

Enw'r corff: Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

The Welsh Language Measure 2011 gives official status to the Welsh language, created the role of Welsh Language Commissioner and the Welsh Language Standards, and enables the people of Wales to use Welsh in their day to day lives.

The Minister for Lifelong Learning and the Welsh Language intends to publish a White Paper for consultation on a new Welsh Language Bill. The Minister is mindful that, in a period of austerity, scarce public resources are being used to improve Welsh language services and that bureaucracy burdens should be minimised. The Minister is also keen that, where a body fails to meet a standard, any actions lead to progress and improvement rather than blame.

During the consultation, implementation and compliance with the Welsh Language Standards will continue.

The Minister has requested feedback on the following:

1. What is your experience or opinion of the standards regime? In particular, the processes of setting and enforcing standards, and your experience of implementing or preparing to implement the standards within your organisation.
2. The Welsh Language Commissioner's role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?
3. What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language? In particular, who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field?

What is your experience or opinion of the standards regime? In particular, the processes of setting and enforcing standards, and your experience of implementing or preparing to implement the standards within your organisation.

1.1 The consultation process regarding the first set of draft standards was complex and drawn out because of the extended, bureaucratic approach to the completion of template response forms. The council, along with other public bodies, took part in the consultation exercise only to find that the draft standards were "thrown out" by Ministers because they were too complex.

1.2 Consultation on the subsequent set of draft standards was just as complex and bureaucratic, with a particularly short timeframe within which to prepare and translate a response for the Commissioner.

1.3 Whilst the general public was consulted on the proposed standards, we would have liked to have seen greater promotion and public awareness of this in order to increase the number of responses from residents and organisations in Bridgend, as well as other parts of Wales.

1.4 Preparing to implement the standards within Bridgend County Borough Council was time consuming, resource intensive and expensive as the council's approach was to introduce a Welsh Language Standards Implementation Project Board, which comprised of a Corporate Director and a series of Senior Managers who, because of the complexity of the standards, met on a weekly basis from January to mid-May 2016, fortnightly from mid-May to December 2016 and monthly from January 2017.

1.5 Preparing for compliance was further complicated by the lack of clarity and guidance. Where the Welsh Language Measure does not provide clear interpretation of a standard, the Commissioner's advice has been for the council to interpret as it sees fit. For example, at a meeting on 11 February 2016, the council's former Director of Resources was advised that the standards would not apply to existing contracts with partners because the legislation could not be imposed retrospectively. The Commissioner has since investigated a complaint regarding the council not providing swimming lessons in Welsh. The council outsourced leisure services to Halo/GLL in 2012. The contract with Halo/GLL was agreed prior to the Welsh Language Measure coming into effect and to the compliance notice being served. The Commissioner considers that "it is reasonable for any contract with a third party to provide a service on the council's behalf, to be amendable in order to reflect any changes in the council's statutory duties". This could mean that all contracts that were agreed prior to the Measure coming into effect will have to be reviewed to ensure they comply with the standards. This would result in an increase in costs in providing services that were initially outsourced to cut costs.

1.6 At a recent engagement event in Cardiff regarding this review, a representative from the Independent Police Complaints Commission (IPCC) stated that they had had a particularly useful meeting with the Commissioner's office shortly after receiving their compliance notice. This provided an opportunity to openly discuss the standards, including how they should be interpreted, get feedback on how they have been implemented elsewhere and explore any concerns. The council believes that face to face engagement with the Commissioner's office should not be underestimated as a means of building relationships and promoting mutual understanding. We therefore welcome the Commissioner's intention to provide such opportunities within local government in future.

1.7 In order to increase consistency and transparency, the council would like to see the Commissioner publish more information on the website to promote shared understanding. For example, when clarity is given on a particular standard, this should be published on the website so that all organisations adhering to the same standard are party to the same level of detail at the same time. The council would also like to see this extended to the outcome of investigations - together with any advice/resolutions - to prevent the same or similar complaints from being received elsewhere and to improve practice across Wales.

[Gwybodaeth sydd wedi'i golygu]

1.9 The council did not appeal Standard 37 (any publicity or advertising material must be produced in Welsh and English) however, this standard is problematic.

- Local Democracy Week – the English advert was 30 seconds long, the Welsh translation was too long to fit into 30 seconds resulting in the council paying for a longer Welsh advert. The Welsh version received longer air time as a result.
- Fostering annual campaign – production costs for the English advert were £280, whereas for the Welsh advert, they were £490. This was because Bridge FM had difficulty sourcing younger Welsh speakers to match the ages of those in the English advert.

In order to run these campaigns, the council had to reduce the total number of advertisements, which resulted in a lower number of opportunities to hear.

The council estimates that compliance with this standard will result in a one off cost of £1,247 and annual recurring costs of £42,288.

1.10 The council did not appeal Standard 84 (if you offer an education course that is open to the public, you must offer it in Welsh) however, this standard is also problematic. The Social Services and Wellbeing Directorate organised two courses in October 2016. For a two day course, a member of the public requested materials in Welsh, which the council provided, but the person did not attend. For a one day course, a second member of the public requested materials in Welsh, which the council provided, but again, the person did not attend. The council estimates that compliance with this standard would result in a one off cost of £8,850 and annual recurring costs of £19,500.

1.11 The council entered into an agreement with the National Procurement Service in 2012 to procure Welsh translation services and is contractually bound to use the framework agreement. Failure to use the framework would be a breach of the procurement regulations and the council's own contract procedure rule. Since the introduction of the standards there has been an increase in demand for these services which has resulted in a significant delay in securing translation. As a result, the council has also entered into separate contracts with the Big Word and Cardiff City Council to access their translation services. However, the council still experiences difficulty in arranging for translation of documents because of the demand for translators.

1.12 The council employs 3,257 members of staff and only 2.7% speak, read or write in Welsh. The council conducted a survey of these employees to ascertain whether they would be prepared to assist non-Welsh speaking colleagues. Only 41 were prepared to assist. The feedback was that Welsh speakers did not feel confident enough to provide translation support or to converse in Welsh in a business context.

The Welsh Language Commissioner's role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?

2.1 The following are complaints against the council that have been investigated by the Commissioner:

- A complainant sent an email in Welsh to Electoral Services and received a reply in English informing the complainant that there was no one available to reply in Welsh at the time. The council made representations to the Commissioner that activities in relation to electoral arrangements are the responsibility of the Registration Officer and Returning Officer, and the Commissioner, after conducting her own research, accepted this and closed the investigation.
- A complaint was received relating to an alleged failure by the council to provide some swimming lessons through the medium of Welsh. Halo/GLL is contracted to provide leisure services on behalf of the council and provides some - but not all - swimming lessons in Welsh. Bridgend Life Centre has details of children who have progressed from basic swimming courses (where Welsh language classes exist) to establish whether there is sufficient demand at other levels to offer more Welsh language classes; the numbers so far have not justified this. In addition, Halo/GLL have advised that the majority of their swimming instructors are not Welsh speakers, so if the council was forced to provide all classes through the medium of Welsh – as well as English - the council would have to consider withdrawing all swimming lessons, at all levels. The council is awaiting the outcome of this investigation.
- A complaint was received by the council from the Commissioner relating to a supervised contact session between a mum (the complainant) and her son, who are both fluent Welsh speakers. The complainant recorded the meeting on her mobile phone. When the complainant met the social worker at reception, she was told that Welsh could not be used in the meeting as he did not speak Welsh. The Commissioner's investigation into this complaint has been discontinued as the Commissioner requested a copy of the Court Order, which the council could not disclose because of its responsibilities under the Children Act. The Commissioner could not conclude the investigation without a copy of the order. The time and effort required for the council to provide evidence in this complaint was unreasonable and disproportionate.
- A complaint was received about the lack of Welsh medium swimming lessons within a school context, for those in Welsh medium education. Pupils from Welsh medium schools in Bridgend attending Halo/GLL swimming pools for swimming lessons arranged by the county and delivered by Halo/GLL instructors currently receive lessons through the medium of English only. The complainant stated that this was in breach of the council's statutory compliance notice regarding the delivery of Welsh language services. The complainant also shared a copy of this complaint with the Commissioner.
- A complaint was received about the lack of Welsh language service on the council's main reception number. The complainant stated that this was in breach of the council's statutory compliance notice regarding the delivery of Welsh language services. The complainant also sent this email to the Commissioner's office. The lack of response was down to insufficient Welsh speakers on duty at the time of the complainant's call. One of the council's Welsh speaking staff was on annual leave and another had left at 4:30pm. There was, therefore, only one Welsh speaking advisor available. This advisor

was on another call when the complainant's call came in and by the time the advisor became available, the complainant had ended the call.

2.2 Escalation of complaints

At the engagement event referred to in 1.6, a discussion took place about the point at which complaints should be escalated to the Commissioner. A representative from the IPCC gave an interesting overview of their complaints procedure, which places emphasis on local resolution. Only if complaints are not able to be resolved by the local police force (unless they relate to specific criteria such as an allegation that an officer has seriously assaulted someone) are they referred to the IPCC.

The council would like to see this focus on local resolution of complaints being adopted in relation to implementation of the Welsh language standards. We strongly believe that all complaints should be investigated locally in the first instance though the use of corporate complaints procedures and only if this is not possible should they be escalated to the Commissioner.

Furthermore, in order to assist local authorities (and other organisations) in resolving complaints and to improve practice across Wales, the council would like the Commissioner to have a greater role in sharing examples of best practice.

2.3 Sanctions

Of serious concern to the council is the Commissioner's role in imposing fines and other sanctions following the outcome of an investigation. The sanctions currently available to the Commissioner include:

- take no further action;
- require the council to prepare an action plan to prevent the continuation or repetition of the failure;
- require the council to take steps to prevent the continuation or repetition of the breach;
- publicise the council's failure to comply with the relevant standard(s);
- require the council to publicise the failure;
- impose a fine of up to £5,000 per standard failure.

It is the council's view that it would make for better compliance with the standards and an improvement in service delivery if the Commissioner's office were to work with the council rather than impose sanctions, as outlined above. The council supports the Minister's view that, where a body fails to meet a standard, any actions should lead to progress and improvement, rather than blame.

What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language? In particular, who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field?

3.1 The council's Five Year Strategy

A requirement of the Welsh Language Standards is for the council to develop a Five Year Strategy to promote the Welsh language both externally and within its workforce.

Internally, the council is providing extensive Welsh language training to targeted staff and is making general Welsh language training available to all staff. The council is also promoting local activities, events and Welsh cultural days in partnership with Menter Bro Ogwr among council staff.

Externally, the council is working in partnership with Menter Bro Ogwr to provide Welsh language training to the general public, improve recruitment to Welsh essential positions in the council and help raise awareness of the Welsh language and culture within Bridgend county borough. Whilst the council is keen to promote the Welsh language among its residents, visitors and staff, it is unclear on how the development of the strategy will increase the number of Welsh speakers in the county borough. The council will be required to assess the success of the strategy five years following its publication. This is unhelpful as the only accurate assessment of the number of Welsh speakers in Bridgend county borough cannot be made until the data from the 2021 census becomes available, which will be following the Five Year review of the council's strategy.

The council is not in a position to lead on promoting Welsh cultural activities as such events are organised by Menter Bro Ogwr. The council is prepared to work with and support Menter Bro Ogwr in promoting these activities as it does not have the capacity to do this itself. However, such promotion and support is unlikely to be financial because of the position of austerity the council is in.

3.2 Western Bay partnership

Bridgend County Borough Council works closely with the City and County of Swansea, Neath Port Talbot Council and Abertawe Bro Morgannwg University Health Board (ABMU) as part of the Western Bay partnership.

Generally, councils across Wales have been issued with similar Welsh Language Standards with which to comply. However, in terms of publicity, marketing, website design and accessibility, there are instances where confusion arises because the standards may not have been applied consistently across all partners. Bridgend's previous Welsh Language Scheme stated that, where Bridgend was a lead partner, that its Welsh Language Scheme should be adopted as best practice.

However, it is considerably more difficult to force agreement with all partners in the Western Bay partnership as the three councils may have interpreted their standards differently and the standards do not apply to ABMU.

3.3 The Welsh in Education Strategic Plan 2017-2020

The Welsh in Education Strategic Plan (WESP) 2017-2020 contains seven outcomes, as follows:

- o **Outcome 1:** More seven-year-old children being taught through the medium of Welsh;

- o **Outcome 2:** More learners continuing to improve their language skills on transfer from primary to secondary school;
- o **Outcome 3:** More students aged 14-16 studying for qualifications through the medium of Welsh;
- o **Outcome 4:** More students aged 14-19 in study subjects through the medium of Welsh, in schools, colleges and work-based learning;
- o **Outcome 5:** More students with advanced skills in Welsh;
- o **Outcome 6:** Welsh medium provision for learners with additional learning needs (ALN);
- o **Outcome 7:** Workforce planning and continuing professional development.

Outcome 7 is likely to be impacted by the Welsh Language Standards. The council has a duty within its Five Year Strategy to promote the Welsh language and Welsh culture, and is also required to provide Welsh language training to its staff. Whilst these are achievable and will be positive developments, the council has evidence that the number of parents moving their children from Welsh medium education to English medium education is increasing. Despite the council's best efforts to promote Welsh and provide Welsh language training, the number of Welsh speakers in the county borough is expected to fall.

3.4 The Welsh Government's Welsh Language Strategy

The Welsh Government's aspiration is to have a million Welsh speakers in Wales by 2050. It is the council's view that this aspiration cannot be achieved simply by enforcing the Welsh Language Standards on the public sector.

The council's experience is that – when asked about their language choice - Bridgend's Welsh speaking residents will generally choose to use English in their daily business. There have been instances when these residents have formally opted out of conducting their business in Welsh in relation to standards that require us to provide a bilingual service.

Conclusion

3.5 The council accepts its responsibility in providing services through the medium of Welsh, however it should be recognised that unlike many local authorities across Wales, only 9.7% of Bridgend's population speak Welsh. We are aware that this causes frustration among residents, many of whom believe that receiving information in the Welsh language is an unnecessary cost to the local authority. Nevertheless, we will continue to work with the Welsh Language Commissioner to play our part in enabling the people of Wales to use Welsh in their day to day lives.