

Special Report issued under s22 of the  
Public Services Ombudsman (Wales) Act 2005  
following a complaint by Mr D against  
Wrexham County Borough Council

**This is an English translation of a report  
issued in Welsh**

A report by the  
Public Services Ombudsman for Wales  
Case: 201708129

<b>Contents</b>	<b>Page</b>
Introduction	1
Summary	2
My Jurisdiction	4
The Background	4
Implementing the Recommendations	5
Wrexham County Borough Council's Evidence	7
Analysis and conclusions	9
Further Recommendations	12

## Introduction

This report is issued under section 22 of the Public Services Ombudsman (Wales) Act 2005 (“the Act”).

In accordance with the provisions of the Act, the report has been anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted. The report therefore refers to the complainant as Mr D and to any member of the Wrexham County Borough Council staff by their role.

## Summary

Mr D had previously (in 2014, 2015 and 2016) contacted Wrexham County Borough Council (“the Council”) about Welsh language errors in the Council Tax bills he had received. In 2017, after again receiving a bill containing language errors, Mr D complained formally to the Council and then to the Ombudsman. The Ombudsman felt that he could resolve the dispute by using his powers under s 3 of the Act which enables him to resolve complaints early as opposed to undertaking a full investigation. To this end, on 3 October 2017, the Council formally agreed to apologise in writing to Mr D for the deficiencies in the Welsh language, to pay him redress of £50 for his trouble, and to give an assurance that those errors would be rectified in time for the 2018/2019 billing period (if not before).

Mr D received a bill for 2018/2019 in March 2018. He noticed that there were again a number of Welsh language errors (and inconsistency between Welsh and English within the document). He complained to the Ombudsman that the Council had failed to comply with his recommendations after all, and that it was a sign of “disrespect to tax payers, the Welsh language, the law and the Ombudsman.”

After seeing the evidence, the Ombudsman decided that he was not satisfied that the Council had implemented the recommendations in full as had been agreed. He determined that he would need to invoke his powers to issue a special report in order to convey the message to other public bodies that early resolutions under the Act are serious matters. Bodies are required to comply with them having agreed. The report was critical of the Council’s failure to implement the recommendations in full despite the Council formally agreeing to do so, and that it was only now working towards making the necessary changes for the next tax year. Given the Council uses the same system for Housing Benefit notifications, the Ombudsman was not confident of their accuracy either. Therefore, the Ombudsman made further recommendations, as follows, and the Council agreed to implement them:

- (a) To send a written apology to Mr D once again for the continued delay in correcting the linguistic errors in the Council Tax document (within one month).

- (b) To offer £100 in compensation for the injustice caused to him and for his efforts in having to raise the matter with me again (within one month).
- (c) To create a formal and written process regarding the procedure the Council has told me it will use to produce the annual Notice (within three months).
- (d) The Chief Executive to write to me to provide an assurance that the Council's documents in relation to Council Tax and Housing Benefits will be sent to the Council's translation partners to be reviewed (and corrected as required). This task should be completed so that they are issued to the software systems for the next financial year (2019/2020) in relation to Council Tax, and for the following year (2020/2021) for Housing Benefit.
- (e) In the meantime, to create an accurate individual Council Tax Notice (as they did for Mr D) for any other individual who requests it in Welsh (as required, before releasing the new Notice for the next financial year).

## My Jurisdiction

1. Under the provisions of the Act, pursuant to s3, I may take any action I believe appropriate to resolve a complaint as an alternative to conducting a full investigation. This could include agreeing with a public organisation that it would take the relevant steps within a stipulated time. Where I am not satisfied that the organisation in question has carried out the actions which it explicitly agreed to undertake, within the time specified, I may issue a special report under s22(6) of the Act

## The Background

2. Mr D sent me the original complaint in September **2017** after receiving a Council Tax Notice which contained errors in the Welsh version for the fourth consecutive year. He said that he had given the Council the opportunity to resolve the matter in 2014 after he informed the Council of this via a twitter message, and again in 2015 by telephone call. When he received a document containing errors again in 2016, he submitted a formal complaint to the Council, and Mr D said that he was told that the Council would have corrected the errors by the following year. When he received the Notice for 2017/2018 which once again contained errors, he complained to me.

3. My delegated officer at the time received the Council's response, apologising for the mistakes, and explaining why it was not possible to correct the bills straight away. It was said that the Council commissioned an external company to produce the paper bills, and that this was only done once a year. It was assured that the Council would address the situation and correct the bills in time to issue them for the 2018/2019 financial year.

4. Based on this evidence, and within his delegated jurisdiction, my officer agreed to an early resolution of Mr D's complaint.<sup>1</sup> He wrote to the Chief Executive of the Council on **3 October 2017**, to formally agree the following, under s3 of the Act, whereby the Council would:

- (a) Issue a formal apology to Mr D, outlining how this matter arose

---

<sup>1</sup> Case 201703481

- (b) Provide assurance that the errors would be corrected in time for the 2018/2019 billing period, and explain why it was not possible to make this amendment until then
- (c) Offer redress of £50 by cheque to Mr D.

## Implementing the Recommendations

5. In **October 2017**, Mr D received a letter of apology from the Council (in Welsh) stating that the Council would correct the bills. **[All quotations in this report are our English translations]**. The letter of apology (dated 4 October 2017) contained the same reasons for the errors in Welsh as stated to my officer (see below).

6. In the letter the Council Tax Unit Manager (“the Manager”) said that the notices were produced by an external printing company and that he had “not noticed” the incorrect words “and therefore the company had not been asked to change their billing template for these documents.” He went on to say that the template could only be changed once a year, and that this would happen in February 2018. To conclude, the Council said that the errors would be corrected and that the Manager had “given personal assurance that the incorrect wording would be amended.”

7. Mr D made contact again on **28 March 2018**, complaining that he had just received a Council Tax Notice (“the Notice”) requesting payment for 2018/2019, and that once again it was full of errors in the Welsh version as well as linguistic inconsistency between the Welsh and English versions. He said that this was contrary to the Welsh Language (Wales) Measure 2011 (“the Measure”) and to the Welsh Language Standards under that Measure, and that the Welsh Language Commissioner had already found against the Council after her investigation into the Council’s failure to comply.<sup>2</sup> Mr D referred to the early resolution above (and his complaints since 2014) stating that, in his opinion, there had been further maladministration on behalf of the Council and that he had been “misled time and time again with promises that the bills would be corrected.”

---

<sup>2</sup>Report on the investigation by the Welsh Language Commissioner, (number CSG233)  
31 January 2018

He said that the errors in the document “meant that the Welsh language was treated less favourably than the English.” To conclude, he said:

“...Following... the Ombudsman’s intervention in 2017, the errors and failures remain, reflecting very badly on the Authority as they signify indifference towards taxpayers, the Welsh Language, the law and the Ombudsman.”

8. After further assessing Mr D’s complaint, together with the evidence sent to me, my Assistant Investigating Manager (“my Officer”) contacted the Council to ask for its comments regarding the complaint, and about her initial view, the evidence led her to conclude that the Council had not complied with clause (b) of the early resolution noted above. Despite the Council’s written assurance that the errors would be corrected, this had not been fulfilled on a practical level. The Council was asked for an explanation, and for the allegation to be shared with the Manager, as he had made a personal commitment to ensure that the mistakes would be rectified.

9. My Officer also sent a copy of the Notice to the Council, highlighting the errors she had noted. She also noted that proofreading and translating the Notice on behalf of the Council was not her role, nor was it the role of my office. Finally, my Officer requested the following information:

- “Who is responsible for producing the Notice annually?”
- A copy of any Council procedure in relation to producing the Notice annually.
- What were the arrangements in relation to translating the material into Welsh?
- What are the Council’s procedures in relation to proofreading and ensuring the accuracy of the Welsh version?
- Had the Council followed the above arrangements in this case, and if not, why?



- If so, how do you explain the errors that still appear in the Notice in question, despite the formal agreement between us last October?”

## Wrexham County Borough Council’s Evidence

10. The Council stated (in the comments sent to my Officer on **24 May**), as has already been noted, that the annual Notice was based on a template that is updated before being sent to an external printing company. In 2017, when accepting my proposal for an early resolution, the Council accepted that it had failed to update the Welsh template before it had been sent to the printers. It was also of the opinion that Mr D had only found one error although it was agreed that my initial officer had confirmed that there were several other translation errors. It was said that the Council had explained that these could not be corrected before spring, when the 2018/2019 Notice would be prepared. This was also explained in the letter of apology sent to Mr D (see above).

11. When responding, it was said that a number of changes had been made since Mr D’s first complaint, and that the Council wanted to assure me “that it did not intentionally treat the Welsh language less favourably than the English”. Looking back at Mr D’s complaint in 2017, the Council said that it did not “truly appreciate the scale of the matter.” However, after my office intervened in 2017, the Council said that it accepted that it should have sent the Notice to the Council’s translation partners “for a detailed analysis of what steps needed to be taken” in order to comply with the Welsh Language Standards. Instead, it was said that the Council had only made efforts to correct the matters raised by Mr D and my office. The Council accepted that other sections of the Notice:

“...did not comply with the Welsh Language Standards...and many of these have now been highlighted by the Ombudsman’s office, although the Council accepts that this is not part of the Ombudsman’s role”.

12. In response to questions posed by my Officer, as above, the Council said:

- That the Council used an external company and that the raw data for the Notice was produced for the software in English only. The Council was working with the software providers to produce a Welsh translation of all the wording within the Notice. The Manager was overseeing the arrangements for producing the notices.
- There was no formal procedure in place (for producing the notices). In general the process was that the annual fees were approved by the Council in February, and its appointed staff would then prepare the financial information for the system provided by “Northgate”.<sup>3</sup> The files contained raw data that was then issued to the Council’s software partners (“Gandlake”)<sup>4</sup> to produce a sample document, and after this was approved, the Council would send everything to the Council’s printing partners (an external company).
- It was said that the Council focussed on ensuring the accuracy of the financial information every year, otherwise the Notice would not be valid or legal. Had the Council appreciated the scale of the Welsh language errors, it would have sent the Notice to the Council’s translation partners (Conwy County Borough Council). It failed to do so, as explained, for the above reasons.

13. Finally, the Council said that it accepted it should have done more in this case to ensure that the Notice had been corrected sufficiently to comply with the Welsh Language Standards. The Council said that the Manager was “currently working with the software providers to provide a permanent solution to the lack of Welsh translation with the Northgate system”. This would be a “large scale project” but it was said that the Council would “endeavour to make all the necessary changes...in time for the 2019/2020 billing run.” In the meantime, the Council had created an

---

<sup>3</sup> Northgate - a company that has created software for a number of public authorities, specifically software for the Housing Benefits and Council Tax systems.

<sup>4</sup> Gandlake - a company that has created software for a number of public authorities, simplifying the information contained in letters regarding benefits and Council Tax information.

individual Welsh version of the Notice and had sent it to Mr D. These were also sent to eight other members of the public who had contacted the Council just like Mr D had, but who had not made a formal complaint. Also, the Council confirmed that all other Council Tax documents issued (such as reminder notice, summons etc) had been sent to Conwy County Borough Council for assessment and translation, as required, in order to ensure compliance with the Welsh Language Standards.

## **Analysis and Conclusions**

14. The Council accepted and agreed to implement the recommendations in the early resolution of the first complaint that Mr D had made to me, in October 2017 (as noted in paragraph 4 above). Despite implementing two of them, in my opinion it has not complied with one of them. For Mr D, the most important clause was the commitment to correct the Welsh language errors in the Notice by the time it would be released for the 2018/2019 financial year. It completely failed to do so.

15. In its response, the Council said that it had not appreciated the extent of the work required to ensure accuracy, and that it had only considered the points raised by Mr D (and my initial officer). This is not adequate, as my officers aren't here to analyse every linguistic error in the Notice, and to all extent and purposes, act as the Council's translator. I'm pleased that the Council now accepts that this is not my function, and neither is it the role of my officers. I could also say that it's not the role of the public to highlight every error - it's enough for them to note one. The Council is then responsible for looking carefully at the document to ensure its accuracy. The Council has formal arrangements in place for translating such documents, and it's evident to me that it has failed to use them, without any acceptable reason.

16. In my opinion, the reasoning provided in response to my Officer's valid questions are unmitigated excuses. The Council was given plenty of time to contact its translation partner - five months (from 3 October 2017 to February 2018) to check the general information within the Notice. This has not been done. In further commenting on a draft of this report, the Council repeated what is set out in paragraph 15 above. In this context it

added that it had not deliberately failed to fully correct the document. As the Council admits, it's evident that it focusses on the financial aspect (see paragraph 12 above). I accept that local funding is important, however, adopting good practice on an administrative level is also important. From the evidence provided, it's clear that the Council has many partners involved in the work of producing the Notice, yet it says that it has no written process or formal procedures in place. I'm certain that this has not helped in this matter.

17. I note that the Council uses the "Northgate" system (see paragraph 12) and it's also the system used to administer the Housing Benefits system. Although a similar complaint has not been made to me regarding those notices, considering the extent of the errors in this case, together with the fact that no formal procedures exist, I have no confidence in the accuracy of the Housing Benefits notices that are produced.

18. The Council now says that it is "working" towards ensuring that the documents will be accurate in the Welsh version by 2019/2020. Having said this, Mr D is correct when he says that the Council has shown indifference towards the matter (paragraph 7 above). Indeed, in my opinion, it has shown a lack of respect towards members of the public and the Welsh language. An early resolution is a formal agreement under the Act. However, from the Council's response, I am of the opinion that the Council has not taken it seriously, or that there is a lack of understanding regarding the nature of the agreement.

19. In the history of my office, only a small number of reports under s22 of the Act have been issued. My decision to consider such a report on this matter was not taken lightly. Having said that, after reading the Council's response, it appears to me that it doesn't understand the importance of agreeing to a resolution under s3 as was agreed in October 2017. May I first of all remind the Council that it is not my role to ensure compliance with the Welsh Language Standards (under the Measure) - this is the role of the Welsh Language Commissioner. Throughout the response, the Council mentions its willingness to ensure compliance with the Standards and that it does not treat the Welsh language less favourably.

Fundamentally, the Council does not need to persuade me of this; this is a matter for the Commissioner, and she has the powers to decide whether, or not, they comply with the Measure. My function is to deal with complaints of maladministration under the Act. The Council's failure in this case is a case of maladministration, as well as failure to comply with the Measure. Failure to adhere to the law could also be a case of maladministration.

20. In deciding to issue this report, I have taken the following into consideration - how long the Council has failed to deal with Mr D's complaints (since 2014) together with the complete failure to implement the recommendation agreed upon last year. In the letter of apology to Mr D in 2017, the Council clearly states that it controls the information contained in the Notice (see paragraph 6 above). I accept that, practically and financially, such amendments may only be made once a year. However, the Manager personally assured us that the document would be corrected. It is evident that he had not done this, although he had the ability to take action by sending the document to the Council's translation partners, to then be issued to the printers.

21. In regards to the above, I can understand why Mr D feels that the Council thinks that his complaint was a trivial matter. I would like to add that I also feel that the Council thinks that the sole purpose of its agreement with me in 2017 was to avoid an investigation. In its whole response (the Welsh and English version sent to me) I'm disappointed that the Council has not apologised again for its lack of compliance with the formal agreement we made in 2017. The Council has also not asked me to convey an apology on its behalf to Mr D for all his efforts over the years with his complaints, nor for the further injustice coming to me has caused him. This is not acceptable. When commenting on a copy of a draft of this report (shared with the Council in advance) it said that "It was not its intention to appear off-hand nor disrespectful to the public or the Welsh language." It apologised if that was how its actions had been perceived.

## Further Recommendations

22. I'm pleased to note that in commenting on the draft version of this report, Wrexham County Borough Council has agreed to implement the further recommendations noted below, within the time specified:

- (a) To send a written apology to Mr D once again for the continued delay in correcting the linguistic errors in the Council Tax document (within one month).
- (b) To offer £100 in compensation for the injustice caused to him and for his efforts in having to raise the matter with me again (within one month).
- (c) To create a formal and written process regarding the procedure the Council has told me it will use to produce the annual Notice (within three months).
- (d) The Council's Chief Executive to write to me (within two months) to provide an assurance that the Council's documents in relation to Council Tax and Housing Benefits will be sent to the Council's translation partners to be reviewed (and corrected as required). This task should be completed so that they are issued to the software systems for the next financial year (2019/2020) in relation to Council Tax, and for the following year (2020/2021) for Housing Benefit.
- (e) In the meantime, to create an accurate individual Notice (as they did for Mr D) for any other individual who requests it in Welsh (as required, before releasing the new Notice for the next financial year).



**Nick Bennett**  
Ombudsman

9 July 2018



Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Tel: 01656 641150

Fax: 01656 641199

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)