

 <b>GIG CYMRU NHS WALES</b>   Iechyd Cyhoeddus Cymru Public Health Wales	<b>Name of Meeting</b> People and Organisational Development Committee <b>Date of Meeting</b> 19 July 2023 <b>Agenda item:</b> 3.4c
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## Welsh Language Complaints

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<b>Approval/Scrutiny route:</b>	People and Organisational Development Committee

### Purpose

This paper gives an update on the two Welsh Language Complaints received in April and May 2023 and the Welsh Language Investigation of which we were first notified of in September 2022, but received the draft notification of their intent to launch an investigation in March 2023.

### Recommendation:

APPROVE <input type="checkbox"/>	CONSIDER <input type="checkbox"/>	RECOMMEND <input type="checkbox"/>	ADOPT <input type="checkbox"/>	NOTE <input checked="" type="checkbox"/>
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The Committee is asked to:

- **Note for information** the current position with regard to the Welsh language complaints recently received.

## **Link to Public Health Wales [Strategic Plan](#)**

Public Health Wales has an agreed strategic plan, which has identified seven strategic priorities.

This report contributes to the following:

<b>Strategic Priority</b>	1 - Influencing the wider determinants of health
<b>Strategic Priority</b>	2 - Improving mental-well-being and building resilience
<b>Strategic Priority</b>	7 - Building and mobilising knowledge and skills to improve health and well-being across Wales

## **Summary impact analysis**

<b>Equality and Health Impact Assessment</b>	There is no decision required here so an EHIA has not been completed.
<b>Risk and Assurance</b>	We have been issued with an action notice following a breach of the Standards, and there are fewer allowances for slippage than was the case during the pandemic. All of this would suggest that our risk situation has increased.
<b>Health and Care Standards</b>	This report supports and/or takes into account the <a href="#">Health and Care Standards for NHS Wales</a> Quality Themes  Theme 3 - Effective Care Theme 4 - Dignified Care Theme 7 - Staff and Resources
<b>Financial implications</b>	There are ongoing financial implications of the Welsh Language Standards, particularly with regard to translation costs, but these are not anticipated to have changed greatly from last year.
<b>People implications</b>	Recruitment to Welsh essential roles continues to be a priority and a challenge. Upskilling of staff within the organisation is also a focus within the work reported in this paper.

## **1. Purpose / situation**

This paper gives an update on the two Welsh Language Complaints received in April and May 2023 and the Welsh Language investigation of which we were first notified of in September 2022, but received the draft notification of their intent to launch an investigation in March 2023.

## **2. Background**

Public Health Wales is under a duty to implement [Welsh Language Standards \(No.7\) Regulations 2018](#) in accordance with the Compliance Notice issued by the Welsh Language Commissioner on 30 November 2018.

The [Welsh Language Commissioner's office](#) regulates public bodies compliance with the Welsh Language Standards. They issue guidance for organisations which support us to meet the standards, such as the Code of Practice, and our Welsh language and People & OD team meet with our contact officer annually to discuss progress.

The Welsh Language Commissioner also investigates our compliance and issues complaints or investigations if they find evidence of non-compliance. Members of the public or staff can also complain directly to the Commissioner's office if we have breached our standards, or they can complain directly to us via the Putting Things Right process.

This paper outlines the detail of one complaint received via the Welsh Language Commissioner's office; one that was received via the Putting Things Right process; and an update on the ongoing investigation by the Welsh Language Commissioner's office on our compliance with Welsh Language Standard 39 (web content).

## **3. Description/Assessment**

The details of the complaints, outcomes and further actions are listed below. Also listed are the details of the investigation that the Welsh Language Commissioner has given us draft notification of, and the details of the planned actions to address their findings.

### **3.1 Complaint to the Welsh Language Commissioner**

On 16 May 2023, we were informed by the Welsh Language Commissioner of a complaint brought against the organisation by a

member of staff. The complaint was in relation to a request to attend a Welsh Language Residential course which was declined.

In our response to the Welsh Language Commissioner, we confirmed that Public Health Wales was responsible for the matter complained about. We also made it clear that the complainant and manager named in the complaint work for the NHS Wales Executive but, as the NHS Wales Executive is a hosted body under Public Health Wales, their Welsh Language duty falls under the scope of our Welsh Language Standards.

The Welsh language Standard relevant to this complaint is:

*Standard 101: You must provide opportunities for employees to receive training, free of charge, to improve their Welsh language skills*

In order to respond fully to the Welsh Language Commissioner, the following steps were undertaken by People & OD:

- The Welsh Language Manager spoke to the line manager named in the complaint regarding the accuracy and the circumstances of the complaint received.
- The complaint wasn't 100% accurate as it suggested the course was offered directly by PHW rather than a 5-day residential course offered by the Learn Welsh Centre at Nant Gwrtheyrn.
- The member of staff had enquired with their line manager whether they would be able to attend the course in early May, therefore, giving enough notice of the course being held in July. The line manager changed their initial decision, and the member of staff was offered the opportunity to attend the course in either July (as requested) or October.

To ensure that a situation of this nature does not arise again and to ensure managers and members of staff understand the requirements of Welsh Language Standards 99 – 101 (regarding opportunities for staff to learn and improve their Welsh skills) the Welsh Language team will:

- Remind our workforce, across the organisation and the NHS Executive, that staff can have the opportunity, under the Welsh Language Standards, to attend courses to improve and develop their Welsh skills. Internal communications will accompany the release of future dates.
- We will remind staff that all training needs must be discussed and approved with the line manager in the first instance, and we will also update and provide additional guidance for managers on how such courses should be made accessible to staff.

We highlighted our disappointment that a complaint of this nature had been submitted, as we pride ourselves in ensuring our staff have access

and opportunity to attend training to develop their Welsh skills. We noted that 102 members of staff had taken the opportunity to improve their Welsh skills during 2022/23 and that, as an organisation, we encourage our staff to learn Welsh in the way most suitable for them.

Our Welsh Language Manager has since been supporting the complainant to access Welsh language courses and opportunities to use Welsh in order to build their confidence.

On 06 June 2023, we received a response from the Welsh Language Commissioner confirming they would **not** conduct an investigation under section 71 of the Welsh Language Measure following complaint **CS1151**.

### **3.2 Complaint received via Putting Things Right Process**

On 20 April 2023, a complaint was received which related to our social media and web content. Three concerns were raised:

**Concern 1:** In a social media post on Twitter, we included a link to further information on Hay Fever on the NHS England website, rather than to the Welsh language web page on Hay Fever available on the NHS Wales 111 website.

This is not in line with Welsh Language standard 42: *'If a body has a Welsh language web page that corresponds to an English language web page, it must state clearly on the English language web page that the page is also available in Welsh. It must also provide a direct link to the Welsh page on the corresponding English page'*.

In response to the concern, we apologised and informed the complainant that we had re published the tweet on Hay Fever on 03 May 2023 with the correct link to the Welsh information on the NHS Wales 111 website

**Concern 2:** Our English Facebook account does not indicate in the information section, that there is a Welsh version of the account available. This is not in line with Welsh Language Standard 60: *'You must promote any Welsh language service that you provide, and advertise that service in Welsh'*

In response to the concern, we included the information *'Dilynwch ein cyfrif Cymraeg yma / Follow our Welsh channel here'* to the About section of our English Facebook page. We also took this opportunity to improve our information on Welsh language provision across our social media platforms.

**Concern 3:** When we refer to the Helpa Fi i Stopio telephone numbers on the website <https://www.helpafiistopio.cymru/> and to your corporate

switchboard on <https://icc.gig.cymru/defnydd-y-safle/cyswllt/>, we do not indicate that you welcome telephone calls in Welsh.

This is not in line with Welsh Language Standards 13: *'When you publish your main telephone number, or any helpline numbers or call centre service numbers, you must state (in Welsh) that you welcome calls in Welsh'.*

In response to the concern, we have since included information on the following webpages to indicate that we welcome telephone calls in Welsh:  
[Tudalen Gartref - Helpa Fi i Stopio Cyswllt - Iechyd Cyhoeddus Cymru \(gig.cymru\)](#)

Our full response was forwarded to the complainant on 05 May 2023 and we received a response from the complainant on 07 May thanking us for our response and for looking into his complaints, and that our response was an excellent outcome.

### **3.3 CS1051 – WL Commissioner’s Investigation**

In September 2022, we were informed by the Welsh Language Commissioner of a complaint brought against the organisation by a member of the public in earlier in that month. The complaint was in relation to a suspected failure to comply with Standard 39, which stipulates that the Welsh language websites should be fully Welsh and functioning to the highest standard. We have since fed our evidence notice back to the Commissioner regarding this suspected breach, and accepted the terms of reference of the investigation. We are now awaiting the final notice, to which we will have 3 months to respond and confirm the actions undertaken, and processes put in place to prevent future incidents of this nature.

In preparation of an action plan being prepared and sent to the Welsh Language Commissioner by the end of the 3 month period, we are:

- Working with colleagues involved in the recent Web Discovery work, which looked specifically at our compliance with the Welsh Language Standards across our 14 websites. The Discovery work indicated varying levels of compliance.
- As the Web Discovery Work will look at actions on how we become compliant with the Welsh Language Standards (along with accessibility standards) and how we can sustain this for the future, the P&OD and Welsh language team will continue to work closely with the Communications teams on this piece of work.
- Scoping how our translation processes need to be improved across the organisation to support the translation of our web content in the

future. Our Welsh Language Manager is researching what processes other NHS Wales organisations, and organisations external to the NHS, have in place for translation currently and what best practice we could adopt at PHW.

### 3.4 Well-being of Future Generations (Wales) Act 2015

This paper contributes to the following Public Health Wales well-being objectives

Goal 1 - Build capacity and support system change

Goal 3 - Support the NHS to deliver high quality, equitable and sustainable services

Goal 6 - Maximise the potential of our natural and cultural resources

Public Health Wales is committed to becoming a bilingual organisation, and by meeting our statutory obligations with regard to the language we will be strengthening our structures and improving the quality of the services that we are able to offer. This report outlines the work that has already been completed towards meeting these obligations or work that is planned to prevent future problems, as well as the issues that still need to be resolved.

This work has been put together following the five ways of working, as defined within the sustainable development principle in the Act, in the following ways:



The work outlined in this paper is concerned with embedding long-term changes in systems and procedures, in line with our People Strategy.



Embedding Welsh-language procedures and learning from the complaints received will prevent our organisation from failing to provide the service that is expected of us by the Welsh speakers we serve.



The work of the Welsh language team and departments across PHW provides an integrated response to a number of cross-cutting frameworks, including the Welsh Language Standards, the More Than Just Words initiative, and the Health and Social Care Standards.



The Welsh language team are working closely with teams across PHW to help them to ensure they are meeting their obligations, providing practical help and support where needed.



Cultural work across the organisation described in this paper aims to increase the number of staff who can feel a sense of ownership of the Welsh language

## Recommendation

The Committee is asked to:

**Note for information** the current position with regard to the Welsh language complaints recently received.