

Comisiynydd y
Gymraeg
Welsh Language
Commissioner

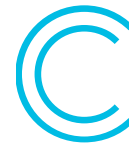
Report on an investigation of a failure to comply with Welsh language standards

This report was produced in accordance with section 73 and section 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 to the Welsh Language (Wales) Measure 2011

Wrexham County Borough Council

Case number: CSG237



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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 use of the Welsh language. 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:

- the Welsh language should be treated no less favourably in Wales than the English language;
- persons in Wales should be able to live their lives through the medium of the Welsh language 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 day from which it is required to comply with each standard or to comply with each standard in a particular respect ('imposition day'). 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 and 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 as she exercises her regulatory functions.
- viii. The Commissioner's Enforcement Policy contains full information regarding the way the Commissioner will exercise her 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 I decided to undertake an investigation under section 71 of the Welsh Language Measure as I suspected that Wrexham County Borough Council (the Council) was not complying with some of the standards with which it has a duty to comply. The standards under consideration are 61, 62 and 63.
- 1.2 I opened an expansive investigation in order to consider the general arrangements adopted by the Council when erecting signs both at a corporate and departmental level. The basis for my suspicion that there were insufficient arrangements in place to guarantee that the Welsh language was receiving appropriate treatment on signs, was the receipt of a number of complaints.
- 1.3 I explained my decision to those who had presented a complaint to me. Although I have not investigated each complaint presented to me individually, I confirmed to complainants by letter that I will consider the evidence they presented as part of this investigation. I have included a summary of this information in Appendix 1.
- 1.4 I am of the opinion that undertaking this investigation at my own volition is a more effective method of determining the root of any weaknesses that may exist in the Council's arrangements, or any shortcomings in their approach to compliance, than would be possible should I have investigated each complaint one by one.
- 1.5 In addition, my decision to operate in this manner arises from my Enforcement Policy commitment to operate proportionately and to target my regulatory work. I decided that conducting one expansive investigation is a more efficient use of my resources.
- 1.6 Only circumstances where the Council is responsible for erecting signs have they been considered in this investigation. I presented all of the complaints received to the Council so that they are aware of signs that were subject to complaints.
- 1.7 I gave notice to Wrexham County Borough Council of my decision to investigate, and of the proposed terms of reference, on 3 October 2017.
- 1.8 I gave notice to Wrexham County Borough Council of the final terms of reference for the investigation on 13 October 2017. The final terms of reference can be seen as an appendix to this report.

Relevant standards

- 1.9 Wrexham County Borough Council has a duty to comply with the standards below:

Standard 61

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 same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed on Welsh and English, you must not treat the Welsh language text

less favourably than the English language text.

Imposition day: 30 March 2016

Standard 62

When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

Imposition day: 30 March 2016

Standard 63

You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

Imposition day: 30 March 2016

2 Evidence taken during the investigation

Evidence notice

- 2.1 On 13 October 2017, 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

Permanent signs:

1. How many signs intended to be permanent has the Council either renewed or erected for the first time since 30 March 2016?
2. Can the Council confirm that these signs all complied with the requirements of standards 61, 62 and 63?
3. If not, explain why and what steps were taken to prevent failures from persisting or being repeated.

Temporary signs for specific purpose:

4. Explain your procedures for approving temporary signs for a specific purpose – for example for a specific event or a specific temporary situation.
5. Can the Council confirm that each temporary sign for a specific purpose erected in the period since 30 March 2016 has complied with standards 61, 62 and 63?
6. If not, explain why and what steps were taken to prevent failures from persisting or being repeated.

General temporary signs:

7. How many general temporary signs (such as signs for road work, or signs that can be reused) are in the ownership of the Council?
8. Have the Council audited these signs to ensure that they comply with the requirements of the standards?
9. If such an audit discovered that there were signs that did not comply – have these been removed or is there an action plan in place to complete this work? (if yes please provide copies of any audits or action plans).
10. Explain what procedures or agreements are in place with third parties who erect signs on behalf of the Council. Provide examples of relevant clauses from contracts or agreements that deal with this matter.

11. Has the Council undertaken an exercise to check correctness of the Welsh language on signs erected before the standards came into force? If yes – when was the review completed?
12. If the Council discovered signs that were erected before the imposition date that were incorrect in terms of the Welsh language – what steps were taken to resolve this? Has the work of removing any incorrect signs been completed?
13. Provide any relevant documents such as action plans or evidence of any review undertaken of signs.
14. Provide any internal or external policies or guidance that deals with creating, erecting or checking signage (including permanent and temporary signs).
15. 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.
16. 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 12 December 2017 by letter.

Additionally, a link was provided to a page on Council's website:

http://www.wrexham.gov.uk/welsh/council_w/documents/welsh_language_scheme.htm;

2.3 This page includes a copy of the Councils' Strategy for Promotion of the Welsh Language and the document 'Complying with the Welsh Language Standards' that outlines the Council's plans to comply with the Welsh language Standards.

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

The evidence received

2.5 As part of the investigation I asked the Council a number of questions. In response, I received a table that included answers as provided by 8 department and some sub departments, they were:

- Corporate and Customer Services (ICT, Contact Centre, Registrars, Brand and Communications).
- Planning and Environment (Transport and Highways, Public Rights of Way, Planning, and Building Control)

- Education (Learning and information shop, ITEC, Youth Justice Service, Victoria Centre and Excellence Centre Rhiwabon)
 - Finance (Community safety)
 - Housing and the Economy
 - Children's Social Care
 - Adult Social Care.
- 2.6 In response to the first question of the Evidence Notice, the Council states that four permanent signs have been erected by the Public Rights of Way department, two by the 'ITEC' department and 20 signs by the Community Safety department.
- 2.7 In response to the second question of the Evidence Notice the departments confirm that their signs comply with the requirements of the relevant standards.
- 2.8 However, the Youth Justice Service notes that their 'Whitegate' centre may possibly have displayed signs that did not comply with the standards, however they also note that this building is currently being redeveloped. It was noted that a working group of staff and managers exists in order to ensure that signs displayed in the new building will comply with the requirements of the standards.
- 2.9 In response to question 3 of the Evidence Notice, the majority of departments have noted that the question is 'not relevant'. The ITEC Department (a skills and education provider) has noted that the English language text has been placed above the Welsh text on one of its posters, but that this poster has now been updated as a result of this investigation.
- 2.10 In response to question 4 of the Evidence Notice, some departments have noted that the question is 'not relevant'. A number of other departments have noted the main steps to be taken in order to erect signs, including ensuring that staff are aware of the requirements of the standards, the need to cooperate with the communications department and the requirement for approval from a senior officer before a sign is erected.
- 2.11 The Transport and Highways Unit notes that it has a duty, as the Highways Authority, to ensure that each temporary sign erected on the public highway is approved by an officer. The evidence does not identify the role of this officer, but the context suggests that it is an employee of the Authority. There is a requirement for a person that make an application to erect a temporary sign to present a 'signs programme' that includes details of the face of the sign, the text, the size of the sign and details of its erection.
- 2.12 The person making an application to erect a sign also has to present a 'location plan' that provides information to the Authority regarding the proposed location of the sign. The Council notes that it ensures that applicants are aware of the requirement for signs to be bilingual with the Welsh language text placed above the English text on the sign. The Council notes that proposed signs that do not include bilingual text are not approved.
- 2.13 The Planning department states "*when a permission notice under requirements of the Town and Country Planning Act 1990 is required, a formal application for stated*

consent to display signs is presented by the Local Planning Authority". It notes that it does display site notices in relation to applications, and that the text on those notices follows statutory requirements.

- 2.14 In response to question five of the Evidence Notice, some departments note that they have not erected a temporary sign for a specific purpose. Other departments note that each sign that has been erected since the standards were imposed complied with relevant standards.
- 2.15 However, the Brand, Digital and Communications department responded that some signs have been erected since the standards were imposed that did not comply. These signs have been replaced and it was noted that departments that were responsible for producing these signs have received advice in order to avoid non-compliance in future.
- 2.16 The Transport and Highways Unit notes that it is unable to confirm that each temporary sign erected since the standards were imposed complied with the Welsh language standards. They note that there are instances, and those instances will continue, where temporary signs are erected within the boundaries of public road network illegally. The Council states that such signs will be removed as soon as the Council is made aware of them or where they are identified as part of ongoing road inspections.
- 2.17 The ITEC department notes that an audit undertaken as a response to this notice highlighted that temporary signs used on doors when undertaking exams and assessments did not comply with the requirements of the standards.
- 2.18 In response to question 6 of the Evidence Notice many departments have noted that the question is not relevant as they had not discovered any failures.
- 2.19 The Transport and Highways Unit notes:
- "There is no known way that the highways authority can stop people from erecting temporary signs within its public highways borders, when consideration is given to the expanse of the network and the resources that are available".*
- The department notes that the Council removes any signs that it has not approved, and that this is not restricted to its duties under the standards, but is a standard process for dealing with any signs it has not approved.
- 2.20 The ITEC department notes that the signs discovered that did not comply with the standards are being translated and that they will be bilingual in future.
- 2.21 The Rhiwabon Excellence Centre states that they did not always use the Welsh language on signs because their user group does not include Welsh speakers. They note that any new signs will be bilingual.
- 2.22 In response to question seven, the departments note that they are not aware of the number of general temporary signs (that is signs that can be re-used) that they own.
- 2.23 The Transport and Highways Unit notes that it does not have a data base of its highways signs assets either temporary or permanent.

- 2.24 In response to question 8 of the Evidence Notice the majority of departments state that the question is not relevant.
- 2.25 The Registrars' department however notes that it completed an audit and has discovered two posters produced by the Home Office that are in English only. They indicate that they have now had these translated and that a Welsh language version of the poster is now displayed.
- 2.26 In response to questions nine and ten of the Evidence Notice, some of the departments are of the opinion that the question is not relevant.
- 2.27 The Transport and Highways Unit notes that its standard contracts includes a clause that contractors must operate and keep to the terms of the Welsh Language Scheme and that they also set this requirement on sub-contractors.
- 2.28 The Unit also extracts from a section of 'Information about Work' that is provided to contractors:
- "All signs and temporary road markings provided by the Contractor will be bilingual, with the Welsh language placed above the English. Standard bilingual signs will keep to the form approved by the National Assembly of Wales. Non-standard signs will display the Welsh text and the English translation, as approved by the Institution that has Oversight."*
- 2.29 In response to question 11 of the Evidence Notice, departments have responded either that the question is not relevant or that they have not completed an exercise to verify whether or not signs erected before the standards were enforced are correct.
- 2.30 In response to question 12 of the Evidence Notice, some departments have noted that the question is not relevant.
- 2.31 The Transport and Highways Unit notes that they have 'no known resource' available to the Council to replace all signs that do not comply that were erected before the imposition date.
- 2.32 The Unit notes that all current signs are replaced as part of routine planned maintenance or responsively, and that new signs are designed to meet the requirements of standards 61, 62 and 63.
- 2.33 No documents were presented in response to question 13 of the Evidence Notice.
- 2.34 In response to question 14, each department referred to the Council's website:
- http://www.wrexham.gov.uk/welsh/council_w/documents/welsh_language_scheme.htm;
- 2.35 The web page has a link to the document 'Compliance with the Welsh Language Standards, and a clause noting:
- "All staff have been informed that any new signs that replace old ones must be produced bilingually, and that the Welsh must be placed where it will be read first"*.
- 2.36 No further information was presented in response to questions 15 and 16.

Additional information provided following consultation on the proposed report

- 2.37 Following consultation on the proposed report under section 85 of the Welsh Language Measure, the Council provided additional information, including documents and screen shots of instructions for staff:
- “Communications toolkit”
 - “SAM – beth sydd angen i chi wybod”
 - “Policy to promote the use of the Welsh in the workplace”
 - “Welsh language standards FAQs for SAM”
 - “Welsh - procurement guidelines”
 - “Gwybodaeth am SAM”
 - “Welsh Cym Friday Bulletin”
 - “Safonau’r Gymraeg – Cwestiynau Cyffredin”
 - “Polisi hyrwyddo’r defnydd o’r Gymraeg yn y gweithle”
 - “Signs info Arwyddion ar SAM”
 - Welsh Language awareness (Power point).
- 2.38 These documents include the Council’s brand guidelines which gives instructions to staff on how to ensure compliance with the Welsh Language Standards when creating marketing materials.
- 2.39 It is noted that the document “SAM – beth sydd angen i chi wybod” does not set out information on the standards relating to signs, although it does refer to other standards related to providing services to the public such as answering the telephone and dealing with correspondence.
- 2.40 The Council notes that despite there being clear failures highlighted by this investigation, it is of the opinion that it has demonstrated due diligence towards compliance with the relevant standards, as the majority of signs erected are compliant.

3 Assessment, findings and determination

The standards considered

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

Standard 61

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 same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed on Welsh and English, you must not treat the Welsh language text less favourably than the English language text.

Imposition day: 30 March 2016

Standard 62

When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

Imposition day: 30 March 2016

Standard 63

You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

Imposition day: 30 March 2016

Interpretations

- 3.2 Schedule 1, Part 3, paragraph 29 The Welsh Language Standards (No 1) Regulations 2015 (the Regulations) notes:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (invitations to tender)), references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards –

(a) the visual presentation of material (for example in relation to the colour or font of any text);

(b) the size of the material;

(c) the position and prominence of the material in any public place;

(ch) when and how the material is published, provided or exhibited;

(d) the publication format of material.

Reliant standards

3.3 Standards 61 and 62 are reliant on standard 63.

Requirements of the standards

Standard 61

3.4 Standard 61 requires that the Council, when erecting or renewing a sign (including temporary signs), ensures that any text on the sign is displayed in Welsh (either on the same sign as the corresponding English text or on a separate sign). The Council must not treat the Welsh language text any less favourably than the English text on these signs.

3.5 A body 'erects' a new sign usually when it places it in a new position where no similar sign was placed before. A body 'renews' a sign if it makes any changes to a sign or replaces an old sign with a new sign in the same position.

3.6 The use of the term 'new' does not mean that the requirements of the standard are only relevant when the body produces a new sign, but rather, the term relates to when the sign is erected in a new position or location. This means that erecting a sign in a new location would make it a new sign for the purposes of these standards.

3.7 In relation to electronic signs, it is considered that a new sign is erected each time text is newly displayed on an electronic sign.

3.8 This standard is relevant to any temporary signs that are erected or renewed. Therefore, any temporary sign that is newly erected or renewed must be displayed in Welsh.

3.9 It is considered that temporary signs include any signs that are not intended to be placed permanently where erected. Examples of this type of sign can include signs erected to notify of road works, signs that warn of an accident, signs that notify users that a machine is not working or a road sign that is erected to signpost to the location of an event that is being held for a set period.

Standard 62

3.10 Standard 62 requires that a body ensures that Welsh text is placed in a position where it is most likely to be read first on any new signs that are erected or signs that are renewed (including temporary signs).

3.11 I acknowledge that it can be a matter of interpretation whether Welsh text is placed in a position where it is likely to be read first and that this can be impacted by the location or the plane of the sign. That said; Welsh text is usually likely to be read

first if it is placed above or to the left of any corresponding English text, and that is based on the usual practice of reading from left to right and from top to bottom.

Standard 63

3.12 Standard 63 requires that bodies ensure that the Welsh language text on its signs (whether they are signs erected before the imposition date or not) are accurate in terms of expression and meaning. This can be in relation to the spelling, syntax or the words, phrase or expressions used.

Considering compliance with standards 61, 62 a 63

3.13 The Council has been under a duty to comply with these standards since 30 March 2016. Before this date, their Welsh Language Scheme also committed them to display bilingual signs.

3.14 I am of the opinion that ensuring that the Welsh language is visible across Wales contributes to the aims of the Measure to not treat the Welsh language any less favourably than the English language.

3.15 I also consider that the general public in Wales have a reasonable expectation that the use of bilingual signage is now the 'norm'.

3.16 I have received evidence from members of the public that conveyed a range of failures that include:

- temporary signs erected by, or on behalf of the Council, that display English text only, with no separate corresponding sign displaying Welsh text,
- permanent signs erected by, or on behalf of the Council that display English text only, with no separate corresponding sign displaying Welsh text,
- temporary signs that treat the Welsh language less favourably than the English language by placing the Welsh text below the English text,
- permanent signs that treat the Welsh language less favourably than the English language by placing the Welsh text below the English text.

3.17 The evidence suggests that these signs are displayed by different departments within the Council, and in different contexts, and that the Council is not meeting the requirements of standard 61 by displaying them.

3.18 The evidence presented by the Council demonstrates that some departments have completed an audit of signs that they have erected since the standard were imposed and that the Youth Justice Service and ITEC departments have noted that some signs they have erected have not complied with standard 61.

3.19 In evidence presented by the Council, when considering temporary signs displayed, the Digital and Brand, Transport and Highways, Public Rights of Way and ITEC department have noted that there are some signs erected that do not comply with standard 61.

3.20 Each of the other departments either noted that the matter was not relevant or that each sign erected since the imposition date complies with the requirements of the standards. It is likely that the departments that noted that the questions were not relevant did so as they have not erected a sign since the imposition date.

- 3.21 I have also received complaints from the public alleging that the Council has erected signs, including temporary signs, where the Welsh language is not placed in a position where it is most likely to be read first. These are usually signs where the Welsh text is placed below the English text.
- 3.22 I note that the Council agrees with my interpretation that the Welsh text should be placed above or to the left of the English text in this context in order to comply with the requirements of standard 62.
- 3.23 A number of examples have been shared with me of temporary signs erected during road works, where the Welsh language text is placed below the English language text.
- 3.24 The Council's evidence notes that it approves the erecting of signs on its Highways and that it does not consent to erecting signs that do not comply.
- 3.25 However, this is inconsistent with the evidence that has been presented to me by complainants. I am of the opinion that there is a need for the Council to consider how it communicates the requirements of standard 62 with third parties and contractors working on their behalf in order to ensure that these companies are under contractual obligations to meet the requirements of standard 62 (and any other standard that may be relevant).
- 3.26 It is of concern to me that the evidence from the Transport and Highways departments notes that the general contracts in place for organisations that erect signs on behalf of the Council refer to the requirements of the Council's Welsh Language Scheme. This scheme was revoked on 30 September 2015 when the Council was issued with its Welsh language standards compliance notice.
- 3.27 The requirements of the Welsh language standards are considerably different to those of the Welsh language scheme. There was no requirement in the Welsh language scheme for signs to display text so that the Welsh was more likely to be read first. Although the 'Information about the work' in the contract does note "All signs and marks will be bilingual, with the Welsh placed above the English", this inconsistency could lead to confusion amongst contractors.
- 3.28 I note that the Council's evidence states that there is no way in which it can ensure that each sign placed on their road network complies with the standards. I assume that this is a reference to the fact that not each sign erected on the Boroughs' roads are erected by, or on behalf of the Council. The requirements of the standards are clear on this point. It is only when the Council is responsible for the work that the duties are directly applicable.
- 3.29 Members of the public have also presented complaints to me regarding the accuracy of meaning and expression in the Welsh text, as is required of standard 63.
- 3.30 I note that the mistakes referred to in complaints are often typos or highlight the lack of use of a circumflex accent on permanent signs.
- 3.31 Whilst I acknowledge that mistakes can happen from time to time when dealing with text on a sign; it appears that where there are mistakes on Welsh versions, there are no mistakes on English versions.

- 3.32 I note that it is in the display of Welsh text that mistakes are seen and not on the English text. This suggests that the Council has inconsistent quality standards in its treatment of language on signs and that the Welsh language is treated less favourably.
- 3.33 I am aware that the Council uses a translation service from another county council, and that the other council provides some proof reading services whilst translating. That said, the Council has not explained sufficiently to me how it ensures that the Welsh text is displayed correctly in terms of meaning and expression on signs. It has not been demonstrated to me that staff that commission or create signs are given guidance on how to check and ensure the Welsh text is accurate in terms of meaning and expression.
- 3.34 One of the factors of the evidence presented to me by the Council is that it is individual departments responding rather than a response that gives the Council's corporate position, and its approach to compliance with the standards.
- 3.35 In my evidence notice I asked the Council to present information to me regarding its policies and guidance for the use of staff members or other parties regarding producing, erecting and verifying signs. I gave the Council the opportunity to provide any information or evidence that it wished me to consider, and I requested copies of any procedures or any other documents that may be of use to me when considering the Council's compliance with these standards.
- 3.36 In response, each department and sub department of the Council provided a link to a page that has been published by the Council on its webpage under the title 'Welsh language standards'.
- 3.37 On that webpage is information regarding the standards that have been imposed on the Council, with a link to its Compliance Notice. There is also a link to the Council's strategy for promoting and facilitating the use of Welsh, a document that the standards require the Council to publish. There is also a link to a document that summarises what the Council has committed to do in order to comply with the standards as well as a link to a document that gives the linguistic profile of the north east.
- 3.38 The quality of the Council's evidence, which consisted of departmental responses, and the large number of answers that stated that the questions were irrelevant; raises concern that there is not a corporate oversight on this matter, and that the Council has not developed sufficient awareness and leadership at a corporate level of the importance of the standards as a set of statutory duties.
- 3.39 I note that the Council has not provided evidence to me that they have clear and practical guidance in place for staff, setting out what the requirements of each standard are and how each staff member is responsible for their delivery. The Council's evidence highlights that not each department is totally clear on its obligations, and there are comments that concern me, such as the opinion of one division that there is no need to display Welsh signs "as we do not have Welsh speakers in our group of users".
- 3.40 I have not received evidence that the Council has conducted training or undertaken a campaign to raise staff awareness of the standards' requirements. Although there

is one sentence on the Council's website to this end, it is unlikely that it is sufficient to ensure a full understanding and appreciation of the requirements.

- 3.41 I expected to receive evidence of the existence of written procedures for the use of all staff; setting out guidance to be followed when creating new signs in various circumstances and setting out where corporate level support was available, such as from language officers or the translation service. In addition, there should be a clear approval and recording process so that the Council is able to monitor and review its performance.
- 3.42 I had also expected to see evidence that the Council had developed guidelines to explain the practical implications of complying with the standards, for example what is meant in practical terms by the concept of not treating the Welsh language less favourably than English, or placing the Welsh language in a position where it is most likely to be read first. Without this kind of corporate guidance, there is an ongoing risk that failures will occur and that they will be repeated.
- 3.43 In addition it does not appear from the evidence provided to me that the Council has developed a sufficient process for overseeing and monitoring its use of signs. The audit work undertaken in response to my request for evidence highlights that signs that were not compliant with the requirements of the standards had been erected. A regular programme of internal review would allow the Council to check and ensure that failures do not occur, giving it an opportunity to educate staff where things are found to have gone awry.

Considerations following consultation on the proposed report

- 3.44 I note that the Council has responded positively to this investigation, and that they have acknowledged failures as well as shown a commitment to improving the situation in future.
- 3.45 Whilst consulting on the proposed report, the Council shared with me a copy of their brand guidelines. I note that some attention has been given within the document to the requirements of the Welsh language standards and their effect on the Council's brand. However, I believe that such a document could give more guidance on the impact that the requirements of the standards have on the Council's brand and what needs to be done in order to comply with the standards.
- 3.46 I note that the desk guidelines for staff do not include practical guidance on how to comply with the standards when creating and displaying signs, whether they are permanent signs or temporary signs, despite there being such practical guidance in place for delivering other services.
- 3.47 Therefore, I am of the opinion, whilst acknowledging that some corporate guidelines exist, that there is still a need for the Council to create practical guidelines and a clear protocol, in particular when designing and approving signs.
- 3.48 I note the Council's representation that they have already undertaken an awareness raising campaign with staff on the requirements of the standards. I accept that the Council did some awareness raising work when the standards became operational. However, as failures continue, I am of the opinion that ongoing campaigns are required alongside alternative methods of reminding staff of the requirements in

order to reduce the risk that this awareness is lost and that compliance deteriorates due to the passage of time.

Findings

- 3.49 I am of the opinion that the standards require organisations to possess strong corporate processes in order to support departments and services to comply successfully. In the absence of such arrangements, departments and services will interpret the standards differently to each other. They will come to their own conclusions regarding the need to comply, and adopt a department approach towards failure to comply and tolerance of failure. In such situations, there is a high risk of misinterpreting the requirements of standards, or of a failure to operate in a way that complies with the requirements.
- 3.50 I acknowledge that the Council has developed some guidance and has taken some steps to promote the requirements of the standards amongst staff. However, I am of the opinion that the steps taken have not been sufficient, in particular in the context of erecting signs to ensure full understanding of the impact of the standards and the culture change required in order to comply with them.
- 3.51 In order for an organisation to comply with the standards, strategic and corporate leadership is essential. This means the Council must establish a culture where there is zero tolerance of such failures.
- 3.52 It appears that English only signs and signs that treat the Welsh language less favourably than the English language continue to be erected by different departments of the Council, and that this is happening when erecting both permanent and temporary signs.
- 3.53 Following consideration of the evidence received, I conclude that Wrexham County Borough Council has erected signs without ensuring that the text on that sign is displayed in Welsh.
- 3.54 Following consideration of the evidence received, I conclude that Wrexham County Borough Council has erected signs where the Welsh language text has been placed below the English language text, and thereby not placed the Welsh text in a position where it is most likely to be read first.
- 3.55 Following consideration of the evidence received, I conclude that Wrexham County Borough Council has displayed signs where the Welsh language text is not accurate in terms of meaning and expression.

Determination of whether or not there has been a failure to comply with standard 61

- 3.56 My determination is that Wrexham County Borough Council has failed to comply with standard 61 on the basis that it erected signs that did not display the text in Welsh or erected signs where the Welsh language text was treated less favourably than the English text.

Determination of whether or not there has been a failure to comply with standard 62

- 3.57 My determination is that Wrexham County Borough Council has failed to comply with standard 62. The basis for my determination is that the Council has erected

signs where the Welsh language text has not been positioned so that it is likely to be read first.

Determination of whether or not there has been a failure to comply with standard 63

3.58 My determination is that Wrexham County Borough Council has failed to comply with standard 63 on the basis that signs have been erected by the Council where the Welsh language text is not accurate in terms of meaning and expression.

Further action

3.59 Section 77 allows me to take further action whether there has been a failure.

3.60 In the case of my determination that Wrexham County Borough Council has failed to comply with standards 61, 62 and 63, I will take further action for the purpose of preventing the continuation or repetition of the failure.

3.61 Details of the further action are below.

Requirements to take action in accordance with section 77 of the Welsh Language Measure

Enforcement action 1

Wrexham County Borough Council must take steps to:

- Ensure that any text displayed on signs that have been erected since 30 March 2016, (including temporary signs) is displayed in Welsh (either on the same sign that displayed the corresponding English text or on a separate sign). Ensure that the Welsh text is not treated less favourably than the English text, if the text is displayed in Welsh and English.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 2

The Council must take steps to improve its corporate arrangements by:

- Producing clear guidance and procedures for staff for designing, producing and approving new signs or signs that are being renewed
- Create a programme of activities in order to raise staff awareness of the requirements of standards 61, 62, and 63.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 3

Wrexham County Borough Council must:

- Develop an inspection and review process to check all signs that have been

erected since the imposition date to ensure that they comply with the Welsh Language standards.

- The Council must replace any signs that do not comply within 3 months of their discovery.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 4

The Council must give publicity to its failure by publishing this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Enforcement action 5

Wrexham County Borough Council must ensure that any text on signs erected since the imposition date of standard 62 displays any Welsh text in a position whereby it is most likely to be read first.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 6

Wrexham County Borough Council must review their Transport and Highways contracts with third parties that erect signs on their behalf, in order to ensure that correct reference is made to the requirement to comply with standards relating to displaying signs.

Timetable: Within 3 months of the date of publication of the Commissioner's final determination.

Enforcement action 7

Wrexham County Borough Council must create processes and guidance for the use of staff to ensure that Welsh language text on signs is accurate in terms of meaning and expression.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforced action 8

Wrexham County Borough Council must present the report on this investigation to a relevant scrutiny Committee of the Council.

Timetable: Within 6 months of the date of publication of the Commissioner's final

determination.

Enforced action 9

Wrexham County Borough Council must provide written evidence that gives sufficient assurance to the Welsh Language Commissioner that it has completed enforcement actions 1-8.

Timetable: Within 20 working days of completing the final enforcement action.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Decision notice

To: Wrexham County Borough Council
Address: Town Hall, Wrexham, LL11 1AY
Case number: CSG237
Date: 29 June 2018

Determination

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 a number of Welsh language standards with which it has a duty to comply.

The standards relevant to the investigation are as follows:

Standard 61

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 same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed on Welsh and English, you must not treat the Welsh language text less favourably than the English language text.

Imposition day: 30 March 2016

Standard 62

When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

Imposition day: 30 March 2016

Standard 63

You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

Imposition day: 30 March 2016

Determination of whether or not there has been a failure to comply with standard 61

My determination is that Wrexham County Borough Council has failed to comply with standard 61 on the basis that it has erected signs that did not display the text in Welsh or had erected signs where the Welsh language text was treated less favourably than the English text.

Determination of whether or not there has been a failure to comply with standard 62

My determination is that Wrexham County Borough Council has failed to comply with standard 62. The basis for my determination is that the Council has erected signs where the Welsh language text has not been positioned so that it is likely to be read first.

Determination of whether or not there has been a failure to comply with standard 63

My determination is that Wrexham County Borough Council has failed to comply with standard 63 on the basis that signs have been erected by the Council where the Welsh language text that is not accurate in terms of meaning and expression.

Further action

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

Details of the further action are below.

Requirement to take action in accordance with section 77 of the Welsh Language Measure

Enforcement action 1

Wrexham County Borough Council must take steps to:

- Ensure that any text displayed on signs that have been erected since 30 March 2016, (including temporary signs) is displayed in Welsh (either on the same sign that displayed the corresponding English text or on a separate sign). Ensure that the Welsh text is not treated less favourably than the English text, if the text is displayed in Welsh and English.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 2

The Council must take steps to improve its corporate arrangements by:

- Producing clear guidance and procedures for staff for designing, producing and approving new signs or signs that are being renewed

- Create a programme of activities in order to raise staff awareness of the requirements of standards 61,62, and 63.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 3

Wrexham County Borough Council must:

- Develop an inspection and review process to check all signs that have been erected since the imposition date to ensure that they comply with the Welsh Language standards.
- The Council must replace any signs that do not comply within 3 months of their discovery.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 4

The Council must give publicity to its failure by publishing this report in a prominent place on its website and include an item regarding the investigation in its news section.

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

Enforcement action 5

Wrexham County Borough Council must ensure that any text on signs erected since the imposition date of standard 62 displays any Welsh text in a position whereby it is most likely to be read first.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 6

Wrexham County Borough Council must review their Transport and Highways contracts with third parties that erect signs on their behalf, in order to ensure that correct reference is made to the requirement to comply with standards relating to displaying signs.

Timetable: Within 3 months of the date of publication of the Commissioner's final determination.

Enforcement action 7

Wrexham County Borough Council must create processes and guidance for the use of staff to ensure that Welsh language text on signs is accurate in terms of meaning and expression.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 8

Wrexham County Borough Council must present the report on this investigation to a relevant scrutiny Committee of the Council.

Timetable: Within 6 months of the date of publication of the Commissioner's final determination.

Enforcement action 9

Wrexham County Borough Council must provide written evidence that gives sufficient assurance to the Welsh Language Commissioner that it has completed enforcement actions 1-8.

Timetable: Within 20 working days of completing the final enforcement action.

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 has determined 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 included in this decision notice to take further action, the Commissioner may apply to a county court for an order requiring Wrexham County Borough Council to comply.

Appendix 1:

Summary of evidence by complainants:

Date evidence received	Nature of the sign and complaint	Date notified Wrexham County Borough Council of the matter
15 November 2016	Temporary sign. Welsh text displayed below the English text on a temporary sign below a Christmas tree in Wrexham.	20 January 2017
5 December 2016	Temporary sign English only signs displayed during road works on Ddyfrllyd Road, Wrexham.	21 June 2017
6 December 2016	Permanent signs English only signs displayed on the doors of the People's Market, Wrexham	21 June 2017
2 January 2017	Temporary sign Temporary sign displayed in English only on a pay and display parking machine.	Determination of the Commissioner on 15 August 2018
1 March 2017	Temporary signs English only signs displayed warning the public of work to improve the stalls at the People's Market, Wrexham	15 March 2017
14 March 2017	Permanent sign English only sign on the roadway notifying walkers to look left/right when crossing the road.	Invalid complaint
16 March 2017	Permanent sign	Invalid complaint

	English only signs. An electronic sign on the B5430 warning drivers that there are traffic lights ahead.	
16 March 2017	Permanent signs Signs at the Crematorium in Pentrebach.	Invalid compliant
18 May 2017	Temporary sign Poster advertising a concert where the English text was placed above the Welsh text.	Investigation terminated on 9 November 2017.
19 May 2017	Permanent sign Errors on the Welsh language text and the Welsh language text displayed below the English text.	28 August 2017
26 June 2017	Temporary signs Signs warning pedestrians of road works in Pentrebychan, Wrexham on the A483 displayed in English only.	14 August 2017 Wrexham County Borough Council not responsible.
17 October 2017	Temporary signs Sign displayed beside a pay and display for parking machine with the Welsh text placed below the English text.	26 October 2017
31 October 2017	Permanent sign. Errors within the Welsh language text on a sign in Rhos Ddu Park and street names on the sign in English only.	16 November 2017
2 November 2017	Temporary signs Signs during road works on the A525 displayed in English only.	4 December 2017

