

# **POLICY AND RESOURCES CABINET BOARD**

**15<sup>th</sup> OCTOBER 2015**

## **REPORT OF THE HEAD OF CORPORATE STRATEGY & DEMOCRATIC SERVICES**

### **SECTION A – MATTERS FOR DECISION**

**WARDS AFFECTED - ALL**

**TITLE: Welsh Language Standards – Compliance Notice**

#### **Purpose of the Report:**

To inform Members of the content of the Compliance Notice received from the Welsh Language Commissioner 30<sup>th</sup> September 2015 and the consequential implications of that Notice.

To seek Member support to challenge some of the standards on the grounds that they are considered to be unreasonable, disproportionate or have been included without due consultation with the Council.

#### **Background**

The Cabinet Board has received a number of reports which have described the processes that have been established by Welsh Government and subsequently the Welsh Language Commissioner to develop Welsh Language Standards and then to determine which of those standards will be applied to Neath Port Talbot County Borough Council and the timescales for achieving compliance.

The latest report brought to Members is dated 23<sup>rd</sup> July 2015. That report described the draft Compliance Notice that had been received. Members were advised that a number of the standards were problematic for a range of reasons. Members approved the proposed response to the Welsh Language Commissioner which specifically highlighted those standards that the Council would either be unable to comply with or would need a longer period of time to achieve compliance.

The Council has been waiting for the final Compliance Notice in order to have more certainty as to which standards will be applied in the first instance. That Notice was received on 30<sup>th</sup> September 2015.

### **Final Compliance Notice - Issues**

The final Compliance Notice makes seventeen changes to the draft Compliance Notice. Having assessed the final Compliance Notice, officers recommend that:

Five of the proposed changes are accepted as they reflect changes that the Council proposed in its response to the Commissioner in July.

Two standards have been included in the final Notice but were not included in the draft Notice. Consequently, as the Council has not been formally consulted on those standards officers consider that they should be challenged.

Officers consider that the remaining ten proposed changes set out in the Commissioner's letter should be challenged on the grounds that the standards involved are unreasonable and/or disproportionate. Additionally, there are a number of proposals that the Council put forward in its July response that the Commissioner appears to have dismissed and it is the view of officers that these also should be challenged on the grounds that they are unreasonable and/or disproportionate.

This outcome is particularly disappointing given the efforts that have been expended in supplying considered responses to all stages of the consultation and information gathering exercises undertaken by Welsh Government and the Welsh Language Commissioner. The Council has produced very clear evidence of the impact of the continued period of austerity on Council financial and human resources and has consistently argued that it is not reasonable to expect councils to cut existing services further in order to comply with Welsh Language Standards that have been introduced with no new funding to accompany them. There are also a range of standards where it is simply impractical to achieve compliance and evidence to demonstrate this also appears to have been ignored or misunderstood.

The Council is able to formally challenge the content of the Final Notice and must do this by writing to the Welsh Language Commissioner. In the event that the Commissioner is not prepared to adjust her position, the Council has recourse to the Welsh Language Tribunal which has powers to nullify or modify the Final Compliance Notice.

## **Conclusion**

The Council has published budget proposals for 2016-17 and beyond which will result in further deep cuts to services in order to secure a balanced revenue budget. There is no financial provision in the Council's proposed strategy to make additional investment in Welsh Language services. If the Compliance Notice is not modified the Council would need to make further cuts in its revenue budget to achieve compliance against those standards where financial investment is required to achieve compliance. Even with additional financial investment there would remain a number of standards where compliance will not be possible for a range of practical reasons.

For these reasons, the Cabinet Board is asked to authorise officers to challenge the content of the final Compliance Notice.

## **Financial Appraisal**

The Council advised Welsh Government during the legislative process that the costs of full compliance with the Welsh Language Standards would be very significant and could amount to a cost of over £2million for this council.

## **Consultation:**

There is no requirement under the Constitution for consultation on this item.

## **Equality Impact Assessment**

The Equality Act 2010 requires public bodies to “pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

The aim behind the Standards is to treat Welsh and English on the basis of equality. Consequently, the standards complement the council’s other equality duties.

## **Recommended**

That the Cabinet Board authorises the Chief Executive to challenge the Welsh Language Commissioner regarding the content of the final Compliance Notice issued to this Council.

That, in the event that the Commissioner does not adjust the Compliance Statement, that the Cabinet Board authorises the Chief Executive to lodge appeals with the Welsh Language Tribunal and to take the actions necessary to progress those appeals within the legal mechanisms established for the purpose.

## **Reason for Proposed Decision:**

To seek to change the final Compliance Notice which sets out the Welsh Language Standards and associated timescales that will be applied to Neath Port Talbot County Borough Council on the basis that some of the Standards included in the final notice are unreasonable, disproportionate or have been included without due consultation with the Council.

## **Implementation of Decision:**

This item is for immediate implementation.

## **Officer Contact:**

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## **Appendices:**

APPENDIX 1 - Draft covering letter to Welsh Language Commissioner setting out basis of challenge.

APPENDIX 2 -Table describing reasons why the Council is challenging some of the standards contained in the final Compliance Notice

APPENDIX 3 -Final Notice received from the Welsh Language Commissioner on 30<sup>th</sup> September 2015

## **Background Papers**

1. Policy and Resources Cabinet Board 23<sup>rd</sup> July 2015 – Welsh Language Standards draft Compliance Notice Consultation Response
2. Letter dated 24<sup>th</sup> July 2015 to Welsh Language Commissioner responding to the consultation on the draft Compliance Notice
3. Welsh Language Commissioner – Challenge and Appeals Procedure: Compliance Notices
4. Welsh Government – Explanatory Memorandum to Welsh Language Standards (no. 1) Regulations 2015
5. Welsh Government Consultation Document – Welsh Language Standards: Regulations and response from NPT Council dated 3<sup>rd</sup> December 2015

6. Welsh Government – Welsh Ministers’ response to the Welsh Language Commissioner’s standards reports and advice note
7. Letter from Deputy Leader to First Minister – Welsh Language Commissioner’s Response to Standards Investigation
8. Letter to WLGA Chief Executive from Chief Executive of NPT Council regarding Welsh Language Commissioner’s Response to Standards Investigation
9. Welsh Language Commissioner – Standards relating to the Welsh Language
10. Welsh Language Commissioner – Standards Report: County councils and county borough councils in Wales
11. Letter from Leader of Council to Welsh Language Commissioner – Standards Investigation
12. Welsh Government – Regulatory Impact Assessment of the proposed standards relating to the Welsh Language
13. NPT Council response to the Welsh Language Commissioner’s Standards Investigation

## APPENDIX 1

Dear Commissioner,

I am writing in response to your letter of 30<sup>th</sup> September which enclosed the Welsh Language Standards Compliance Notice for this Authority.

Over the last two years, the Council has fully engaged with the development of the Welsh Language Standards, the legislative process and more recently your consultation exercise on the draft Compliance Notice. We have invested very many hours of staff and councillors' time to consider the practical and community implications of the Standards at the various stages and we have offered constructive feedback identifying those standards we consider to be reasonable and proportionate but also drawing your attention very clearly to those that are not reasonable and proportionate.

When I wrote to you on 24<sup>th</sup> July commenting on the draft Compliance Notice, I took the time to set out the current financial and operating context for this and other councils. I advised you that complying with the existing Welsh Language Scheme was challenging given the severe budget cuts that we are experiencing and the consequential reduction in the size of our workforce. I made it clear that whilst we would continue to make "best endeavours" we would not be able to comply with a number of standards either because they require significant financial investment, or, for other practical reasons, they are not achievable. You will be aware that even though Welsh Government accept that the Standards do attract a financial cost, no additional funds have been made available to local government to achieve compliance. I invited you to attend our stakeholder budget event in early September in order that you could develop your understanding of our operational context although I note that in the event you did not take up that invitation. As an aside, my staff did attend your event in Cardiff earlier this month; but were unable to provide me with a full briefing as (somewhat ironically) your simultaneous translation facility did not function properly and they could not understand a significant proportion of the proceedings.

Given the time we have invested in responding to the various consultation and information gathering exercises, we were dismayed to see that the final Compliance Notice was not markedly different from the draft. As I have explained to you previously, the consequence of the position you have taken is to require the Council to make further

significant cuts to existing services in order to finance additional Welsh language services. This is not acceptable to elected Members on a cross-party basis here who judge that cutting services to finance Welsh language standards is not likely to be acceptable to the communities they represent and as I pointed out to you in my earlier correspondence.

They remain unconvinced – as do I – that some of the standards will actually achieve the stated objective in terms of promoting and safeguarding the delivery of public services through the Welsh language. Indeed, several/many of the standards seem far more likely to create services for which there will be little or no demand; but at significant cost. This does not represent value for money and it is a matter which I intend to draw to the attention of this Council's external auditors.

We intend to appeal to have a number of standards that we have identified as being unreasonable and/or disproportionate dis-applied to this authority. I also wish to appeal those standards that have been introduced in the final Compliance Notice and which were not listed in the draft notice. They should also be dis-applied on the grounds that due process has not been observed.

It is most regrettable that we find ourselves in this position given the time and effort that has gone into informing you of the implications of the proposed standards. The public interest is not well served by imposing standards that are unachievable; unlikely to achieve their objectives in many cases and do not represent value for money. All of this runs the risk of undermining public confidence in the initiative.



## WELSH LANGUAGE STANDARDS - FINAL COMPLIANCE NOTICE

Standard	NPT Position	NPT Proposal to Commissioner's draft Compliance Notice consultation	Commissioner's Response	Comment
<p><b>18</b> If a person contacts one of your departments on a direct line telephone number (including staff members' direct line numbers) and that person wishes to receive a service in Welsh, you must provide that service in Welsh in its entirety (if necessary by transferring the call to a member of staff who is able to deal with the call in Welsh)</p>	<p>In earlier phases of the consultation we reported 322 staff members had indicated they have some Welsh language capability.</p> <p>We are unable to guarantee sufficient Welsh speaking staff available to comply with this standard and the number of Welsh speaking staff is probably reducing given that the Council is downsizing</p>	<p>Standard 19 would be a more practical standard to apply to the Council</p>	<p>Standard 19 replaces standard 18 – to be achieved in six months</p> <p>Standard 19 – If a person contacts one of your departments on a direct line telephone number (including on staff members' direct line numbers) and that person wishes to receive a service in Welsh you must deal with the call in Welsh until such point as:</p> <p>a) It is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a</p>	<p><b>Accept standard 19</b></p>

			<p>service on a specific subject matter and</p> <p><b>b)</b> No Welsh speaking member of staff is available to provide a service on that specific subject matter</p>	
<p><b>22</b></p> <p>Any automated telephone systems that you have must provide the complete automated service in Welsh</p>	<p>A high percentage of the Council's telephones have voice mail functionality attached</p> <p>Mobile phones have voice mail services attached</p> <p>The Council has 322 staff who have indicated some Welsh Language capability. It is not practical to meet this standard across all automated telephone systems.</p>	<p>Introduce the requirement when telephony systems are upgraded or when public sector funding returns to a level of growth</p>	<p>Comply with standard in 12 months, as compared with the 6 months initially proposed</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>Standard 22 is disproportionate as the Council has just 322 staff who have Welsh capability and the number of enquiries received in Welsh whilst not documented is very small.</p> <p>Standard 22 is unreasonable as the Council would incur cost in requiring each member of staff to provide a bilingual message on their answerphones (over 7,000 staff members)</p>

				with low demand for this service. No new funding has been provided to resource this additional requirement. Furthermore, if a Welsh message is left on the phone of someone who does not speak Welsh there could be delay in providing the service response.
<b>25</b> If you invite an individual “A” to a meeting and the meeting relates to the wellbeing of A, you must a) ask A whether A wishes for the meeting to be conducted in Welsh, and b) if A informs you that A wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service)	This standard would, for example, apply to social services service users.  The Council currently works to align Welsh speaking staff with service users. However, we have never been in a position to guarantee this level of service and wouldn't be able to do this without incurring significant cost	Accept best endeavours and introduce the standard when the current financial and staffing position improves and when public sector funding returns to a level of growth	Has substituted standard 25 with standard 26 and 26A with a requirement to comply within 6 months  <b>Standard 26 and 26A</b> If you invite an individual “A” to a meeting and the meeting relates to the wellbeing 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.	<b>Challenge the Commissioner's decision</b>  The standards are disproportionate as the Council currently makes best endeavours but is unable to guarantee it can provide the service on all occasions. As we are downsizing and losing staff numbers it is likely that it will be more difficult in the short term to increase linguistic capability across the organisation.

			<p>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 wellbeing 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 translation service.</p>	<p>The standards are unreasonable as the arranging of translation would lead to delays in important service areas that involve vulnerable people who need services to be delivered in a prompt manner at additional cost.</p>
<p><b>28</b> If you invite more than one person to a meeting and that meeting relates to the wellbeing of one or more of the individual invited, you must a) ask that individual or each of those individuals whether he or she wishes for the meeting to be conducted in Welsh and b) if that individual or if each of those individuals informs you that he or she wishes for the</p>	As above	As above	<p>Replace standard 28 with standards 29 and 29A and comply within six months</p> <p><b>Standards 29 and 29A</b> If you invite more than one person to a meeting, and that meeting relates to the wellbeing 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</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standards are disproportionate as the Council currently makes best endeavours but is unable to guarantee it can provide the service on all occasions. As we are downsizing and losing staff numbers it is likely that it will be more difficult in the short term to increase linguistic</p>

<p>meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service)</p>			<p>translation service from Welsh to English and from English to Welsh for that purpose.</p> <p>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.</p>	<p>capability across the organisation.</p> <p>The standards are unreasonable as the arranging of translation would lead to delays in important service areas that involve vulnerable people who need services to be delivered in a prompt manner at additional cost.</p>
<p><b>30</b> 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</p>	<p>This standard exceeds the commitment in the Council's existing Welsh Language Scheme which only commits the council to this level of service in areas where there is a high proportion of Welsh</p>	<p>Modify the standard to make it applicable to areas with the highest concentration of Welsh speakers.</p>	<p>No change to the draft compliance notice</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is disproportionate as it requires the Council to offer a service in all areas not just areas</p>

	speakers.			<p>where there are high levels of Welsh speaking</p> <p>The standard is unreasonable as it commits the Council to new expenditures that are unfunded. Costs would be incurred in putting the notices into materials in the first instance and translating that material. The action could encourage new demand for Welsh services that are not currently provided which could only then be met by purchasing translation services which are not funded.</p>
<p>33</p> <p>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</p>	<p>The existing Welsh Language Scheme only makes this commitment in areas where there is a high concentration of Welsh speakers.</p> <p>The Council has been</p>	<p>Modify this to apply in areas where there is a high concentration of Welsh Speakers only</p>	<p>Standard 33 to be complied with in six months except:</p> <p>Where an invitation or material advertising the meeting has asked persons to inform you whether they wish to use the Welsh language and that no</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is disproportionate as it requires the Council to offer a service in all</p>

<p>present in Welsh a) that they are welcome to use the Welsh language and b) that a simultaneous translation service is available</p>	<p>provided with no new funds to meet this additional requirement and is in the process of making significant cuts to operational budgets. There are no funds to extend the current service.</p>		<p>person has informed you that he or she wishes to use the Welsh language at the meeting.</p>	<p>areas not just areas where there are high levels of Welsh speaking</p> <p>The standard is unreasonable as it commits the Council to new expenditures that are unfunded. Costs would be incurred in putting the notices into materials in the first instance and translating that material. The action could encourage new demand for Welsh services that are not currently provided which could only then be met by purchasing translation services which are not funded.</p>
<p><b>41</b> If you produce the following documents you must produce them in Welsh: a) agendas minutes and other papers that are</p>	<p>Not possible in the current financial position as the infrastructure to do this does not exist</p>	<p>Standard is unreasonable and disproportionate</p>	<p><b>Standard 41 to be met over 6 months except:</b></p> <p>a) Other papers that are available to the public which relate to</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is disproportionate as the</p>

<p>available to the public which relate to management board of cabinet meetings b) agendas minutes and other papers for meetings conferences or seminars that are open to the public</p>			<p>management board or cabinet meetings  <b>b)</b> Other papers for meetings that are open to the public</p>	<p>county borough does not have a high Welsh speaking population and this service has never been requested by the public.</p> <p>The standard is unreasonable as it would require linguistic capability in the democratic services function responsible for producing the agendas and minutes. That section does not have linguistic capability at present and consequently there would be cost incurred in buying in translation services. The cost of translation is unfunded. Additionally, the section is responsible for the accuracy of the minutes and complying with legal timescales for the production of papers. There is a risk of non-compliance with these requirements if the</p>
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				service were to rely on translation.
<b>Standard 42</b> Any licence or certificate you produce must be produced in Welsh.	<p>There would be significant costs attached to the translation of all forms and certificates which are not funded. The Council is making significant cuts to its operational budgets and these will be more severe if the Council is required to enhance the Welsh language service in the manner proposed.</p> <p>There are practical problems that cannot be overcome in making licences and certificates bilingual as the Council does not have the linguistic capability in its technical departments to support the use of bilingual licences and certificates. There are operational risks in relying on translation as</p>	Unreasonable for this standard to be applied to NPT	Timescales for compliance changed from six months to twelve months	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is disproportionate as NPT is not an area with a high concentration of Welsh speakers and these services are not presently requested by the resident population. The cost of complying with this standard will be very significant and is not justified by the level of current demand.</p> <p>The standard is unreasonable in that the requirements would mean changes to a range of ICT systems. Additionally, there is no linguistic capability in the technical departments to ensure the production of</p>

	<p>English technical terms do not readily translate into Welsh and the Council does not have the capability to check the technical accuracy of translation.</p> <p>Some licences and certificates are produced by bespoke software systems and the cost of making those systems bilingual will be significant. There are no funds to support this work.</p>			<p><b>licences</b> and certificates is correct.</p>
<p><b>47</b> If you produce a document for public use and no other standard has required you to produce the document in Welsh you must produce it in Welsh a) if the subject matter of the document suggest that it should be produced in Welsh or b) if the anticipated audience and their expectations</p>	<p>No response provided as this was not included in the draft compliance notice</p>	<p>No response provided as this was not included in the draft compliance notice</p>	<p>Comply with standard in six months</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>No consultation has taken place on this requirement.</p>

suggests that the document should be produced in Welsh				
<b>52</b> 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 favourable than the English language on your website	<p>Translation of each page can be met but within a 12 month timescale not a 6 month timescale</p> <p>Where pages are linked to third party systems which are available in English only – eg payment services – then those third party services cannot be delivered bilingually at present and if they were developed to be bilingual this would be at significant cost.</p>	Limit the standard to the Council's own pages and provide a timescale of 12 months	No modification to draft compliance statement	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable as it is applied to third party systems that either are not available bilingually, or if bilingual systems were commissioned the costs are estimated to be in the order of £1-2 million. It will take many years to develop such systems</p>
<b>61</b> 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	<p>There are costs associated with translation and siting attached to this requirement.</p> <p>Additionally, there are</p>	Modify the standard to make it apply when practicable	No modification to draft compliance statement	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable if it were applied in all instances</p>

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 favourable than the English language text	concerns that the Welsh Language Standard may occasionally conflict with other legislation which would need to have primacy on health and safety grounds for example			as the Standard will conflict with other legal requirements from time to time
<b>62</b> When you erect a new sign or renew a sign ( <b>including</b> temporary signs) which conveys the same information in Welsh and in English the Welsh language text must be position so that it is likely to read first.	There are costs associated with translation and siting attached to this requirement.  Additionally, there are concerns that the Welsh Language Standard may occasionally conflict with other legislation which would need to have primacy on health and safety grounds for example	Modify the standard to make it apply where practicable	No modification to draft compliance statement	<b>Challenge the Commissioner's decision</b>  The standard is unreasonable if it were applied in all instances as the Standard will conflict with other legal requirements from time to time
<b>64</b> Any reception service you make available in	The Council currently meets this standard at	Modify standard to apply to main	<b>Standard modified:</b>	<b>Challenge the Commissioner's</b>

<p>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>its main receptions but is unable to full comply with this standard in every reception service due to the limitations on linguistic capability across the workforce. As the council is not recruiting and downsizing it will become even more difficult to comply in the short to medium term</p>	<p>reception area</p> <p>Revisit standard when public sector funding returns to growth</p>	<p>The main reception service to be compliant in six months but all other reception services to be compliant in 12 months</p>	<p><b>decision</b></p> <p>The standard is unreasonable as the Council has just <b>322</b> staff who have Welsh speaking skills to some level.</p> <p>The Council is downsizing due to budget cuts and unlikely to be recruiting in the near future. Consequently linguistic capability is diminishing.</p> <p>The Council does not currently have the capability to deliver all reception services bilingually because of workforce limitations. It can only make this commitment in its main reception areas.</p> <p>The standard is disproportionate as the number of customers who ask to be dealt with through the medium of</p>
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				Welsh is very low, although accurate records are not maintained to provide specific figures.
<b>76</b> 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 if a) the subject matter should be produced in Welsh or b) if the anticipated audience and their expectations suggests that the document should be produced in Welsh	No response submitted as this standard was not included in the draft compliance notice	No response submitted as this standard was not included in the draft compliance notice	Standard included in compliance notice	<b>Challenge the Commissioner's decision</b>  The Council has not been consulted on the proposal to apply this standard to NPT by <b>30.03.15</b>
<b>77-80</b> These standards require the Council to state that tenders are welcome in Welsh and then deal with the tender process	These standards are very problematic and would incur significant cost in procuring bilingual contracting	The Council cannot comply with these standards	No change made to the draft compliance statement	<b>Challenge the Commissioner's decision</b>  The standard is

<p>through the medium of Welsh where that is requested including providing translation services where needed</p>	<p>expertise that the Council currently does not have available.</p> <p>There are ICT implications also the Council has been transitioning to i-procurement systems which are not available as bilingual services. The cost of commissioning bilingual systems would be very significant and would take many years to develop and test.</p>			<p>unreasonable because the Council does not have the linguistic capability in its technical services to competently procure through the medium of Welsh. As all documentation forms part of the contract, the Council will be at risk if there is technical difference between the Welsh and English versions of documentation.</p> <p>The standard is also unreasonable because the Council has been moving to an i-procurement model where the underpinning ICT systems are not offered bilingually. The cost and timescales for developing bilingual systems would be very considerable at a time when councils are facing significant budget cuts</p>
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<p><b>85&amp;86</b></p> <p>If you offer and education course that is open to the public and which is aimed specifically at persons aged 18 or under you must offer it in Welsh  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.</p>	<p>The Council does not currently offer this service and to do so would incur additional financial cost.  Additionally, we do not have the linguistic capability in the workforce to meet the standard.</p>	<p>The standard is unreasonable</p>	<p>Standard 84 to be applied instead of standard 85 - essentially this just drops the age limit.</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable as it would add bureaucracy to the standard training processes in an area where there is not a demand for such service presently. Additionally, the council does not have the linguistic capability to provide the service in Welsh and as the Council is downsizing it is unlikely the Council would be in a different position in the near future.</p>
<p><b>88-97</b></p> <p>These standards essentially require the Council to amend the impact assessment tools for policy development to make</p>	<p>Achieving compliance in 6 months would not be possible due to work pressures and the effort that would be required to comply</p>	<p>Modify the standard to provide 1-2 years to comply</p>	<p>Standard to be complied with in 12 months</p>	<p><b>Accept the Commissioner's decision</b></p>



<p>sure there is systematic consideration of the Welsh Language at all stages of the policy lifecycle. The equality impact assessment tool would be affected , consultation exercises would need to incorporate the requirement, awarding of grants procedures will need amendment, research proposals would need to be amended.</p>				
<p><b>99-104</b>  These standards require the Council to have a policy on using Welsh internally and that policy would need to be published on the internet. The standard requires the Council to conduct recruitment and selection through the medium of Welsh if the individual so prefers and consequently contractual and other</p>	<p>The Council is unable to introduce this service in the current financial climate and with the current capacity and linguistic capability of its HR function and line management.</p>	<p>Unable to comply in the current financial climate.</p>	<p>Timescale extended to 12 months for compliance</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is disproportionate given the small number of Welsh speaking staff and the profile of the area.</p> <p>The standard is unreasonable as it would require all</p>

employment documents and activities would need to be provided in Welsh.				employment documentation to be translated at new cost, translation services would need to be procured at cost. There is also a risk that contractual documentation is not technically accurate as the council does not have technical competency to deliver the employment law elements of the standard.
<b>105-111</b> These standards requires employment policies to be bilingual	A limited number of policies could be translated into Welsh but this would be at cost and not achievable in 6 months.	A timescale of 12 months would be more <b>achievable</b>	Standard modified to enable compliance within 12 months	<b>Accept the Commissioner's decision</b>
<b>112-124</b> These standards require the Council to enable staff to complain in the medium of Welsh. It would include staff discipline measures,	Compliance with these standards is not achievable due to the linguistic profile of the Council's workforce. Translation services	Standards are not reasonable or proportionate	Timescale modified to 12 months from 6 months	<b>Challenge the Commissioner's decision</b>  The standard is disproportionate as the

<p>providing staff with computer software for checking spelling and grammar in Welsh, the text of the intranet home page to be in Welsh</p>	<p>would need to be procured at costs and may not always be available when required.</p>			<p>Council does not have the linguistic profile to deal with staff complaints and discipline matters through the medium of Welsh, other than in Welsh medium schools.</p> <p>The standard is unreasonable as it would require the council to incur additional expenditure by procuring unfunded translation services at a time of severe budget constraints. The standard is also unreasonable in that it will interfere with the timescales set down in the Council's procedures if translation were not available in a timely manner raising the risk of legal challenge.</p>
<p><b>126</b> You must provide the interface and menus on</p>	<p>Unable to meet this in the current financial</p>	<p>The standard is unreasonable</p>	<p>No change to draft compliance notice</p>	<p><b>Challenge the Commissioner's</b></p>

<p>your intranet pages in Welsh</p>	<p>climate as the financial and human resource implications are significant</p>	<p>and disproportionate</p>		<p><b>decision</b></p> <p>The Council's workforce is predominantly English speaking. Translating so much content of an internally facing system would be costly and there would be additional costs associated with doubling the size of the system and maintaining the content. Consequently the standard is disproportionate and unreasonable.</p>
<p><b>128-129</b>  These standards require the Council to provide internal training on recruitment, performance management, complaints and discipline, induction, health and safety and customer services in Welsh. Training would also be required in Welsh for using Welsh</p>	<p>Unable to meet these standards in the current financial climate.</p>	<p>The standards are disproportionate and unreasonable.</p>	<p>No change to draft compliance notice.</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The Council's workforce is predominantly English speaking. Most of this training is geared at manager where the level of Welsh speaking is very low indeed. The costs are disproportionate for this</p>

effectively in meetings, interviews and complaints and discipline procedures.				reason and unreasonable as the Council is cutting training expenditure due to severe budget constraints.
<b>127</b> You must assess the Welsh language skills of your employees	Demands on HR are significant given the scale of change taking place across the organisation. Compliance is not achievable in the timescales	Modify to provide more time for the Council to comply	Standard to be complied with in 12 months	<b>Accept Commissioner's decision</b>
<b>130</b> 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	Council already complies with a) but not b)	Modify standard to apply a) only	No change to draft compliance notice	<b>Challenge the Commissioner's decision</b>  The standard is unreasonable as it will create additional cost at a time when the Council is reducing its training budgets due to the prevailing financial climate for local government.

<p><b>131</b> 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</p>	<p>Council complies with this but only for staff, not managers</p>	<p>Modify standard to apply to staff only</p>	<p>No changes to draft compliance notice</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable as it will create additional cost at a time when the Council is reducing its training budgets due to the prevailing financial climate for local government.</p>
<p><b>132</b> 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</p>	<p>Awareness raising of the new standards has already been taking place. However, this standard goes further and requires additional training courses on the history of the language etc. which is not currently available.</p>	<p>Modify to limit the standard to awareness raising of the standards</p>	<p>No changes to draft compliance notice</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable as it will create additional cost at a time when the Council is reducing its training budgets due to the prevailing financial climate for local government.</p>

<p><b>137-140</b> These standards require that advertisements for jobs must make clear that applicants can apply in Welsh</p>	<p>The Council does this for Welsh medium schools</p>	<p>Limit to Welsh essential and posts is Welsh medium schools</p>	<p>Comply with standard in 6 months unless job descriptions identify Welsh language skills as not necessary</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable as it would draw in posts where Welsh is desirable rather than essential. It could increase demand for applications to be treated through the medium of Welsh which would create additional cost as the HR and management linguistic profile is inadequate to deal with additional demand. Consequently additional translation services would need to be procured at a time of severe budget constraints.</p>
<p><b>141-144</b> These standards require internal signage to be bilingual and for</p>	<p>The Council has limited staff numbers who have Welsh language skills.</p>	<p>Standard is unreasonable and</p>	<p>No change to draft compliance notice</p>	<p><b>Challenge the Commissioner's decision</b></p>

<p>workplace announcements to be bilingual</p>	<p>Translation of all internal signs would create additional cost that there is no budget for.</p>	<p>disproportionate.</p>		<p>The standard is disproportionate as only 299 (<b>see previous</b>) staff have identified themselves with Welsh language skills.</p> <p>The standard is unreasonable as there will be additional costs incurred at a time when the council is facing severe budget constraint.</p>
<p><b>145-146</b> You must produce and publish on your website a 5 year strategy that sets out how you propose to promote the Welsh language at facilitate the use of the Welsh language more widely in your area and the strategy must include a) a target (in terms of the percentage of speakers in your area) for increasing or maintaining the number</p>	<p>Would need to understand more of what is expected. There are all-Wales implications of this standard.</p>	<p>Standard is unclear and unreasonable.</p>	<p>No change to draft compliance notice</p>	<p><b>Challenge the Commissioner's decision</b></p> <p>The standard is unreasonable as the local authority cannot in itself be responsible for maintaining or increasing the number of Welsh language speakers in the area.</p> <p>Additionally, no new funds have been made</p>



<p>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 revised version on your website within 5 years of publishing a strategy (or of published a revised strategy)</p> <p>The standard also goes on to require the Council to assess and publish progress.</p>				<p>available to support this standard and without investment it is unreasonable to expect any change even in areas the local authority can control <b>e.g.</b> number of Welsh medium school places</p>
<p><b>151</b> You must keep a record (following assessments of your employees' Welsh language skills made in accordance with standard 127) of the number of employee who have Welsh language skills at the end of each financial year and where you have that information you must keep a record</p>	<p>Accepted this and offered no objection</p>	<p>Accepted this and offered no objection</p>	<p>Commissioner extended timescale for compliance to 12 months</p>	<p><b>Accept Commissioner's decision</b></p>

of the skill level of those employees.				
<b>154</b> 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 a 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 d) Welsh language skills are not necessary	Unable to meet this within 6 months	Modify to comply within 12 months	No change to draft compliance notice	<b>Challenge the Commissioner's decision</b>  The timescale for doing this is unreasonable given other demands on the HR function which needs to prioritise the processing of large number of staff who will be exiting the organisation due to financial <b>circumstances.</b>
<b>161-166</b> These standards require the Council to effectively substitute its existing Welsh Language Scheme with a policy <b>document</b> which explains what standards apply, how the	Timescales considered to be too tight due to other work pressures.	Increase timescales for compliance.	Timescales increased to 12 months	<b>Accept Commissioner's decision</b>

standards will be met and how people can complain if there is non compliance.				