

Public

*Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd*

*Democratic Services
Gwasanaethau Democrataidd*

Chief Executive: Steven Phillips

Date: 15th February 2017

Dear Member

**POLICY AND RESOURCES CABINET BOARD - WEDNESDAY, 15TH
FEBRUARY, 2017**

Please find attached the following addendum reports/urgent items for consideration at the next meeting of the **Policy and Resources Cabinet Board - Wednesday, 15th February, 2017.**

Item

3. **Welsh Language Standards** (Pages 1 - 10)

Yours sincerely

Chief Executive

Encs

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Steven Phillips
Chief Executive
The Civic Centre
Port Talbot
SA13 1PJ

24 October 2016

Dear Mr Phillips,

Neath Port Talbot County Borough Council Compliance Notice: Challenging future duties [section 54 of the Welsh Language (Wales) Measure 2011]

Agreeing a variation to a compliance notice [section 57(7)(b)]

Thank you for your letter dated 18 July 2016 in relation to Neath Port Talbot County Borough Council's application challenging future duties under section 54 of the Welsh Language (Wales) Measure 2011.

The Commissioner has already consulted with the Council in a letter dated 6 June 2016 where the organisation was given an opportunity to provide further information in relation to the application and by sharing the Welsh Language Commissioner's preliminary considerations. The Council has responded positively to the Welsh Language Commissioner's preliminary conclusions in relation to some of the standards, but is applying for confirmation on some issues in other cases and continues to disagree and present arguments in the case of many of the standards.

Further comments were made by the Council on issues of unreasonableness or disproportionality in regards to standards 22, 26 and 26A, 29 and 29A, 41, 42, 61, 62, 64, 76, 77, 77A, 79, 80, 84, 86, 99, 100, 101, 102, 103, 104, 112, 112A, 114, 115, 116, 116A, 118, 119, 122, 124, 126, 128 a 129, 130, 131, 132, 137, 137A and 137B, 139, 140, 141, 142, 143, 144, 145, 146 and 154.

- The Commissioner is not satisfied that the requirement to comply with standards 42, 64, 76, 77, 77A, 79, 80, 137, 137A, 137B, 139, 140 and 154 or to comply with these standards in a particular way is unreasonable, or disproportionate, in relation

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Correspondence welcomed in Welsh and English



to the following standards. However, the Commissioner is willing to vary the compliance notice by extending the imposition day to allow more time for the Council to comply.

- In light of further comments made, it was determined that the requirement for Neath Port Talbot County Borough Council to comply with standards 128 and 129 or to comply with these standards in a particular way is unreasonable, or disproportionate and the imposition day will be extended as a result of this.
- In the case of standards 64, 65 and 65A the Commissioner has further adjusted the variation in the compliance notice to make the requirements clearer to the Council. Neath Port Talbot County Borough Council will be expected to comply with standard 64 in the main receptions. In all other receptions, and until March 2018, the Council will be expected to arrange appointments wherein someone from the Council can attend the reception in order to deal with a person who wishes to use the Welsh language in that language in accordance with standards 65 and 65A. From April 2018 onwards, standard 64 will apply to every reception and standards 65 and 65A will cease to apply.
- In the case of standard 126, the Commissioner accepts the Council's arguments and ceases to make it a requirement for Neath Port Talbot County Borough Council to comply with the standard.

As a result of the above comments, the Commissioner intends to vary the existing compliance notice. The intention is to do so under the provisions of section 57(6)(c)¹. The details of the intended varied compliance notice are attached to this letter.

The Commissioner has not changed her position in relation to standards 22, 26, 26A, 29, 29A, 41, 52, 61, 62, 99, 100, 101, 102, 103, 104, 112, 112A, 114, 115, 116, 116A, 118, 119, 122, 124, 141, 142, 143, 144, 145 and 146.

- Standard 41 has already been varied.
- In the case of standards 61 and 62, the Council failed to provide information on the circumstances in which removing these standards would be a requirement and the examples provided are unsubstantiated in their current form.
- In the case of standards 99, 100, 101, 102, 103, 104, 112, 112A, 114, 115, 116, 116A, 118 and 119 it was noted that a quarter of Council staff have noted that they wish to use the Welsh language. The Commissioner is ready to extend the imposition day if the Council, in its next response to the Commissioner, can present

¹ It should be noted that sections 45(3), 46(3) and 47 do not apply insofar as the Commissioner and the organization have agreed the variation to the existing compliance notice.



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the Commissioner with a timetable which shows by when it can reasonably make the required arrangements in order to meet these standards.

- In the case of standards 122 and 124 the Council has over interpreted what is required by the standards.
- In the case of standards 141, 142, 143 and 144, and as the standard in commented on refers to new signs, the Commissioner does not believe the Council has cause for concern, as it does.
- In the case of standards 145 and 146, the Commissioner believes that it is completely reasonable for the Council to identify a target to maintain or increase the number of Welsh speakers in the area and monitor progress against that target.
- It can be confirmed that standard 52 relates to information that the Council itself is responsible for, be it directly or through a third party agreement as noted in the Regulations.
- In the case of standards 84 and 86, the Commissioner believes the Council should interpret the requirement is line with the Regulations.
- The Welsh Language Commissioner intends to make a determination in accordance with her preliminary conclusions in the case of standards 30, 33, 52, 130, 131, 132.

I think it may be useful to attend a meeting with you in order to give the Council a further opportunity to provide clear reasons and evidence for the Commissioner's consideration, before she makes a final decision on these standards. With this in mind, could you please propose a suitable date for the meeting.

However, if you agree with the Commissioner's position on the variations outlined in Annex 1, you are welcome to confirm this with me in writing.

I would be grateful to receive your reply in due course.

Yours faithfully,

Gwenith Price

On behalf of the Welsh Language Commissioner

CC: Secretary/PA to the Chief Executive b.austin@npt.gov.uk



Appendix 1

Final Compliance Notice – Section 44	Proposed variations to Compliance Notice
<p>Standard 42 - Any licence or certificate you produce must be produced in Welsh.</p> <p>Imposition Day - 30/09/2016</p>	<p>Standard 42 - Any licence or certificate you produce must be produced in Welsh.</p> <p>Imposition Day - 6 months from the date of determination</p>
<p>Standard 64 - Any reception service you make available in English must also be available in Welsh, and any person who requires a Welsh language reception service must not be treated less favourably than a person who requires an English language reception service.</p> <p>You must comply with standard 64 in relation to the following by 30 March 2016:</p> <ul style="list-style-type: none"> ○ The body's main reception service. <p>You must comply with standard 64 in relation to the following by 30 September 2016:</p> <ul style="list-style-type: none"> ○ Every other reception service. <p>Imposition Day – 30/03/2016</p>	<p>Standard 64 - Any reception service you make available in English must also be available in Welsh, and any person who requires a Welsh language reception service must not be treated less favourably than a person who requires an English language reception service.</p> <p>You must comply with standard 64 in relation to the following by 30 March 2016:</p> <ul style="list-style-type: none"> ○ Civic Centre, Neath ○ Civic Centre, Port Talbot ○ Civic Centre, Pontardawe <p>You must comply with standard 64 in relation to the following by 30 March 2018:</p> <ul style="list-style-type: none"> ○ Every other reception service. <p>Imposition Day - 30/03/2016</p>
<p>Standard 65 not imposed</p>	<p>Standard 65 - If you arrange a visit or appointment in advance for a person ("P") which will mean that P will come to your reception, you must ask P whether P wishes to receive a Welsh language reception service (unless you already know whether P wishes to receive that service in Welsh).</p>



	<p>You must comply with standard 65 until 30 March 2018.</p>
<p>Standard 65A not imposed</p>	<p>Standard 65A - You must provide a face to face Welsh language reception service for a person (“P”) at your reception if you have arranged a visit or appointment for P in advance and—</p> <p>(a) P has informed you in advance that P wishes to receive the service in Welsh, or</p> <p>(b) you are already aware that P wishes to receive the service in Welsh.</p> <p>You must comply with standard 65A until 30 March 2018.</p>
<p>Standard 76 - Any invitations to tender for a contract that you publish must be published in Welsh, and you must not treat a Welsh language version of any invitation less favourably than an English language version.</p> <p>You must comply with standard 76 in the following circumstances:</p> <p>(a) If the subject matter of the tender for a contract suggests that it should be produced in Welsh, or</p> <p>(b) If the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 76 - Any invitations to tender for a contract that you publish must be published in Welsh, and you must not treat a Welsh language version of any invitation less favourably than an English language version.</p> <p>You must comply with standard 76 in the following circumstances:</p> <p>(a) If the subject matter of the tender for a contract suggests that it should be produced in Welsh, or</p> <p>(b) If the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.</p> <p>Imposition Day - 6 months from the date of determination</p>
<p>Standard 77 - When you publish invitations to tender for a contract, you must state in the invitation that tenders may be submitted in Welsh, and that a tender submitted in Welsh will be treated no less favourably than a tender submitted in English.</p>	<p>Standard 77 - When you publish invitations to tender for a contract, you must state in the invitation that tenders may be submitted in Welsh, and that a tender submitted in Welsh will be treated no less favourably than a tender submitted in English.</p>



Imposition Day – 30/03/2016	Imposition Day - 6 months from the date of determination
<p>Standard 77A - You must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English (including, amongst other matters, in relation to the closing date for receiving tenders, and in relation to the time-scale for informing tenderers of decisions).</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 77A - You must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English (including, amongst other matters, in relation to the closing date for receiving tenders, and in relation to the time-scale for informing tenderers of decisions).</p> <p>Imposition Day - 6 months from the date of determination</p>
<p>Standard 79 - If you receive a tender in Welsh and it is necessary to interview the tenderer as part of your assessment of the tender you must -</p> <p>(a) offer to provide a translation service from Welsh to English to enable the tenderer to use the Welsh language at the interview, and</p> <p>(b) if the tenderer wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 79 - If you receive a tender in Welsh and it is necessary to interview the tenderer as part of your assessment of the tender you must -</p> <p>(a) offer to provide a translation service from Welsh to English to enable the tenderer to use the Welsh language at the interview, and</p> <p>(b) if the tenderer wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).</p> <p>Imposition Day - 6 months from the date of determination</p>
<p>Standard 80 - When you inform a tenderer of your decision in relation to a tender, you must do so in Welsh if the tender was submitted in Welsh.</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 80 - When you inform a tenderer of your decision in relation to a tender, you must do so in Welsh if the tender was submitted in Welsh.</p> <p>Imposition Day - 6 months from the date of determination</p>
<p>Standard 126 - You must provide the interface and menus on your intranet pages in Welsh.</p>	<p>Standard 126 not imposed.</p>



Imposition Day – 30/09/2016	
<p>Standard 128 - You must provide training in Welsh in the following areas, if you provide such training in English -</p> <ul style="list-style-type: none"> (a) recruitment and interviewing; (b) performance management; (c) complaints and disciplinary procedures; (ch) induction; (d) dealing with the public; and (dd) health and safety. <p>Imposition Day – 30/09/2016</p>	<p>Standard 128 not imposed.</p>
<p>Standard 129 - You must provide training (in Welsh) on using Welsh effectively in –</p> <ul style="list-style-type: none"> (a) meetings; (b) interviews; and (c) complaints and disciplinary procedures. <p>Imposition Day – 30/09/2016</p>	<p>Standard 129 not imposed.</p>
<p>Standard 137 - When you advertise a post, you must state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English.</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 137 - When you advertise a post, you must state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English.</p> <p>Imposition Day – 6 months from the date of determination</p>
<p>Standard 137A - If you publish -</p> <ul style="list-style-type: none"> (a) application forms for posts; (b) material that explains your procedure for applying for posts; (c) information about your interview process, or about other assessment methods when applying for posts; (ch) job descriptions; 	<p>Standard 137A - If you publish -</p> <ul style="list-style-type: none"> (a) application forms for posts; (b) material that explains your procedure for applying for posts; (c) information about your interview process, or about other assessment methods when applying for posts; (ch) job descriptions;



<p>you must publish them in Welsh; and you must ensure that the Welsh language versions of the documents are treated no less favourably than any English language versions of those documents.</p> <p>You must comply with standard 137A in every circumstance, except:</p> <p>○ job descriptions where a post has been categorised as one where Welsh language skills are not necessary.</p> <p>Imposition Day – 30/03/2016</p>	<p>you must publish them in Welsh; and you must ensure that the Welsh language versions of the documents are treated no less favourably than any English language versions of those documents.</p> <p>You must comply with standard 137A in every circumstance, except:</p> <p>○ job descriptions where a post has been categorised as one where Welsh language skills are not necessary.</p> <p>Imposition Day – 6 months from the date of determination</p>
<p>Standard 137B - You must not treat an application for a post made in Welsh less favourably than you treat 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).</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 137B - You must not treat an application for a post made in Welsh less favourably than you treat 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).</p> <p>Imposition Day – 6 months from the date of determination</p>
<p>Standard 139 - You must ensure that your application forms for posts -</p> <p>(a) 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</p> <p>(b) explain that you will provide a translation service from Welsh to English for that purpose if it is required; and, if the individual wishes to use the Welsh language at the interview or assessment, you must provide a simultaneous translation service at the interview or assessment (unless you conduct the interview or assessment in Welsh without that translation service).</p>	<p>Standard 139 - You must ensure that your application forms for posts -</p> <p>(a) 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</p> <p>(b) explain that you will provide a translation service from Welsh to English for that purpose if it is required; and, if the individual wishes to use the Welsh language at the interview or assessment, you must provide a simultaneous translation service at the interview or assessment (unless you conduct the interview or assessment in Welsh without that translation service).</p>



Imposition Day – 30/03/2016	Imposition Day – 6 months from the date of determination
<p>Standard 140 - When you inform an individual of your decision in relation to an application for a post, you must do so in Welsh if the application was made in Welsh.</p> <p>Imposition Day – 30/03/2016</p>	<p>Standard 140 - When you inform an individual of your decision in relation to an application for a post, you must do so in Welsh if the application was made in Welsh.</p> <p>Imposition Day – 6 months from the date of determination</p>
<p>Standard 154 - You must keep a record, in relation to each financial year of the number of new and vacant posts which were categorised (in accordance with standard 136) as posts where -</p> <ul style="list-style-type: none"> (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; or (ch) Welsh language skills are not necessary. <p>Imposition Day – 30/03/2016</p>	<p>Standard 154 - You must keep a record, in relation to each financial year of the number of new and vacant posts which were categorised (in accordance with standard 136) as posts where -</p> <ul style="list-style-type: none"> (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; or (ch) Welsh language skills are not necessary. <p>Imposition Day – 30/03/2017</p>

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