate in accordance with the Welsh Language standards, and an understanding of how the Welsh language can be used in the workplace. The body should provide Welsh language awareness training to its employees to ensure that staff (both Welsh-speaking and non-Welsh speaking) can treat Welsh speaking service users in a sensitive and informed way. Although the Council has provided some data and information, I had asked for specific details and had expected to receive more evidence in the Council's response about the nature and content of the Welsh language awareness sessions which are provided for staff in accordance with Standard 132. The evidence submitted is vague and inconclusive and no details have been provided of training given to staff regarding the use of Welsh in the workplace.

Standard 133: The Standard notes that if a body provides information to new employees (e.g. by means of an induction process), it must provide information for the purpose of raising their awareness of the Welsh language. Although the Council claims to provide training in relation to the Welsh Language Standards for new employees, which I assume is the information submitted in section 2.30 above, I have not received any evidence from the Council which shows that information to raise awareness of the Welsh language has been provided in accordance with Standard 133. The body should include Welsh Language Awareness Training as part of its staff induction training in order to ensure that staff (both Welsh-speaking and nonWelsh speaking) can treat Welsh-speaking service users in a sensitive and informed way. The Council could comply with these standards without any difficulty by creating an information pack which could be used again and again, and the fact that this has not been done after 6 years suggests the Council's indifference to the Standards regime. This represents a failure to comply with Standard 133.

Standard 136: The standard requires that when assessing the requirements for a new post or vacancy, a body must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply:

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

No evidence has been provided here to show that the Welsh language needs of the department and the role have been considered. This represents a failure to comply with Standard 136.

Standard 136A: If a body has categorised a post as one where Welsh language skills are essential, desirable or need to be learnt, the body must specify this requirement when advertising the post, and advertise the post in Welsh. There are therefore two parts to the requirement under this Standard. In the example of the two job descriptions submitted, the Council has determined that Welsh language skills are essential. One advertisement is in both English and Welsh and one is in Welsh only. The jobs I have seen have therefore been advertised in Welsh. In the bilingual advertisement, the English version does not specify the Welsh language needs of the post. Although the English version identifies the linguistic needs of the post, providing this information in the English version of the advertisement is also necessary in order to comply with the Standard and ensure that the advertisement as a whole is clear. If the English advertisement does not specify the linguistic needs of the post, this questions just how serious the Council is about encouraging and promoting Welsh language applications as part of its recruitment process. As the Council has failed to specify the Welsh language needs of the post in the English job description, it could be argued that the Council is encouraging non-Welsh speakers who do not have the required language skills to apply for these posts. Not specifying the linguistic needs of the post in the English version of the job



description represents a failure to comply with standard 136A.

#### **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 17 but that Wrexham County Borough Council has failed to comply with standards 11, 17, 130, 131, 132, 133, 136 and 136A.

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

Further action was taken following the determination that Wrexham County Borough Council has not failed to comply with standard 17 but that Wrexham County Borough Council has failed to comply with standards 11, 17, 130, 131, 132, 133, 136 and 136A.

#### **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 11: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
1. The Council must ensure that they put a procedure in place so that users that choose a Welsh language service by calling one of the Council's main telephone numbers receive a Welsh language service on every occasion, in accordance with Standard 11.

2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.

Timetable: Within 3 months of issuing the final determination.

Standard 17: Recommendations in accordance with section 77 of the Welsh Language Measure  
Standard 17 applies in a situation where a Welsh language service is not available. The Code of Practice confirms that a situation where a Welsh language service is unavailable may include: when the office is closed and therefore there is no telephone service available at all, or when there is no Welsh speaking member of staff available to deal with the call (in accordance with the requirements of standard 11).

On these occasions, the Council must:

- implement a procedure whereby staff must provide a message explaining the date and time when a Welsh service will be available in accordance with standard 17;
- provide guidance or amend an existing guide, to all staff dealing with relevant phone calls on the new messaging procedure;
- provide training to staff on the new procedure.

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

1. The Council must ensure that it has a procedure to assess the Welsh language skills of its employees.
2. The Council must create a procedure so that data collected from the skills assessment of employees is

reported to Senior Council Officers on an annual basis. Senior Officers must consider the data collated in order to make decisions that will respond to any potential boxes in the Council's ability to meet telephone service in Welsh and any risks regarding their compliance with the requirements of the telephone service delivery standards.

3. The Council must provide a copy of the decisions of Senior Council Officers and written evidence in order to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1 - 2.

Timetable: Within 3 months of issuing the final determination.

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

1. The Council must develop their training procedures so that they provide, advertise and encourage opportunities during working hours for its employees to receive basic Welsh lessons. This training should focus on developing workforce skills to a level that enables more staff to be able to fully deal with telephone enquiries from the Welsh speaking public in accordance with the Standards.

2. The Council must develop their training procedure to ensure that employees managing others receive training on the use of Welsh in their role as managers in accordance with Standard 130.

Timetable: Within 3 months of issuing the final determination.

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

1. The Council must create a program to provide opportunities for its employees who have completed basic Welsh language training to receive further training free of charge to develop their skills in the language.
2. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 1 has been completed.  
Timetable: Within 3 months of issuing the final determination.

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

1. The Council must develop a program so that training is given to its employees who answer the Council's general phone calls on awareness of the Welsh language, 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.
2. The Council must have a procedure in place that ensures that this training is redelivered to employees every year.
3. The Council must provide written evidence satisfying the Welsh Language Commissioner that it has completed enforcement action 1 – 2.  
Timetable: Within 3 months of issuing the final determination.

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

1. The Council must adapt their procedures and inductions to include providing

information to new employees to raise their awareness of the Welsh language.

2. The Council must prepare an information pack about the Welsh language and share this package with all new members of staff.

3. The sessions should include an explanation of the necessity of offering a Welsh language telephone service to consumers.

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

Timetable: Within 3 months of issuing the final determination.

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

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

1. Wrexham County Borough Council must prepare a draft action plan for the purpose of ensuring that the Council complies with standard 136.

2. The action plan must outline the steps the Council intends to take that will enable it to comply with standard 136.

3. The actions within the Action Plan must include a commitment by the Council to:

- ensure that staff responsible for assessing the need for Welsh language skills for a new or vacant post receive

appropriate guidance so that they are fully aware of how to make assessments that comply with the requirements of Standard 136;

- ensure that all assessments made for new or vacant posts are monitored once completed. When looking at any Job Language Needs Assessment form that is completed, one must consider whether there has been conscientious consideration of role's language needs. Where no conscientious consideration has been given, there must be a procedure in place that will enable the assessment to be modified by an appropriate person in the institution;

- prepare a guide for staff on how to conduct a Welsh language skills needs assessments;

- when making assessments under Standard 136 consider capacity within the job's work area to provide a Welsh service in accordance with the Standards.

4. The action plan must include the following information:

- who will be responsible and accountable for taking each of the steps in the plan

- ensure that members of the Senior Management have a role in scrutinising the Council's progress against the scheme.

- zone for the delivery of each of the steps within the plan with each of the steps to be performed in not more than 6 months from the date of plan approval.

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

Wrexham  
County Borough  
Council

**CS1008** On 29/04/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant's complaint was in two parts. Firstly, the complainant claims that he

10/02/2023

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

1. The Council must change its procedures so that when it categorises a post as one where Welsh language skills are essential, desirable or need to be learnt, it must specify this requirement when advertising the post, and advertise the post in Welsh in accordance with Standard 136A. The Council must ensure that this requirement is outlined in all versions of the job description, including in English adverts.

2. The Council must provide written evidence satisfying the Welsh Language Commissioner that it has completed enforcement action 1 and a sample of 3 months of job advertisements attesting that its job advertisements are in line with the requirements of standard 136A.

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 10/02/2023.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 requires a body to ensure that it replies to any correspondence in Welsh from a person (if a reply is required) in Welsh, unless the person has stated that no reply is required in Welsh. Standard 1 does not specifically refer to the level or quality of the Welsh language that should be expected in correspondence and

telephoned Wrexham County Borough Council (the Council) on 01978 292078. After choosing to receive a Welsh language telephone service, the complainant claimed that he received an answerphone message indicating that he would have to choose the English language service if he wished to receive service on that day. Secondly, the complainant claimed that he received an e-mail from one of the Council's e-mail addresses, [debtors@wrexham.gov.uk](mailto:debtors@wrexham.gov.uk), where there were errors in the Welsh language message. The e-mail was a standard acknowledgement e-mail after the complainant contacted the Council via that address. The e-mail was bilingual with spelling and grammatical errors in Welsh and referred to the Council incorrectly as 'Cyngor Siriol Wreccsam'. The complainant claimed that the e-mail was a sign of widespread, persistent, and institutional failures by the Council to respect the Welsh language.

there is no reference to expectations regarding the standard of language of correspondence under Standard 1 of the Code of Practice for the Welsh Language Standards (No. 1) Regulations 2015. However, under the spirit of the Measure, the Welsh language cannot be treated less favourably than the English language. Here, the complainant has received a response in Welsh to his enquiry in accordance with Standard 1. But the Welsh language in that correspondence is erroneous. There are also spelling mistakes in the address given for the Council in the Welsh version. There are no language errors in the English version. There is also not a Welsh version of "Find us on [wrexham.gov.uk](http://wrexham.gov.uk) [twitter.com/wrexhamcbc](https://twitter.com/wrexhamcbc) [facebook.com/wrexhamcouncil](https://facebook.com/wrexhamcouncil)" in the e-mail as there is in the English version. Receiving a response in Welsh in accordance with Standard 1 means that the entire response must be in Welsh. Although the complainant has received a response in Welsh, there are language errors in the Welsh version and there are no errors in the English version. There is also one part of the English text (Find us on [wrexham.gov.uk](http://wrexham.gov.uk) [twitter.com/wrexhamcbc](https://twitter.com/wrexhamcbc) [facebook.com/wrexhamcouncil](https://facebook.com/wrexhamcouncil)) which is not available in Welsh. Therefore, I am not of the opinion that the response in question is sufficient to comply fully with Standard 1.

Standard 6: Standard 6 requires the Council to ensure, in 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. In this case, correspondence in the form of automatic e-mails was produced and sent to the



complainant where the text was not clear or correct in terms of the meaning and expression of the text. This is a failure to comply with Standard 6 as the Welsh language is treated less favourably than the English language in the correspondence.

Standard 11: A body must ensure that when a person contacts it on its main telephone number (or numbers), or on any helpline numbers or call centre numbers, the body deals with the call in Welsh if the person so wishes - (a) until it is necessary to transfer the call to a non-Welsh speaking member of staff who can provide a service on a specific subject matter; and (b) until there is no Welsh speaking member of staff available to provide a service on that specific subject matter. The complainant did not receive any Welsh language service during his telephone call to the Council. This is a failure to comply with of standard 11. Furthermore, it appears that only one part-time member of staff deals with Welsh telephone calls to the Council's main telephone numbers. On those days when that member of staff is not working or at times when they are working but are not available to take a call, no Welsh language telephone provision in accordance with the standards will be available to service users. Although the Council has recently noted that it is receiving additional support where possible from other departments to answer the Welsh language calls, this is a recent solution that was not in place during the complainant's call. The lack of Welsh speaking officers and the Council's reliance on one officer working part time to ensure the Welsh language service is going to mean that the

availability of the Welsh language service will not be as consistent as the English language service.

Standard 17: A body must ensure when there is no Welsh language service available on its main telephone number (or numbers), on any helpline numbers or call centre numbers, that it informs callers (by way of an automated message or otherwise), when a Welsh language service will be available. As the call was subject to the standards, during working hours and the complainant had not arrived at a point in the conversation where he was dealing with a specific subject, standard 17 is not relevant here. The complainant should have received a Welsh language service. Therefore, I do not need to consider the Council's compliance with standard 17 as the standard is not relevant to the circumstances of this complaint. However, it is clear to me that if standard 17 were relevant here and that it was an occasion where, for example, the Office was closed or a person to discuss a specific subject matter was not available, the Council would not have complied with the requirements of the standard. Under the standard, any message must specify when a Welsh language service will be available. Customers expect that they can use services quickly and easily, and that there are clear routes to the service. A low-quality Welsh language service can lead to a lack of confidence or trust in Welsh language services that becomes a barrier to using them in the future. It is very likely that someone receiving such a message would not try to use the Welsh language service again. If the Council wishes to provide an automated message in accordance with Standard

17 in the correct circumstances, the Council needs to ensure that clear information is provided about when that service will 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 1, 6, 7 and 17.

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

Further action was taken following the determination that Wrexham County Borough Council has failed to comply with standards 1, 6, 7 and 17.

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

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

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

1. The Council must check all standard acknowledgement messages set out and used by staff to ensure that the Welsh language text is correct and that the text is fully available in Welsh.
2. The Council must remind staff to use the Council's translation resources to check the language standard of correspondence where necessary;
3. The Council must remind staff of the necessity to comply with Standard 1 at all times.

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

Standard 6: Requirement to take action in accordance with section 77 of the Welsh Language Measure

5. The Council must have a procedure in place when producing a Welsh language version and a corresponding English language version of standard e-mails that the messages are translated correctly and checked by more than one member of staff.

6. The Council must check all standard acknowledgement e-mails used by the Council that the Welsh language is correct in terms of meaning and expression in those messages.

7. The Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 5 and 6 have been completed.  
Timetable: Within 3 months of the date of issuing the final determination.

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

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

8. Wrexham County Borough Council must prepare a draft action plan for the purpose of ensuring that the Council complies with standard 11 whilst answering calls to one of the Council's general telephone numbers 01978 292078.

9. The action plan must outline the actions the Council intends to take which will enable it to comply with standard 11 whilst answering calls to one of the Council's general telephone numbers 01978 292078.

10. The actions within the Action Plan must include a commitment by the Council to:

- put in place a procedure whereby users who choose a Welsh language service when calling the number 01978 292078 always receive that Welsh language service, in accordance with standard 11.
- provide guidance or amend existing guidance to all staff dealing with telephone calls to 01978 292078 on the new procedure;
- provide staff with training on the new procedure.

11. The action plan must include the following information:

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

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

**CS1021** On 23/05/2022 I received a complaint from a member of the public. It met the condition of section 93 of the  
20/01/2023

Standard 17: Recommendation in accordance with section 77 of the Welsh Language Measure  
Standard 17 applies in a situation where a Welsh language service is not available. The Code of Practice confirms that a situation where a Welsh language service is not available may include: when the office is closed and therefore there is no telephone service available at all, or when there is no Welsh-speaking member of staff available to deal with the call (in accordance with the requirements of standard 11).

On these occasions, the Council should:

- adopt a procedure whereby staff must provide a message explaining the date and time when a Welsh language service will be available in accordance with standard 17;
- provide guidance or amend existing guidance to all staff dealing with relevant telephone calls on the new procedure as regards messages;
- provide staff with training on the new procedure

#### **Decision notice given**

The Decision Notice was given to Wrexham County Borough Council on 10/02/2023.

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 is relevant for all correspondence that D receives in Welsh and Welsh correspondence must

Services NHS  
Trust

Welsh Language Measure and was therefore a valid complaint. The complaint relates to correspondence the complainant received on 08 June 2022 from the Welsh Ambulance Services NHS Trust in response to a Welsh e-mail. The complainant claimed that the response from D was in English to the Welsh correspondence and that D indicated that it would be necessary to send the e-mail to be translated before being able to respond to P in full.

be answered in Welsh. An English response was sent to Welsh correspondence. The finding above constitutes a failure to comply with the requirements of standard 1.

Standard 7: Standard 7 requires D to state in correspondence that D welcomes correspondence in Welsh, that D will answer correspondence in Welsh and that correspondence in Welsh will not lead to delay. P sent an e-mail to D in Welsh to make inquiries on behalf of an elector. P received a response in English from D stating that the correspondence needed to be sent for translation before being able to respond formally. From the evidence the Commissioner has, the statement at the bottom the e-mail from D to P did not state that D welcomes correspondence in Welsh, that the body will answer correspondence in Welsh and that correspondence in Welsh will not lead to delay. The finding above constitutes a failure to comply with the requirements of standard 7.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ambulance Services NHS Trust has failed to comply with standard 1 and 7.

**Statement of further action**

Further action was taken following the determination that Welsh Ambulance Services NHS Trust has failed to comply with standard 1 and 7.

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

1. Review arrangements and conduct training for all staff who respond to correspondence about the requirements of standard 1.
2. Give internal publicity to the case and communicate to all staff of the organisation regarding the Commissioner's investigation and the adjudication that there was a failure to comply with standard 1.
3. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 and 2 have been completed.

Timetable: Within 3 months of issuing the final determination.

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

1. Review arrangements and conduct training for all staff who respond to correspondence about the requirements of standard 7.
2. Give internal publicity to the case and communicate to all staff of the organisation regarding the Commissioner's investigation and the adjudication that there was a failure to comply with standard 7.



Powys County Council

**CS1016** On 13/05/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant's complaint relates to a part of the Powys County Council (Council) website. The complainant said that a page relating to the profile of one of the County Councillors was not available in Welsh on the website.

19/01/2023

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

Timetable: Within 3 months of issuing the final determination.

**Decision notice given**

The Decision Notice was given to Welsh Ambulance Services NHS Trust on 20/01/2023.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 52: Under Standard 52, the Council is required to ensure that the text of each page of its website is available in Welsh, that every Welsh language page on the website is fully functional, and that the Welsh language is not treated less favourably than the English language on the website. In this case, information on parts of the Council's public website relating to Councillors' profiles was not available in Welsh. This represents a failure to comply with Standard 52 as the information in question is not available in Welsh on the website.

Standard 55: If a body has a Welsh language web page that corresponds to an English language web page, the body must state clearly on the English language web page that the page is also available in Welsh, and it must provide a direct link to the Welsh page. Here, although

there was a link on the English pages of the section of the website relating to Councillors' profiles which stated 'Cymraeg', the link did not take the complainant to a corresponding page in Welsh. As a result, the Council treated the Welsh version of these pages less favourably than the English version.

Standard 56: Standard 56 requires the Council to provide the interface and menus on every page of its website in Welsh. In this case, there were menus on the pages relating to information about councillors on the Council's website which were not available in Welsh. This represents a failure to comply with Standard 56 as the menus in question were not available in Welsh on this part of the website.

#### **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 standards 52, 55 and 56.

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

Further action was taken following the determination that Powys County Council has failed to comply with standards 52, 55 and 56.

#### **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 in accordance with section 77 of the Welsh Language Measure

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

1. The Council must prepare a draft action plan for the purpose of ensuring that the Council complies with standard 52.
2. The action plan must outline the steps the Council intends to take that will enable it to comply fully with Standard 52.
3. The actions within the Plan must include a commitment by the Council to:
  - undertake an audit of the work that needs to be done to ensure that the Council's website complies with the requirements of Standard 52 at all times;
  - undertake an audit of the additional resources needed to ensure that the Council's website complies with the requirements of Standard 52 at all times;
  - ensure that any additional resources identified in the above audit are set aside for the work;
  - prepare guidance for staff and any third party responsible for maintaining the website, as well as guidance on ensuring that the website is fully functional in Welsh in accordance with the requirements of the Welsh Language Standards;
  - ensure that the website is fully functional in Welsh.
4. The action plan must include the following information:

- who will be responsible and accountable for delivering each of the actions in the plan.
- ensure that members of the Senior Management Team have a role in scrutinising the Council's progress against the plan.
- a timetable for carrying out each of the steps within the plan, ensuring that each one is implemented within 6 months of the date of approving the plan.

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

Standard 55: Requirement to take action

5. The Council must check its website to ensure that the 'Cymraeg' link or button on its website takes the user directly to a Welsh language page from the corresponding page in English.

6. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement action 5 has been completed.

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

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

7. I require the Council to check the menus on its website pages to ensure that they are available in Welsh.

University of  
South Wales

**CS129, CS130 and CS134** On 10 March 2022, 14 March 2022, and 28 March 2022 I received complaints from members of the public. These complaints satisfied the conditions of section 93 of the Welsh Language Measure and were therefore valid complaints. The complainants alleged that the university had amended its logo and that the Welsh language was treated less favourably than the English language on the basis that the logo displayed the acronym 'USW' only, with the Welsh name appearing under the English name beneath the acronym. One of the complainants drew attention to the university's English Twitter account noting that the account description did not

17/01/2023

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

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

#### **Decision notice given**

The Decision Notice was given to Powys County Council on 19/01/2023.

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

No appeal was made to the Tribunal.

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

Standard 86: In order to comply with standard 86, the university needed to note that a corresponding Welsh language service was available on the corresponding English social media accounts. A member of the public contacted me expressing disappointment that the university's main English Twitter account did not state that a corresponding Welsh language account was available. During the investigation it became apparent that the Twitter account for schools and colleges liaison did not indicate that a Welsh account was available either. As neither the university's main English Twitter account nor the Twitter account for schools and colleges liaison noted that corresponding Welsh accounts were available, I am of the opinion that the university did not comply with standard 86.

include a link to the university's Welsh Twitter account.

Standard 87: Standard 87 requires the University of South Wales to treat the Welsh language no less favourably than the English language in forming, presenting or revising its corporate identity. I received three complaints regarding the university's revised logo which included an acronym in English only (USW). The complainants had seen the logo on signs and on the university's social media accounts and were disappointed that there was less Welsh on the logo after the university had revised it. As the university had formed, revised and presented its corporate identity using an English only acronym on its logo for a period of time, I believe that the university has treated the Welsh language less favourably than the English language. As the Welsh language has been treated less favourably than the English language on the university's corporate identity, I am of the opinion that the university did not comply with standard 87 at the time the complainants submitted their complaints. The University of South Wales has taken steps to ensure that its logo now complies with standard 87 and has submitted a copy of its Branding Guidelines revised in March 2022. The university now uses a logo that includes the full name of the university in both languages.

Standards 94, 95 and 96: In order to comply with the policy making standards the University of South Wales needed to demonstrate that they had considered the effects of their decisions on the Welsh language. I received complaints from the public regarding the new University of South Wales logo. The complainant was disappointed that the new logo treated the Welsh

language less favourably than the English language. When I received the complaints regarding the decision to change the university's logo, I had doubts regarding the way in which the university made this decision. The university provided a copy of the Equality Impact Assessment which was completed as the decision was made. The assessment included questions regarding the impact of the policy decision on the Welsh language and negative effects on the Welsh language were noted in the assessment. At the end of the assessment, it is noted that the assessment indicates that the proposal does not demonstrate any potential for discrimination or adverse impact on the grounds of any protected characteristics. No further discussion was recorded, although a number of individuals highlighted the negative effects of the proposal on the Welsh language. The university does not explain its reasoning for making the decision or what consideration has been given to the points raised about the Welsh language in the Equality Impact Assessment. On the basis that the university did not conscientiously consider the effect of the policy decision to change the university's identity on the Welsh language, I believe that the university failed to comply with standards 94-96.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that University of South Wales has failed to comply with standards 86, 87, 94, 95 and 96.

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

Further action was taken following the determination that University of South Wales has failed to comply with standards 86, 87, 94, 95 and 96.

**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. Details of the further action are set out below.

Standard 86: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

1. The University of South Wales must take steps to check all university social media accounts to ensure they comply with standard 86. Social media accounts must be included on all platforms, not just Twitter accounts. I require the university to record which accounts did not comply and keep evidence of the steps the university took to ensure that the accounts comply with standard 86 and provide this information as evidence.

2. I require the University of South Wales to modify any guide or policy on their social media activity to ensure, when it creates new social media accounts, that the English accounts include a link to the corresponding Welsh accounts. I require the university to record these adjustments and provide the information as evidence.

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

Standard 87: Requirement to take steps in accordance with section 77 of the Welsh Language Measure



3. The University of South Wales must conduct a review to check that its corporate identity is presented in a manner that complies with standard 87 on all occasions and correct any errors. I require the university to record the steps taken to verify their identity and to keep a record of any occasion where the university had to take steps to correct the errors.

4. I require the University of South Wales to modify any policy or guideline on branding to ensure that Welsh language standards are taken into consideration if the university's branding is reviewed in the future. I require the university to record these adjustments and provide evidence to the Commissioner.

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

Standards 94-96: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. When the University of South Wales makes a policy decision the university must record:

(i) any considerations given to what effects, if any (whether positive or adverse) the policy decision would have on opportunities for persons to use Welsh, and not treat Welsh less favourably than English.

(ii) How the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive, or more positive effects, on opportunities for persons to use Welsh, and not treat Welsh less favourably than English.

(iii) How the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have less adverse effects on opportunities for persons to use Welsh, and not treat Welsh less favourably than English.

6. I require the University of South Wales to carry out a review of its process of assessing the impact of its policy decisions on the Welsh language in the context of the requirements of the Welsh language standards.

7. Following the review, I require the University of South Wales to prepare a findings paper and include a section about the lessons learned from this case.

8. Based on the findings of the review I require the University of South Wales to put steps in place, to ensure that policy decisions are made on the basis of a meaningful and conscientious assessment. That should include:

(a) Produce a practical guide for staff responsible for formulating and making policy decisions on the statutory requirements of the Welsh Language Standards

(b) Conduct training to improve the awareness of staff, senior officers and managers who are responsible for formulating and making policy decisions on the statutory requirements of the Welsh Language Standards.

Timetable: Within 9 months of issuing the Commissioner's final determination.

Standards 94, 95 and 96: Requirement to publicise the failure to comply with standards in accordance with section 77(3)(d) of the Welsh Language Measure

Hywel Dda  
University  
Health Board

**CS1101** On 03/05/2022, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint related to the service P received from D in relation to completing an on-line assessment form concerning

13/01/2023

9. The University of South Wales must give publicity to its failure to comply with standards 94, 95 and 96 by publishing this report in a prominent place on its public website and including an item regarding the investigation in the news section of that website.

Timetable: Within 6 weeks of issuing the Commissioner's final determination.

10. The University of South Wales must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-9 have been completed.

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

#### **Decision notice given**

The Decision Notice was given to University of South Wales on 17/01/2023.

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

No appeal was made to the Tribunal.

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

Standard 1: D sent P an invitation on 5 August 2021 to complete and return an on-line assessment form about her medical condition. Following this invitation, P sent correspondence to D in Welsh. The correspondence was in the form of the on-line form (which D had asked P to complete) that had been completed through the medium of Welsh. In response to the Welsh language

her Lymphoedema condition. P claimed that:

i. – D had sent a series of English-only text messages to P (via telephone number +44 7860 039 092), including on the dates below:

- 1 October 2021
- 10 October 2021
- 6 December 2021
- 3 January 2022
- 19 January 2022
- 25 January 2022
- 7 March 2022
- 20 March 2022.

ii. – the text messages contained a link referring P to English only content relating to the completion of the on-line assessment form.

correspondence sent by P, D sent a text message and e-mail to P days later asking her to complete a new assessment form (in order to update the health board about the status of her medical condition by then). The message and e-mail were sent in English only. Subsequently, P sent D the new on-line form, with the form again completed through the medium of Welsh. In response to that correspondence, D sent an automated text and e-mail in English to P, asking her to complete a new form. The text and e-mail message were again in English only. This scenario of responding to P through the medium of English was repeated each time P sent a new completed on-line form to D through the medium of Welsh. If D receives any correspondence in Welsh from a person, the requirements of standard 1 require D to reply to that correspondence in Welsh. D received correspondence in Welsh from P in this case by receiving a series of online forms that had been completed in Welsh. Rather than responding to these pieces of correspondence in Welsh in accordance with standard 1, D responded to them by texting and e-mailing P in English only (asking her to complete a new online form). D notes that it was not possible to send any correspondence to P in Welsh due to the technical constraints of the third party platform used to send messages and e-mail reminders to patients, namely the Dr Doctor platform. Irrespective of the technical issues which D considered prevented it from being able to send responses to D in Welsh via the Dr Doctor platform, there was a duty upon D in accordance with standard 1 to ensure that, if a patient completed and sent their on-line assessment form in Welsh, the platform sent any subsequent text or e-mail to the patient in Welsh.

iii. – D sent a series of English-only e-mails to P (via noreply@drdoctor.co.uk), including on the dates below:

- 23 March 2022
- 15 May 2022
- 18 May 2022.

iv. – the e-mails contained a link referring P to English-only content relating to the completion of the on-line assessment form.

v. – that the first pages of the on-line assessment form were in English only, namely the:

- login page asking P to enter her details (namely her surname, date of birth and postcode)
- information page about the date of submission of the form.

vi. – the assessment form did not give P the option of seeing and completing the form in Welsh until the second page of the form was reached.

This was not ensured, despite the duty on D to ensure that the platform facilitated Welsh language correspondence in order to meet the requirements of standard 1. In procuring the service, and in agreeing the content of the agreement between D and Dr Doctor to provide the correspondence service on behalf of D, there was a failure to include any provisions relating to the duty for the service to be provided by the third party on behalf of D in accordance with the requirements of the Welsh language standards. This led to a situation where the service was provided by a company, through that company's platform, which failed to meet the requirements of the Welsh language standards. D explained in its evidence that these provisions were not ensured because "DrDoctor was procured and implemented at a highly pressurised time during the Pandemic, whereby the Health Board needed to explore alternative options for maintaining healthcare delivery whilst minimising the need to attend its clinical placements". Whilst fully recognising the need for D to act swiftly over this period in response to the battle against COVID-19, this did not mean that it was reasonable or acceptable for the health board not to fulfil its statutory duties to ensure that any service procured would ensure compliance with the standards. It should have been ensured that, despite the pressures faced, and despite the fact that "a limited number of suppliers could provide a platform suitable to its needs at the pace required", whichever company was eventually awarded the contract could provide their services in Welsh. The health board failed to ensure this and also failed to rectify this failure

P noted that she always completed the on-line assessment form in Welsh, and despite that, D continued to send correspondence to her in English only.

once the service was operational. D's response to the complaint states that it is "committed to our statutory duties towards the Welsh language" but emphasises that it is "facing the biggest challenge of the last 20 years and we must be able to deliver on various programmes of work in order to embed a value-based approach across the entire healthcare pathway". It also notes that D "must focus on how we use our resources wisely to get the best possible outcomes for as many people as possible over the coming months and years". This suggests that D takes the view that other factors, including the need to be cost effective, outweigh the need to comply with the legal requirements of the standards. Compliance with the standards is not a duty which it is reasonable for any organisation to avoid on the basis of cost, lack of resources or other priorities

Standard 5: If an organisation doesn't know whether a person wishes to receive correspondence from it in Welsh, standard 5 requires an organisation to provide a Welsh language version of the correspondence when corresponding with that person. That means that a body must send a Welsh language version of correspondence to a person at all times, until it is informed, and only if it is informed, that the person does not wish to receive correspondence from the body in Welsh. In this case, D did not know whether or not the complainant (P) wished to receive correspondence from D in Welsh (although P informed D on several occasions of her wish to receive correspondence from D in Welsh). As there was no confirmation that P did not wish to receive correspondence in Welsh, the requirements of standard 5 meant that D

was under a duty to correspond with P in Welsh. However, D sent a series of text messages and e-mails to P (over a period from at least 1 October 2021 to 15 May 2022) inviting her to complete an on-line assessment form relating to her medical condition. D sent all these messages and e-mails to P in English only. As a result, D failed in its duty to provide Welsh language versions of correspondence for P's attention in accordance with standard 5. D arranged for the service of creating and sending messages and invitation e-mails to patients to be provided on behalf of D by a third party (Dr Doctor), via the Dr Doctor appointment management platform. D had not ensured that the platform could send correspondence to patients in Welsh in accordance with standard 5. This led to P receiving correspondence in English only from D on several occasions, contrary to the requirements of standard 5.

Standard 6: If a body produces a Welsh language version and a corresponding English language version of correspondence (whether separate versions or not), standard 6 requires D to not treat the Welsh language version of the correspondence less favourably than the English language version. In this case, D sent a series of text messages and e-mails inviting P to complete an on-line assessment form relating to her medical condition. Each message and email contained a link for P to press to access the form via the DrDoctor portal. For the purposes of standard 6, the English only text messages and e-mails in question operated as the 'Welsh version' and the 'English version' of the correspondence as a result of D's failure to ensure that a specific Welsh

language version of the correspondence was produced and sent to P in accordance with the requirements of standards 1 and 5. The messages and e-mails included a link that led P to an English-only version of the DrDoctor portal login page. D was under a duty in accordance with the standards to ensure that there was a Welsh version of the DrDoctor portal login page. Therefore, in order to comply with standard 6 and ensure that it did not treat any Welsh language version of correspondence less favourably than any English language version of it, the correspondence sent to P was required to include a link leading to the Welsh language version of the Dr Doctor portal login page. However, D failed to do so, which meant that D failed in its duty to ensure that the Welsh language was treated no less favourably than the English language.

Standard 36: If a body produces a form to be completed by an individual, standard 36 requires the body to produce that form in Welsh. In this case, there were two pages produced on behalf of D in English only on the DrDoctor platform, namely:

- o information page about the date of submission of the form;

- o login page asking P to enter her details (namely her surname, date of birth and postcode)

These pages formed an integral part of an on-line assessment form that P was asked to complete relating to her medical condition. As D had not ensured that the third party (which it had arranged to provide services on its behalf) had produced these two pages in Welsh, D failed in its duty to comply with the requirements of standard 36.



D confirms that these pages (along with other sections on the DrDoctor portal) remain in English only.

Standard 38: If D produces a form in Welsh and English, standard 38 requires D to, amongst other things, ensure:

- o that it does not treat any Welsh version less favourably than the English version; and
- o that the English version clearly states that the form is also available in Welsh.

In this case, two pages had been produced on the DrDoctor platform, namely:

- o information page about the date of submission of the form;
- o login page asking P to enter her details (namely her surname, date of birth and postcode)

These pages formed an integral part of an on-line assessment form that P was asked to complete relating to her medical condition. These pages were not produced in Welsh in accordance with standard 36. Due to this, it, treated the Welsh language version of these pages less favourably than the English language versions by not publishing these pages in Welsh, and thus by not including a link on the English language pages leading P to Welsh language pages which should have been available. There was also a failure to ensure that the English version of the two pages clearly stated that the page was also available in Welsh. Although no Welsh language pages had been produced due to D's failure to ensure it was done in accordance with standard 38, the duty to inform users that the pages were available in Welsh, and to refer them to those pages, remained a duty

in accordance with standard 38. As a result, D failed to comply with the requirements of standard 38 in this case. Determination of whether there has been a failure to comply with standard 38 I determine that D has failed to comply with standard 38 in this case on the following grounds. It treated the Welsh language versions of two pages (that were part of the form) less favourably than the corresponding English language versions by not publishing the Welsh pages, and thus, by not including a link on the English language pages leading P to Welsh language pages which should have been available. D also failed to ensure that the English versions of the pages clearly stated that the pages were also available in Welsh.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Hywel Dda University Health Board has failed to comply with standards 1, 5, 6, 36 and 38.

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

Further action was taken following the determination that Hywel Dda University Health Board has failed to comply with standards 1, 5, 6, 36 and 38.

#### **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. I will also publicise D's failure to comply with the Welsh language standards. Details of the further action are set out below.

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

1. Hywel Dda University Health Board (D) must ensure that any responses (to Welsh language correspondence) sent to persons on its behalf via the Dr Doctor platform are sent in Welsh. This includes ensuring that, if a person completes and returns an on-line assessment form (PROM/PREM) in Welsh, all subsequent text messages and emails inviting or reminding a person to complete a new PROM/PREM are sent in Welsh (or bilingually).
2. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.

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

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

1. Hywel Dda University Health Board (D) must ensure that any correspondence sent to persons on its behalf via the Dr Doctor platform is sent in Welsh (unless D knows that the person does not wish to receive correspondence in Welsh). This includes ensuring that all text messages and e-mails inviting or reminding a person to complete an on-line assessment form (PROM/PREM) are sent in Welsh.
2. D must share guidelines with staff (and any third party) responsible for producing and sending correspondence to persons (inviting them to complete assessment forms on-line) explaining how and when they must comply with the

requirements of standard 5. The guidelines must specify the duty (in accordance with standard 5) to correspond with persons in Welsh at all times, until they are informed, and only if they are informed, that the person in question does not wish to receive correspondence from D in Welsh. It must be emphasised in the guidelines that the duty to correspond in Welsh in accordance with standard 5 extends to a situation where D does not know either way whether or not the person wishes to correspond with D in Welsh.

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

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

Standard 6: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Hywel Dda University Health Board (D) must ensure that any link included within a Welsh language version of a text message or e-mail sent to invite a person to complete their on-line assessment forms leads that person to a Welsh language version of any content. This includes ensuring that the text messages and e-mails sent to P contain a link that leads P to a Welsh language version of the DrDoctor portal login page.

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

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

Standard 36: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Hywel Dda University Health Board (D) must produce (and publish) all pages on the DrDoctor portal associated with the completion of on-line assessment forms (PROM/PREM) in Welsh, including the two pages below:

- o information page about the date of submission of the form;

- o login page asking patients to enter their details (namely their surname, date of birth and postcode)

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

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

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

1. Hywel Dda University Health Board (D) must ensure that all English pages on the DrDoctor portal associated with completing on-line assessment forms (PROM/PREM) are:

- o also published in Welsh;

- o include a direct link that leads users to the corresponding Welsh language page;

- o state clearly that the page is also available in Welsh.

This includes ensuring this on the two pages below:

- o information page about the date of submission of the form;
  - o login page asking patients to enter their details (namely their surname, date of birth and postcode).
2. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement step 1 has been completed.

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

Standards 1, 5, 6, 36 and 38: Requirement to take action in accordance with section 77 of the Welsh Language Measure

1. Hywel Dda University Health Board (D) must assess the agreement that has been agreed between D and Dr Doctor to provide the services relevant to this investigation on D's behalf. D must assess and reach conclusions as to whether the agreement includes provisions for ensuring that Dr Doctor provides services on behalf of D in accordance with the relevant standards imposed on D. If not, D must also assess and reach conclusions as to what specific steps it is going to take and when in order to ensure that the agreement will ensure that the services are provided in accordance with the Welsh language standards.
2. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement action 1 has been completed.

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

Neath Port  
Talbot Council

**CS114** On 08/12/2021, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint alleges that the Council did not give sufficient consideration to the Welsh language when consulting on a proposal for the reorganisation of English medium primary schools in the town of Pontardawe.

21/12/2022

Standards 1, 5, 6, 36 and 38: Publicising D's failure in accordance with section 77 of the Welsh Language Measure

1. The Welsh Language Commissioner will publicise the failure of Hywel Dda University Health Board (D) to comply with the Welsh language standards, by sharing this report with the Local Health Boards in Wales (only).

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

#### **Decision notice given**

The Decision Notice was given to Hywel Dda University Health Board on 13/01/2023.

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

No appeal was made to the Tribunal.

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

Standards 91, 92 and 93: In order to comply with standard 91, the Council must consider and seek views in the consultation document on the potential effects of the proposal (whether positive or adverse) on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The consultation document seeks views on the possible effects on the Welsh language in terms of opportunities to use it and in terms of not treating it less favourably than English, but it limits any consideration of those effects to the effect on opportunities to use it within the schools involved in the consultation. There is no consideration of

the possible effect of the proposal on opportunities to use the Welsh language in the wider community or at all on not treating it less favourably than English. This is a failure to comply with of standard 91.

In order to comply with standard 92, the Council must consider and seek views in the consultation document on how the policy could be formulated in order to have positive, or more positive, effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The consultation document seeks views on the potential effects on the Welsh language, but fails to consider how the policy could be formulated in order to have more positive effects on the Welsh language. This is a failure to comply with of standard 92.

In order to comply with standard 93, the Council must consider and seek views in the consultation document regarding how the policy could be formulated in order to avoid adverse effects, or have less adverse effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The consultation document seeks views on the potential effects on the Welsh language, but it fails to consider how the policy could be formulated or revised so that it would not have adverse effects, or so that it would have less adverse effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than the English. This is a failure to comply with of standard 93.



**Commissioner's Determination**

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

**Statement of further action**

Further action was taken following the determination that Neath Port Talbot Council has failed to comply with standards 91, 92 and 93.

**Statement on the further action**

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

1. The Council must conduct a review of the internal guidance, adding to it so that there is more content rather than merely a list of policy making standards, so that staff have more instructions when preparing a consultation document. The guidance must reflect the fact that two elements need to be met under the three standards, namely seeking views, and considering the effects of the proposal on the Welsh language. The purpose of this enforcement step is to ensure that a clear guide is available to staff responsible for formulating consultation documents that explain the requirements of the standards, and so that there is clear guidance to turn to in the future.
2. For the consideration element, the Council must state in the internal guidance the need to consider the effects, whether positive or adverse, the 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. Consideration must also be given to how the policy under consideration could be formulated or adapted in order for it to have positive effects, or more positive effects, and to avoid adverse effects, or so that it would have decreased adverse effects, on opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language. The purpose of this enforcement step is to strengthen the internal guidance so that the requirements of the standards are clear, and so that the Council complies with them in the future.

3. The Council must provide training to the staff who draw up its consultation documents on policy decisions relating to reorganising education in the Council's area. The Council must raise staff awareness of the revised guidance in this training, and ensure they are aware of all the requirements of standards 91-93. The purpose of this enforcement action is to ensure that the Council staff referred to are aware of the requirements of standards 91-93, and that when drawing up consultation documents regarding reorganisation of education in the future, they will be familiar with the requirements of the standards and therefore less likely to fail to comply with these standards in the future.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-3 have been completed.

Newport City  
Council

**CS113** On 4/1/2022 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. A complaint was received from

15/12/2022

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

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

5. The Council must publicise the failure to comply with standards 91, 92, and 93 by publishing this report on a prominent place on its main website. The Council must raise relevant staff awareness of the failure by publishing the report on its staff intranet.
6. The Council must provide written evidence that satisfies the Welsh Language Commissioner that it has completed this requirement to give publicity.

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

#### **Decision notice given**

The Decision Notice was given to Neath Port Talbot Council on 21/12/2022.

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

No appeal was made to the Tribunal.

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

Standard 21: The requirements of standard 21 are to ask (on first contact) whether the person wishes to receive telephone calls in Welsh, to keep a record of that wish, and to conduct telephone calls with the person from then onwards in Welsh if they so wish. Although the

a complainant regarding the lack of provision of residents' parking permits in Welsh by the Council. An application for a Welsh language resident's parking permit was made by the complainant and although an English language permit could be provided immediately, there would be a delay of four weeks before the Council would be able to provide a Welsh language permit to the complainant as the Council re-supplied its low stock of Welsh language permits. In addition, the complainant received a telephone call from the Council and was not asked whether he wished to receive a telephone call in Welsh or not.

complainant refused to receive a subsequent Welsh language telephone call from the Council, continuing the call in English in order to start the process of obtaining a Welsh language resident's parking permit, the facts and evidence provided by the Council in its responses do not indicate that the Council has in place arrangements to keep a record of the language choice of an individual who wishes to receive a telephone call in Welsh from the Council. As this was not the first time the Council had contacted the complainant, no evidence was provided confirming that the complainant's language choice had been recorded for receiving a telephone call from the Council or if the complainant was asked about his wish to receive a Welsh language service from the Council. In addition, the Council's handling of the individual's enquiry and the failure to deal with the call immediately in Welsh constitute treating the Welsh language less favourably than the English language as defined in Section 28 of the Welsh Language (Wales) Measure 2011. This is a failure to comply with the requirements of the standard. The complainant was immediately offered an English language service or a Welsh language service which would have delayed the situation for longer. This is unacceptable and contrary to the requirements of the Standard and Measure. Although the complainant previously contacted the Council and requested a Welsh language service, no record was made nor any note of the complainant's previous wish to receive a Welsh language service. Although the Council offered a Welsh language service to the complainant, in the absence of any record of the complainant's wish for a Welsh

language service from the Council, I find that there has been a failure by Newport City Council to comply with the requirements of Standard 21.

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 applied for a Welsh language parking permit and that there was a four-week delay in the complainant receiving the Welsh resident's parking permit because a Welsh permit had not been produced by the Council. It appears from the evidence presented that proofs of the designed permit needed to be approved and this confirms that a Welsh language permit was not available when the complainant applied for a resident's parking permit. This is contrary to the requirements of standard 42 and a failure on the part of the Council to comply with the requirements of standard 42. I also recommend that the Council considers adopting more effective arrangements to check the numbers of available permits and ensure that an adequate stock of parking permits (and indeed, documents and other Welsh forms) are available in the Council's contact centres which will avoid a situation similar to the one at the heart of this investigation from arising again in the future.

Standard 81: Standard 81 requires a body to promote any Welsh language service it provides, and to do so in Welsh. 'Promoting' and 'advertising' include a body actively promoting and raising awareness of the Welsh language service by highlighting the fact that a Welsh language service is available and encouraging use of that

service. In this case, there has been no proactive promotion of the Council's services in Welsh. 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 Newport City Council has failed to comply with standards 21, 42 and 81.

### **Statement of further action**

Further action was taken following the determination that Newport City Council has failed to comply with standards 21, 42 and 81.

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

1. Newport City Council is required to prepare an action plan to ensure that the Council complies with the requirements of standard 21 when telephoning individuals for the first time, recording the individual's wish to receive a Welsh language service or not and recording the individual's wish in a central database so that telephone calls made by the Council to the individual are conducted in Welsh from then onwards in accordance with the individual's wish.

The action plan should outline the following:

- arrangements that are in place to ensure that all those making telephone calls are aware of the requirements of Standard 21,
- how an individual's wish for a Welsh language service is recorded on a central database available to staff across the Council;
- How the Council's central database on Welsh language services is to be updated to ensure compliance with the requirements of the Standard.

The plan should also set out the arrangements in place to ask an individual whether they wish to receive a Welsh language service, how this is recorded on a central Council database and how all subsequent telephone calls to the individual are conducted in Welsh in accordance with the individual's wish for a Welsh language service.

The action plan should include the following information:

- The main steps of the process of planning the work
- The timetable for completing the work
- The budget for the completion of the work
- The name of the person responsible for the project

The proposed plan should include clarification of how the organisation will prevent further failure to comply with the requirements of standard 21, including preventing the continuation or repetition of the failure.

The findings of the review of the Council's services in accordance with standard 21, documentation of the

Council's current recording system as set out by standard 21, should also be included together with any revised plans or records intended to be adopted to ensure compliance with the standard and to prevent similar behaviour from arising again.

It should be ensured that the proposed action plan is carried out within one year of receiving the Commissioner's confirmation that the proposed action Plan is acceptable.

Timetable: The draft action plan should be produced within 3 months of the date of publishing the Commissioner's final determination.

I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

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

Timetable: Within six months of issuing the final determination.

Standard 42: Requirement to take steps in accordance with section 77 of the Welsh Language Measure  
3. Newport City Council must produce Welsh language residents' parking permits and they must be immediately available when a member of the public applies for a permit of this sort.



4. Newport City Council must ensure that the proofs and design of the Welsh language residents' parking permits correspond to the design of English permits provided by the Council and that an adequate stock of these permits is available when such permits are applied for by members of the public.

5. Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 3-5.

Timetable: Within three months of issuing the final determination.

Standard 42: Recommendations in accordance with section 77 of the Welsh Language Measure

6. It is recommended that Newport City Council ensures that it evaluates its monitoring processes of Welsh language residents' parking permits, identifying the numbers of documents, forms and permits produced by the Council to ensure that an adequate stock of permits is available at each of the Council's contact centres as well as centrally if an application is received by electronic means for such permits from individuals.

7. Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has considered and carried out action 6.

Timetable: Within three months of issuing the final determination.

Standard 81 Requirement to take steps in accordance with section 77 of the Welsh Language Measure

8. Newport City Council must undertake a review of its current arrangements in promoting the Council's Welsh-language telephone services. The Council must consider the following as part of its review into the failure to promote Welsh language services in this case:

- Why didn't the Council promote Welsh language services in the process of ordering Welsh language residents parking permits?
- What training do staff need to ensure compliance with the requirements of standard 81?
- Why did the complainant receive a service that was inferior to the equivalent English language service?
- What steps does the Council intend to adopt to avoid a similar situation from happening again and how can compliance with the standard be achieved in promoting Council services in the future.
- Why was the user journey in using the Council's Welsh language services not of the same standard and quality as the service in English?
- Why weren't the Council's Welsh language services clearly and easily accessible, and why wasn't there proactive promotion of the services in this case?
- Why wasn't the Welsh language service consistent with the English language service in this case?

9. Newport City Council must also ensure that appropriate and ongoing training is available for staff to be proactive in promoting Welsh language services.

10. Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 8 - 9.

Timetable: Within three months of issuing the final determination.

11. Newport City Council must act on the findings of the review set out in 8 above and submit written evidence satisfying the Welsh Language Commissioner that it has completed and adopted the recommendations and findings of the review undertaken.

Timetable: Within six months of issuing the final determination.

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

12. It is recommended that Newport City Council ensures that it promotes and advertises all Welsh language Council services, and reminds officers who deal with the Council's helplines of the requirement to promote and facilitate Welsh language services in accordance with standard 81.

13. Newport City Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has considered and carried out action 12 above.

Timetable: Within three months of issuing the final determination.

#### **Decision notice given**

The Decision Notice was given to Newport City Council on 15/12/2022.

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

Welsh Ministers

**CS122** On 17/02/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant contacted the Commissioner following a delay in receiving information about a decision regarding a job interview. The complainant was dissatisfied that there were delays due to a lack of Welsh speaking staff who were able to assess the job applications. The complainant alleged that she had applied for a post with the Care Inspectorate Wales in November 2021 and was still awaiting a decision regarding whether she was to receive an interview or not three months later.

22/11/2022

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 137B: There is a requirement on Welsh Ministers to treat an application for a post made in Welsh no less favourably than an application made in English (including, amongst other matters, in relation to the closing date you set for receiving applications and in relation to any time-scale for informing individuals of decisions. The complainant applied for a post with Care Inspectorate Wales where Welsh language skills were essential. There was a delay before the complainant was informed of the outcome of the short listing process for the post. There is no evidence, however, that the complainant's Welsh language application was treated less favourably than an application made in English. All applicants were informed of the outcome of the recruitment process on the same day and all applications were considered by the same recruitment panel. This does not constitute a failure to comply with Standard 137B.

**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 137B.

**Statement on the further action**

In accordance with section 76 of the Welsh Language Measure I have decided to take further action to improve

Blaenau Gwent  
County Borough  
Council

**CS092** The Welsh Language Commissioner's Regulatory Framework 2021 outlines the methods I use to monitor organisations' compliance with the Welsh Language Standards. Those methods include direct checking, namely accessing services as a real customer in order to ascertain what the real experience is for those who wish to use the Welsh language when receiving services from bodies subject to the Welsh language standards. Direct checking exercises are carried out for services

31/10/2022

the experience of candidates. Details of the further action are set out below.

Standard 137B: Advice in accordance with section 76 of the Welsh Language Measure Care Inspectorate Wales must ensure when providing candidates with information about any delay in the recruitment process, that that information is accurate.

#### **Decision notice given**

The Decision Notice was given to Welsh Ministers on 22/11/2022.

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

No appeal was made to the Tribunal.

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

Standard 8: A body must ensure when a person contacts them on their main telephone number (or on one of their main telephone numbers), or on any helpline numbers or call centre numbers, that the caller receives a greeting in Welsh. Our mystery caller did not receive a greeting in Welsh on more than one occasion when trying one of the Council's main telephone numbers as part of our direct checking. In weighing up our evidence, it appears that the mystery caller would not have received a greeting in Welsh on the automated message either. That is a failure to comply with Standard 8.

Standard 11: A body must ensure that when a person contacts them on their main telephone number (or on one

such as telephone services, reception areas, websites and correspondence.

The results of monitoring and assessing the Council's service raised suspicions of a failure to comply with service delivery Standards 8, 11 and 17 relating to the Council's telephone services. On the basis of this suspicion, I decided to hold an investigation due to the lack of Welsh telephone services available to our mystery caller on three occasions. The CS092 investigation was therefore opened to consider the suspected failure by the Council to comply with the telephone Standards.

In the Council's original evidence in response to the investigation, however, it became apparent that there was a lack of staff who could speak Welsh and who could provide a telephone service that complied with the requirements of the standards, working as part of the telephone call taking team. The Council relied on staff from other departments who volunteered to support the service, although that was not what happened to our mystery caller during his calls to the Council. In one of the calls made by our mystery caller, the agent showed no awareness that our mystery caller had

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

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

Standard 81: A body must ensure that it promotes any Welsh language service it provides, and advertises that service in Welsh. Here the Council has noted that they are taking some steps to promote their Welsh language telephone services but there are some obvious examples where the Council has not taken steps to promote and

spoken in Welsh. The Council also showed the original evidence that there was a failure in the Council's understanding of the requirements of the telephone service Standards.

As none of the members of the centre dealing with telephone calls were able to speak Welsh, this raised suspicions that there were wider problems in terms of recruiting, training and awareness of the Welsh language within the organisation. The investigation's Terms of Reference were therefore amended to include additional standards to try to discover whether there were structural problems that prevented the Council from being able to offer a quality Welsh language service to users.

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

Standard 82: body must ensure, if it provides a service in Welsh that corresponds to a service you provide in English, any publicity or document the body produces, or website it publishes, which refers to the English service must also state that a corresponding service is available in Welsh. As this investigation has not looked specifically at publicity, documents drawn up or website published, and that the Council has provided evidence suggesting that they comply with Standard 82, I have no reason to find a failure to comply with this Standard.

Standard 127: A body must ensure that it assesses the Welsh language skills of its employees. Although the Council has submitted evidence that it 'encourages' staff to fill in details of their language skills on their iTrent system, the Council has not submitted any evidence that an assessment of their employees' Welsh language skills takes place annually. There is a lack of planning and a lack of awareness of how to identify the relationship between the language skills of staff and the Welsh language service that needs to be provided. The main influence on the ability of organisations to provide

appropriate Welsh language provision is the number of their staff who have Welsh language skills. In the context of services, the lack of structures in terms of assessing staff language skills have a direct impact on the Welsh language services that the Council can offer. The strategies of providers offering Welsh language services should focus on assessing the Welsh language skills of their staff in order to take advantage of existing skills, build staff confidence and then add to the capacity of the Welsh language through recruitment and training. In order to comply with the Standard and to go on to provide Welsh language services, it is not enough just to 'encourage' or even 'identify' staff language skills. The Standards require the Council to assess these skills, to record the skills and to re-assess annually in order to ensure that this record is up to date. Assessment is not just about gathering information. The information must be analysed and conclusions reached regarding the significance of the data and the language skills possessed by staff within the organisation. No evidence has been submitted showing 'how' an assessment is carried out. Nothing has been submitted showing how the organisation uses that information to determine what language skills they need. No evidence has been submitted showing how and when the Council looks and considers the data and no evidence showing that this is reported upon to senior officers and elected members. If the Council is unable to comply with this standard, it is very unlikely that it will ever be able to comply with the other standards as if there is insufficient data on staff skills, the Council cannot adequately plan in terms of staff required in the organisation in order to comply with the



Standards. It is very disappointing and concerning that the Council has not realised or respected the importance of the requirement of this Standard. Neither is there any evidence that they understand the long-term consequences of not complying fully with this Standard in the context of the other Standards. It is clear that the Council does not have a strategy to fill its language skills gaps. That is a failure to comply with Standard 127.

Standard 130: A body must provide opportunities during working hours for its employees to receive basic Welsh language lessons, and for employees who manage others to receive training on using the Welsh language in their role as managers. As the Council does not have a record of how many staff have received basic Welsh language training over the last three years, it raises suspicions that there is no robust procedure in place in terms of compliance with Standard 130 and in terms of offering opportunities for staff to receive basic Welsh language training. No evidence has been submitted that staff who manage other people have the opportunity to receive training on the use of Welsh in their role as managers. This is a failure to comply with Standard 130.

Standard 131: A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, in order to develop their language skills. As the Council does not have a record of how many staff have received further training over the last three years and there is no evidence to show that opportunities have been provided, it raises suspicions that the Council does not comply with

Standard 131 in terms of offering opportunities for staff to receive basic Welsh language training. This is a failure to comply with Standard 131.

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

sessions have been provided to staff in accordance with Standard 132. This is a failure to comply with Standard 132.

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

Standard 136: The Standard requires a body when assessing the requirements for a new or vacant post, to assess the need for Welsh language skills, and to categorise it as a post where one or more of the following apply:

- (a) Welsh language skills are essential

- (b) Welsh language skills need to be learnt when appointed to the post
- (c) Welsh language skills are desirable
- (d) Welsh language skills are not necessary. Although the Council has categorised the post I was given as an example in their evidence as one where Welsh language skills were desirable, there is no evidence that considerations have taken place in terms of the department's Welsh language needs and those of the role. This is a failure to comply with Standard 136.

Standard 136A: If a body has categorised a post as one where Welsh language skills are essential, desirable or need to be learnt, the body must specify that when advertising the post and advertise the post in Welsh. In the example of a job description that has been submitted, the Council has determined that Welsh language skills are desirable (although there is some confusion about this in the job description) but no evidence has been received that the post has been advertised in Welsh. That is a failure to comply with Standard 136A.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Blaenau Gwent County Borough Council has not failed to comply with standard 82, but that Blaenau Gwent County Borough Council has failed to comply with standards 8, 11, 17, 81, 127, 130, 131, 132, 133, 136 and 136A.

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

Further action was taken following the determination that Blaenau Gwent County Borough Council has failed to comply with standards 8, 11, 17, 81, 127, 130, 131, 132, 133, 136 and 136A.

**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. Details of the further action are set out below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



3. The Council must record the results of those annual assessments.
4. The Council must provide written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

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

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

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

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

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

1. The Council must create a procedure to provide opportunities for its employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills.

2. The Council must record how many staff are offered this training and how many staff receive this training annually.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 -2 have been completed.

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

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

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

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

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

1. The Council must modify its induction procedures and sessions to include the provision of information to new employees for the purpose of raising their awareness of the Welsh language.

2. The Council must prepare an information pack on the Welsh language and share this pack with all new members of staff.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that it has carried out enforcement actions 1 and 2.

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

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

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

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

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

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

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

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

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

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

1. Blaenau Gwent County Borough Council must prepare a draft Action Plan of its arrangements for the purpose of ensuring that the Council complies with the Operational Standards that have been the subject of this investigation;

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

Timetable: The Council must submit a draft action plan in accordance with the requirements under Section 80

Welsh Language Measure within 3 months of receipt of the final decision.

The Welsh Language Commissioner to publicise the failure to comply:

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

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

**Decision notice given**

The Decision Notice was given to Blaenau Gwent County Borough Council on 31/10/2022.

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

Standard 61: In order to comply with standard 61, the Welsh Ministers must ensure that all signs placed by

Welsh Ministers

**CS063** On 21/06/2021, 14/11/2021 and on 17/11/2021 I received complaints from members of the public. The complaints

04/10/2022

met the conditions of section 93 of the Welsh Language Measure and were therefore valid complaints.

**Complaint 1:**

The Commissioner received a complaint by a member of the public claiming that there were English only audio announcements on their train journey from Pwllheli to Aberystwyth on 12 June 2021 (train leaving Pwllheli station at 7:24 am). The complainant also alleges that there were English only signs at the stations throughout the journey. The Welsh Ministers have confirmed that the train in question was fitted with a Train-FX audio system.

**Complaint 2:**

The Commissioner received a complaint by a member of the public regarding audio announcements in English only during her train journey from Swansea to Cardiff on 12 November 2021. The Welsh Ministers have confirmed that the train in question used the ALSTOM audio system.

**Complaint 3:**

The Commissioner received a complaint by a member of the public regarding train services during his journey from

them, including electronic signs, are placed in Welsh. Two members of the public contacted me to complain that signs on trains and in train stations had not been placed in Welsh. One complainant had travelled by train from Pwllheli to Aberystwyth on 12/06/2021 and had seen English only signs at stations. Another complainant had travelled from Aberystwyth to Birmingham on 27/10/2021. The complainant contacted me to complain that there were electronic signs on the train and at the station in Aberystwyth in English only. As it is not possible to know when the signs seen by the complainant were placed when travelling by train from Pwllheli to Aberystwyth, then it is not possible to ascertain whether there has been a failure to comply with standard 61 in the case of this complaint. Similarly, the electronic signs seen by the complainant on Aberystwyth station are not identifiable. However, in the case of the train journey from Aberystwyth to Birmingham on 27/10/2021, the electronic signs were on a train using the TrainFX information system and in English only. As the Welsh Ministers did not ensure that the electronic signs on the journey were in Welsh then I do not consider that the Welsh Ministers complied with standard 61 in this case.

**Standard 87:** Standard 87 requires the Welsh Ministers to ensure that announcements over public address systems are made in Welsh and that the Welsh language is heard first. Three complainants contacted me to express disappointment after they heard English-only announcements on trains on three different journeys. In providing information on the sound systems being used, the Welsh Ministers confirmed that the announcements

Aberystwyth to Birmingham on 27 October 2021. The complainant claims that electronic signs on the train and at the train station in Aberystwyth were in English only. They also alleged that audio announcements on the train were in English only. The Welsh Ministers have confirmed that the train in question was fitted with a Train-FX audio system.

on these trains were not made in Welsh. As the announcements made over the public address systems on these trains were not made in Welsh, I determine that the Welsh Ministers failed to comply with standard 87 in this case.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 61 and 87.

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

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

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

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

I require the Welsh Ministers to prepare a draft action plan for the purpose of ensuring that the Welsh Ministers comply with the requirements of standard 61 when providing electronic signage on trains under their responsibility.

The draft action plan must contain the following information:

- A description of each of the steps the Welsh Ministers will take to ensure that electronic signs on trains comply with standard 61



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

The action plan should include steps to ensure that—

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

Timescale:

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

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

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

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

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

The draft action plan must contain the following information:

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

The action plan should include steps to ensure that—

- the Welsh Ministers carry out an audit of all the sound systems on trains it must assess whether they comply with the requirements of standard 87,
- the Welsh Ministers fully comply with the requirements of standard 87 when making audio announcements on trains under their responsibility within 18 months of the date of approval of the action plan.

Timescale:

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

Vale of  
Glamorgan  
Council

**CS128** On 04/03/2022, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The allegation was that a link on the Council's Welsh website had directed the complainant to an English page, and there was no Welsh language version available. The webpage in question is supplied by a third party on behalf of the Council. Further inspection of the website has shown that further links direct the user to the third party's English pages, and that there are linguistic errors on the Welsh website.

20/09/2022

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

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

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

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

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

Further action was taken following the determination that Vale of Glamorgan Council has failed to comply with standard 52.

**Statement on the further action**

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

1. The Council must review the links on the recycling website and ensure that each one directs the user to a fully functional Welsh language page.
2. The Council must review its procedures for dealing with third parties responsible for its webpages. The Council must ensure that the third party is aware of the Council's duty to comply with Welsh language standards, and put arrangements in place to ensure that the Council checks all new pages to make sure that they are fully functional in Welsh before they are published.
3. The Council must contact the third party in question to inform them of this determination, and reinforce the Council's position in terms of the requirement to comply with Welsh language standards with regard to third party websites.
4. The Council must review its internal guidance to include a section emphasising the fact that the Council is responsible for ensuring that third party websites operated on behalf on the Council comply with Welsh language standards.
5. The Council must re-check the page Baw Anifeiliaid, Anifeiliaid dy Marw, Binau Gorlifo, neu Baraffernalia Cyffuriau -Adroddiad Cychwynnol -Cyflwyniad -Cyngor

Bridgend  
County Borough  
Council

**CS098** On 26/11/2021, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complaint relates to a recent consultation by the Council on a proposal to move an infant department to the Mynydd Cynffig Primary School site, and to expand the size of the new building. The complainant alleges that the consultation did not consider the effect of the proposal on the Welsh language.

20/09/2022

Bro Morgannwg (achieveservice.com) and ensure that there are no linguistic errors.

6. The Council must ensure that relevant members of staff are made aware of the revised internal guidance explaining how to comply fully with standard 52.
7. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1-6 have been completed.

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 91: In order to comply with standard 91, the Council must consider and seek views in the consultation document on the potential effects of the proposal (whether positive or adverse) on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. The consultation document does not do enough to seek views or convey a conscientious consideration of the possible effects of the proposal on the Welsh language. There is no consideration of the possible effect of the proposal on the Welsh language in the community, and only a broad reference to the effect of the proposal on the Welsh language in the new building and on Welsh-medium

education locally. This is a failure to comply with of standard 91.

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

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

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

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

Borough Council has failed to comply with standards 91, 92 and 93.

**Statement of further action**

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

**Statement on the further action**

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

1. The Council must conduct a review of the internal guidance, adding to it so that there is more content rather than merely a list of policy making standards, so that staff have more instructions when preparing a consultation document. The guidance must reflect the fact that two elements need to be met under the three standards, namely to seek views, and to consider the impacts of the proposal on the Welsh language.
2. For the seeking views element, the Council must note that specific questions need to be asked in the consultation document which meet the requirements of the three standards. It must be noted here that asking for a general response to the consultation is not sufficient to comply, but specific questions must be asked regarding the effects of the proposal on:
  - a) Opportunities for persons to use the Welsh language, and

- b) Treating the Welsh language no less favourably than the English language.

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

3. For the consideration element, the Council must note in the guidance that conscientious consideration needs to be given to the potential effects of the proposal on the Welsh language, and to how the policy could be formulated so that it would have more positive and less adverse effects on the Welsh language. The guidance must explain that superficial statements about the Welsh language are not sufficient to comply, and that sufficient information needs to be included so that the public is aware of the position of the Welsh language in relation to the proposal.
4. The Council must provide training to relevant staff on how to comply with the Welsh language standards when drawing up consultation documents on policies relating to education in the county. It should raise staff awareness of the revised guidance in this training, and ensure that they are aware of all requirements under standards 91-93.
5. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1-3 have been completed.



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

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

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

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

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

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

**Decision notice given**

Betsi Cadwaladr  
University  
Health Board

**CS053** On 18/05/2021, I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. On 29 January 2021, P visited the North Wales Cancer Treatment Centre (NTCTC) at Glan Clwyd Hospital, Bodelwyddan. At the end of the preparatory session for his radiology treatment, P alleges that the health board's radiographer asked P to sign 'Consent Form 1: Patient agreement to examination or treatment', which would: give the health board consent to provide treatment to P, and confirm that P agreed to the conditions of the treatment. Before P signed the form, P alleges that the radiographer told him that he should sign the English side of the document (rather than the Welsh side), stating: "Sign on the English side, since we all understand English." P alleges that there was clear encouragement from the member of staff to sign the English side of the form. The complaint raises a suspicion that D did not promote the

06/09/2022

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

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

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

Welsh language service that it provides, and that it actively promoted the English language service at the expense of the Welsh language service. The 'Welsh language service' in question in this case was the option for P to complete the bilingual form in question in Welsh (rather than in English).

form—instead of promoting the Welsh language service—D acted in direct opposition to the requirement and purpose of the standard, by actively promoting the use of the English language service (namely the option to complete the form in English) at the expense of the Welsh language service. However, I note that the health board considers that there are legitimate medical reasons for not promoting the Welsh language service in this case. Encouraging and allowing P to sign and complete the Welsh version of the bilingual consent form would have meant that not all the information needed to confirm consent for the treatment—namely P's signature and the important details inputted by P and the health professional—would ultimately be transferred to P's medical records. Whilst acknowledging this, D did not clearly articulate to P the clinical reasons why it was not possible to complete and sign the Welsh version of the form or why he needed to complete and sign the English (front) version of the form. Also, this was not expressed in a way that was conscientious of P's wish to complete and sign the consent form in Welsh. That led to a situation where P was made to feel that his desire to use Welsh was not recognised and respected by the health board. As things stand, the structure and form of the current form means that patients need to be asked to complete and sign the front (English) version of the form to ensure the patient's clear consent to the treatment. The structure of the form means that allowing a patient to complete and sign (and promoting, in accordance with standard 60, that a patient can complete and sign) the Welsh version of the form would have adverse implications concerning the

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

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Betsi Cadwaladr University Health Board has failed to comply with standard 60.

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

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

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

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

Details of the further action are set out below.

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

1. D must produce and provide guidance to staff on how to explain clearly to patients wishing to complete and sign bilingual multi-part consent forms in Welsh, why the structure of the current form does not enable that.

The guidance is expected to describe how staff should explain this in a way that ensures that they acknowledge and respect patients' wishes to use Welsh when they are confirming their consent to treatments.

2. D must produce and provide guidance for staff on how to promote and facilitate the use of the Welsh language as they complete the consent process to treatments with patients. This may include guidance on how to refer patients to the Welsh copy of the consent form in order for them to be able to read it and how it could be ensured that patients can discuss the completion of consent forms with staff in Welsh (if Welsh-speaking staff are available). It may also include details of what documentation regarding the confirmation of patient consent to treatments is available in Welsh and that can be shared with patients.
3. D must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1-2 have been completed.

Timetable: Within 3 months of issuing the final determination.

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

1. I recommend that D encourages and seeks to influence the Welsh Risk Pool (which is the body ultimately responsible for producing bilingual multi-part consent forms for local health boards) to identify an

Monmouthshire  
County Council

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

Both complaints related to the change to the Street Naming and Numbering policy of Monmouthshire County Council (the Council). The complaints related to the

19/08/2022

appropriate structure and form to 'Consent Form 1: Patient consent to an examination or treatment' which will allow patients to complete and sign the form in Welsh without hindrance, and that will consequently allow D to be able to comply with standard 60 (by promoting that patients can complete and sign the form in Welsh).

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 88: Standard 88 requires the Council to consider what effects, if any, a policy decision would have on the opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably than the English language. In this case, the Council's Street Naming and Numbering policy was amended, but I am not satisfied that the Council has given conscientious consideration to what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language and on treating the Welsh

Council's decision to remove the need to translate into Welsh any English only road sign for additional or replacement signs.

language no less favourably than the English language. Although some considerations have been identified, no evidence has been submitted to show conscientious consideration of these effects. This represents a failure to comply with standard 88.

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

Standard 90: Having considered what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language and on treating the Welsh language no less favourably under Standard 88, Standard 90 requires a body to make further considerations. The Council had to consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and on treating the Welsh language no less favourably than the English language. In this case, the Council's Street Naming and Numbering policy was

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

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

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

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

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

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

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

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

1. When formulating a new policy, or reviewing or revising an existing policy, the Council must document any consideration given to what effects, if any



(whether positive or adverse), the policy decision would have on:

(a) opportunities for persons to use the Welsh language, and

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

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

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

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

6. When the Council formulates a new policy, or reviews or revises an existing policy, the Council must record any considerations it gives regarding how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on –
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
7. The Council must prepare guidance for all staff, officers and councillors involved in policy decisions on how to give conscientious consideration to how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive, or more positive, effects on –
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
8. The Council must provide training on the guidance in step 7 to all staff, officers or councillors involved in policy decisions under the Welsh Language Standards.
9. The Council must consider whether it needs to amend its Impact Assessment document in order to encourage conscientious consideration under Standard 89.
10. Monmouthshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 6 - 9 have been completed.

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

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

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

14. The Council must consider whether it needs to amend its Impact Assessment document in order to encourage conscientious consideration under Standard 90.

15. Monmouthshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 11 - 15 have been completed.

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

Welsh Language Commissioner to publicise the failure to comply:

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

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

**Decision notice given**

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

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

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

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

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

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### **Commissioner's Findings**

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

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

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

of the correspondence to the complainants, rather than assuming that English was their preferred language. This is a failure to comply with standard 5.

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

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

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

the Council. This is not a failure to comply with standard 21.

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

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

### **Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Denbighshire County Council has not failed to comply with standards 2, 7, 20 and 21, but that Denbighshire County Council has failed to comply with standards 1, 4, 5 and 18.

**Statement of further action**

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

**Statement on the further action**

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

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

1. The Council must review its current arrangement to ensure that it responds to any Welsh correspondence in Welsh. This is even if part of the correspondence is in English. If the customer has not clearly indicated that they do not wish to receive a Welsh language response, the Council must therefore respond in Welsh. The Council must ensure that these requirements are made clear in any staff guidelines the Council has.
2. The Council must raise the awareness of the staff of the planning department of the requirements of standard 1 and the amended guidelines, and specifically explain the situation when part of the



correspondence is in English, but that there is no statement that there is no need to respond in Welsh.

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

Timetable: Within 3 months of publishing the final determination.

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

1. The Council must ensure that any correspondence sent to several persons is sent in Welsh at the same time as any English version. This includes automatic emails that go to a number of people. This is the case regardless of customers' preferred language.
2. The Council must adapt its guidance to ensure that the requirements of standard 4 are fully explained to staff. The guidance must explain the following:
  - III. What type of correspondence is regarded as correspondence going to 'a number of persons'. Correspondence does not have to go to more than one person at the same time in order to fall into this category, and therefore automatic emails are included.
  - IV. The customer's preferred language does not affect the requirements of standard 4 if the correspondence in question goes to a number of persons. This type of correspondence must be sent bilingually.
3. The Council must draw these changes to the guidance to the attention of relevant staff.
4. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1, 2 and 3 have been completed.

Timetable: Within 3 months of publishing the final determination.

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

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

Timetable: Within 3 months of publishing the final determination.

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

1. The Council must adjust its arrangements for dealing with telephone calls in order to ensure that it provides a telephone service in Welsh in its entirety to a customer who calls the direct line telephone number of departments and staff if that is what the customer wishes. If the customer's wish is not clear, the Council must make a proactive effort to ascertain the

Torfaen County  
Borough Council

**CS100** On 29/11/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint.

Two complaints were received from the complainant, both have now been

19/08/2022

customer's preferred language in order to ensure full compliance with this standard.

2. The Council ensure that the internal guide explains that a proactive effort is needed to ascertain the language choice of any customer who calls the direct line telephone number of the Council's departments and staff members. The Council must raise staff awareness of the requirements of this standard and the revised guide.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

Timetable: Within 3 months of publishing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 requires the Council to respond in Welsh to any Welsh language correspondence. In this case, the correspondence from the complainant to the Council was in English, and therefore standard 1 does not apply. As a result, there is no failure to comply with the requirements of standard 1.

Standard 5: Standard 5 requires a body to send a Welsh version of any correspondence if the customer's preferred

combined to form one investigation. The elements under consideration are:

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

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

**Standard 52:** Standard 52 requires the Council to ensure that the pages of its websites and online services are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than English on those pages and services. The evidence of the complainant and the Investigation and Enforcement Officer shows that there is more than one occasion where a link on the English language website does not appear on the corresponding Welsh language website. There was also English text on the Welsh website, and the Council's arrangements creates a risk of the same happening again. This treats the Welsh language less favourably than the English language, and therefore constitutes a failure to comply with standard 52.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Torfaen County Borough Council has not failed to comply with standard 1, but that Torfaen County Borough Council has failed to comply with standards 5 and 52.

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

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

**Statement on the further action**

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

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

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

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

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

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

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

**Decision notice given**

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

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**CS073** On 6 August 2021 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint.

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

As a result it is claimed that some had faced a day's postponement in giving evidence, others gave evidence in English, and the defendant did not speak at all. It is claimed that 9 people had stated before the hearing that they wished to give evidence in Welsh. The complainant did not speak during the hearing but listened as an interested party in planning matters.

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### **Commissioner's Findings**

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

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

**Standard 32:** Where persons have been invited to speak at a meeting, the body must ask those persons whether they wish to use the Welsh language at the meeting and the body must provide a simultaneous translation service from Welsh to English at the meeting. The Welsh Ministers asked the persons invited to the meeting whether they wished to use the Welsh language when speaking at the meeting. A simultaneous translation

Welsh Ministers

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

service was provided to that effect. There were problems with the translation service at the beginning of the meeting. Although the problem was resolved, and attendees were reminded that they could continue to contribute in Welsh, it was not possible to use the translation service for a period of time for that purpose. This equates to a failure by the Welsh Ministers to comply with the requirements of standard 32.

Standard 33: Section 28 of the Welsh Language (Wales) Measure 2011 provides that a “service delivery standard” means a standard that relates to a service delivery activity, and is intended to promote or facilitate the use of the Welsh language, or to work towards ensuring that the Welsh language is treated no less favourably than the English language when that activity is carried out. A “service delivery activity” means a person delivering services to another person, or dealing with any other person in connection with delivering services to that other person, or to a third person. Recent research by the Welsh Language Commissioner shows that a number of influences on users' language decisions, one example recorded is concern that trying to use Welsh where it is not available would lead to awkwardness or embarrassment, or that using the Welsh language service would disadvantage them. The research also shows when the Welsh language service was not obvious or when any barrier, delay or difficulty was introduced, some participants decided to use English rather than persevere in order to receive a Welsh language service. So fewer people use Welsh when the Welsh language service is more of a hassle, as in this particular case. In my



evaluative opinion, I determine that the translation service provided was a breach of the standard based solely on the fact that technical problems had impeded the smooth running of the meeting at the start.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has not failed to comply with standards 27 and 27D, but that Welsh Ministers has failed to comply with standards 32 and 33.

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

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

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

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

Standard 32 Requirement to take steps in accordance with section 77(3)(b) of the Welsh Language Measure

1. The Welsh Ministers must consider and specify the appropriate action to be taken when a meeting (virtual or otherwise) fails to continue in two languages as a result of a technical fault with a view to ensuring that Welsh language users have the right to use Welsh smoothly and as they wish.
2. Based on the conclusions of enforcement action 1, the Welsh Ministers must add a section to any guidance

The Chief  
Constable of  
Dyfed Powys  
Police

**CS078** On 25 August 2021 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complaint related to English language e-mails received from Dyfed Powys Police on 4 occasions in response to Welsh correspondence.

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i) The complainant sent a Welsh message to the Police and received an

they have on the arrangements for holding bilingual meetings for the public, providing clear guidance on what staff should do to ensure that people can use Welsh when a technical fault disrupts a meeting.

3. The Welsh Ministers must provide a copy of the guidance as evidence to the Welsh Language Commissioner that they have completed enforcement action 1 and 2.

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 means that, when the Police receive any correspondence in Welsh from a person, that he or she must reply in Welsh (if an answer is required), unless the person has indicated that an answer is not required in Welsh. The Police sent correspondence, in this case, acknowledgement messages, and a letter, which was in English only. The messages were sent in email format. This highlights a failure by the Police to comply with standard 1.

Standard 7: Standard 7 requires the Welsh Ministers to state in correspondence that they welcome receiving

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

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

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

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

PLEASE BE AWARE THAT YOUR E-MAIL MAY NOT BE DELIVERED

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

Standard 154: Standard 154 requires a body to ensure that it has arrangements for overseeing its compliance with the service delivery standards with which it is under a duty to comply. It must also ensure that it has arrangements for promoting the services, and facilitating the use of the services it offers in accordance with the service delivery standards. A body must publish a document recording those arrangements on its website and make a copy of the document available at each of its offices. Dyfed Powys Police does not have published arrangements for supervising compliance with Welsh Language Standards. In the absence of a document recording the arrangements for the supervision of the Welsh language services offered by Dyfed Powys Police, no copy has been published. This highlights a failure to comply with standard 154.

Standard 156: The standard asks that a body publishes a document on its website which explains how it intends to comply with the service delivery with which it is under a

IMMEDIATELY AND IF YOUR MESSAGE IS TIME CRITICAL AND URGENT, THEN PLEASE CONTACT THE POLICE BY TELEPHONE ON 101.

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

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

duty to comply. On the Dyfed Powys Police website, there is a document entitled "Welsh Language Standards". Opposite all service delivery standards applicable to the Police, the document clearly sets out the steps the Police need to take to ensure compliance with the standards. This complies with the requirements of standard 156.

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

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that The Chief Constable of Dyfed Powys Police has not failed to comply with standard 156, but that The Chief Constable of Dyfed Powys Police has failed to comply with standards 1, 7, 154 and the enforcement action of the CSG812 investigation.

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

Further action was taken following the determination that The Chief Constable of Dyfed Powys Police has failed to comply with standards 1, 7, 154 and the enforcement action of the CSG812 investigation.

**Statement on the further action**

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

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

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

Taking into account the Welsh language resources and text already prepared by the Police, the plan should show how they want to ensure that all those who receive correspondence, in whatever form, deal with the Welsh correspondence in Welsh.

The action plan should include the following information:

- A description of each of the steps Dyfed Powys Police will take to ensure that Welsh correspondence receives a response in Welsh
- Who will be responsible and accountable for taking each of the actions

- The resources (e.g., funding/staff) required to carry out each of the actions
- Proposals to redistribute staff with Welsh language skills
- Staff recruitment schemes
- Name of person in charge of the project

The action plan should include actions to ensure:

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

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

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

1. The Chief Constable of Dyfed Powys Police must state in correspondence that corresponding through the medium of Welsh will not lead to a delay. It must be ensured that all elements of his correspondence comply with the requirements of standard 7.
2. The Chief Constable of Dyfed Powys Police must provide written evidence that satisfies the Welsh Language Commissioner that the enforcement action has been completed.

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

**CS103** On 10/12/2022, I received a complaint from a member of the public (P). It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. It is alleged that P sent a direct message in Welsh to the Public Health Wales Facebook account ([www.Facebook.com/lechydCyhoeddusC](http://www.Facebook.com/lechydCyhoeddusC)

21/07/2022

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

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

Timetable: Within 90 days of publishing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 46: If a person contacts Public Health Wales (D) through social media in Welsh, the requirements of standard 46 require D to answer that person in Welsh (if a reply is required). On 10/02/22, the complainant (P) sent a direct message in Welsh to a Welsh language version of D's Facebook account ([www.Facebook.com/lechydCyhoeddusCymru](http://www.Facebook.com/lechydCyhoeddusCymru)). In response to that message, D sent an English only

ymru) on 10/12/2022. The message provided comments to Public Health Wales (D) regarding the lack of parking spaces outside an eye screening centre at Parc Menai, Bangor. P alleges that D responded to this message in English only.

automated message to P. In order to comply with standard 46, D needed to ensure that any response made to P's Welsh language message was made in Welsh. D sent P an automated reply in English only and, as a result, failed in its duty to comply with the requirements of standard 46. Following receipt of the (English) automated reply from D, D was specifically asked to reply in Welsh to P's Welsh message. A further response was not sent to P. Due to the specific request from P for a further response to his message, and given that the initial automated reply did not relate to or deal with the subject matter of his message, there was an expectation upon D to provide a further response to P. As no reply was given to the Welsh message (in any language), this too was a failure by D to reply (in Welsh) to P in accordance with the requirements of standard 46.

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

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

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

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

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

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

1. D must put arrangements in place to ensure that, if a person contacts Public Health Wales (D) via social



media in Welsh, D replies fully to that message in Welsh if the person in question has specifically requested a response to the message.

2. D must check weekly the automated replies sent from its social media accounts to ensure that they comply with the requirements of standard 46.
3. D must provide written evidence that satisfies the Welsh Language Commissioner that enforcement steps 1 and 2 have been completed.

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

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

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

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Cwm Taf  
Morgannwg

**CS093** On 08/11/2021 I received a complaint from a member of the public.

15/06/2022

University  
Health Board

The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint. The complainant submitted a complaint to the health board in English on 01/09/2021 to the health board's complaints email address (CTHB.Concerns@wales.nhs.uk) and received a reply in English. The complainant replied to this email in Welsh and the officer asked if he wished to receive further replies in Welsh. The complainant confirmed on 08/09/2021 that he wished to receive further replies in Welsh. I received a complaint from him on 08/11/2021 explaining that he had not received a reply to his email in Welsh.

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

**Commissioner's Determination**

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

**Statement of further action**

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

**Statement on the further action**

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

1. The health board must undertake a review of the arrangements in place to reply to correspondence in

Welsh from members of the public to ensure that the replies are fully compliant with standard 1.

2. The health board must adapt its guidelines for staff to include the need to respond in Welsh to Welsh correspondence within the corporate deadline for any correspondence if a response is required.
3. The health board should incorporate the need to consider standard 1 in the corporate complaints team's procedures.
4. Cwm Taf Morgannwg University Health Board must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has carried out enforcement actions 1-3.

Timetable: Within 3 months of issuing the final determination.

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

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant is unhappy that an email he received from Cardiff Council in response to a Welsh language email used the Council's English identity in the email address (@cardiff.gov.uk).

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

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

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

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

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

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

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

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

For the reasons given in the final report, and following a successful consultation with the Council, I will therefore

Cardiff Council

**CS083** On 15/09/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. The complainant claims to have received an automated response in English only by email from Cardiff Council (the Council). The automated response acknowledged a complaint made by the complainant to

18/06/2022

enter into a settlement agreement under section 77(4) of the Measure for the purpose of ensuring that the Council will comply when that becomes possible. The settlement agreement contains the terms given in the final report.

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

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 1: Standard 1 requires a body to ensure it replies to any correspondence in Welsh from a person (if an answer is required) in Welsh, unless the person has indicated that there is no need to reply in Welsh. The complainant received an automated response in English only by e-mail from Cardiff Council. The automatic response acknowledged a complaint made by the complainant to the Council regarding a road sign where the Welsh language was incomprehensible. Although the

the Council in Welsh regarding a road sign where the Welsh language was incomprehensible.

subject of the complainant's complaint to the Council was in Welsh, there is a dispute if the complainant completed and entered the form on the Welsh or English side of the website. The Council has submitted evidence which they claim shows that the form was entered on the English side of the website. As I have no evidence to the contrary, I must find that this complaint was entered on the English side of the website although I must indicate that I consider this unlikely given the complainant's behaviour. I also accept that the use of the language choice button on the Council's website is an example of a proactive language choice and that it is therefore appropriate for the automatic acknowledgment e-mail response to be in either English or Welsh (in accordance with the user's language choice). As I therefore do not have evidence to the contrary, I must find that this complaint was entered on the English side of the website and that the Council has therefore acted appropriately in giving an automatic response in English only taking the complainant's preferred language from the preferred language button on the website. I cannot therefore determine a failure to comply with Standard 1 as the Council has not failed to answer Welsh correspondence in Welsh. I must however note again, that I accept the complainant's honest evidence but that I was unable to determine a failure here because of the evidence presented by the Council.

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has not failed to comply with standard 1.

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

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

Recommendations in accordance with section 76 of the Welsh Language Measure

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

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

### **Decision notice given**

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

**CS062** On 14/06/2021 I received a complaint from a member of the public (P). It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint. On 26/03/2021, P attended a vaccination centre at the Thomas Parry Library, Aberystwyth, to receive their COVID-19 vaccine. After arriving at the centre, P registered at the desk and was given a leaflet about the vaccine.

Allegation (i) The next step in the registration process was for P to go to another desk to provide their contact details, along with other information. Following this, P was given a '*NHS Staff COVID-19 Vaccine Form*' containing these details. P alleges that this form was in English only. P alleges that they asked for a Welsh language version of the form. In response to the request, P alleges that a member of staff explained to them that the form was available in Welsh, but the health board did not have a supply of the Welsh language version at the centre. Allegation (ii) It is also alleged that the person on reception at the centre did not speak Welsh.

18/05/2022

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

No appeal was made to the Tribunal.

### **Commissioner's Findings**

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

Standard 50: Standard 50 requires a body to ensure that any reception service available in English in its reception areas is also available in Welsh. On 26/03/2021, the complainant received their first COVID-19 vaccine at the mass vaccination centre located in the Thomas Parry Library in Aberystwyth. During their visit, P went to the registration desk to confirm that she had arrived for her appointment. The individual who was working on the registration desk on the date in question did not speak Welsh. As a result, that individual provided P with an English only service and they were not given a Welsh language service in line with their language choice. However, the desk in question did not constitute a "reception", the meaning of which is noted in Schedule 1,



Part 3, Paragraph 52 of the Welsh Language Standards (No. 7) Regulations 2018. In addition, the service provided to P did not constitute a “reception service” as noted in the Regulations.

#### **Commissioner’s Determination**

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

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

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

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

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

1. D must ensure, if it gives a member of the public a form at one of its vaccination centres, that it gives a Welsh language version of the form to the member of the public as a matter of course, and without the member of the public having to ask for a Welsh language version.

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

- NHS Staff COVID-19 vaccination form;

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

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

met the conditions of section 93 of the Welsh Language Measure and was therefore valid. The complaint related to Cardiff Council's website, specifically a section of the website which webcasts or live-streams meetings, <https://cardiff.public-i.tv/core/portal/home>. It alleged that it was not possible to view a council cabinet meeting on the Welsh version of the website on the above date. The evidence showed that the following error message could be seen on the relevant webpage: "Video playback disrupted. Attempting to play it again,"(my translation). This differed from the English version of the website where the meeting could be viewed without disruption. This was the second time the complainant had complained to me about the webcasting service. They had previously complained that it was not possible to view a cabinet meeting on 24<sup>th</sup> of September 2020 on the Welsh version of the website. I decided not to investigate at that time on the basis of representations I received from the Council stating that measures were in place to resolve the matter. It appeared that those measures had not succeeded in time for the 19<sup>th</sup> of November 2020 meeting. The complaint also alleged that English text appeared on a feedback form on the website to

Standard 52: On 19/11/2020, the Council webcast a meeting of its cabinet on the English version of its website. The webcast was not available to view on the Welsh version of the website. As a result, the relevant Welsh page on the website was not fully functional and the Welsh language was treated less favourably than the English language on the website. This was a clear failure by the Council to comply with the requirements of the standard.

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

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

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Cardiff Council has not failed to comply with standard 156, but that Cardiff Council has failed to comply with standard 52.

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

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

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

report any technical issues. The evidence showed that the words 'I am not a robot', 'City of Cardiff Council', and 'Privacy Policy' could be seen.

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

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

Timetable: Within 3 months of the final determination date.

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

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

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

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

The service with the English only words 'I'm not a robot' is provided by an external organisation (not on behalf of the

Council), and Welsh is not available as an option by the provider at this time.

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

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

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

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

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

**Decision notice given**

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

Welsh Ministers

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

16/05/2022

**Appeals made to the tribunal**

No appeal was made to the Tribunal.

**Commissioner's Findings**

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

Standard 56: Standard 56 requires the Welsh Ministers to provide an interface and menus on each page of their website in Welsh. None of the exemptions to comply with Standard 56 apply here. In this case, the menus on the station facilities and information pages of the Transport for Wales website are in English only. This is a failure to comply with Standard 56 as the menus in question are not available in Welsh on the website. The information in question does not come under one of the exemptions to compliance with Standard 56.

**Commissioner's Determination**

Under section 73 (2) of the Welsh language Measure, the Commissioner has determined that Welsh Ministers has failed to comply with standards 52 and 56.

**Statement of further action**

Further action was taken following the determination that Welsh Ministers has failed to comply with standards 52 and 56.

**Statement on the further action**

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

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

Timetable: Within 1 month of issuing the final determination.

3. Welsh Ministers must ensure that the pages of their websites and online services relating to the station facilities of stations outside of Wales are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the

Arts Council of  
Wales

**CS074** On 12 August 2021 I received a complaint from a member of the public. It met the condition of section 93 of the Welsh Language Measure and was

13/05/2022

English language on those pages and services. This information must include up-to-date information.

4. Welsh Ministers must provide sufficient written evidence to satisfy the Welsh Language Commissioner that they have carried out enforcement action 3.

Timetable: Within 3 months of issuing the final determination.

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

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

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 132: The Council advertised the post of Director of Arts Development with the Welsh language categorised as a highly desirable skill. Standard 132 places a duty on



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

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

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

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

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

the Arts Council of Wales has failed to comply with standard 132.

**Statement of further action**

Further action was taken following the determination that the Arts Council of Wales has failed to comply with standard 132.

**Statement on the further action**

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

1. Arts Council of Wales must categorise all new and vacant post advertised in accordance with the categories listed in standard 132.
2. Arts Council of Wales must undertake a full review of its processes for conducting an assessment of the linguistic requirements of new and vacant posts to ensure compliance with the requirements of standard 132.
3. Following the review, Arts Council of Wales must revise its template for assessing the linguistic requirements of new and vacant posts. The template must:
  - explain the exact requirements of the standards relating to recruitment and appointment and give guidance on the factors to be considered and the corresponding categories.
  - set out the steps to be taken to ensure that the assessment carried out is objective, meaningful and detailed.
  - ensure that the person conducting the assessment considers all the categories listed in standard 132.

**CS086** On 28/09/2021 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was

28/04/2022

- ensure that the assessment carried out focuses on the skills needed to fulfil the role as described in the job description.
- emphasise the need to adhere to the findings of the assessment when determining the category for the language requirement.
- ensure that the Welsh language is treated in the same way as all other skills that have been identified as being essential to fulfil the role.

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

4. Art Council of Wales must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 1 –3 have been completed.

Timetable: Within 12 weeks of issuing the final determination

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 61: The requirements of standard 61 state that when erecting a new sign or renewing a sign, any text displayed on the sign must be displayed in the Welsh

therefore a valid complaint. I received a complaint from the complainant that two English only road signs, outside the Hollybush Inn at Cefn-y-Bedd, one for 'Nursing Home' and one displaying the 'Llay' and 'Rossett' place names, had been removed by the Council and replaced with a new English only sign containing this information. In sending the complaint to the Commissioner, the complainant provided a picture of the signs in question. In considering the complaint, my officials asked the complainant for further details on the new signs installed. In response to my enquiries the complainant said: The picture in your email is the old one that has been there for years, my point was that the council had a great opportunity to correct the fact that "Nursing Home" was in English only when the junction was changed to install traffic lights. They have reinstalled the signs so that "Llay", "Rossett" and "Nursing Home" are now on the same sign, like this... The complainant confirmed that the 'Give Way' sign seen in the original picture was no longer there, as a new traffic system was now in place, as seen in the picture.

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

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

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

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

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

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

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

1. Flintshire County Council must remove the English only signs installed outside the Hollybush Inn and replace them with Welsh or bilingual signs.
2. Flintshire County Council must provide the Welsh Language Commissioner with sufficient written evidence and/or photographs that enforcement action 1 has been completed. Timetable: Within one month of issuing the final determination.

**CS085** Recent verification surveys of recruitment pages by my officers on the Gower College Swansea website has raised suspicion of a failure to comply with Welsh language standards. Sections

28/04/2022

3. Flintshire County Council must ensure that any signs that have been (and are) installed at locations managed by Flintshire County Council comply with the requirements of standard 61.

4. Flintshire County Council must provide guidance to officers and any contractors used regarding the requirements of standard 61 when installing or reinstalling signs to ensure that they are aware of the actions required to comply with standard 61.

5. Flintshire County Council must consider including clauses in its contracts with third party organisations that impose fines or penalty clauses on the organisation if it fails to comply with the requirements of the standards on behalf of the Council.

6. Flintshire County Council must provide the Welsh Language Commissioner with sufficient written evidence that enforcement actions 3 - 6 have been completed.

Timetable: Within three months of issuing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.

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

Standard 145A: Standard 145A requires a body, when it categorises a post as one where Welsh language skills are essential, desirable or need to be learnt, to specify that when advertising the post and advertising the post in

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

Welsh. My officers' recent verification surveys, of recruitment pages on the Gower College Swansea website highlighted that parts of relevant job notices found on the College's website contained English-only phrases on the Welsh language page. Phrases such as "Reference", "Expiry date", "location", "salary" and "benefits". This demonstrates a failure by the College to comply with the requirements of standard 145A.

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

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

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

Standard 148: Standard 148 requires a body to ensure that its application forms for posts provide a space for individuals to indicate that they wish to use the Welsh language at an interview or at any other method of assessment, and explain that it will provide a translation service from Welsh to English for that purpose if it is

required. Gower College Swansea's job application forms do not highlight the fact that persons are invited to indicate whether they wish to use Welsh at an interview, noting that this will be provided for. This highlights the College's failure to comply with standard 148.

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

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

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

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

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

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

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

Timetable: Within 3 months of issuing the final determination.

Standard 146A: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

3. Gower College Swansea must ensure that all application forms are published in Welsh, and that the Welsh language is treated no less favourably than the English language in accordance with the requirements of standard 146A.

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

Timetable: Within 3 months of issuing the final determination.

Standard 148: Requirement to take steps in accordance with section 77 of the Welsh Language Measure

5. Gower College Swansea must ensure that all application forms provide space for individuals to indicate that they wish to use the Welsh language at an interview or assessment and explain that a translation service will be provided if it is required.

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

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.



The Welsh  
Ministers

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

06/04/2022

**Commissioner's Findings**

**Standard 38:** Standard 38 requires the Welsh Ministers to ensure that any material on displayed in public is displayed in Welsh, and that any Welsh language version of the material is treated no less favourably than the English version. In this case, text has been displayed three times in English and only once in Welsh. English-only text has also been placed on the information panels. This is a failure to comply with Standard 38 as the Welsh language is treated less favourably than the English language.

**Standard 61:** Standard 61 requires that the Welsh Ministers when erecting a new sign or renewing a sign (including temporary signs), ensure that any text displayed on the sign must be displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, a body must not treat the Welsh language text less favourably than the English language text. In this case, a sign was placed at the Cadw Hafoty site in Anglesey where the text was not clear or accurate in terms of meaning and expression. This is a failure to comply with Standard 61 as the Welsh language is treated less favourably than the English language on the sign.

**Standard 63:** Standard 63 requires the Welsh Ministers to ensure that the Welsh text on signs is accurate in terms of meaning and expression. In this case, a sign was placed at the Cadw Hafoty site in Anglesey where the Welsh text

was not accurate in terms of the words and phrases used. This is a failure to comply with Standard 63 as the Welsh text on the sign is inaccurate in terms of meaning and expression.

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

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

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

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

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

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

1. The Welsh Ministers must ensure that any material that is (and may be) displayed at Cadw locations complies with the requirements of standard 61.
2. The Welsh Ministers must conduct a full review of the way in which they provide training for freelance guides to ensure that they are aware of the need to comply with the Welsh Language Standards.
3. The Welsh Ministers must conduct a full review of how they ensure that a third-party providing services to the public on their behalf enables them to comply with the standards.
4. The Welsh Ministers must carry out the review to enable them to identify a method of setting requirements

relating to the use of the Welsh language, on parties providing services on their behalf, which will ensure that the Welsh Ministers comply with the standards.

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

Timetable: Within 3 months of issuing the final determination.

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

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

Timetable: Within 3 months of issuing the final determination.

#### **Decision notice given**

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

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

No appeal was made to the Tribunal.