

<b>MEETING:</b>	<b>LANGUAGE COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2019</b>
<b>TITLE:</b>	<b>The Welsh Language Commissioner's Assurance Report 2017-18 - Measure of Success</b>
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<b>PURPOSE OF THE REPORT</b>	The assurance report is submitted in order for members to discuss its contents and consider any matters arising that could be relevant for Gwynedd Council and that could lead to actions in order to improve compliance.

## 1. Background:

1.1 Every year, the Welsh Language Commissioner publishes a report that is the subject of research by its officers and findings of the success of the organisations to implement and comply with the Standards.

1.2 The Commissioner will come to a conclusion about successes or failures to comply with the Standards on the basis of many things:

- i) The findings of the Commissioner following complaints and specific cases of failure to comply.
- ii) Opinion polls in focus groups with service users
- iii) Interviews on specific subjects with organisations
- iv) Information requests and evidence sent occasionally to organisations (*an evidence request was received in summer 2017 on the theme of grants and contracts, which is relevant to this report*).

1.3 The Commissioner publishes these reports in order to offer an independent opinion, on the basis of evidence, in order to:

- inform **Welsh speakers** to what extent public organisations offer services for them, and the quality of these services;
- draw **organisations'** attention to successful practices, and where compliance arrangements need to be developed, in order to enable them to comply and improve user experience;
- provide evidence to **politicians** and other people who draw up policies with regard to what extent public organisations offer high quality services in Welsh, and to what extent the standards system works.

1.4 The report does not specifically refer to individual organisations - apart from when it refers to good practices - but rather, it offers an overall illustration of how organisations are getting along with implementing the standards and what needs to be improved. Observations are submitted under nine headings, placed under three main recommendations (as can be seen in the summary in point 2.1 below).

1.5 This report was submitted for 2017-18 to the Language Committee members at their meeting in October 2018, but it was determined that more time was required to consider and discuss its contents, and therefore this report is re-submitted, with a specific reference below to the observations or sections of the report that are relevant or of interest to the Council.

## **2 A summary of the Assurance Report's key outcomes:**

2.1 The report highlights three main challenges for organisations, that are converted into three main recommendations for organisations to consider:

- develop their provision and their self-regulatory arrangements in order to ensure that Welsh services are available and of a quality where they do not treat the Welsh language less favourably than English at all times and for all types of services;
- improve their understanding of the reasons for users' decisions, and take positive steps to promote and facilitate the use of Welsh language services so that an increasing number of people choose to use them;
- give detailed and strategic consideration on how to increase opportunities to use Welsh, and prevent treating Welsh less favourably than English when making all their decisions and in relation to the internal use of language.

## **3 Matters of interest from the report:**

3.1 The report raises many points of interest. We have attempted to collate some of the most relevant observations or quotes in order to consider and discuss them.

### **➤ Recommendation 1:**

**Although user experiences are still improving, consistency is required in order to give people faith that services are always available through the medium of Welsh, and that Welsh will not be treated less favourably than English**

**Matter in question: Technology** (Survey on Self-Service Machines, page 58; and Apps, page 96)

Although the report is relatively positive in this field, there is a need to be cautious when developing more apps and as we become more dependent on technology.

There is a need to work on ensuring that apps are available in full in Welsh and that users are able to receive the service in Welsh in full, without having to transfer at all to English pages (e.g. external, additional pages, or to pay for a service).

There have been examples in the past where software or apps work up to a certain point, but then have to transfer to an English only page. This has arisen when buying in and using apps that already exist. In order to avoid this problem, and the difficulties that arise when attempting to "modify" apps rather than create bilingual versions from the outset, there is a need to continue to develop the local ability to create apps that satisfy our requirements and the needs of the population.

➤ **Recommendation 2:**

**Organisations need to encourage the use of Welsh language services, make them easy to use, and understand users' real experiences**

**Matter in question: Implementation principles** (page 100, point 4.9)

The survey's findings reported here are important for us to bear in mind when thinking about implementation principles. The Commissioner had asked what would make people more likely to use Welsh.

4.9 Respondents were asked what would make them more likely to attempt to use Welsh with public organisations:

- 47% noted that organisations need to begin a conversation in Welsh, respond in Welsh, or that they need to be able to hear Welsh before using it;
- 34% noted that they did not believe they were fluent enough;
- 23% noted that Welsh language services were not always available, or that organisation staff do not speak Welsh;
- 13% noted that a lack of confidence was a problem;
- 13% noted that some words were too formal, technical or difficult in Welsh, or that Welsh needed to be more natural.

These findings reflect our understanding of the situation, and of people's habits, but we possibly need to look at how we go about dealing with the problems and how we can overcome some of the barriers. How are we going about achieving these things?

1. Always start conversations in Welsh.
2. Ensure that residents hear Welsh being used - this is still a challenge in very small pockets, but this should improve in light of the work that is being done by the Learning and Development Unit to improve the skills of front line staff.
3. Ensure that more units and departments follow the Cymraeg Clir guidelines in order to ensure that forms and documents are easy to read and understand.

**Matter in question: Influence people to use the Welsh language services** (page: 15 and 114 (clause 4.20))

The report acknowledges that "complex factors involving faith in organisations influence people's decision to use services in Welsh or not."

In the report, attention is drawn to the need to use “smart” methods of demonstrating that Welsh language services are available (an observation by a service user), but no examples to elaborate on the matter is proposed by the Commissioner.

Reference is made to the need to take “various positive steps in order to give users faith that a Welsh language service is available.”

We need to think constantly – and especially in light of changes to services as a result of reviews, restructuring, externalising and more use of self-services – about how we can take positive steps to encourage the use of services through the medium of Welsh and how we highlight the fact that services are available in Welsh without going against the efforts of normalising.

**Matter in question: Forms** (pages 112 and 118)

The scenario described on page 112 reflects our understanding that a large number of people, even if they are able to speak Welsh, choose to fill in forms through the medium of English, and that many people (not insubstantial) feel that the language used is too formal. It notes that half the participants in Bangor chose to fill in the Welsh language form.

Although we do not know who’s forms (which organisation) was used in this scenario, it is interesting to note that “two piles” are noted here, which suggests Welsh and English versions are separate.

It is noted on page 118 (clause 4.33) that “a bilingual form would be ideal for the participants.”

The Council’s Language Policy notes that any documents and forms should be produced bilingually, yet, based on the number of requests for advice received on this matter, we are not completely certain that this always happens, or whether a number of forms are produced separately.

In this situation, the concern is that the individual is able to choose the English version, without seeing the Welsh version at all.

Clause 4.33 also notes that a number of individuals wish to see the English version alongside the Welsh version in order to check terms, etc.

We should therefore consider whether there are any simple steps we could take to improve the use of Welsh in this context and shatter the public presumption that the Welsh version would be "difficult" to understand? Is there a need, for example, to collect samples from different departments in order to compare and ascertain consistency and good practice in terms of the image and use of the language?

The finding on page 118 regarding job applications is also interesting as it does not reflect our understanding.

It is said that people are "very likely to make a job application in Welsh if Welsh is an essential skill for the role" and they would have "considered the likelihood that the staff member dealing with the job application speaks Welsh." Nevertheless, we see a large number of job applications in the Council, where every job includes some sort of language requirements, and where it is common knowledge that a vast majority of the staff can speak Welsh, that are still submitted in English, therefore there is room to suspect this finding somewhat.

**Matter in question: Public Meetings** (page 134, clause 5.23)

Reference is made here to the fact that the organisation had stated that Welsh could be used at two meetings only. The Standard referred to here requests us to note on any invitations and advertising material for public meetings that people are welcome to use Welsh. As a rule, Gwynedd Council does not do this as this Standard is based on the fact that English would be the operational language of the meeting and that our Language Policy requirements notes that every public meeting should be held in Welsh and we will provide simultaneous translation as a matter of procedure at any meetings in order to ensure that those who do not understand Welsh are able to follow the discussions and presentations. Therefore, we usually do not state that people are welcome to contribute in Welsh as this would be the norm. Nevertheless, we need to consider how the operational language of the meetings is highlighted as we advertise and invite people to meetings, and are we making it clear to contributors that a translation service will be available to those who wish to contribute in English?

**Matter in question: Information gathering system** (page 140, point 6 (refer back to a point on page 22 also))

In the report, it states that "organisations need to gather information about the strengths and weaknesses of their own performance systematically, by using complaints as a positive method of understanding what goes wrong sometimes"

In addition to complaints, requests for information and advice for the Language Unit is a good source of information, and frequently demonstrates more practices and trends than complaints. Many matters of a lack of information or awareness of the requirements of the standard (and consequently, weakness) manifests itself and is resolved before it becomes the subject of a complaint. Departments have been very proactive in seeking advice and guidance from the Language Unit since the arrival of the Standards, and a record needs to be kept and an eye must be kept on these information requests in order to identify any trends that could be resolved with proactive steps.

We have commenced this, by keeping a record of calls for assistance and guidance that comes into the Unit, but consideration should be given to what we do with this information, and whether arrangements need to be made to report more systematically on these trends, in addition to those highlighted through complaints.

Other potential processes that could be used to gather information and identify strengths and weaknesses are also noted in the report, and consideration should be given to implementing these:

- Mystery shopper
- Record and report on the requirements of the standards
- Gathering users' opinions

It is possible that there are steps to be considered here in terms of how we can use various methods to identify trends and practices in order to identify good practices and improvement steps.

➤ **Recommendation 3:**

## **Organisations need to give strategic and detailed consideration to increasing the use of Welsh when making policy decisions, and in terms of the internal operating language**

### **Matter in question: Impact Assessment (page 160)**

The report notes that most organisations include the requirement to assess the impact of policy decisions on the Welsh language as part of their equality impact assessment, as we do here in Gwynedd. However, the Commissioner expresses uncertainty about whether this way of working is effective and satisfies the requirement of the standard in full.

The Standards ask us to "consider how a decision can be implemented in a way that leads to positive effects on the Welsh language".

It is true that the impact assessments we carry out are going to identify linguistic risks, if there are any, but should we look at this aspect in more detail? Look at examples of assessments and decisions over the period since implementing this system and see whether the process needs to be changes or whether adjustments need to be made to it.

### **Matter in question: Thematic study on grants and contracts (Page 174)**

We acknowledge that we have work to do in this field, and that the observations and recommendations of the Commissioner need to be looked at in more detail. The research carried out to submit thematic evidence to the Commissioner demonstrated some weaknesses in this field.

We have been working with the Council's procurement officers in order to develop a better understanding of what is currently taking place in terms of publishing documents and including linguistic conditions, but there is still work to be done in this field to get officers to understand what is required and what the expectations are.

## **4 What is sought by the Committee?**

The Committee members are asked to consider the report and the points highlighted by the Officer, taking into consideration whether there are any simple steps the Council could take in order to improve the public's use of Welsh language services and to improve our compliance with the requirements of the Standards.