

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO CABINET EQUALITIES COMMITTEE**  
**21 NOVEMBER 2019**

**REPORT OF THE CHIEF EXECUTIVE**

**UPDATE REPORT ON IMPLEMENTATION OF THE WELSH LANGUAGE (WALES)  
MEASURE 2011 AND WELSH LANGUAGE STANDARDS**

**1. Purpose of report**

1.1 This report updates the Cabinet Equalities Committee (CEC) on the implementation of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.

**2. Connection to Corporate Improvement Plan / Other Corporate Priorities**

2.1 The Welsh Language (Wales) Measure 2011 and subsequent Welsh Language Standards impact upon the work of the whole council. The standards link to the equalities agenda, form a key component of the council's Transformation Programme and Customer Charter 'Our Promise', and links to the following corporate priorities:

- **Priority 2:** Helping people to be more self-reliant; enabling people to use the language of their choice by ensuring our systems and front line services are delivered bilingually. Ensuring that bilingual systems enable people to better equipped to manage situations themselves and the council services can concentrate on those in greatest need.
- **Priority 3:** Smarter use of resources; ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the council's priorities.

**3. Background**

3.1 Since the council received its compliance notice in 2015, progress towards implementing the 171 assigned standards has continued.

3.2 Updates on compliance have been provided at every CEC since 28 April 2016. Those reports are referenced as background documents to this report.

**4. Current situation / proposal**

4.1 Key progress/updates with compliance since July 2019 CEC can be summarised as:

1. Members of the Marketing, Equalities and Customer Services Teams have attended the Welsh Language Commissioner events on promoting the use of the Welsh Language, where we received information on best practice across different organisations.

2. The Welsh in the workplace policy has been updated and made available to staff via the staff intranet. The new policy is available in **appendix one**.
3. Our annual compliance meeting with the Welsh Language Commissioners Office took place on 30 October 2019.
4. No further update on the draft code of practice to report at this time. At a recent event for promotion of the Welsh Language we were informed that the code of practice should be available by the end of the year.
5. Three new complaints have been received as detailed below:

- The Commissioner received a complaint from a member of the public on **04/07/2019** regarding an allegation that the complainant received correspondence in English from the Council through Bro Ogwr Primary School. The complainant also noted that there was not an option to select a language preference for the course that is the subject of the letter. **The First allegation that the course was not offered in Welsh has been discontinued, the commissioners stated:** The investigation will not be considering the choice or language delivery of the cycling lessons that were the subject of the correspondence under consideration. This is because paragraph 44 of the Welsh Language Standards (No.1) Regulations 2015 notes: "For the purposes of standards 84, 85 and 86 (courses), an "education course" means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public; but does not include activities or courses provided as part of the curriculum in accordance with any enactment". **In relation to the second part of the complaint that the letter was only sent in English, the commissioner has also discontinued the investigation stating:** Following the councils evidence I am satisfied that it was a one off mistake, as a result of human error, that led to the failure to send the complainant a bilingual letter on this occasion. The Council has accepted and acknowledged the failure to provide a Welsh language version and has explained that the circumstances that led to the complaint was not a reflection of its usual practice.
- The Commissioner has received a complaint from a member of the public on **30/03/2019**. The complainant alleged that: The page for changing direct debit details under the 'My Account' tab on the Council's website does not function fully through the medium of Welsh. An allegation that the complainant did not receive a full response to Welsh medium correspondence that he sent to the email address [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk). He received a message stating: "Diolch i chi am eich e-bost, rydym wedi anfon ei ymlaen i'r adran berthnasol ar gyfer eu sylw." In relation to this complaint the commissioner has decided not to carry out an investigation, stating: It would be a disproportionate use of my resources to conduct an investigation into these allegations as the Commissioner has already imposed enforcement actions following cases CSG348 and CSG432 for the purposes of preventing similar failures from being repeated; It would be unreasonable to impose other enforcement actions, following another investigation into the allegations relevant to this complaint, because the requirement to implement the enforcement actions

imposed following cases CSG348 and CSG432 are not operational in practice.

- The Commissioner received a complaint from a member of the public on **16/10/2019** regarding an automatic email the complainant received from the Council acknowledging a council tax payment. The email was sent from the email address AUTOMAILER@E-PAYCAPITA.COM and the same email template was the subject of complaint CSG616. The complainant alleges that the Welsh version contains errors. The council are currently providing information to the commissioner in relation to this complaint.

#### 6. Previous complaints update:

- The investigation into an email response being provided in Welsh but with English only attachments as well as issues related to paying council tax online and being diverted to the English version of the system as opposed to the Welsh version has been concluded. We were issued with a compliance notice on the 8<sup>th</sup> May 2019 which gives us 90 days to ensure that 1. Bridgend County Borough Council must take action to ensure that the public can make payments via its website in Welsh. The Council must ensure that the Welsh language is not treated less favourably than the English language when processing payments. 2. Bridgend County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement action 1 has been completed. All actions have been completed.
- The final determination has been received following a complaint which was received on 8 February 2018 by the commissioner regarding a consultation presentation to parents that was held at Ysgol Gyfun Gymraeg Llangynwyd as part of the Post-16 review which was held in English. The complaint has been upheld and the Commissioner concluded that it was the Council that was responsible for the meeting in question as it formed part of its consultation exercise on post-16 education reform in the County. It was therefore the council's responsibility to ensure that invites and simultaneous translation were provided in accordance with the requirements of standards 27, 27A and 27D. The council have three months from the date of the compliance notice (26/09/19) to ensure that any invites sent out in relation to a meeting for which it is responsible (**be that directly or by arranging for another person to do so on its behalf**) asks all those invited whether they wish to use the Welsh language at that meeting.
- The complaint was received on 12 February 2019 from the commissioner in relation to an alleged failure to provide a Welsh language version of the current subsidised bus consultation document at Pencoed Library. Initial information was provided and no further action has been taken. The Commissioner decided not to carry out an investigation as the Authority provided evidence to show that the document in question was produced in Welsh, but added that there was doubt that the Welsh version had been distributed in the library. The Commissioner considered that it would not be reasonable to conduct a statutory inquiry into the matter and that it would be more proportionate to give advice rather than carrying out an investigation, in order to try to bring about an improvement in the way the council make other Welsh language

consultation papers, and Welsh language documents in general, available in the future. The Commissioner made the following recommendations:

- Remind your staff who distribute documents to buildings such as libraries of the need to ensure that Welsh versions of documents are distributed at the same time as English versions (where you have a duty to produce a Welsh version); and to
- Inform staff, and in particular library staff at Pencoed library, of the need to draw people's attention to Welsh versions of documents.
- The complaint received on 12 February 2019 by the commissioner in relation to an English only maintenance/works sign being placed on West Drive, Porthcawl (Windsor Road junction) is ongoing. We have confirmed to the commissioner that the signage was immediately removed. Initial information was provided and no further action has been taken.
- Action has been taken in relation to the compliance notice received in relation to the investigation into the complaint made in May 2018 (covered at the July 2018 committee meeting) in relation to a failure to respond to a Welsh language email. Guidance has been produced and communicated to staff via Bridgend and managers. The Guidance is attached in **appendix two**.

## **5. Effect upon Policy Framework & Procedure Rules**

5.1 There is no effect upon the Policy Framework and Procedure Rules.

## **6. Equality Impact Assessment**

6.1 This is an information report. As such, no Equality Impact Assessment is required.

## **7. Financial Implications**

7.1 The current available budget in 2019-20 is £324,649. To Quarter 2 in 2019-20 only £4,000 of this funding has been allocated out to Directorates, as the full financial implications of meeting all standards is not yet known. The cost of implementing the Welsh Language Standards will continue to be reviewed during 2019-20.

## **8. Well-being of Future Generations (Wales) Act 2015 Assessment**

8.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **9. Recommendation**

9.1 That the Cabinet Equalities Committee receives and considers this report.

**Mark Shephard**

**Chief Executive**

**Date: 21 November 2019**

**10. Contact officers:**

Nicola Bunston  
Consultation, Engagement and Equalities Manager

**Email:** [nicola.bunston@bridgend.gov.uk](mailto:nicola.bunston@bridgend.gov.uk)

**Telephone:** 01656 643664

**Postal address:** Civic Offices,  
Angel Street  
Bridgend  
**CF314WB**

Phil O'Brien

Group Manager - Transformation and Customer Services

**Email:** [Philip.OBrien@bridgend.gov.uk](mailto:Philip.OBrien@bridgend.gov.uk)

**Telephone:** 01656 643333

**Postal address:** Civic Offices,  
Angel Street  
Bridgend  
**CF314WB**

**11. Background papers:**

- 28 April 2016 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards ;
- 14 July 2016 Welsh Language standards annual report 2015/16 ;
- 14 July 2016 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards ;
- 10 November 2016 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards ;
- 9 March 2017 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards ;
- 13 July 2017 Welsh Language standards annual report 2016/17 ;
- 13 July 2017 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards ;
- 23 November 2017 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards.
- 22 March 2018 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards.

- 16 July 2018 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards.
- 19 November 2018 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards.
- 26 March 2019 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards.
- 04 July 2019 Update report on implementation of the Welsh Language (Wales) measure 2011 and Welsh Language standards.