

Enw'r corff: Cyngor Bwrdeistref Sirol Blaenau Gwent

What is your experience or opinion of the standards regime? I would like to hear in particular about the processes of setting and enforcing standards, and your experience of implementing or preparing to implement the standards within your organisation. What is your experience or opinion of the standards regime?

The **timing around the introduction** of the Standards has been unfortunate given the significant **public sector cuts**.

It has been a real challenge for elected members who are making difficult decisions to cut services and reduce budgets, whilst having to agree budgets to implement the Welsh Language standards. Our elected members recognise the need to comply with the Standards however our elected members reflect the local language profile, which sees Blaenau Gwent as having one of the lowest number of Welsh speakers in Wales.

Relating to the investigation of swimming lessons, the Welsh language legislation did not take into consideration the impact of financial cuts had on public services, which then led to asset transfer of Leisure Services out to an independent Trust. This transfer and the Service Level Contract occurred prior to the imposition of the standards. Therefore the requirements to comply with the new standards could not have been predicted and incorporated into the contracts. However this was not considered by the Commissioner in our response to the investigation.

Further the **timing around the introduction of the Standards** has been unfortunate given the significant **changes in legal frameworks** that affect how the council delivers services. The timing of the introduction of the Standards has been unhelpful as they came when the Local Authority was making every effort to understand and respond to the new legislative and policy framework requirements in relation to Future Generations Act, Social Services and Wellbeing Act, Violence against Women, Domestic Abuse and Sexual Violence Act etc. Thus the Local Authority like every other in Wales has been under a significant and enduring bureaucratic burden.

The Standards are considered **overly prescriptive**

Some of standards relate to the same requirement and on this basis we feel there is scope for rationalisation

The Standards have created a significant bureaucratic burden on the Local Authority, where officers are fire-fighting between challenge applications, investigations, and supporting departments/directorates in implementing the Standards whilst developing Policies, Procedures and Guidance Notes. We have become more focussed on process rather than being focussed on implementation, promotion and facilitation.

Each Standard is **open to interpretation**.

There was little forthcoming advice, guidance and detail in relation to the interpretation of the Standards and expectation of WLCO. One local example of this relates to the investigation of swimming lessons, which are provided by a Leisure Trust independent of the Local Authority. No-one interpreted swimming lessons as an 'educational course.'

Whilst the Policy Team has made every effort to interpret the Standards and advise accordingly, the implementation is the responsibility of all 3,500 staff overseen by the management. This is a challenge given that the service areas will interpret the relevant standards differently.

Lack of **Good Practice Guidance and Critical Friendship**

The focus on the process-driven punitive regulation has meant that we are reluctant to seek advice from the Welsh Language Commissioner's Team in relation to some of the challenges we are facing as we strive to effectively implement the Standards. This is negatively affecting our professional relationship.

Further we feel that the Commissioner could have focussed more on supporting us to implement the standards through sharing good practices and them offering a critical friendship.

In an early letter to the Commissioner our CEO requested a more open dialogue with the WLCO in the run up to the imposition of the standards. We did not receive an offer. Nevertheless, when we did eventually receive a visit from the WLCO's office, this proved a positive and constructive engagement opportunity to raise concerns and clarify some burning points at the time. It was also the first time we were told that we were doing well in a particular area of implementation and that the practice was possibly good practice.

Process of enforcing the standards?

Our experience is that the current balance is towards a **punitive regulatory regime** rather than positive promotion and facilitation.

This is clear when the Commissioner continued to investigate what she deemed an invalid complaint, without opening dialogue with us, and providing an opportunity for us to consider the 'complaint' internally using our well-established complaints procedure rather than embark on a lengthy and time-consuming investigation; where the Commissioner's office failed to comply with the agreed final terms of reference timetable.

We have had a number of independent Welsh Language organisations who have been randomly checking our compliance, even though they are not recipients of our services. On a recent visit they identified where they felt we were not compliant only to be told that they clearly had not checked our most recent compliance notice, which identified an imposition date of 2018. This could so easily have led to another investigation.

There is an over use of negative vocabulary which does little to foster good relations. Instances of this include: the contact email for commissioner's office is

'investigationandenforcement@welshlanguagecommissioner.wales' ; whilst accepting the complaint about swimming lessons was invalid, the Commissioner noted that the information created **'a suspicion of failure'** and therefore an investigation was warranted. Indeed the title to this question is asking about the **'Standards regime.'**

Processes of setting the standards?

The process employed by the Welsh Language Commissioner created an illusion of being inclusive-participative but it was more consultative and process-driven in reality.

We have shared our views extensively from the initial survey to each challenge application but we felt that the Commissioner's office gave no consideration of our views particularly in relation to local profiles, available/scarce resources, financial pressures/constraints, availability of Welsh language skills among staff; and recruitment policies

There appears evidence to suggest a 'mystery shopper' approach to policing compliance with the Standards is being used. This method does little to foster trusting working relations. Further, it is often the case that the complainant is not necessarily a service user as noted earlier with the example of the swimming lesson 'complaint' and admission of an invalid complaint.

The use of the aforementioned policing methods has resulted in the WLCO being seen as the 'critic' or 'enforcer' as opposed to the 'critical friend'.

Experience of implementing or preparing to implement the standards?

Dealing with the Welsh Language Standards has taken a huge amount of time, effort and energy for our local authorities, and this effort has been a missed opportunity and would have been better directed into positively promoting and encouraging the use of the Welsh language. Knowledge of the issues such as the investigation on swimming classes has led to negative comments and views from professional and political stakeholders of bilingualism, which is counter-productive and is having an adverse effect on our commitments as set out in our Welsh Language Promotion Strategy to promote bilingualism.

Most of the Standards have been implemented smoothly, building on the Welsh Language Scheme. The Standards have been embraced strategically by CMT and Council. Training was put in place and staff guidance notes, CEO messages, and an online portal was produced to support the implementation process of the Standards. However it has required the extensive development of Policies, Procedures, Staff Guidance Notes, face to face discussions with elected members, senior management and heads of service to ensure they understand the legal requirements and the punitive sanctions for failure to comply. This all takes time for large public sector organisations like ours (3,500 staff).

Further the sheer size and scale of the task of monitoring internal implementation is proving a challenge.

Staff profile is a challenge for us i.e. with only around 40 fluent Welsh speakers and a lack of staff with language ability in the areas most needed i.e. receptions etc. Further we highlighted to the Commissioner that when a member of staff leaves post we cannot just externally recruit, as we have other pressing employment issues such as redeployment.

Equally 'confidence' to develop language skills is also a significant challenge. We are encouraging staff to take up the language, however the 'mystery shopper' approach and the punitive sanction and threat of fines for non-compliance, leaves many officers too scared to say something in Welsh, in case they say it wrong.

As one of the smallest authorities in Wales, Blaenau Gwent cannot achieve the economies of scale to meet some of the Standards, i.e. developing a single Corporate Database to track language preference or to employ in-house translators. We have thirty IT legacy systems that do not interact with each other.

Another example of IT challenges is the AKS system for uploading minutes and agendas of Council meetings, this legacy system cannot handle bilingual documents and this has impacted on the time taken to provide elected members with their necessary papers.

The Welsh Language Commissioner's role includes regulatory functions and responsibilities for promoting and facilitating use of the language. Is the balance right?

In our experience, there has been over focus on enforcer, regulation, overly process driven, investigation and criticism as opposed to 'critical friend'. This is the only Commissioner who takes such a regulative/punitive approach. We have a well - established corporate complaints process, but this is being overlooked by the Commissioner.

We have yet to experience any positive promotion or facilitative function from the Commissioner. To-date we have received no sharing of good practice to help us effectively implement the more challenging Standards, and yet some of these Standards are challenges for many Local Authorities in Wales.

When we met the Commissioner's Office representative, we requested that Standard 41 be looked at across Wales to see if there were any similar challenges in effective implementation, or a need to review the Standard. We still have yet to receive any feedback on whether this was taken forward.

What is your experience or opinion on the current arrangements for promoting and facilitating the use of the Welsh language? In particular I would like to hear your views on who should be responsible for promoting the Welsh language, whilst keeping in mind the confusion that may arise where a number of bodies are operating in the same field.

Current arrangements for promoting and facilitating the use of the Welsh language?

We have recently produced our Welsh Language Promotion Strategy. We are proud of the efforts we made in developing this important document, which will set out how

we will work in partnership to promote and facilitate the engagement with and use of the Welsh Language in Blaenau Gwent.

We would welcome some support from the Commissioner as a 'critical friend' as we strive to effectively deliver against our commitments in the Strategy.

Who should be responsible for promoting the Welsh language?

We believe that either the Welsh Government or the Commissioner (subject to a rebalance of their function) should be responsible for promoting the Welsh Language. When consulting on our Welsh Language Promotion Strategy it was evident that there was a clear lack of strategic planning, commissioning and co-ordination and delivery of Welsh Language services in Blaenau Gwent. This will make it a challenge to effectively deliver the Strategy for young people, families and communities and in the workplace.

One of the goals of the Wellbeing of Future Generations Act 2015 is a: "Wales of vibrant culture and thriving Welsh language. A society that promotes and protects culture, heritage and the Welsh language," however only the local authority is accountable via the Standards for this, which makes it a particular challenge given all public services have a role to play in promoting and facilitating the Welsh language.