

Ombwdsmon Ombudsman

OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU
PUBLIC SERVICES OMBUDSMAN FOR WALES



Speaking our language

The Public Services Ombudsman for Wales

Welsh Language Standards

Annual Report 2020/21

Mae'r ddogfen yma hefyd ar gael yn Gymraeg
This document is also available in Welsh

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Foreword

“Cenedl heb iaith yw cenedl heb galon”,
“A nation without a language is a nation without a heart”

Originating from Llangefni on Anglesey and a Welsh speaker, I continue to be inspired by the Welsh Language, the passion of our Welsh culture and the strength of our Welsh communities. So, I am delighted to be publishing our first Welsh Language Standards Annual Report.

31 January 2021 marked the date when we were required to comply with most of the Standards, although work to implement them started many months before, starting with constructive engagement with the Welsh Language Commissioner in 2019. In such a tumultuous year, I am particularly proud of the commitment of staff to making the changes we needed to promote and facilitate the use of the Welsh language in our work and by our service users.

I welcome the opportunity that the Welsh Language Standards provide to improve our provision of Welsh language services, so I was pleased to see that our self-assessment demonstrates an encouragingly high level of compliance. However, our data shows that the number of people who use Welsh when accessing our services is very low in comparison to Welsh population figures, so it is important that we continue to build on this positive start, building confidence in our service users when accessing our services in the Welsh language in the future.

Nick Bennett

Public Services Ombudsman for Wales



Part 1

Background

About Us

We serve the people of Wales in 3 different ways.

Our first role is to handle complaints about maladministration, service failure, or failure to provide a service by most public service providers in Wales, such as:



Local
Government



NHS (including
GPs and dentists)



Registered Social
Landlords



Welsh Government
and its sponsored
bodies

More information on our process for handling complaints about public bodies in Wales can be found on our [website](#).

Our second role is to consider complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life. In this role, we can consider complaints about:



County and
County Borough
Councils



Community
Councils



Fire
Authorities



National Park
Authorities

More information on our process for handling complaints about a local authority member's conduct can be found on [our website](#).

Our third role is to drive systemic improvement of public services. Traditionally, we have done this by publicising our findings, for example in public interest and thematic reports, annual letters to bodies in our jurisdiction and casebooks.

However, the Public Services Ombudsman for Wales Act 2019 reformed how we deliver our services. As part of the reform, we were given new powers to drive systemic improvement. We can now undertake investigations on our own initiative, whether or not we have received a complaint. We can also set complaints standards for public bodies in Wales and monitor their performance in complaint handling.

Our Welsh language duties

Under our new Act, we are required to comply with Welsh Language Standards (the Standards). We welcome the Welsh language, and we are committed to the aims of the Standards and meeting the needs of Welsh speakers.

This first Welsh Language Standards Annual Report 2020/21 evaluates how we have promoted and facilitated the use of the Welsh language, ensuring that we have not treated Welsh language any less favourably than English in all aspects of our work. While we only are required to report on the period from the end of January 2021 to the end of March 2021, we have included performance data for the full accounting year where it was feasible.

During 2019/20, we engaged with the Welsh Language Commissioner to discuss the extent of proposed Welsh language duties on how we deliver our services, on our operations, how we make our policies and how we keep records on some of the standards. In November 2019, we received our draft Compliance Notice and sent our response in March 2020.

Given the ongoing public emergency related to Covid-19 outbreak and the challenges of introducing changes whilst staff are working at home, we agreed with Commissioner that the date for compliance for most of the standards was 31 January 2021, with all bar one due to be complied with by the end of July 2021. Compliance with Standard 100, which relates to receiving forms relating to annual leave, absences from work and flexible working hours in Welsh, has been extended to 1 April 2022, as this requires us to upgrade/replace our human resources IT system.

[You can read the Welsh Language Standards and our compliance notice with our Welsh Language Policy on our website here.](#)

Responsibilities

Our Management Team has the overall responsibility for the strategic direction and governance of the office. Our Chief Operating Officer and Director of Improvement ensures that operational management complies with all legal, statutory and good practice guidance requirements of the Standards.

Day to day responsibility for the Welsh Language sits within the Improvement Team in the PSOW. One of our Investigation and Improvement Officers is responsible for the implementation of the Standards, and our Head of Policy and Equality, Diversity and Inclusion has day to day responsibility for overall policy development and reporting. They can be contacted to discuss this report.

All staff receive information about our duties and commitments under the Standards and our Welsh Language Policy and are expected to comply and contribute as relevant and appropriate.

How we prepared this report

In developing this report, we drew on guidance and advice from the Welsh Language Commissioner and data from the Office for National Statistics and Welsh Government.

The report was approved by our Management Team on 14 September 2021 and will face scrutiny from our Advisory Panel in October 2021.

Compliance with the standards

A recent self-assessment of a selection of service delivery, policy and operational standards for the Welsh Language Commissioner show that, reassuringly, we have a high to medium level of assurance for the majority of those that we assessed.

We identified improvements that we will make when we consult on guidance and policy documents relating to the impact that these have on the Welsh language. We have reviewed our approach and, in future, consultations on guidance documents as well as on proposed policies, will explicitly consider and invite comment on the impact on the Welsh language.

We also plan to improve the evidence that we collate regarding meetings with individuals.

We have integrated record keeping for the Standards into our operational procedures for complaints, impact assessments, policy control, recruitment and training. We have not received any complaints regarding our compliance with the Standards. [You can find out more about how complaints can be made about our compliance on our website.](#)

Part 2

Our performance in 2020/21

Highlights of the year

Welsh Language Policy

We aligned our Welsh Language Policy with the Welsh Language Standards in 2020



Compliance date

We complied with the majority of the Standards by 31st January 2021



Staff Training

We supported 8% of our staff to attend Welsh language courses, in 2020/21



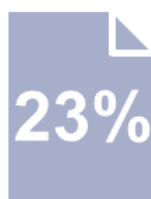
Complaints

To date we have had no complaints about our application of the Welsh Language Standards



Welsh language skills

On average 23% of our staff are good or fluent in Welsh



Service delivery standards

Use of our services

Service users expressed the preference to be contacted in Welsh in only 1% of our cases in 2020/21.

Correspondence (Standards 1-7)

We state in all emails and letter footers that we welcome receiving correspondence in Welsh, that we will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. We assure that this happens consistently by including the statement in our standard email and correspondence templates on our casework management system and any emails sent from Outlook.

Anyone who writes to us in Welsh will automatically be replied to in Welsh.

Staff have been provided with instruction on how to make their email signature and out of office replies bilingual, and if they are able to communicate in writing in Welsh, have been provided with a banner to include in their signature.

Telephone (Standards 8-22)

All telephone calls are answered bilingually, with the Welsh greeting first. Our automated call answering service is also available in Welsh, and callers have the option to choose to speak in Welsh. The Welsh option is always first.

In the period from November 2020 to end of March 2021, 4% of all callers to our office chose the option to speak in Welsh.

We have 4 members of staff who are available to answer the initial calls in Welsh and work on a rota to ensure cover.

Staff have been instructed to change personal answer machine messages, so they are bilingual and have been provided with instructions and training on how to do this.

7 more staff in our case work team are able to deal with calls relating to casework in Welsh. 4 others, whose roles are not directly related to casework, are able to communicate in Welsh and use it in their work at the office.

People who contact PSOW's office to make a complaint about service providers or councillors, under the Public Services Ombudsman (Wales) Act 2019 or Part III of the Local Government Act 2000, or successor legislation, and who wish to have their complaint dealt with in Welsh, are allocated a Welsh speaking case officer for them to contact directly. On occasions where people call a direct number regarding a complaint where the person being called does not speak Welsh, we are able to transfer the call to a Welsh speaker to deal with the enquiry.

People who contact direct line numbers for other enquiries, such as for information about a job application or tender, are able to be transferred to someone who can speak to them in Welsh in as far as someone with the requisite knowledge and skills is able to provide them with the service they require.

Meetings (Standards 24 - 32)

Where we have not had contact and established how a person would want to conduct a meeting, we ascertain which language they would like to use in the meeting. However our evidence for this is not as robust as we would like.

All larger meetings that we organise have bilingual and 'Welsh first' publicity, announcements, papers, and have a simultaneous translation service available. We also ensure that we tell attendees that they may speak Welsh and that translation is available. An example of this recently were three sounding board meetings that we organised in March 2021 for our stakeholders - local government, local health boards and representative organisations of our users such as advocacy organisations.

We did not hold meetings that were open to the general public in the reporting period. We have not organised any public events since 31 January 2021, but previous events have always been run bilingually, with interpretation services, for example the Public Services Ombudsman for Wales New Powers Seminars in 2019.

Publicity (Standards 33– 72)

Our website is fully bilingual including interfaces and menus, with direct links from English to corresponding Welsh pages.

The Welsh language content always appears first in our social media accounts.

Presently, our office is closed to the public and visitors but, under normal circumstances, we have these facilities:

- Our door greeting is bilingual with the Welsh first.
- We display a sign in our reception which welcomes the use of the Welsh language.
- All our staff who are able are provided with a badge to indicate that they can speak to visitors in Welsh.

We have 6 staff members who receive visitors. 1 person is fully fluent and can greet people in Welsh. All other members of staff who work on our reception desk can greet people in Welsh. We recognise that there is a risk that there may be times we cannot provide a full Welsh language service on Reception at all times, so another member of the team is attending Welsh classes.

Procurement (Standards 72– 76)

Our procurement policy was reviewed in November 2020 and now states explicitly that tender applications in Welsh are welcome and that they will not be treated any less favourably than those submitted in English.

We did not advertise any tenders between January 2021 or the end of March 2021.

Promotion of services (Standards 77 - 80)

Our complaints services are fully bilingual. We promoted our Welsh language services on 'Shwmae Su'mae' day.

Our Complaints Standards training is offered in Welsh, English or bilingual delivery. One public body has taken us up on the offer of Welsh language training.

We revised our logo, which now states the name of our organisation in Welsh first. The Ombudsman, Nick Bennett, is bilingual and will always speak Welsh at public engagements or promotional videos.

We have not received any complaints about Welsh provision of our services in 2020/21.

Policy making standards

New or revised policies and procedures (Standards 84– 86)

Our [Equality Impact Assessment \(EIA\) Policy and Procedure](#) was revised in March 2020. It now includes assessment of impact on the Welsh language and aims to:

- anticipate or identify the consequences of a policy on individuals or groups of service users/employees and their use of the Welsh Language;
- ensure that any negative effects are eliminated or minimised;
- maximise opportunities for promoting positive effects.

To ensure compliance with the policy making standards, the records of steps we have taken include:

- Adopting an EIA Policy and Procedure statement which sets out the steps that we take as an organisation when undertaking EIAs and the roles and responsibilities for the different elements and steps of an EIA, including the impact on Welsh language.
- Adopting a [Welsh Language Policy](#) that sets out the Ombudsman's expectations with regard to compliance with the policy making standards.
- Evidence is used to assess if there is likely to be an impact on the Welsh language. We have developed an equality evidence reference pack which includes evidence about the Welsh language.
- If an impact is identified, then the nature and scale of that impact is assessed – if it is negative, positive, low, medium or high. Proposed actions to mitigate negative impact /maximise positive impact are also identified.
- Appointing a Policy Control Officer who ensures that the Equality Impact Assessment Policy and Procedure is up to date and that the policy EIA is implemented and reviewed and its effect is monitored.
- Using our internal Equality Group to provide advice and assistance to policy owners who are developing new or reviewing existing policy on equality matters, including the Welsh language.
- Establishing a Policy Control database that highlights the status of all policies, EIAs, Welsh translation and review dates.
- All staff members responsible for reviewing policies and procedures received training on EIA procedure in October 2020. We made sure when procuring this service that our provider had experience and capacity to adequately address the Welsh language requirements.

19 EIAs of policies were undertaken in 2020/21 and none identified a negative impact on the Welsh language.

Consultations (Standards 87 - 89)

We consulted on [our Homelessness Own Initiative investigation](#) in September 2020. The consultation document included a question on how the decision to proceed with the investigation would affect opportunities to use the Welsh language.

In February 2021, we consulted on the draft [Guidance on the Code of Conduct for members of County and Community/Town Councils](#). There was no formal consultation document with specific questions, but bilingual draft guidance documents were published on our website and comments were requested. We did not specifically seek views on the impact on the Welsh language.

Whilst this guidance was not a policy document as such, we have reviewed our approach and, in future, consultations on guidance documents as well as on proposed policies, will explicitly consider and invite comment on the impact on the Welsh language.

Commissioning research (Standards 91—93)

We have not commissioned or undertaken any research in pursuit of making a policy decision since 31 January 2021.

Operational standards

Policy for using Welsh internally (Standard 94)

In 2020, we developed a new [Welsh Language Policy](#), aligned with our duties under the Standards. The policy includes a section clarifying our approach to using Welsh internally. It is available on the Hub/Yr Hwb (our intranet) and our public facing website.

Employment documents (Standard 95 - 100)

Last year, we conducted a survey of all staff to ask if they would like **any** correspondence and documents relating to employment, training, performance objectives or career planning in Welsh.

The results of the survey told us that:

- 8 people wished to have paper correspondence relating to their employment in Welsh.
- 7 wish to receive documents that outline their training needs or requirements in Welsh.
- 5 wish to receive documents that outline performance objectives in Welsh.
- 6 wish to receive any documents that outline or record their career plan in Welsh.

Applicants for jobs at the PSOW are asked in the application form if they would like documentation relating to potential employment in Welsh or English.

We are not required to comply with Standard 100 (bilingual annual leave/absences from work process) until 01/04/2022 as this requires an update to our IT systems.

Employment policies (101 - 107)

All our [human resources policies](#) relating to behaviour, health and safety, work place benefits, performance management, absence, working conditions and work patterns are available in Welsh on both our website and intranet site.

Staff grievance and disciplinary procedures (Standard 108 - 115)

Our arrangements for [grievance](#) and [disciplinary](#) procedures can be undertaken in Welsh. We have not received any complaints by staff in Welsh during the reporting period.

Technology to facilitate use of Welsh by staff (Standard 116 - 122)

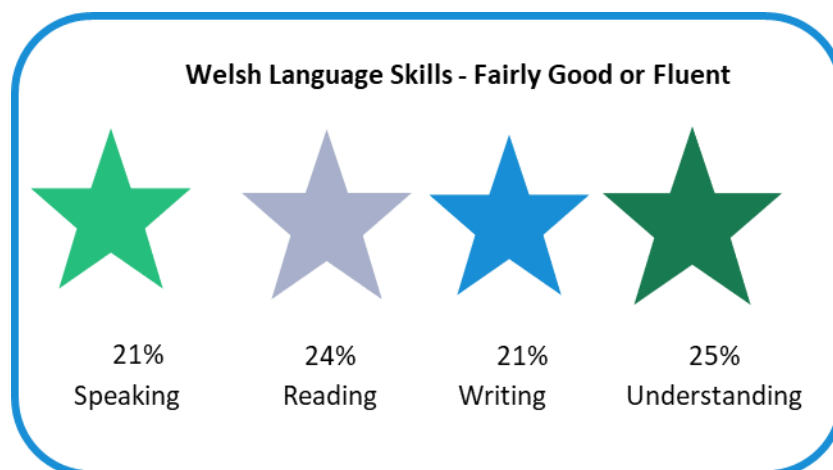
Staff have access to computer software for checking Welsh spelling and grammar and there are details about how to use Welsh interfaces for the applications we use, where they are available.

Our intranet home page is available in Welsh or English and staff can set their home page to either, depending on their preference. Content is bilingual where specified in the Standards, and we are working to increase bilingual content.

We have created a new space on our intranet designated for information and resources to promote the use of the Welsh language by our staff, which also houses a link to our translation services, training opportunities and Welsh language reference documents.

Staff Welsh language skills (Standard 123)

Until this year, we monitored the Welsh language skills of our staff through an anonymous equality survey. This year we moved to a new system which links equality information to staff records. This information remains confidential and is only accessible to our Human Resources Business Manager. We are able to extrapolate information about the Welsh language skills of our staff.



Whilst we hold and have analysed the data, owing to the small numbers of staff at certain levels or in certain teams it is not feasible for us to share data relating to Welsh speakers at different grades or in different teams without risking the identification of individuals and the disclosure of personal data.

Training and communication support (Standards 124 - 131)

All induction material is available in Welsh but, as yet, there has been no call to have it delivered in the Welsh language. The IHASCO health and safety training we source can be undertaken in an array of languages, including Welsh.

Whilst specialist training is difficult to source in Welsh, if requested, we offer simultaneous translation for anyone wishing to undertake any training in the Welsh language.

The Covid pandemic has affected the amount of training undertaken. However,

during 2020/21 / or currently we have/had 6 staff who we are supporting in learning Welsh. Welsh awareness training is to be arranged during 2021/22.

Recruitment (Standard 132 - 136)

The requirements for Welsh for new posts are assessed based on the corporate needs of the organisation and in discussion with line managers.

All applicants for all posts are asked about their Welsh language skills and language preferences, including preferences for correspondence and interviews, in our application forms.

Signs (Standard 138—139)

As we rent our offices, we do not have control of the permanent external signs to our office. However, all temporary signs relating to our office are fully compliant with the standards.