

# Application form: Challenging present duty/duties

An organization (relevant person) already required to comply with a standard/ standards or to comply with a standard/standards in a specific way, may challenge that requirement by completing and returning this application form.

The application form assists the challenge process and enables organizations to apply to the Welsh Language Commissioner requesting a determination regarding whether or not the requirement to comply with the standard(s) in question is unreasonable or disproportionate.

Details regarding how an application is processed can be found in the procedure entitled Challenge and Appeals: Compliance Notices. The procedure should be read before completing this application form.

## Section 1: Contact details:

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## Section 2: Details of organization (relevant person)

Post within the organization: Policy Officer (Equalities and Welsh Language)

Organization's name: Monmouthshire County Council

## Section 3: Details of the application for a determination

There are 3 Standards within our final Compliance Notice that Monmouthshire County Council wishes to challenge. These are 9; 41b and 64.

**The reasons why the relevant person considers that the requirement to comply with the standard(s), or to comply with the standard(s) in a specific way, is unreasonable or disproportionate. Please note your reasons separately for each standard.**

**Please note any evidence upon which you depend to support your application. Please provide a copy of all such evidence.**

Please see below for each individual challenge and related evidence/information.

Monmouthshire CC have spent the past few months analysing all of the standards that have been proposed for us to comply with and developing action plans to implement these. Countless meetings have produced much support for the standards and some areas for concern. We feel though that these areas of concern, given additional time, are achievable and Monmouthshire CC is committed to full compliance.

Below are the standards that we feel present a serious challenge to us as an authority due mainly to the tightness of the deadlines. If we are allowed the extensions requested we feel that we will be able to deliver significantly enhanced services to benefit our Welsh language communities which are beginning to flourish as we work with community groups to maximise the benefits of hosting the National Eisteddfod in 2016.

#### Standard 9

We have experienced delays with the installation of our new telephony system that will enable a bilingual service. Unfortunately it will not be live by 30 March as originally specified. We have fully committed to complying with this standard at the earliest opportunity and are requesting a further extension until 30 September 2016 to allow us to ensure this system is fully operational before raising expectations amongst the Welsh speaking community.

#### Standard 41 (b)

The authority is appreciative of the commissioner's response to our earlier appeal which means we do not need to translate 'other papers for meetings that are open to the public.

We are planning to process minutes and agendas using the ModGov system, as used by Welsh Government. We have begun using the main system and are in the process of procuring the Welsh language add-on. However we now understand that the lead-time needed to ensure a high quality bi-lingual service means that we will be unable to comply with this standard by 30 March.

We are therefore requesting an extension to 30 March 2017 to ensure that minutes and agenda are produced bilingually in a cost effective and ultimately accurate manner.

#### Standard 64

The authority is committed to growing the number of its staff that are able to offer a service through the Welsh language. We are currently running fast-track bespoke reception service training, funded by us and delivered by Coleg Gwent. This is to upskill existing reception and telephony staff and increase their confidence in using the language. Cabinet have agreed that the next two vacancies for reception and the contact centre are to be designated as Welsh Language essential. The requirements that our main reception service is bilingual is reasonable and is not being challenged.

However the second part of the Standard in terms of every other reception service within 12 months remains an area of great concern.

The authority has a large number of other premises including one-stop-shops, libraries and leisure centres. The current profile of our workforce means we are unable to staff these with Welsh speakers, we currently have 24 Welsh speakers, mainly in professional positions meaning redeployment into reception roles is not an option. The current position with local government budgets means that staff turnover is low minimising the opportunities to recruit new Welsh speakers into the organisation as we have staff at risk of redundancy awaiting redeployment. Our HR data indicates that we are not having high numbers of applications from Welsh speakers – essentially there is a lack of supply in this area and colleagues all over Wales – even in the Welsh heartlands have reported similar concerns.

We have conducted surveys at our other reception areas and have identified little or no demand for Welsh language services. There is no evidence of un-met demand over the past five years and we have a tried and tested system third-party where people can request a Welsh speaker. This has been reported in all or monitoring reports over the past five years and this approach satisfies current demand in a financially sustainable way.

The nature of staffing rotas and the number of Welsh speaking staff that would be required to make all other receptions fully bilingual means it is unfeasible to make these areas fully bilingual by 30<sup>th</sup> September without making existing skilled and valuable staff redundant – something we are not prepared to entertain. Aside from practical implications this could also cause animosity towards the language. Our preference is to grow the language by investing our limited resources by encouraging new speakers, as evidenced by our hosting of the National Eisteddfod in 2016.

We will continue our approach of recruiting bilingual staff to reception and telephony positions. However given the above factors and the large number of council venues we cannot forecast when we would be able to fully comply with this standard.

With this in mind, we wish to challenge the specific “other reception areas” part of the Standard as unreasonable and disproportionate.

Signature: [Alan Burkitt]

Date: 12/3/16

This form may be sent as an e-mail attachment or through the post using the following contact details:

Welsh Language Commissioner, Market Chambers, 5–7 St Mary Street, Cardiff CF10 1AT

E-mail address: [post@welshlanguagecommissioner.wales](mailto:post@welshlanguagecommissioner.wales)