

Ymatebion gan gyrff cyhoeddus i'r alwad am dystiolaeth: paratoi ar gyfer Bil y Gymraeg

Darperir yr ymatebion isod yn yr iaith y cawsant eu cyflwyno ynddi gan ymatebwyr yr alwad am dystiolaeth.

Enw'r corff: Cyngor Dinas a Sir Abertawe

Implementation

At the present moment, 7 of the 22 LAs (over 30%) have not yet had their compliance notice finalised. As a result, those LAs which have agreed their notices – in general those who are doing their utmost to comply – are in more of a position to be criticised. This is hardly a level playing field!

Complaints Process

The complaints process is extremely long-winded and involved.

It is recognised that this is in many ways a result of the regulations governing the process, and the fact that there are opportunities for resolution at various points – but it would be preferable if complainants could be referred in the first instance to the body involved to allow a resolution/explanation.

Timetables issued for the progression of a complaint are rarely followed by the OWLC. In some cases, an expected response following the submission of evidence has taken 3-4 months rather than the 2-4 weeks as specified. While we have not reached this position, it is assumed that a failure by the LA to respond within the published timescales would not be viewed favourably. In the meantime, actions may have been taken to recover the situation making the on-going investigation less than useful.

In addition, the evidence presented may be fairly sketchy and not sufficiently robust as to allow for an immediately meaningful response and/or for rectification of a problem to be considered.

The Register of Complaints which the OWLC publishes in line with the legislation does not really contain enough detail for it to be of any use either for members of the public to review what has happened or for WLOs to compare with their own experience.

Confusion of who is subject to standards

There is much confusion as to the status of partnerships (formal and informal), joint initiatives and arm's-length bodies.

It is fairly obvious that actions initiated and undertaken by a LA in isolation are subject to the regulations and so must comply with the standards.

There are, and increasingly will be, partnerships and regional working agreements covering more than a single authority and in some cases LAs and other bodies (eg Health Boards).

It seems that decisions made by these groupings are not necessarily subject to any set of standards – but implementation by their constituent bodies would be subject to each one’s individual set of standards (where they exist) – potentially requiring 4 or more slightly different interpretations (including possibly none). This appears to be the case even where all of the bodies involved have a set of standards.

On the converse, some other agencies are assumed by members of the public to be connected to the LA and thus the LA is responsible for any non-compliance issues, even in cases where that agency is not subject to any standards at all. This may be especially where a third-party is leasing a building from the LA and providing services independently of any service delivery required by the LA (as opposed to managing a facility on behalf the LA).

On an associated but unrelated note, the role and actions of elected members (councillors) seems to be poorly understood by the members themselves. We are fairly clear in dividing their work into

- ward representative working for/with constituents and
- representative of the Council (when speaking or acting as cabinet or committee member, appointed official (e.g. Mayor)

but it is obvious that some members see these lines as less defined and act accordingly

Software Development Timescales

In the case of in-house developments, there is no real problem in designing systems which are compliant with our standards.

However, many systems would be too lengthy in terms of development to meet the necessary implementation timeframes – and this is particularly where legislation may prescribe an implementation date. In these cases, an off-the shelf package may be the only viable option – BUT if the package has been developed for the UK or wider market, it may not be available in Welsh. This may also be the case where a package has been made available via Westminster or an English LA.

In such cases, providing for a Welsh language processing option may need a work-around or some expensive customisation, neither of which are an easy option. It would help if some further leverage were available at a national level to try to ensure that fully bilingual software is available.

For existing software, ensuring a Welsh language offering may be disproportionate in terms of time and effort, particularly where a new or upgraded system is planned and this should be taken into account in such cases.

Advice and Guidance

Meetings of Rhwydiath and, to a lesser degree, the Equality Officers Network allowed for a fairly free exchange of information, ideas and good practice – particularly regarding initiatives which an individual LA may have tried out.

Although obviously not the intention, there is almost a breath of ‘divide and conquer’ in that relevant and timely information from one LA and of use to another does not

get transmitted. I understand that there is a stream of work being undertaken for the OWLC regarding recording and evaluating good practice and hope that this will prove fruitful.

Workforce Planning

There are some areas of recognised shortfall of Welsh speakers where dealing with the public is a requirement to some degree or other.

There is little or no external Recruitment taking place at the moment into LAs. As a result, the option is not available to recruiting into new positions to redress this. The main source for filling vacant positions is as a result of redeployment of existing staff whose current roles are going and their Welsh language skills may not be a perfect match for the available posts.

It is not an option to make these members of staff redundant and then to recruit someone specifically because of their Welsh language skills.

Downsizing of staff does not always take into account the individual staff members' Welsh language skill set and this may disproportionately affect Welsh language service provision. However, refusing someone an ER/VR settlement on the basis that they have Welsh language skills could be thought discriminatory.

Evaluating Welsh language skills and their utilisations as part of a termination/end-of-service interview is not necessarily undertaken on all occasions and so inadvertent degradation of Welsh language service provision may result.

In some ways this relates also to the under-recognition of Welsh language skills as a valued and valuable skill. The fact that there is no recognition of this (and especially monetarily) means that some staff members are loathe advertise their skills (not withstanding the recognised reticence regarding confidence, vocabulary, etc.) lest they become THE Welsh speaker and get an increased workload.