

POLICY AND RESOURCES SCRUTINY COMMITTEE

(Council Chamber - Port Talbot Civic Centre)

Members Present:

14 July 2016

Chairperson: Councillor D.W.Davies

Vice Chairperson: Councillor A.Jenkins

Councillors: Mrs P.Bebell, A.Carter, Ms.C.Clement-Williams, M.Harvey, Mrs.D.Jones, A.Llewelyn and Mrs.K.Pearson

Officers In Attendance Mrs.K.Jones, D.Michael, S.John, Mrs. R. Headon, S. Curran and Mrs.S.Rees

Cabinet Invitees: Councillors P.A.Rees and A.N.Woolcock

1. **PRE-SCRUTINY**

The Committee scrutinised the following matters:

Cabinet Board Proposals

1.1 **Welsh Language Standards**

The Committee received an update on the status of the Council's Challenge to the Welsh Language Commissioner as contained within the circulated report.

Members were informed that the status of the decision was urgent and would be for immediate implementation. An amendment sheet was circulated at the meeting.

Officers explained that the Council had received correspondence from the Welsh Language Commissioner on 6th June 2016 which detailed the Commissioner's initial consideration of the Challenge to 54 standards that were included in the Council's Compliance Notice. The

Commissioner was presently considering making one minor modification to one of the standards but had offered the Council an opportunity to make further representations to the other standards that we had challenged.

The Committee welcomed the opportunity to embrace the Welsh Language but appreciated that some of the standards are inflexible and difficult to adopt.

The Committee were disappointed that the Commissioner had not met with Officers on a face to face basis but instead had conducted all dialogue via email and letter correspondence. The Commissioner had met with other Local Authorities and the Committee felt this inconsistent approach was not helpful.

Members were pleased that the report had been made public despite initial requests from the Commissioner that the correspondence and report be confidential. Members felt it was important that this business be open and transparent and be made publicly available.

Standard 22- Any automated telephone system that you have must provide the automated service in Welsh

Officers explained that the Council is clear that it should comply with this requirement at its Corporate Contact Centre which handles in excess of 200,000 calls a year and is the main corporate interface with the Community but that it is disproportionate and unreasonable to comply with this standard outside of the Corporate Contact Centre. In terms of Social Services where messages received can involve initial assessments of safeguarding concerns related to children, young people and vulnerable adults, Members noted that the Council cannot put in place arrangements that would lead to any delay in safeguarding concerns being assessed and responded to.

In addition to the Council's other automated telephone arrangements, Members were notified that the Council has issued 1,100 mobile phones to its workforce. The voicemail messaging service that is included with the mobile phone service is available in English only from the service provider. Similarly 450 individual telephone extensions have a voice mail service which is also only offered by the service provider in

English. Officers explained that a replacement voicemail specification is being considered but the costs will need to be considered when they are available.

Some Members felt that the Council must state its commitment to include bilingual software and not assume that the cost would be prohibitive. **Officers stated that the Council was committed to providing such a service if it was a viable option and would consider the wording of paragraph 32 to include this.**

Members queried if the partial compliance in relation to this and other standards would be sufficient. It was noted that the wording of the standards was rigid; Members repeated that it would have been helpful if a meeting could have taken place with the Commissioner to clarify such queries.

Standard 26 you invite an individual ('A') to a meeting, and the meeting relates to the well-being of A, you must ask A whether A wishes to use the Welsh language at the meeting, and inform A that you will, if necessary, provide a translation service from Welsh to English and from English to Welsh for that purpose.

and 26A-you must arrange for a simultaneous translation service from Welsh to English and from English to Welsh to be available at a meeting—

(a) if the meeting relates to the well-being of an invited individual ('A'), and

(b) if A has informed you that A wishes to use the Welsh language at the meeting; unless you conduct the meeting in Welsh without the assistance of a translation service.

and 29—if you invite more than one person to a meeting, and that meeting relates to the well-being of one or more of the individuals invited, you must –

(a) ask that individual or each of those individuals whether he or she wishes to use the Welsh language at the meeting, and

(b) inform that individual (or those individuals) that, if necessary, you will provide a translation service from Welsh to English and from English to Welsh for that purpose.

and 29A- You must provide a simultaneous translation service from Welsh to English and from English to Welsh at a meeting –

(a) if you have invited more than one person to the meeting,

*(b) if the meeting relates to the well-being of one or more of the individuals invited, and,
(c) if at least one of those individuals has informed you that he or she wishes to use the Welsh language at the meeting;
unless you conduct the meeting in Welsh without the assistance of a translation service.*

Officers explained that a request for translation services in such meetings has never been received and this standard as presently drafted imposes a requirement with no demand and meeting this standard is a challenge practically due to the limited number of Welsh speakers available to the Council and the moratorium on recruiting externally.

It was further discussed that insistence on making this service available could be contrary to the expressed wishes of service users as the standard does not provide for a translation service to take account of service user preference. **Officers drew the Committee's attention to the distributed amendment sheet to include '...and/or where the individual does not wish to receive a translation service.'**

Members queried the repeat reference to what other Local Authorities are doing and noted that their circumstances are different to Neath Port Talbot's. Similarly the continual reference to the Census Data was noted but Members stated that whilst 15% of citizens state they can speak Welsh, in reality it is a very small percentage of people who actually use it; they drew reference to the fact that this year in the Civic Centre Receptions nobody had asked for assistance via the medium of Welsh.

Members were supportive of the proposal in relation to this challenge.

Standard 30-If you arrange a meeting that is open to the public you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.

Standard 33-If you arrange a meeting that is open to the public you must ensure that a simultaneous translation service from Welsh to English is available at the meeting and you must orally inform those present in Welsh

a) that they are welcome to use the Welsh language and
b) that a simultaneous translation service is available
*Varied matters in the standard as imposed in the final notice:
You must comply with standard 33 in every circumstances,
except; persons to inform you whether they wish to use the
Welsh language, and that no person has informed you that he
or she wishes to use the Welsh language at the meeting*

Members were informed that this standard does not apply to public meetings called by Local Members.

Officers explained that the Council commits to the principle of this standard and in reality very few requests are received of this nature. **Officers drew the Committee's attention to the distributed amendment sheet to include '...reserves the right to require a review of the imposition of these standards if they become unworkable in practice.'**

Members were supportive of the proposal in relation to this challenge.

Standard 41-If you produce the following documents, you must produce them in Welsh –

(a) agendas, minutes and other papers that are available to the public, which relate to management board or cabinet meetings;

(b) agendas, minutes and other papers for meetings, conferences or seminars that are open to the public.

*Varied matters in the standard as imposed in the final notice: -
You must comply with standard 41(a) in every circumstance, except:*

o other papers that are available to the public, which relate to management board or cabinet meetings.

You must comply with standard 41(b) in every circumstance, except:

o other papers for meetings that are open to the public.

Members were advised of the modification made by the Welsh Language Commissioner to exclude 'other papers' from the requirement.

Officers explained that the linguistic profile of the Democratic Services Team does not provide the competence to read or write in Welsh; therefore the team is unable to operate bilingually and will be reliant on external translation services

and Members further queried the Commissioners repeat reference to other Council's within her determination.

Members noted the separate set of legal rules governing the production of papers for formal meetings of the Council and that in practice agendas are subject to change right up until the publication deadline. It was noted that if the requirement for simultaneous translation was relaxed the standard would be more achievable.

Members asked if there was a budget available to support the increased costs associated with the translation of agendas and minutes as the estimated cost of complying to this standard is estimated to be £52,856 per annum and were notified that there is no budget available to introduce this standard which seems disproportionate as no requests for Welsh agendas or minutes had been received to date

Members also queried the status of Welsh and English version of minutes and which one would constitute the official version. **Officers drew the Committee's attention to the distributed amendment sheet to include '...which version of the minutes would constitute the official version.'**

Members were supportive of the proposal to challenge this standard; Cllr A Llewellyn was not in support.

Standard 42-Any Licence or Certificate you provide must be produced in Welsh.

Members were informed that there are 25 solicitors and barristers employed within the Council's Legal Services; two of whom feel competent enough to use their Welsh language skills for business purposes but only within their own areas of expertise.

Members were supportive of the proposal in relation to this challenge.

*Standard 52 -You must ensure that—
(a) the text of each page of your website is available in Welsh,
(b) every Welsh language page on your website is fully functional, and*

(c) the Welsh language is not treated less favourably than the English language on your website.

Members were informed that the Council was seeking clarification that the standard does not include third party systems that interface with the Council's own website pages and asks that's it is made explicit that these systems are exempted from the standard.

Members were supportive of the proposal in relation to this challenge.

Standard 61 -When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

and 62-When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

Members were informed that the Council is not seeking to materially alter its well established policy for erecting bilingual signs but there are circumstances, mostly on the grounds of health and safety where it is not possible to fully comply with the standards drafted.

Officers explained that the Council is proposing to amend the standard to exempt signage which, if the standard were to be fully applied would prejudice public safety. **Members asked if further examples could be considered in relation to this challenge.**

Members were supportive of the proposal to challenge this standard; Cllr A Llewellyn was not in support.

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.

Varied matters in the standard as imposed in the final notice: -

You must comply with standard 64 in relation to the following by 30 March 2016:

- o The body's main reception service.*

Officers explained that the Council is clear that it will continue to offer a bilingual service at its main Civic Offices in Neath, Port Talbot and Pontardawe. In the other buildings operated by the Council none of the staff who operate the reception service have Welsh language skills but other ways in which this standard could be met have been considered which include; drawing on a list of Welsh speaking staff who are prepared to help deliver services through the medium of Welsh; piloting the use of SKYPE technology to connect a caller remotely to a Welsh speaker and the use of Language Line.

Members recommended that the above mentioned methods be included in the Council's proposed challenge on this standard and were supportive of the proposal to challenge this standard.

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.

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.

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).

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–

(a) offer to provide a translation service from Welsh to English to enable the tenderer to use the Welsh language at the interview, and

(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).

and 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.

Members were informed that there are 25 solicitors and barristers employed within the Council's Legal Services; two of whom feel competent enough to use their Welsh language skills for business purposes but only within their own areas of expertise.

Members were supportive of the proposal in relation to this challenge.

Standard 84- If you offer an education course that is open to the public you must offer it in Welsh

Standard 86- if you develop an education course that is to be offered to the public you must assess the need for that course to be offered in Welsh; and you must ensure that the assessment is published on your website.

Members heard about the range of courses offered to the public and noted that the standard should not be applied on the grounds of demand and linguistic capacity as there is little/no demand for many courses through the medium of Welsh. Whilst the Council will continue to make every effort to signpost and support learners who wish to learn through the medium of Welsh and has good and developing relationships with local partners such as Menter Iaith they propose that this standard is not imposed.

Members queried how the assessment for demand is measured and considered how this could be done going forward.

Members were supportive of the proposal in relation to this challenge.

Standard 99- When you offer a new post to an individual, you must ask that individual whether he or she wishes for the contract of employment or contract for services to be provided in Welsh; and if that is the individual's wish you must provide the contract in Welsh.

100- You must—

(a) ask each employee whether he or she wishes to receive any paper correspondence that relates to his or her employment, and which is addressed to him or her personally, in Welsh, and (b) if an employee so wishes, provide any such correspondence to that employee in Welsh.

101- You must ask each employee whether he or she wishes to receive any documents that outline his or her training needs or requirements in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.

102-You must ask each employee whether he or she wishes to receive any documents that outline his or her performance objectives in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.

103-You must ask each employee whether he or she wishes to receive any documents that outline or record his or her career plan in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.

104-You must ask each employee whether he or she wishes to receive any forms that record and authorise—

(a) annual leave,

(b) absences from work, and

(c) flexible working hours,

in Welsh; and if that is an employee's wish, you must provide any such forms to him or to her in Welsh.

Members were informed that the Human Resources Service employs two members of staff at basic administrative level who are Welsh speakers; no other members of staff have Welsh language skills. Consequently they would need to rely on buying in translation services to meet this standard with no additional budget to support any additional costs.

Members were supportive of the proposal in relation to this challenge

Standard 112-You must allow each member of staff—

*(a) to make complaints to you in Welsh, and
(b) to respond in Welsh to any complaint made about him or about her.*

112A-You must state in any document that you have that sets out your procedures for making complaints that each member of staff may—

*(a) make a complaint to you in Welsh, and
(b) respond to a complaint made about him or about her in Welsh; and you must also inform each member of staff of that right.*

114- If you receive a complaint from a member of staff or a complaint about a member of staff, and a meeting is required with that member of staff, you must—

*(a) ask the member of staff whether he or she wishes to use the Welsh language at the meeting;
(b) explain that you will provide a translation service from Welsh to English for that purpose if it is required;
and if the member of staff wishes to use the Welsh language, you must provide a simultaneous translation service from Welsh to English at the meeting (unless you conduct the meeting in Welsh without translation services).*

115-When you inform a member of staff of a decision you have reached in relation to a complaint made by him or by her, or in relation to a complaint made about him or about her, you must do so in Welsh if that member of staff—

*(a) made the complaint in Welsh,
(b) responded in Welsh to a complaint about him or about her,
(c) asked for a meeting about the complaint to be conducted in Welsh, or
(ch) asked to use the Welsh language at a meeting about the complaint.*

116- You must allow all members of staff to respond in Welsh to allegations made against them in any internal disciplinary process.

116A-You must—

(a) state in any document that you have which sets out your arrangements for disciplining staff that any member of staff may respond in Welsh to any allegations made against him or against her, and

(b) if you commence a disciplinary procedure in relation to a member of staff, inform that member of staff of that right

118-If you organise a meeting with a member of staff regarding a disciplinary matter that relates to his or her conduct you must—

(a) ask the member of staff whether he or she wishes to use the Welsh language at the meeting, and

(b) explain that you will provide a translation service for that purpose if it is required; and, if the member of staff wishes to use the Welsh language, you must provide a simultaneous translation service from Welsh to English at the meeting (unless you conduct the meeting in Welsh without a translation service).

119-When you inform a member of staff of a decision you have reached following a disciplinary process, you must do so in Welsh if that member of staff—

(a) responded to allegations made against him or her in Welsh,

(b) asked for a meeting regarding the disciplinary process to be conducted in Welsh, or

(c) asked to use the Welsh language at a meeting regarding the disciplinary process.

Members were informed that there are no Human Resources or Contract Legal Officers employed by the Council with Welsh Language skills and if this standard was to be complied with fully the Council would need to purchase translation services this would cost on average £5,000 per case.

Officers explained that the Council would always try to accommodate such requests but committing to always being able to do so as required by the standard is inflexible and disproportionate.

Members were supportive of the proposal to challenge this standard; Cllr A Llewellyn was not in support.

Standard 122-You must ensure that—

- (a) the text of the homepage of your intranet is available in Welsh,*
- (b) any Welsh language text on your intranet's home-page (or, where relevant, your Welsh language intranet homepage) is fully functional, and*
- (c) the Welsh language is treated no less favourably than the English language in relation to the homepage of your intranet.*

124 -If you have a Welsh language page on your intranet that corresponds to an English language page, you must state clearly on the English language page that the page is also available in Welsh, and you must provide a direct link to the Welsh page on the corresponding English language page

and 126-You must provide the interface and menus on your intranet pages in Welsh.

Members were informed that the Council is seeking to clarify that this standard only applies to the intranet home page and not to the remainder of the Internet content.

Officers drew the Committee's attention to the distributed amendment sheet to include '...to fund these additional expenditures, the Council would need to reduce costs elsewhere which would impact negatively on staffing levels in the web team, creating a redundancy situation which is unreasonable and disproportionate.'

Members were supportive of the proposal to challenge this standard.

Standard 128 -You must provide training in Welsh in the following areas, if you provide such training in English—

- (a) recruitment and interviewing;*
- (b) performance management;*
- (c) complaints and disciplinary procedures;*
- (ch) induction;*
- (d) dealing with the public; and*
- (dd) health and safety.*

and 129-You must provide training (in Welsh) on using Welsh effectively in—

- (a) meetings;*
- (b) interviews; and*
- (c) complaints and disciplinary procedures.*

Members were informed that only 7 managers can speak Welsh, out of which only 3 are prepared to use Welsh in their management role. None of these managers have indicated that they wish to receive training in Welsh. Procuring Welsh medium training at cost would disproportionately benefit these very small numbers to the detriment of other staff and it is not good value for money to run a training course for three people, whatever the language.

Members were supportive of the proposal to challenge this standard.

Standard 130-You must provide opportunities during working hours -

- (a) for your employees to receive basic Welsh language lessons, and*
- (b) for employees who manage others to receive training on using the Welsh language in their role as managers.*

Officers drew the Committee's attention to the distributed amendment sheet to include '...The Council's proposal is to accept Standard 130 (a) but that 130 (b) is not imposed.'

Members were supportive of the proposal to challenge this standard.

Standard 131-You must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills.

Members were notified that the Council is able to withdraw this challenge and Members were supportive of this proposal.

Standard 132 -You must provide training courses so that your employees can develop -

- (a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture);*
- (b) an understanding of the duty to operate in accordance with the Welsh language standards;*

(c) an understanding of how the Welsh language can be used in the workplace.

Members noted that it is unreasonable to provide training courses to all its employees as required by this standard but has targeted its training to all of its senior managers and service managers and has ensured the requirements of this standard have been fully addressed in that training.

The Committee commented that there is a vast range of training mandated from Welsh Government such as Hate Crime, Domestic Abuse and PREVENT.

Members agreed that a more proportionate approach would be for some body at a national level to develop a suitable e-learning resource that could be used and deployed across Wales including making it generally available to citizens.

Officers drew the Committee's attention to the distributed amendment sheet to include '...delivering the training to senior managers and service managers equates to £6175.

Members were supportive of the proposal to challenge this standard.

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.

137A-If you publish—

(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;

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.

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).

*139-You must ensure that your application forms for posts -
(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
(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).*

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

Members were reminded the Council has extremely limited the number of posts it fills externally. It does not produce bilingual job descriptions and person specifications for any post and the estimated cost of translating these is £23,625.

Members were supportive of the proposal to challenge this standard.

Standards 141-When you erect a new sign or renew a sign in your workplace (including temporary signs), any text displayed on the sign must be displayed in Welsh whether on the same sign as the corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

142-When you erect a new sign or renew a sign in your workplace (including temporary signs) which conveys the same information in Welsh and in English; the Welsh language text must be positioned so that it is likely to be read first.

143 -You must ensure that the Welsh language text on signs displayed in your workplace is accurate in terms of meaning and expression.

and 144-When you make announcements in the workplace using audio equipment, that announcement must be made in Welsh, and if the announcement is made in Welsh and in English, the announcement must be made in Welsh first.

Members were notified that the Council is seeking clarification of what the definition of a 'sign' is as the number of signs within the workplace can vary significantly.

Officers drew the Committee's attention to the distributed amendment sheet to include '...Costs of signage across all workplaces would be in excess of this figure £12,000.)

Members were supportive of the proposal to challenge this standard.

Standard 145-You must produce, and publish on your website, a 5-year strategy that sets out how you propose to promote the Welsh language and to facilitate the use of the Welsh language more widely in your area; and the strategy must include (amongst other matters)—

(a) a target (in terms of the percentage of speakers in your area) for increasing or maintaining the number of Welsh speakers in your area by the end of the 5 year period concerned, and

(b) a statement setting out how you intend to reach that target; and you must review the strategy and publish a revised version on your website within 5 years of publishing a strategy (or of publishing a revised strategy).

Members noted the Council's commitment to promoting the Welsh Language and culture but noted the many factors that influence the number of Welsh speakers in an area which are not within the Council's control. The Council's intention is that the standard excludes the requirements for targets to be set to increase the number of Welsh speakers in its area.

Members were pleased to note the partnership working across boundaries to promote Welsh language and culture.

Members were supportive of the proposal to challenge this standard.

Standard 146-Five years after publishing a strategy in accordance with standard 145 you must -

(a) assess to what extent you have followed that strategy and have reached the target set by it, and

(b) publish that assessment on your website, ensuring that it contains the following information -

(i) the number of Welsh speakers in your area, and the age of those speakers;

(ii) a list of the activities that you have arranged or funded during the previous 5 years in order to promote the use of the Welsh language

Members were supportive of the proposal to challenge this standard.

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 -

(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.

Members were supportive of the proposal to challenge this standard.

Members hoped that a dialogue would happen with the Commissioner to allow for the issues that have been raised within the report to be resolved.

Members were very concerned about the cost implications of implementing the standards without additional budget being allocated.

Members thanked the officers for the work that had gone into this piece of work and looked forward to receiving a final copy of the Council's Challenge to the Welsh Language Commissioner following today's meetings.

Based on the changes suggested, the Committee were generally supportive of the proposals to be considered by the Cabinet Board.

CHAIRPERSON