



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Report on an investigation into a failure to comply with Welsh Language Standards

This report was produced in accordance with sections 73 and 74 of the Welsh Language (Wales) Measure 2011

The investigation of a failure to comply with standards specified by the Welsh Ministers was carried out in accordance with section 71 and Schedule 10 of the Welsh Language (Wales) Measure 2011

Wrexham County Borough Council

Case number: CSG478



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Background

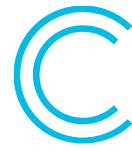
The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate the use of Welsh. This is done by raising awareness of the official status of the Welsh language in Wales, by imposing standards on organisations, and by regulating compliance with the Welsh Language Measure. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the Commissioner's work:

- in Wales, the Welsh language should be treated no less favourably than the English language;
- persons in Wales should be able to live their lives through the medium of Welsh if they choose to do so.

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Legislative context

Part 4 of the Welsh Language Measure

- i. Part 4 of the Welsh Language Measure sets out a legal framework for imposing a duty on some organisations to comply with one or more standards in relation to the Welsh language. Organisations subject to standards are known as 'relevant persons'. There are standards applicable to the following areas:
 - service delivery;
 - policy making;
 - operational;
 - promotion;
 - record keeping.
 - ii. The duties resulting from the standards require that relevant persons should not treat the Welsh language less favourably than the English language, and should promote and facilitate the use of the Welsh language.
 - iii. Compliance notices given to relevant persons by the Commissioner under Part 4 of the Welsh Language Measure specify the standards requiring compliance, together with the days from which it is required to comply with each standard or to comply with each standard in a particular respect ('imposition days'). Copies of the compliance notices that are in force will be on the Commissioner's website.
 - iv. Whilst a compliance notice specific to a relevant person is in force, that person will be required to comply with the standards specified within it.
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Part 5 of the Welsh Language Measure

- v. Part 5 of the Welsh Language Measure gives the Commissioner statutory regulatory functions to ensure that relevant persons comply with their duties. Duties may include compliance with Welsh language standards (as stated above), and also requirements imposed on persons by the Commissioner in accordance with section 77 of the Welsh Language Measure as a result of a failure to comply with a relevant requirement. The Commissioner's Enforcement Policy provides advice and information regarding how the Commissioner will exercise those regulatory functions.
- vi. The regulatory functions resulting from Part 5 of the Welsh Language Measure are:
- to consider whether or not to investigate if the conduct of relevant persons is complained about;
 - to investigate suspected failures by relevant persons to comply with duties, to determine investigations and to produce investigation reports;
 - to consider whether or not to take further action (by giving recommendations or advice) if an investigation finds that there was no failure to comply;
 - to take one of the three steps below if an investigation finds that there was a failure to comply:
 - take no further action;
 - do one or more of the following:
 - require the relevant person to prepare an action plan for the purpose of preventing the continuation or repetition of the failure;
 - require the relevant person to take steps for the purpose of preventing the continuation or repetition of the failure;
 - publicise the relevant person's failure to comply with the relevant requirement;
 - require the relevant person to publicise the failure to comply with the relevant requirement;
 - impose a civil penalty on the relevant person.
 - do one or more of the following:
 - give the relevant person or any other person recommendations;
 - give the relevant person or any other person advice;
 - seek to enter into a settlement agreement with the relevant person.
 - to make applications to a county court for orders to enforce compliance;
 - to comply with the duties resulting from appeals and applications for reviews made to the Welsh Language Tribunal;
 - to produce an enforcement policy document;
 - to create and maintain a register of enforcement action.
- vii. The Commissioner will follow the required statutory processes in exercising the Commissioner's regulatory functions.
- viii. The Commissioner's Enforcement Policy contains full information regarding the way in which the Commissioner will exercise the Commissioner's regulatory functions under Part 5 of the Welsh Language Measure.
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1 Terms of reference

Suspected failure to comply with Welsh language standards

- 1.1 On 19/12/2018 I received a complaint from a member of the public. The complaint met the conditions in section 93 of the Welsh Language Measure, and was therefore a valid complaint.
- 1.2 The complaint is regarding an allegation that the complainant, on 19/12/2018 (at approximately 16:50) and on 15/01/2019 (at 9:34 and 9:38) telephoned the Council's 'general enquiries' number, 01978 298997. The number was obtained from the Council's website. He stated that he had selected option 2 for Welsh and waited for someone to answer the call. After a while, he heard another message informing him to press 1 for English or to call back another time and then the call ended.

Confirming responsibility for the relevant service

- 1.3 My officers wrote to Wrexham County Borough Council on 21/12/2018 to confirm whether Wrexham County Borough Council was responsible for the service that was the subject of complaint.
- 1.4 On 21/12/2018 the Council confirmed that it was responsible for the service in question.

Relevant standards

- 1.5 Wrexham County Borough Council has a duty to comply with the standards below, and that was also the case on the date relevant to the complaint:

Standard 11

When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if that is the person's wish until such point as –

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
- (b) a Welsh speaking member of staff is available to provide a service on that specific subject matter.

Imposition day: 30/03/2016

Standard 17

When there is no Welsh language service available on your main telephone number (or numbers), or any helpline numbers or call centre numbers, you must inform persons calling, in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

Imposition day: 30/03/2016

Duty to comply with a requirement contained in a decision notice

- 1.6 The complaint made also cast doubt on compliance with an enforcement action issued in a decision notice.
- 1.7 On 27/06/2017 I gave a decision notice to Wrexham County Borough Council informing the Council that I had determined that it had failed to comply with standards 11 and 17.
- 1.8 That decision notice required Wrexham County Borough Council to take the specific steps outlined below in order to prevent a continuation or repetition of the failure.

Enforcement action:

In accordance with section 77(3)(b) of the Welsh Language (Wales) Measure 2011

Wrexham County Borough Council must take action when upgrading or updating any telephone systems to check that those systems enable compliance with the relevant standards.

The enforcement action is effective 28 days after the organisation receives the final Decision Notice.

Decision to investigate

- 1.9 Based on the above, I decided to carry out an investigation under section 71 of the Welsh Language Measure to determine whether there was a failure by Wrexham County Borough Council to comply with the standards stated. I gave notice to Wrexham County Borough Council of the decision to investigate, and of the proposed terms of reference, on 31/01/2019.
- 1.10 I gave notice to Wrexham County Borough Council of the final terms of reference for the investigation on 06/03/2019. The final terms of reference can be seen as an appendix to this report.

2 Evidence taken during the investigation

Evidence notice

- 2.1 On 06/03/2019, I gave Wrexham County Borough Council an evidence notice. The evidence notice required Wrexham County Borough Council to provide the following evidence.

Information and documents

The complainant alleged that he called the Council's 'general enquiries' number on 19/12/2018 and on 15/01/2019 and selected option 2 for the Welsh language service. He heard a message to press 1 for English or to call again.

1. Do you accept that the complainant's allegations are correct?
2. If they are correct, please state why the call was not answered in Welsh on the dates above?
3. Please explain the normal procedure when dealing with telephone calls through the medium of Welsh?
4. If a call is not answered in Welsh, please confirm if the Council's automated messages notify the caller when a Welsh language service will be available? If not, what is the reason for that?
5. Explain how the Council proceeded to implement the enforcement action below which was included in investigation CSG150'r decision notice:

Wrexham County Borough Council must take action when upgrading or updating any telephone systems to check that those systems enable compliance with the relevant standards.

Wrexham County Borough Council were expected to implement the enforcement action by: 04/08/2017.

6. Please provide any further information or evidence which you wish the Commissioner to consider when determining whether Wrexham County Borough Council has complied with the standards set out in the investigation's terms of reference.
7. Please provide a copy of any policy, procedure, guideline or other document which you wish the Commissioner to consider when determining whether Wrexham County Borough Council has complied with the standards set out in the investigation's terms of reference.

2.2 In response, I received evidence from Wrexham County Borough Council on 03/05/2019.

2.3 I considered all the information received in response to the evidence notice.

The evidence received

2.4 There is limited evidence from the Council in response to this investigation.

2.5 In responding to the evidence notice, the Council indicated that it accepted that the complainant's allegation was correct. The Council confirmed that the message heard when telephoning the Council if there was no Welsh-speaking customer adviser available, was press 2 for Welsh, and 1 for English.

2.6 The Council added that the calls made by the complainant on 19/12/2018 and on 15/01/2019 were answered and dealt with in Welsh. A recording of the calls in question was provided.

2.7 The Council noted in its evidence that the process in dealing with telephone calls has changed since April 2019. The Welsh language is now heard first every time a person telephones the Council's public telephone number.

2.8 A copy of the telephone system checking form was provided which includes evidence that the testing of the system in relation to compliance with Welsh language standards has been included in the arrangements.

3 Assessment, findings and determination

Compliance with standard 11

Wording of the standard

- 3.1 The wording of the standard as it appears in the compliance notice given to Wrexham County Borough Council is as follows:

Standard 11

When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if that is the person's wish until such point as –

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
- (b) a Welsh speaking member of staff is available to provide a service on that specific subject matter.

Imposition day: 30/03/2016

Interpretations

- 3.2 The Welsh Language Standards (No. 1) Regulations 2015 do not contain a further interpretation of standard 11.

Reliant standards

- 3.3 Standards 9 and 14 are reliant on standard 11. This means that in imposing standard 11 on a body, I must also impose (in whichever way I deem appropriate) standards 9 and 14 on that body.
- 3.4 Compliance with standards 9 and 14 is not under further consideration in this case.

Requirements of the standard

- 3.5 The standard requires a body to deal with a call in Welsh once it is aware that the person wishes to receive a Welsh language service over the phone, only transferring the call to a member of staff who is able to deal with the specific subject matter in English, where necessary.
- 3.6 The standard expects the body to establish the person's wish to receive a Welsh language service over the telephone at the earliest possible opportunity.
- 3.7 If there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, the call may be transferred to a member of staff

who cannot deal with the call in Welsh, but who can provide a service on the specific subject matter.

- 3.8 It should be noted that the phrase 'specific subject matter' does not include contact in general or a general enquiry. A body is therefore expected to provide a Welsh language service when dealing with general enquiries, up to a point where a body needs to transfer a call to a non-Welsh speaking member of staff who can deal with a subject which needs a level of expertise or specific knowledge in order to deal with the enquiry.
- 3.9 The Commissioner considers that a body may greet persons in Welsh via a pre-recorded message on an automated system.

Considering compliance with the standard

- 3.10 On telephoning the Council's telephone line on 19/12/2018 and 15/01/2019, the complainant alleged that the message on the Council's answering machine stated press 2 for Welsh. He pressed 2 and did not receive a reply. A further direction came to press 1 for English.
- 3.11 Wrexham County Borough Council has confirmed that the complainant's allegation is correct in that "*this is the message that plays if a Welsh-speaking customer adviser was not available at the time*".
- 3.12 The Council provided evidence in the form of a recording of the complainant's telephone calls. The evidence shows that the two calls made were answered and were dealt with in Welsh.
- 3.13 It would appear therefore that the complainant contacted the Council in the first instance and failed to receive a service in Welsh as he was aware that the options offered on the automated system did not lead to a Welsh language service.
- 3.14 Subsequently, he appears to have contacted the Council again as the call was answered in Welsh on this occasion.
- 3.15 For that reason, I believe that the Council's current procedure of dealing with telephone calls in Welsh does not meet the requirements of standard 11. The system offers the option for an English language service even if a person chooses a service in Welsh, if there is no member of staff available to deal with the call in Welsh.
- 3.16 Standard 11 imposes a requirement on the Council to provide a Welsh language service unconditionally and the Council has a duty to meet the requirement for that provision.
- 3.17 I note that the standard enables the Council to pass on calls to non-Welsh speaking officers, but that this is only valid once the general enquiry has been dealt with in Welsh.

Findings

- 3.18 The Council's evidence, in the form of a recording of the telephone calls made by the complainant, shows that they were answered and dealt with in Welsh.

- 3.19 However, the Council confirmed that it agreed with the complainant that the message on the answerphone states press 2 for Welsh, and that if no one is available to deal with the call in Welsh, a message is heard indicating press 1 for English.
- 3.20 I conclude that Wrexham County Borough Council has not acted in accordance with the requirements of standard 11.

Determination of whether or not there has been a failure to comply with standard 11

- 3.21 My determination is that Wrexham County Borough Council has failed to comply with standard 11 in this instance. The basis of my determination is that the Council has failed to put in place a system that ensures that calls from every person who wishes to speak Welsh when telephoning the Council can be dealt with.

Further action

- 3.22 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 3.23 In the case of my determination that Wrexham County Borough Council has failed to comply with standard 11, I shall be taking further action in order to prevent the continuation or repetition of the failure to comply.
- 3.24 Details of the further action are set out below.

Standard 11 – directions for Wrexham County Borough Council in accordance with section 79(1)(b)(ii) of the Welsh Language Measure:

Enforcement action 1

Wrexham County Borough Council must:

- i) conduct a review of its arrangements for dealing with telephone calls to its helpline numbers or call centre numbers where the caller wishes to receive a Welsh language service
- ii) act on the findings of the review, and make any necessary changes
- iii) monitor the extent to which Welsh telephone calls are dealt with in accordance with the Council's corporate standards
- iv) report on the monitoring work to a relevant committee within the Council
- v) inform the Commissioner of the review's findings and explain in full what steps the Council has taken to ensure compliance with the relevant standards.

Timetable: These steps must be carried out within 90 days from the date of publication of the Commissioner's final determination, i.e. XXXXXX.

Compliance with standard 17

Wording of the standard

- 3.25 The wording of the standard as it appears in the compliance notice given to Wrexham County Borough Council is as follows:

Standard 17

When there is no Welsh language service available on your main telephone number (or numbers), or any helpline numbers or call centre numbers, you must inform persons calling, in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

Imposition day: 30/03/2016

Interpretations

- 3.26 There is no further interpretation of standard 17 in the regulations.

Reliant standards

- 3.27 Standard 17 is not reliant on any other standard.

Requirements of the standard

- 3.28 Standard 17 requires a body to inform a person calling when the Welsh language service will be available if no Welsh language service is available on the main telephone number or relevant line.
- 3.29 The standard also requires a body to notify a caller if the service is not available, to tell them when a Welsh language service will be available.
- 3.30 For example, if a body offers a telephone service (in any language) during core hours only, it can ensure that an automated message outside those hours states when a Welsh language service will be available.
- 3.31 It should be noted that the requirements of this standard can also be linked to the requirements of standard 11 (which places a duty on a body to provide a telephone service in Welsh). Standard 17 may be relevant, for example, in a situation where a Welsh speaking member of staff is not available to provide a service on a specific subject and that it must be explained to the caller when that member of staff (if relevant) will next be available.

Considering compliance with the standard

- 3.32 I am of the view that the main objective of the standard is to ensure that the Council informs the public calling its main telephone lines **when** a Welsh language service will be available if that service is not available.
- 3.33 The Council's compliance with standard 17 must be considered in the context of its duties under standard 11; i.e. that the Council must deal with calls in Welsh in the

first instance – so situations where there is *no* Welsh service available should be very limited.

3.34 I therefore consider that standard 17 is likely to be limited to the following situations:

- When no telephone service is available in any language.

I consider this occurs when a person calls, for example, outside office hours, and therefore the Council must inform them when a service (including a Welsh language service) will next be available.

- When the person dealing with the call as responder goes through the process of finding a Welsh speaker who can deal with a specific subject in Welsh and that no Welsh speaker is available to do so immediately.

In accordance with the requirements of standard 11, a body has the ability at this point to transfer the call to an English speaker, but it is important to note that they do not have to do so and they can inform the caller when a Welsh speaker will be available (if applicable) to deal with the particular subject.

3.35 In response to the following question in the evidence notice:

"If a call is not answered in Welsh, please confirm whether automated messages from the Council inform the caller when a Welsh service will be available? If not, what is the reason for this?"

The Council replied by indicating, "*Irrelevant*".

3.36 The Council confirmed that it agreed with the complainant that the message on the answerphone states press 2 for Welsh, and that if no one is available to deal with the call in Welsh, a message is heard indicating press 1 for English.

3.37 There is no reference from the complainant or the Council in their evidence that there is a message on the answerphone referring to when a Welsh language service would be available.

3.38 Standard 17 becomes operational because the Council has breached standard 11. That is, if the Council had provided a Welsh language service on its main telephone line when the complainant first telephoned, standard 17 would not apply here.

3.39 In conclusion, the Council needs to inform members of the public when any Welsh language service will be available. Therefore, if the Council indicates that a Welsh language service will be available either via an automated message or directly to the customer, it must ensure that the service will be available.

Findings

3.40 Standard 17 requires a body to inform an individual when a Welsh language service will be available on its main telephone numbers.

- 3.41 In considering the evidence received from the complainant and the Council; I consider that Wrexham County Borough Council failed to comply with standard 17 as it did not inform the caller when a Welsh language service would be available.

Determination of whether or not there has been a failure to comply with standard 17

- 3.42 My determination is that Wrexham County Borough Council has failed to comply with standard 17 in this case on the basis that the answering machine had not informed the caller that there was no Welsh service available and that it had not stated when a Welsh service would be available.

Further action

- 3.43 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 3.44 In the case of my determination that Wrexham County Borough Council has failed to comply with standard 17, I shall be taking further action in order to prevent the continuation or repetition of the failure to comply.
- 3.45 The details of the further action are outlined in 3.24.

Compliance with enforcement action

The wording of the enforcement action

- 3.46 The wording of the enforcement action as it appears in a decision notice issued to Wrexham County Borough Council on 27 June 2017 is as follows:

Enforcement action 2:

In accordance with section 77(3)(b) of the Welsh Language (Wales) Measure 2011 Wrexham County Borough Council must take steps in upgrading or renewing any telephone system to check that these systems enable compliance with the relevant standards.

Timetable: Within 28 days of the date of publication of the Commissioner's final determination.

Enforcement action 3:

The Council must give publicity to its failure by publishing this report in a prominent place on its website.

Timetable: Within 28 days of the date of publication of the Commissioner's final determination.

Considering compliance with the enforcement action

- 3.47 In correspondence dated 19/06/2019, information was provided in the form of an email indicating that monthly checks were made on telephone system.
- 3.48 The Council noted that, following the above enforcement action imposed on it in respect of complaint CSG150, it had made changes to ensure that it complied with the Welsh language standards.
- 3.49 The Council added:
"We tested the public numbers monthly after the recommendation, and there have been no problems. However, we had a technical problem with Gateway (the software used for messages and system checking) and the system was deleting messages. We were unable to rectify this until the Gateway system was changed. Gateway has now been upgraded and we are checking the system on a weekly basis since May"
- 3.50 A copy of the telephone system checking form was provided which includes evidence that the testing of the system in relation to compliance with Welsh language standards has been included in the current arrangements.

Findings

- 3.51 The enforcement action imposed on Wrexham County Borough Council following the CSG150 investigation required Wrexham County Borough Council to ensure that it had adequate arrangements in place to comply with the standards relating to telephone calls in Welsh. The enforcement action came into force on 04/08/2017, 28 days after receiving the decision notice.
- 3.52 On 19 December 2018 a complaint was received by a complainant alleging that he had telephoned the Council's enquiry line and had failed to receive a Welsh language service immediately as the message on the Council's answering machine indicated to press 2 for the Welsh language. After waiting for an answer he heard a message asking him to press 1 for English. The complainant was not informed as to when a Welsh language service would be available.
- 3.53 The Council provided the telephone calls showing that the complainant's calls were dealt with in Welsh. However, the complainant must first have contacted and failed to receive a service in Welsh in order to be aware that the options offered on the automated system did not lead to a Welsh language service.
- 3.54 Having considered the information available to me, I am of the view that Wrexham County Borough Council failed to comply with the requirements of the enforcement action imposed. This is because the current telephone system fails to enable compliance with the relevant standards. The Council confirms that the automated telephone service offers option 2 for Welsh, but as there is no one available to take the call, option 1 is offered for English. The effect of this is that Wrexham County Borough Council has failed to comply with the requirements of standards 11 and 17.

Determination of whether or not there has been a failure to comply with an enforcement action

3.55 My determination is that Wrexham County Borough Council has failed to comply with an enforcement action imposed on it on 27 June 2017. The basis of my determination is that the answerphone failed to offer a Welsh language service and did not specify when a Welsh language service would be available.

Further action

3.56 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

3.57 In the case of my determination that Wrexham County Borough Council failed to comply with an enforcement action, I believe that the enforcement action I imposed in 3.24 was sufficient to ensure compliance with the standards applicable to telephone services.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Decision notice

To: Wrexham County Borough Council
Address: The Guildhall, Wrexham, LL11 1AY
Case number: CSG478
Date: 29/08/2019

Determination

As a result of a complaint received from a member of the public, I carried out an investigation under section 71 of the Welsh Language (Wales) Measure 2011 in order to determine whether Wrexham County Borough Council has failed to comply with certain Welsh language standards with which it has a duty to comply.

The standards relevant to the investigation are as follows:

Standard 11

When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if that is the person's wish until such point as –

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
- (b) a Welsh speaking member of staff is available to provide a service on that specific subject matter.

Imposition day: 30/03/2016

My determination is that Wrexham County Borough Council has failed to comply with standard 11 in this instance.

The basis for my determination is that the Council has failed to put in place a system that ensures that calls from every person who phones the Council, and who wishes to do so in Welsh, can be dealt with.

Standard 17

When there is no Welsh language service available on your main telephone number (or numbers), or any helpline numbers or call centre numbers, you must inform persons calling, in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

Imposition day: 30/03/2016

My determination is that Wrexham County Borough Council has failed to comply with standard 17 in this instance.

The basis for my determination is that the answering machine had not informed the caller that there was no Welsh service available and that it had not stated when a Welsh service would be available.

Further action

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure.

Details of the further action are set out below.

Standards 11 and 17 – directions for Wrexham County Borough Council in accordance with section 79(1)(b)(ii) of the Welsh Language Measure:

Enforcement action 1

Wrexham County Borough Council must:

- vi) conduct a review of its arrangements for dealing with telephone calls to its helpline numbers or call centre numbers where the caller wishes to receive a Welsh language service
- vii) act on the findings of the review, and make any necessary changes
- viii) monitor the extent to which Welsh telephone calls are dealt with in accordance with the Council's corporate standards
- ix) report on the monitoring work to a relevant committee within the Council
- x) inform the Commissioner of the review's findings and explain in full

what steps the Council has taken to ensure compliance with the relevant standards.

Timetable: These steps must be carried out within 90 days from the date of publication of the Commissioner's final determination which is by 27 November 2019.

Enforcement action 2:

In accordance with section 77(3)(b) of the Welsh Language (Wales) Measure 2011

Wrexham County Borough Council must take steps in upgrading or renewing any telephone system to check that these systems enable compliance with the relevant standards.

Timetable: Within 28 days of the date of publication of the Commissioner's final determination.

Enforcement action 3:

The Council must give publicity to its failure by publishing this report in a prominent place on its website.

Timetable: Within 28 days of the date of publication of the Commissioner's final determination.

Determination

Following the receipt of a complaint from a member of the public, it was suspected that Wrexham County Borough Council had also failed to comply with an enforcement action imposed on it. On that basis I decided as part of the investigation under section 71 of the Welsh Language (Wales) Measure 2011 to also consider this in order to determine whether Wrexham County Borough Council had failed to comply with the enforcement action issued on 27 June 2017.

The enforcement action relevant to the investigation is as follows:

A requirement to take steps in accordance with the CSG150 investigation decision notice

In accordance with section 77(3)(b) of the Welsh Language (Wales) Measure 2011

Wrexham County Borough Council must take steps in upgrading or renewing any telephone system to check that these systems enable compliance with the relevant standards.

The enforcement action is effective 28 days after the organisation receives the final Decision Notice.

My determination is that Wrexham County Borough Council has failed to comply with the enforcement action imposed.

The basis of my determination is that the answerphone failed to offer a Welsh service and did not specify when a Welsh language service would be available.

Further action

In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure.

Details of the further action are set out above.

Right of appeal to the Welsh Language Tribunal

When the Commissioner has determined that there has not been a failure to comply with a standard, the complainant may appeal to the Welsh Language Tribunal. When the Commissioner determines that a person has failed to comply with a standard, that person can appeal to the Welsh Language Tribunal. Additionally, when the Commissioner has decided to take enforcement action in relation to a failure in accordance with section 79 of the Welsh Language Measure, Wrexham County Borough Council may appeal to the Welsh Language Tribunal on the grounds that the enforcement action is unreasonable or disproportionate. There is more information about the process in the enclosed leaflet, and on the Welsh Language Tribunal's website.

Consequences of not complying with a requirement included in the decision notice

If Wrexham County Borough Council fails to comply with any requirement within this decision notice for further action, the Commissioner may apply to a county court for an order requiring Wrexham County Borough Council to comply.