



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Investigation Report and Decision Notice:

Bridgend County Borough Council

Reference: CS1376

Date: 3 July 2026

This report is published under the Welsh Language Commissioner's powers to investigate under section 5 of the Welsh Language (Wales) Measure 2011.

This investigation was undertaken under section 71 of the Measure. This document is the investigation report and decision notice for the purposes of sections 73, 74 and 75 of the Measure.

Contents

1	Executive summary	3
2	Basis of the investigation	6
3	Summary of evidence	7
4	Findings and determination	10
5	Further action	18
	Appendix 1: The investigation's terms of reference	20
	Appendix 2: Information on the right to appeal	233

1 Executive summary

A complaint was received against Bridgend County Borough Council in relation to its consultation document on changing the school transport policy in 2024. The complainant alleged that the Council had not considered, or provided evidence that it had considered, the impact of the proposals on the Welsh language as part of the consultation document, and that it had therefore failed to comply with Standards 91–93 of the Welsh Language Standards.

The investigation considered the content of the *Learner Travel* consultation document, which outlined five potential proposals for changing the policy, as well as questions asked via a digital survey, and the additional evidence and documents provided by the complainant and the Council.

It found that the Council had sought the public's views on the impacts of the proposals on the Welsh language by including specific questions in the consultation. However, the public were not provided with any conscientious consideration by the Council itself of the potential impacts of the different proposals on the Welsh language. As a result, the public could not understand or assess fully the potential impact of the proposals on Welsh-medium education, on school choice by parents or on the wider use of the Welsh language.

The investigation found that a Welsh Language Impact Assessment had been completed by the Council in March 2024, but that assessment was not shared with the public or included in the consultation document. As a result, the considerations set out in the assessment were not presented as part of the consultation. As Standards 91–93 relate specifically to the content of consultation documents, the assessment in question did not form part of the basis for assessing compliance. It was determined therefore that the Council had failed to comply with Standards 91, 92 and 93.

It is very disappointing that these failures follow two previous investigations (CS098 and CS1093) where failures to comply with the Policy Making Standards were found, including in relation to consultations on school transport policy. Despite receiving evidence that the Council had implemented the enforcement actions imposed previously, this investigation demonstrates that the Council has not ensured continued compliance when formulating consultation documents, and suggests that there are not sufficiently robust measures in place at present to prevent similar failures from arising again.

As a result, this Report identifies further steps the Council is required to take to ensure continuous improvement and sustainable compliance. These include a requirement for the Council to submit a copy to the Commissioner of the first consultation document published after completing the mandatory training, as well as

evidence that it complies fully with Standards 91–93. As there is clear evidence of a continuous failure to comply, the Commissioner will also publicise the Council's failure to comply with these Standards.

Standard	Commissioner's Determination	Further action
91	Failure	Requirement to take action in accordance with section 77 of the Welsh Language (Wales) Measure 2011 1. The Council must update the internal guidance document on formulating consultation documents and ensure that it includes: • a clear explanation of the requirements of Standards 91–93; • a requirement to include conscientious consideration of the impacts of all policy proposals on the Welsh language in the consultation document itself; • specific guidance on the type of data, analysis and explanations that can be provided to enable the public to understand the potential impact of policy proposals. The guidance must be shared with all staff. Timetable: Within 1 month of issuing the decision notice. 2. The Council must provide mandatory training to: • all policy-making staff; • staff who formulate or contribute to consultation documents; • staff who are responsible for assessing the impact of policies on the Welsh language. The training should include: • an explanation of the requirements of Standards 91–93; • how to undertake a conscientious consideration of the Welsh language;
92	Failure	
93	Failure	

		• lessons to be learnt from the consultation in question; • good practice. Timetable: The training must be completed within 3 months of issuing the decision notice. 3. To ensure continuous improvement, the Council must submit the following to the Commissioner: • a copy of the first consultation document published after completing the training; • evidence that it complies fully with Standards 91–93. Timetable: Within 1 month of the start date of any consultation. 4. The Welsh Language Commissioner will publicise the Council's failure to comply by: a) publishing a public statement stating that the Council has failed to comply with the relevant requirement; and (b) publishing the investigation report produced in relation to this investigation.
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2 Basis of the investigation

- 2.1 A complaint was received about the alleged failure of Bridgend County Borough Council to undertake a Welsh Language Impact Assessment at the time of the original consultation on changes to its transport policy in 2024.
- 2.2 The complainant stated that they submitted the complaint as they had already had to raise a similar matter with us twice previously. The complainant also stated that they had tried to raise the same matter with the local authority many times during the consultation, and as part of their consultation response, but to no avail.
- 2.3 On the basis of the above, the investigation considered whether Bridgend County Borough Council (the Council) had failed to comply with the following standards:

Standard 91

When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration 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.

Imposition day: 30/03/2016

Standard 92

When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

Imposition day: 30/03/2016

Standard 93

When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

3 Summary of evidence

Complainant's evidence

- 3.1 When submitting their complaint, the complainant provided detailed evidence, including the consultation document, links to Cabinet papers, the Council's correspondence to the Member of Parliament, the consultation document and e-mails to the Council and the complainant's official response to the consultation.

The Council's Evidence

Original response to the complaint

- 3.2 In their original response to the complaint, the Council attached a copy of a letter they provided to the complainant who had also submitted a complaint to them directly. Within that response, the Council explained that a Welsh Language Impact Assessment had been completed at the time of the consultation.
- 3.3 It was noted that when the consultation was published, those who were consulted were given the opportunity to express their opinion regarding the potential impacts of the policy on the Welsh language. When undertaking the consultation, the Council said that they had complied fully with the Gunning principles as the consultation was held at a formative stage; they stated that it included sufficient information for consideration and that adequate time was given to respond. It was explained that the consultation was held over a period of 12 weeks in accordance with guidelines from Welsh Government and the UK Government.
- 3.4 The Council stated that the intention of the consultation was to ensure transparency and inclusion. To that end, it was explained that the Council had published the full details of the proposed changes to the transport policy. The Council stated that they believed the information provided was appropriate and sufficient to enable the public to understand the proposals and provide informed feedback. The consultation was open for a period of 12 weeks.
- 3.5 When responding to a question from the complainant, which stated that the impact of the policy was clear as parents were pulling their children out of Welsh-medium education due to lack of transport or uncertainty regarding transport arrangements, the Council said that the policy complied with national legislation. It was explained that the policy provides transport for children of statutory school age to their nearest suitable school, in accordance with statutory distances, which is 3 miles for secondary school pupils and 2 miles for primary school pupils.

- 3.6 The Council also highlighted the fact that their policy includes transport provision for Welsh-medium post-16 pupils and Nursery pupils, stating that this was not a legal requirement. Additionally, it was stated that any pupil who lives further than the statutory distance of three miles from Ysgol Gyfun Gymraeg Llangynwyd would remain eligible for free transport from September 2025, including post-16 pupils.
- 3.7 The Council stated that 30 pupils would no longer be eligible for transport from September onwards. They explained that the average distance these pupils would need to travel to Ysgol Gyfun Gymraeg Llangynwyd is 2.4 miles, and this was described as a distance which is consistent with the threshold of 3 miles set out in the national and local policy. They stated that the breakdown per year group is as follows:
- Year 8 – 1
 - Year 10 – 8
 - Year 11 – 7
 - Year 12 – 14
- 3.8 It was explained that 607 pupils were receiving coach transport to Ysgol Gyfun Gymraeg Llangynwyd during the current school year (2024–2025). For the 2025–2026 school year starting in September, the Council noted that they currently estimate that 650 pupils will be eligible for transport.
- 3.9 The Council noted that they acknowledge that any change to school transport arrangements can impact families. However, they explained that the amended policy was put in place to comply with Welsh Government guidelines, which state the statutory walking distances for school age children. The Council said that a review of existing transport arrangements had demonstrated that the previous policy went beyond what is required by law. As a result, and as part of their responsibility to ensure fair and sustainable use of public resources, it was stated that the policy had been amended to be more closely aligned with statutory requirements.
- 3.10 The Council said that their officers had identified that the routes to the Welsh-medium schools are safe walking routes.
- 3.11 The complainant stated that these alleged failures undermine Welsh Government's strategy to increase the number of Welsh speakers, and run contrary to the Council's statutory duties under the Learner Travel (Wales) Measure 2008, particularly Section 10, which requires local authorities to promote access to Welsh-medium education.
- 3.12 The Council responded stating that their current policy provides discretionary free transport for post-16 learners who choose Welsh-medium education. This approach reflects the local authority's commitment to supporting access to Welsh-medium education, in accordance with relevant national strategies,

including Cymraeg 2050, which aims to increase the number of Welsh speakers across Wales significantly.

- 3.13 The Council explained further that although the Learner Travel (Wales) Measure 2008 does not require local authorities to provide free transport for post-16 learners overall, Section 10 of the Measure places a duty on them to promote access to Welsh-medium education and training when exercising their functions under the Measure. As a result, the Council said that the current policy has been designed specifically to fulfil that duty.
- 3.14 When developing the amended policy, the Council said that they completed an equality and Welsh language impact assessment, which considered how the proposed changes could impact learners attending a Welsh-medium school. It was stated that the school transport team would continue to monitor any impact the policy may have on Welsh-medium schools. It was also explained that all parents were given the opportunity, as part of the consultation process, to express their opinion regarding the new policy.

Response to our request for information

- 3.15 A Request for Information was submitted to the Council, and the Council provided the following information in response.
- 3.16 It was explained that the consultation was undertaken by an independent survey company. Respondents received a document outlining the proposed changes to the policy, as well as a separate link to the survey questions. At the end of the consultation period, it was noted that the company produced a report setting out the questions asked and the responses received.
- 3.17 It was stated that the consultation questions are produced digitally, and once the report is issued, they are removed from the system. As a result, it was explained that there was no hard record of the questions available. However, the Council said that they had been informed by officers that the following questions were asked in relation to the Welsh language:
- *We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.*
 - *What effects do you think there would be?*
 - *How could positive effects on the Welsh language be increased, or negative effects be mitigated?*
 - *Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language; on treating the Welsh language no less favourably than the English language; and ensure there are no adverse effects on opportunities for people to use the Welsh language?*

- 3.18 As part of their response, the Council also provided an Excel file containing the responses received as part of the consultation process.
- 3.19 The Council said that the survey report produced for them sets out the questions asked and the full responses received which, in their opinion, complies with their responsibilities under the Welsh Language Standards.

4 Findings and determination

Findings on compliance with standard 91

- 4.1 All the information provided by the complainant and the Council was considered.
- 4.2 When submitting the complaint, the complainant provided a copy of the Consultation Document in question, namely ***Teithio gan Ddysgwyr – Dogfen Ymgynghori (Atodiad 3)***. It is understood that consultation questions were also published alongside the Consultation Document, but those documents are no longer available. However, as part of their response, the Council shared some of the questions asked, together with an Excel file containing some of the answers received, which includes information about the questions asked.
- 4.3 The Consultation Document states that the purpose of the consultation was to gather the views of the public and stakeholders on the proposed changes to the Council's Home-to-School/College Transport Policy. It is explained in the document that the policy is being reviewed due to financial pressures, and that the current policy is among the most generous in Wales. As a result, it was noted that it is necessary to assess which provision is sustainable in the longer term.
- 4.4 It is also explained in the Consultation Document that the Council has a duty to provide free transport where the law requires it to do so (for example, based on distance or need), but that it also provides additional services at its discretion. The consultation was seeking views on these additional services, including which services are still necessary.
- 4.5 Although there is no copy of the consultation questions available as a separate document, as these materials were published as part of the consultation, we have considered the Consultation Document, the questions shared by the Council, and the supporting information, together as one body of consultation information, for the purposes of considering the relevant Standards.
- 4.6 It is noted that the consultation period was between 10 April and 3 July 2024. After the consultation had ended, it was stated in the document that all public feedback would be presented to the Cabinet, and that any approved changes would come into force on 1 September 2025.
- 4.7 Within the Consultation Document, the Council outlines five proposals for consideration:

- **Proposal 1**

Withdrawal of legacy transport for all learners benefiting from an identified and available (safe) walking route to school, to fall in line with the statutory distances of two miles for primary school-age pupils and three miles for secondary school-age pupils.

- **Proposal 2**

Removal of 'sibling' and 'in-receipt' protection for pupils.

- **Proposal 3**

Removal of all transport for Nursery pupils.

- **Proposal 4**

Removal of all Post-16 transport.

- **Proposal 5**

The offer to parents/carers of pupils with additional learning needs (ALN) the option of a 'transport budget' providing a mileage allowance of 45p per mile.

4.8 Standards 91, 92 and 93 place specific requirements on public organisations when publishing consultation documents relating to a policy decision. In particular, these Standards require such documents to consider and seek views on the possible effects (whether positive or adverse) that the policy decision could have on the Welsh language and opportunities to use it. These Standards apply to consultation documents only.

4.9 Under Standard 91, when a public organisation publishes a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration 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.

4.10 Therefore, in order to comply, the consultation document must meet two specific requirements.

4.11 In order to comply with Standard 91, a consultation document must meet two specific requirements:

- firstly, the organisation must consider the possible effects; and
- secondly, it must seek views on those effects.

4.12 The Code of Practice states in paragraph 5.1.14:

A body must include specific questions in the consultation document which ask for a response. A body is expected to give due consideration to any information gathered during this process when making the policy decision, so that the body acts on any outcomes from the consultation.'

- 4.13 In this case, although it appears that a Welsh Language Impact Assessment was completed by the Council in March 2024, that assessment was not included with the consultation document, nor shared with the public during the consultation period. In addition, the considerations set out in the assessment were not reflected in the text of the published consultation document.
- 4.14 As a result, even if the Council has conscientiously considered the impact of the proposals on the Welsh language as part of that Impact Assessment, those considerations were not presented or shared with the public as part of the consultation process. Therefore, that Impact Assessment does not form part of our consideration when assessing compliance with the standards relating to consultation documents which are the subject of this investigation.
- 4.15 On 12 June 2024, the complainant drew the Council's attention to the fact that the Welsh Language Impact Assessment had not been provided as part of the original consultation document. In response, a Council officer stated that the full Impact Assessment was to be published as part of the Cabinet papers, to support the Cabinet's decision on the policy proposals.
- 4.16 The complainant communicated a further three times with the local authority's Transport officer to request a copy of the Impact Assessment. In a response on 25 June 2024, the officer stated that there was no legal duty on the local authority to publish a Welsh Language Impact Assessment alongside the consultation. The officer also noted that the Council is of the opinion that their duties under Standards 91–93 have been met by including specific questions in the response form to the consultation, asking for views on the impact of the proposals on the Welsh language.
- 4.17 It should be noted that it is not a specific requirement under the Welsh Language Standards for a public body to carry out a Welsh Language Impact Assessment as part of the consultation process. The statutory requirement under Standards 91–93 is that the consultation document itself considers and seeks views on the impact of the proposals on the Welsh language.
- 4.18 However, in this case, the consultation document only outlines the purpose of the consultation and the proposals. It does not include any discussion, in accordance with the requirements of Standards 91–93, of the possible effects that the different proposals could have on the Welsh language, or of how the proposals could be formulated or revised in order to increase positive effects or mitigate adverse effects.
- 4.19 In the case of the Welsh Language Tribunal TYG/WLT/22/01, it was determined that a public body cannot justify a superficial consideration of the Welsh language by arguing that the policy decision is in a “formative phase”. The Tribunal stated that it is not possible to postpone conscientious consideration of the impact of a decision on the Welsh language until a later

stage in the process. In that case, it was determined that it was inadequate to postpone a full Language Assessment until after the public consultation, as the adverse effects on the Welsh language were a real possibility, and not a hypothetical one.

- 4.20 As a result, there was a clear expectation on the Council to make a conscientious effort within their consultation document(s) to consider the effects of the options on the Welsh language. In the case of TYG/WLT/2022/01, the Tribunal noted:

‘...the Tribunal accepts the definition adopted by the Commissioner when she states that she expects a conscientious effort on the part of the Council to consider the effects of its proposal on the Welsh language in each of the ways required by the respective Standards, 91, 92 and 93.’

- 4.21 In that case, the Tribunal agreed that the effect of the proposal on the Welsh language required more than a superficial discussion. It was determined that the Council should have held a real discussion on the impact, as policy decisions relating to education can have complex effects on the use of the Welsh language in communities, and on attitudes towards the Welsh language at a local level.

- 4.22 Part 2 of Schedule 2 to the Welsh Language Standards (No. 1) Regulations 2015 states:

‘In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect.’

- 4.23 In this case, no such consideration has been recorded within the consultation document, so that the public could reach an informed conclusion about the impact of the different options on the Welsh language. If the purpose of Standards 91–93 is to ensure that public organisations consult appropriately with the public regarding effects on the Welsh language — by clearly stating which effects have been considered, and by giving the public an opportunity to consider and express an opinion on those matters — we do not believe that the documents published by the Council fulfil that purpose.

- 4.24 The requirement to “consider” means that consultation documents outline the relevant issues and aspects that the Council is considering. This is consistent with Gunning's second principle, which is that the consultation process must “include sufficient reasons and information for particular proposals to enable intelligent consideration and response”.

- 4.25 In this case, I would have expected to see a more detailed analysis of the possible effects associated with the five proposals given. For example, the consultation document does not contain any data that enables readers to understand the extent or potential significance of the impact on the Welsh language, which reinforces the conclusion that no conscientious consideration has been given.

4.26 Although the Council is not expected under the Standards to consider every possible impact, no information has been provided regarding:

- how many learners who receive Welsh-medium education could be affected;
- how many learners who receive English-medium or bilingual education could be affected;
- are the proposals likely to lead to a reduction in the number of learners who can continue or start Welsh-medium education; or
- could the proposed changes lead to families changing their preferred language of education due to travel costs or difficulty.

4.27 Including such information would have enabled the Council to give fuller consideration to the impact of the proposals on the Welsh language within the consultation document itself.

4.28 Many of the proposals — including removing the ‘siblings’ element, removing the ‘in-receipt’ element, removing transport for nursery pupils, and removing free transport for post-16 learners — have the potential to have a significant impact on the choice of families in terms of Welsh-medium education, and more broadly on the county's communities. However, based on the information provided in the consultation document alone, it is impossible for stakeholders to understand the scale or nature of any potential impact, or even if there would be any impact at all, as no conscientious consideration has been given. Although the Council could have come to the conclusion that there was no negative impact, the consultation document does not include any evidence to support that.

4.29 I accept that the Council has included relevant questions in the consultation process to seek the public's views on the impact of the proposals on the Welsh language, and therefore that an effort has been made to comply with the “seek views” element of the Standards.

4.30 However, the public was asked to express an opinion without having access to or understanding of the Council's own considerations regarding the possible effects of the proposals on the Welsh language. As a result, the public did not receive the necessary information to be able to provide a full and informed response to the consultation.

4.31 However, the public was asked to express an opinion without seeing or understanding the Council's own considerations of the possible effects of the proposals on the Welsh language. As a result, the public did not receive the necessary information to be able to provide a full and informed response to the consultation.

4.32 The complainant said that sharing those considerations, for example through a Welsh Language Impact Assessment or a clear discussion within the consultation document, could have led to responses of a different quality, and

helped to prepare the public for the policy change and to identify possible mitigations. The complainant noted that the effects are now becoming apparent, with learners moving to non-Welsh-medium schools, and that some children were withdrawn from Welsh-medium education due to lack of transport or uncertainty.

- 4.33 The complainant also stated that the Council's responses to parents, organisations, councillors and Members of the Senedd — which claim that the Council acted correctly — are misleading. Although there is no requirement under the Standards to carry out a Welsh Language Impact Assessment as part of the consultation itself, and although the fact that a Welsh Language Impact Assessment has not been shared is not in itself evidence of failure, this failure stems from the lack of conscientious consideration within the consultation document itself.
- 4.34 In considering the appropriate steps following a determination of failure in this case, it is also appropriate for us to refer to previous cases relating to Policy Making Standards, including CS1093 and CS098, raised by the complainant.
- 4.35 In 2023, the Commissioner determined, as part of investigation CS1093, that the Council had failed to comply with Policy Making Standards 88–90 when amending the School Admissions Policy 2020–2021. In that case, although Welsh-medium education was central to the amendment, there was no evidence that the Council had given conscientious consideration to the effects of the decision on the Welsh language.
- 4.36 No Enforcement Actions were imposed in that investigation, as another investigation (CS098) had already been conducted in relation to a consultation and an alleged failure to comply with Standards 91–93. Having found a failure in CS098, Enforcement Actions were imposed on the Council, including requirements to strengthen internal guidelines, provide mandatory training for staff, and ensure that consultation documents include conscientious consideration of the impact on the Welsh language, as well as specific questions to seek views.
- 4.37 Evidence was received that those steps had been implemented, and as a result the Commissioner was of the opinion that the Council had a dedicated guide to use when formulating policies and consultation documents, and that the Council could strengthen its decision-making processes by following that guide appropriately.
- 4.38 However, it is of considerable concern that a similar issue has arisen again, especially considering that the previous enforcement actions specifically required staff training on compliance with Standards 91–93 in relation to education policies. This suggests that, despite the guidelines and training, there is a continued failure to ensure that consultation documents comply fully with the Standards, and therefore that further steps are needed to ensure continued compliance in the future.

Determination of compliance with standard 91

- 4.39 Although the Council included a specific question in the response form to seek views on the impact of the proposals on the Welsh language, the Council's consultation documents did not include sufficient consideration of the effects of the proposed options. Specifically, there was no analysis of the potential impact on Welsh-medium education, nor any relevant information that would have enabled a meaningful understanding of the potential implications. This lack of relevant information strengthens the conclusion that conscientious consideration had not been given to the impact of the proposals on the Welsh language.
- 4.40 As a result of this lack of analysis, it was not possible for the public to fully understand or evaluate the impact of the proposals on the Welsh language when responding to the consultation. Accordingly, my determination is that the Council has failed to comply with Standard 91.

Findings on compliance with standard 92

- 4.41 In accordance with Standard 92, when a public organisation publishes a consultation document which relates to a policy decision, the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on:

- (a) opportunities for persons to use the Welsh language; and
- (b) treating the Welsh language no less favourably than the English language.

- 4.42 As in the case of Standard 91, in order to comply with Standard 92, a consultation document must meet two specific requirements:

- firstly, the body must consider the possible effects; and
- secondly, it must seek views on those effects.

- 4.43 Many of the discussions above regarding the need to seek views and to conscientiously consider possible effects are equally relevant here, and need not be repeated. From the evidence provided by the Council, it is clear that an effort has been made to seek the views of the public on how the proposals could be formulated or revised to ensure positive effects on the Welsh language, including by asking the following question:

Please also explain how you believe the proposals could be formulated or changed so as to: have positive effects or increased positive effects on opportunities for people to use the Welsh language; on treating the Welsh language no less favourably than the English language; and ensure there are no adverse effects on opportunities for people to use the Welsh language.

- 4.44 However, there is no conscientious consideration, in accordance with Standard 92, included within the Council's consultation documents. The consultation document(s) should have included a clear discussion of the options under consideration, as well as conscientious consideration of how the policy could

be formulated or revised so that it would have positive effects, or increased positive effects, on opportunities for persons to use the Welsh language, and on treating the Welsh language no less favourably than the English language.

Determination of compliance with standard 92

4.45 Although the Council included specific questions in the response form to seek the public's views on the impact of the proposals on the Welsh language, the consultation document itself did not include sufficient consideration as to how the options under consideration could be formulated or revised to ensure positive effects, or increased positive effects, on the Welsh language. As a result, it is determined that the Council has failed to comply with Standard 92.

Findings on compliance with standard 93

4.46 In accordance with Standard 93, when a public organisation publishes a consultation document which relates to a policy decision, the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on:

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

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

4.47 As in the case of Standards 91 and 92, in order to comply with Standard 93, a consultation document must meet two specific requirements:

- firstly, the body must consider the possible effects; and
- secondly, it must seek views on those effects.

4.48 Many of the discussions above regarding the need to seek views and to conscientiously consider possible effects are equally relevant here, and need not be repeated. In accordance with Standard 93, the consultation document(s) should have included conscientious consideration of the effects of the proposed options, as well as a clear discussion of how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and on treating the Welsh language no less favourably than the English language.

Determination of compliance with standard 93

4.49 Although the Council included a specific question in the response form to seek the public's views on the impact of the proposals on the Welsh language, sufficient consideration was not given as to how the options under consideration could be formulated or revised so that they would not have adverse effects, or so they would have decreased adverse effects, on the Welsh language. As a result, the Council has not complied fully with the requirements of Standard 93.

5 Further action

- 5.1 It is very disappointing that these failures follow two previous investigations (CS098 and CS1093) where failures to comply with the Policy Making Standards were found, including in relation to consultations on school transport policy. Despite receiving evidence that the Council had implemented the enforcement actions imposed previously, this investigation demonstrates that the Council has not ensured continued compliance when formulating consultation documents, and suggests that there are not sufficiently robust measures in place at present to prevent similar failures from arising again.
- 5.2 In order to prevent the failures to comply from continuing or being repeated, I am requiring the Council to undertake the following actions:

Requirement to take action in accordance with section 77 of the Welsh Language (Wales) Measure 2011

1. The Council must update the internal guidance document on formulating consultation documents and ensure that it includes:
 - a clear explanation of the requirements of Standards 91–93;
 - a requirement to include conscientious consideration of the impacts of all policy proposals on the Welsh language in the consultation document itself;
 - a specific guide on the type of data, analysis and explanations that can be provided to enable the public to understand the potential impact of policy proposals.

The guidance must be shared with all staff.

Timetable: Within 1 month of issuing the decision notice.

2. The Council must provide mandatory training to:
 - all policy-making staff;
 - staff who formulate or contribute to consultation documents;
 - staff who are responsible for assessing the impact of policies on the Welsh language.

The training should include:

- an explanation of the requirements of Standards 91–93;
- how to undertake a conscientious consideration of the Welsh language;

- lessons to be learnt from the consultation in question;
- good practice.

Timetable: The training must be completed within 3 months of issuing the decision notice.

3. To ensure continuous improvement, the Council must submit the following to the Commissioner:

- a copy of the first consultation document published after completing the training;
- evidence that it complies fully with Standards 91–93.

Timetable: Within 1 month of the start date of any consultation.

4. The Welsh Language Commissioner will publicise the Council's failure to comply by:

- a) publishing a public statement stating that the Council has failed to comply with the relevant requirement; and
- (b) publishing the investigation report produced in relation to this investigation.

5.3 Should you fail to comply with any requirement within this decision notice, the Commissioner may apply for a county court order requiring you to comply.

Appendix 1: The investigation's terms of reference

Terms of reference for investigation CS1376

Organisation under investigation

Bridgend County Borough Council

Suspected failure to comply

From the information outlined below, there is a suspicion that the body has failed to comply with Welsh language standards:

A complaint has been received regarding Bridgend County Borough Council's alleged failure to consider and seek views on the effects on the Welsh language whilst publishing a consultation document on a revised transport policy in 2024.

The investigation will determine whether the body has failed to comply with the following requirements:

Standard 91

When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration 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.

Imposition day: 30/03/2016

Standard 92

When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

Imposition day: 30/03/2016

Standard 93

When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under

consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

Imposition day: 30/03/2016

Investigation timetable

The timetable is a guide, showing our aim. Actual periods may vary as they rely on different factors.

Step in the investigation	Period allowed
Commissioner begins the process of consultation on the draft terms of reference.	
Comments received on the draft terms of reference.	10 working days after sharing the draft terms of reference
Commissioner shares the final terms of reference, and (if applicable) issues an evidence notice to the body.	10 working days after receiving comments on the draft terms of reference
Receive response to the evidence notice (if applicable)	20 working days after issuing the evidence notice
Commissioner consults on the proposed investigation report	
Receive comments on the proposed investigation report.	20 working days after beginning the consultation period.
Commissioner makes a final determination and shares the final report and decision notice.	25 working days after receiving comments during the consultation period.

Appendix 2: Information on the right to appeal

Appealing against the Commissioner's determination:

Information for organisations

If the Commissioner determines that you have failed to comply with a standard, you can appeal under section 95 of the Welsh Language (Wales) Measure 2011 on the grounds that:

- the Commissioner was wrong to determine that there was a failure to comply
- the enforcement action imposed by the Commissioner is unreasonable or disproportionate.

Information for individuals

If the Commissioner determines that the organisation has not failed to comply with a standard, you can appeal the determination under section 99 of the Measure.

General Information

The Welsh Language Tribunal is responsible for hearing appeals against the result of an investigation by the Commissioner.

Any application to the Tribunal must be made in writing within 28 days. However, the Tribunal may accept applications outside this time frame if it is satisfied that there is good reason for the delay.

The Tribunal has powers to confirm or revoke the Commissioner's determinations and to vary any enforcement action.

More information on the appeals process can be found on the Welsh Language Tribunal website:

[Welcome to the | Welsh Language Tribunal \(gov.wales\)](https://gov.wales).