



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Scrutiny Performance Panel – Service Improvement & Finance

At: Remotely via Microsoft Teams

On: Wednesday, 23 June 2021

Time: 10.00 am

Convenor: Councillor Chris Holley OBE

Membership:

Councillors: P M Black, P Downing, P R Hood-Williams, L James, M H Jones, P K Jones, J W Jones, I E Mann, B J Rowlands and D W W Thomas

Agenda

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| 1 | Apologies for Absence | |
| 2 | Disclosure of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Prohibition of Whipped Votes and Declaration of Party Whips | |
| 4 | Public Questions
Questions must be submitted in writing, no later than noon on the working day prior to the meeting. Questions must relate to items on the agenda. Questions will be dealt with in a 10-minute period. | |
| 5 | Welsh Language Standards Annual Report
<i>Invited to attend:</i>
Sarah Lackenby - Chief Transformation Officer
Cllr Louise Gibbard – Cabinet Member for Supporting Communities
Cllr Robert Smith – Cabinet Member for Education Improvement, Learning & Skills | 1 - 29 |
| 6 | Overview: Byelaws
<i>Invited to attend:</i>
Craig Davies – Associate Lawyer | 30 - 41 |
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Next Meeting: Tuesday, 24 August 2021 at 10.00 am

Huw Evans

Huw Evans
Head of Democratic Services
Wednesday, 16 June 2021

Contact: Scrutiny Officer 07980 757686

Agenda Item 5



Report of the Cabinet Member for Education Improvement, Learning & Skills and Cabinet Member for Supporting Communities

Service Improvement and Finance Scrutiny Performance Panel 23rd June 2021

Welsh Language Annual Report 2020-21

Purpose	To provide the panel with the Welsh Language Annual Report 2020-21
Content	This is the fifth Annual Report since the standards became effective and provides an overview of the activity within the financial year ending 31 st March 2021.
Councillors are being asked to	Note the report
Lead Councillor(s)	Councillor Robert Smith (Cabinet Member for Education Improvement, Learning & Skills) Councillor Louise Gibbard (Cabinet Member for Supporting Communities)
Lead Officer(s)	Sarah Lackenby
Report Author(s)	Sarah Lackenby

1. Introduction

- 1.1 The report attached at Appendix A is the fifth annual report since the standards became effective and provides an overview of the activity within the financial year ending 31st March 2021.
- 1.2 The report is in a slightly different format this year, aiming to follow the annual report guidance issued by the Commissioner in September 2020.

- 1.3 Swansea Council remains committed to the Welsh Language Standards. This report contains examples and highlights of new projects and activities during the year to meet the standards. The report also includes work or actions as a result of any feedback, investigations, or monitoring work by the Commissioner, or as a result of complaints received directly from the public. It concludes with recommendations going forward.

2. Summary of the Report

- 2.1 2020-21 was a challenging year due to the pandemic. However, in general the Council has continued to make improvements on implementing the Welsh Language Standards during the year despite Covid-19. General feedback indicates that officers are more educated in relation to the requirements of the Standards.

- 2.2 Key areas to highlight in the report include:

- a) Actions taken during the year in each of the Standards Groups are highlighted throughout the report (Service Delivery, Policy making, Operational, Promotional and Record-Keeping Standards)
- b) Moving forward the priority continues to be Service Delivery Standards as they are the greatest number (86), they are the most visible, and all five complaints made directly to the Council were in the Service Delivery category. Awareness raising activities will be undertaken to help staff understand this set of standards in more detail
- c) Employees with Welsh skills including and excluding schools are shown at section 3.3.4. Excluding schools around 7% of employees have Welsh skills across the Directorates. Section 4 also highlights the comparative numbers of students attending Welsh Medium Education
- d) The Council will be reviewing the five year strategy and plan in the current year and explore ways of attracting Welsh speakers to work for the Council from Welsh medium schools and the universities and colleges in the area. The Council will also review whether more jobs can be recruited with mandatory Welsh skills
- e) The Welsh Translation Unit is a joint service with Neath & Port Talbot Council and translated 2.4m words during 2020-21. This was an increase of half a million words compared with the previous year. This was at a time when the Council was reacting very quickly to the pandemic. We owe a debt of gratitude to the unit for their quick turnaround of communications, especially early on in the crisis. The unit has also been bringing in new ways of working, using technology and automation alongside proof reading to increase turnaround times, especially of long and complex documents.
- f) Also attached to the report at Appendix 1 is the updated Complaints Policy. The Policy was reviewed this year and feedback provided by both the

Public Service Ombudsman Wales (PSOW) and Welsh Language Commissioner. The Policy now provides more detail to anyone wanting to complain to the Council about compliance with the Welsh Language. In addition, the Council is developing a corporate complaints system which will identify and monitor Welsh Language complaints.

- g) Finally, the Council is looking to replicate the very effective data protection compliance and reporting process for the Welsh language standards, e.g. introducing breach panels and a Welsh Language Board.

3. Assessment

3.1 It has been a very challenging year for the Council due to the Covid-19 pandemic with both staff and Councillors diverted into directly supporting the community, particularly the most vulnerable. Despite that, the Council continued to support and deliver the Welsh language standards as evidenced by examples throughout the report.

3.2 Areas that require focus for the current year have also been highlighted.

Background Papers: None

Contact: Sarah.Lackenby@swansea.gov.uk

Date: 15th June 2021



Welsh Language Annual Report 2020-21

June 2021

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1. Introduction

This is the fifth annual report since the standards became effective and provides an overview of the activity within the financial year ending 31st March 2021.

The report is in a slightly different format this year, aiming to follow the annual report guidance issued by the Commissioner in September 2020.

Overall 2020-21 was a very challenging year due to the Covid-19 pandemic. Staff and Councillors were diverted onto supporting residents and businesses in English and Welsh for areas such as: Food banks, supporting those shielding get access to food and prescriptions, and establishing a local Test Trace Protect (TTP) service. In addition, helping residents access financial support for free school meals, when self-isolating, and payments for carers. Financial support for local businesses was also delivered.

Swansea Council remains committed to the Welsh Language Standards. This report contains examples and highlights of new projects and activities during the year to meet the standards. The report also includes work or actions as a result of any feedback, investigations, or monitoring work by the Commissioner, or as a result of complaints received directly from the public. It concludes with recommendations going forward.

2. Background

Since 30th March 2016 all local authorities in Wales have had a statutory duty to comply with the Welsh Language (Wales) Measure (2011) and with the Welsh Language Standards imposed by the Measure through sub-legislation (Welsh Language Regulation Standards).

The intention of the standards is:

- to ensure that organisations treat the Welsh language no less favourably than the English language.
- to promote and facilitate the use of the Welsh language (making it easier for people to use in their day-to-day-life).

The Standards aim to:

- make it clear to organisations what their duties are in relation to the Welsh language.
- make it clearer to Welsh speakers about the services they can expect to receive in Welsh.
- make Welsh language services more consistent and improve their quality.

2.1 Swansea Council Standards

The standards issued to the City and County of Swansea are listed in a Compliance Notice - Section 44 Welsh Language (Wales) Measure 2011. A copy of these standards is available on the council's public website at: <https://www.swansea.gov.uk/cymraeg>
<https://www.abertawe.gov.uk/cymraeg>

This notice, agreed with the Office of the Welsh Language Commissioner, is the current document governing our compliance.

Swansea Council is required to comply with **163 standards across 5 categories** as shown in table 1, below:

Table 1: Standards for compliance by Swansea Council

Swansea Council		
	Categories	Number of Standards
1	Service Delivery standards	86
2	Policy Making standards	16
3	Operational standards	51
4	Promotional standards	2
5	Record Keeping standards	8
	Total	163

2.2 Accountability

Strategic leadership for the Welsh Language continues to rest with the Corporate Management Team. Implementation of the Standards on a day-to-day is corporately through the Chief Transformation Officer down to services through Heads of Service. Each service area has a Welsh Language Champion as the main channel for information (inward and outward) relevant to their work areas and practices.

During 2020-21 the Council created the new post of Standards Officer. At the time of writing this report the post is currently being recruited. The Standards Officer will be a Welsh speaker and take over the corporate day-to-day implementation of the Standards and overall promotion of the Welsh Language from the Chief Transformation Officer.

The Cabinet Member for Education Improvement, Learning & Skills champions Welsh Language Standards at a Political level. The Cabinet Member for Supporting Communities also supports the Welsh Language Standards through the lens of the Wellbeing and Future Generations Act.

The Welsh Language Standards, Welsh Translation Unit and bilingual first point of contact for many services are managed by Customer Services and there are many individuals within the team who are now able to offer advice around compliance with the Standards.

This Annual Report is presented to the Corporate Management Team (senior management) and the Service Improvement & Finance Scrutiny Performance Panel (Scrutiny Committee) prior to publishing.

The Corporate Complaints Policy sets out the Council’s process for dealing with complaints about compliance with the Welsh Language Standards, and training staff.

3. Matters Arising During the Reporting Period - The Operation of Standards

3.1 General Arrangements

2020-21 has been a challenging year for Local Government operations due to the global Covid-19 pandemic. All Council Services had to innovate and introduce new ways of working to ensure continued service delivery in the new 'virtual' and socially distanced world. As a result, all these changes had to be made at pace and communicated bilingually and we owe a debt of gratitude to our Welsh Translation Unit for managing the increased demand so impressively during this period.

In general, the Council has continued to be make improvements on implementing the Welsh language standards during the year despite the pandemic. General feedback indicates that officers are more educated in relation to the requirements of the Standards.

The priority continues to be concentrating on Service Delivery standards as they are greatest in number (86), are the most visible to the public, and attracted the areas of complaint during the year. Work also continues to progress on the Operational Standards particularly as they apply to the requirements in relation to the authority's workforce.

Specific compliance activity during the year is highlighted below and in the later sections:

Standards Group	Action taken during 2020-21	Action to be taken in the coming year
Service Delivery Standards	<ul style="list-style-type: none"> ▪ Proactively recruited and sought Welsh speakers into the Test, Trace, Protect (TTP) team ▪ Increased Welsh Language capacity on the Council's main telephone line and face-to-face at the Civic Centre (recommendation from the Commissioner's monitoring work) ▪ New telephone system has improved resilience and access to Welsh speakers on the Council's main phone number (see section 3.1.2 of this report) ▪ New automation project introduced within the Welsh Translation Unit (see section 3.1.4) ▪ New complaints system in development (see section 3.1.4) ▪ Reviewed the central corporate Welsh Language structure to strengthen compliance and created the post of Standards Officer currently out for recruitment (see sections 2.2 and 3.1.3) ▪ Additional post added to the Welsh Translation Unit to bolster simultaneous translation (see section 3.1.3) ▪ Bilingual application developments during the pandemic including: Free 	<ul style="list-style-type: none"> ▪ Complete e-Democracy project ▪ Standards Officer in post ▪ Complete automation project ▪ Complete complaints system

Standards Group	Action taken during 2020-21	Action to be taken in the coming year
	<p>Schools meals, payments to carers and those self-isolating</p> <ul style="list-style-type: none"> ▪ New domestic abuse app which is bilingual ▪ Meetings moved to a virtual environment during the pandemic. Grant awarded from the Digital Democracy Fund to upgrade equipment and software to enable virtual meetings and encourage greater participation including from Welsh speakers (section 3.3.9) 	
Policy Making Standards	<ul style="list-style-type: none"> ▪ Complaints Policy reviewed. Helpful feedback provided by the Commissioner's office on the updated Policy (section 3.4) ▪ All reports through Cabinet/Council assessed for impact on the Welsh Language through the Equality Impact Assessment (EIA) process ▪ Integrated into strategic plans (section 3.2.2) 	<ul style="list-style-type: none"> ▪ Impact on the Welsh Language to be fully embedded in the Integrated Impact Assessment (IIA) ▪ Training / awareness sessions to Policy makers on the code of practice guidance
Operational Standards	<ul style="list-style-type: none"> ▪ The Council is looking to introduce a breach panel process and Welsh Language Board. This mirrors a very successful approach already in place in the Council for data breaches and information governance ▪ Promotion of Welsh Language courses on the homepage of the Council's intranet and in news stories. The move to online classes due to COVID-19 had a very good response, better than face to face courses (see section 3.3 for more information) 	<ul style="list-style-type: none"> ▪ Breach panel process live ▪ Welsh Language Board convened ▪ Explore mandatory Welsh when recruiting unless specific shortage in the market for a particular skill ▪ Review of the five year strategy ▪ Explore ways of attracting Welsh speakers to work for the Council from Welsh medium schools, universities, and further education colleges
Promotional Standards	<ul style="list-style-type: none"> ▪ Key promotional activity during the Covid-19 pandemic for both the public and staff – published in Welsh and English on the website and intranet ▪ Along with the St. David's Day virtual promotions (due to lockdown), the Council did a special campaign for Welsh Language Rights Day on 7th December 2020. This involved members of the Welsh Translation Unit recording YouTube videos for dissemination across the Council 	<ul style="list-style-type: none"> ▪ Review emergency procedures and experiences from the pandemic with regard provision in Welsh and English

Standards Group	Action taken during 2020-21	Action to be taken in the coming year
	<ul style="list-style-type: none"> ▪ The Council created a Corporate Facebook page for Welsh content to help resolve issues about English and Welsh content not matching (Twitter already had a separate @CyngorAbertawe account) (recommendation from the Commissioner's monitoring work) 	
Record-keeping Standards	<ul style="list-style-type: none"> ▪ Established a Microsoft Teams site which the Corporate Management Team and Heads of Service have access to for Welsh Language resources and to have awareness / learn from any complaints 	<ul style="list-style-type: none"> ▪ New system completed for recording and monitoring complaints, FOIs and SARs including those concerning Welsh Language Standards

3.1 Service Delivery Standards

3.1.1. Email addresses

All individual and departmental email addresses are available in English and Welsh so that Welsh speaking residents and businesses can make contact via the Welsh address. Staff are expected to place their @swansea.gov.uk and their @abertawe.gov.uk address in their email signature. In addition, all external emails have an automated bilingual footnote which includes:

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

3.1.2 Telephone

The introduction of the new telephone system has been completed and has been available 100% since implementation which is a great improvement on the old system. Several complaints in previous years were due to the old system going down.

During the reporting period 2,771 callers to the Council's main lines chose the option to speak to the Council in Welsh, with the main service demand (aside from the Council's switchboard) being Council Tax, Missed Bin Collections and Housing Repairs.

3.1.3 Staffing Arrangements

With regards the Welsh Translation Unit, further new ways of working continue to be implemented. Along with using a mix of internal and external translators.

Translation timescales have improved as a result of:

- Raising awareness at Corporate Management Team regarding Complaints received
- Better forward planning and communication; and
- Working with services in relation to annual translation requirements.

During 2020-21, the Council translated 2.4 million words, an increase of half a million words on the previous year.

Prior to the pandemic in 2019-20 “Cwtsh Cymraeg” areas were created for staff to practice Welsh when in the office. The virtual ‘Cwtsh – Ysgrifennu yn Cymraeg’ was still available throughout the year for Officers to use virtually.

Welsh Language Champions are in place across services supporting and promoting the Welsh Language Standards.

A review of the corporate structure for Welsh Language Standards was undertaken and as a result a new post was created in the Welsh Translation Unit to increase capacity, especially for simultaneous translation. In addition, a Standards Officer post was created to bolster corporate capacity around compliance. The Welsh Translation Unit is a joint service with Neath & Port Talbot Council (NPT) and further work will be done in 2021-22 following discussions with NPT.

3.1.4. Technical Systems

New complaints system

During 2020-21 work began developing a new system for the public to complain to the Council, including around compliance with the Welsh language standards. This includes functionality for a member of the public to log and track progress of their complaint as well as receive secure communications from Council staff instead of receiving emails. The second phase of development for later in the year will then incorporate Freedom of Information requests and Subject Access Requests around the Welsh language standards. The system will improve the breadth of reporting and enable data-led decision-making and targeted training around Welsh Language Standards and compliance.

Automation

The Council has partnered with a robotics company in Llanelli to deliver a Welsh Language translation automation project. This model aims to use a mix of automation supported by proof reading from the staff in order manage translation demand and increase speed, especially for very large documents.

Enterprise Resource Planning (ERP) upgrade

The Council’s core integrated finance, HR, training, purchasing and payables system is being upgraded to the cloud version. Record keeping standards are being followed in the production of reports from the new system.

3.1.5 Social Services

The Welsh Language Standards Act has strengthened the provision of bilingual services in Health and Social Care, and across the Council as a whole.

Swansea Council promotes best practice approaches in using the Welsh language to improve the service offer to both citizens and amongst staff involved in delivering health and social care.

Highlights during the past year include:

- Welsh Language Champions in place within key services
- Welsh Dementia Friends Champions in place to promote an ‘active offer’ in care homes/ day services

- Capturing a ‘magic moments’ poster and feedback from service users
- Inclusive communication board in Welsh at the Alexandra road premises
- Capturing information on how Social Services promotes Welsh culture through the quarterly quality observations
- Delivering a bilingual Dementia Friends Awareness session at the staff event prior to pandemic
- Delivering a Project called “Hen Blant Bach” in partnership with “Menter Iaith Abertawe” to promote intergenerational work between primary children and people living with dementia through the medium of Welsh
- Weekly Training Bulletin including offer of Welsh Taster sessions to Social Care staff
- Staff making use of apps and tools to promote bilingual working.

3.1.6 “Mwy Na Geiriau”, “More than Just Words”

To implement the Health and Social Care framework, Swansea remains committed to the Fforwm Mwy Na Geiriau and regional partnerships. Swansea contributed a number of examples of good practice to the recent Welsh Government commissioned national evaluation of the Mwy Na Geiriau strategy (Oct 2020).

3.2 Policy Making Standards

3.2.1 Equality Impact Assessments

All Policy Making decisions are subject to the authority’s corporate Equality Impact Assessment (EIA) process, which considers the potential effect which the initiative may have on Equality issues.

While based on the requirements of the Public Sector Equality Duty (under the Equality Act (2010) our particular EIA process has broadened the set of parameters to include specific mention of the Welsh Language Standards and our requirements to meet them. Associated guidance reinforces these requirements. Whilst understanding of the standards has increased generally, officers often require explanation and support when completing the Welsh language element of an EIA. One common issue is a failure to discuss proposals with Welsh speakers in the community.

During 2020-21 all reports through Cabinet/Council were assessed for impact on the Welsh Language through the EIA process. During 2021-22 the objective is to fully embed this into the Integrated Impact Assessment (IIA).

3.2.2 The Welsh Language Standards across Strategic Plans

Swansea Council has embedded its work on the Welsh Language Standards across its corporate strategic plans including:

- **The Council’s Strategic Equality Plan (SEP)** both through the use of the EIA process and as a step to implement one of the equality objectives. In the SEP the Council has included a consideration of the Welsh Language alongside the wider protected characteristics in terms of our approach to equality
- **Swansea’s Annual Review of Performance for 2019-20** – Welsh Language is highlighted as a priority for Education, describes how the Council is contributing to the national well-being goals, and how the Council is training staff
- **Swansea’s Corporate Plan** – Welsh Language as steps in both the Education & Skills and Transformation & Future Council Development well-being objectives.

3.3 Operational standards

3.3.1 Resources for Staff

Operational Standards relate to the use of Welsh within the internal functions of the Council including the relationship between the Authority and its employees (including during recruitment and appointment), through:

- Encouraging and assisting staff to use their Welsh language skills as part of their normal day-to-day work
- Providing a supportive framework for staff to improve and develop their Welsh language skills.

The Human Resources department commissioned the translation of policies and procedures as directed under the standards and these are available to any member of staff as well as on the Council’s website.

Access to software to assist staff in the use of Welsh (e.g. MSOffice spell checking and grammar checking; and automatic translation) is available as a standard add-on. StaffNet has a ‘Welsh Language’ section <http://www.swansea.gov.uk/staffnet/welsh> which contains supporting resources for staff using the Welsh language in their work, which includes:

- An overview of the Standards, including information on the role of the Welsh Language Commissioner
- An on-line Welsh language awareness course developed to provide some social and historical context to the Welsh language and its place in modern society
- Handy Guides, each giving a quick guide to a specific area of the standards, e.g:
 - telephone calls
 - emails
 - organising meetings
 - design of signs
- Welsh Translation Services - Standard Translations that are searchable on Staffnet to assist with production of standard information with small amounts of variable data, for example:
 - dates, times, venues
 - automatic (out of office) messages
 - standard ad hoc signs
- Guide to bilingual social media - rules for publicising events and other information on Twitter, Facebook and other social media.
- Details of Welsh language tuition and practice sessions, including external courses listed on the <http://www.swansea.ac.uk/learnwelsh/> website
- Regular external social events via the Menter Iaith Abertawe website
- Welsh language training for staff - initially targeted towards front-line staff in areas with an identified insufficiency of Welsh-speakers
- Details of service area Welsh Language Champions.

3.3.2 Staffnet – Staff usage and promotion of Welsh

There have been over 17,500 pageviews on Staffnet in the past year, and the top 10 pages about Welsh on Staffnet from 1 April 2020 - 31 March 2021 are:

Page Title	Pageviews
Swansea Staffnet - Get something translated into Welsh	14847

Page Title	Pageviews
Swansea Staffnet - Come and learn Welsh with us! (stori newyddion)	436
Swansea Staffnet - Welsh Translation request form (stori newyddion)	378
Swansea Staffnet - Welsh language	341
Swansea Staffnet - Welsh translation reminder (stori newyddion)	268
Swansea Staffnet - Welsh phrases - out of office, emails and letters	178
Swansea Staffnet - Request for Welsh translation	169
Swansea Staffnet - Welsh Language Rights Day: What's your favourite Welsh word? (stori newyddion)	158
Swansea Staffnet - Welsh language lessons for staff	134
Swansea Staffnet - Welsh Language Rights Day (stori newyddion)	86

3.3.4 Staff and Welsh Language Skills

Data supplied by staff (as of 31st March 2021) can be seen in the following tables:

Total number of staff with Welsh Skills (excluding schools) = 416

% with Welsh skills against number of employees in the Council (excluding schools) = 6.8%

	Understand spoken welsh	Speak Welsh	Read Welsh	Write Welsh	Learning Welsh	Willing to use in course of your work
Yes	242	181	196	158	171	371
No	38	28	29	28	36	257
Not Stated	1348	1419	1403	1443	1425	949
Preferred not to say	0	0	0	0	0	54

Breakdown by Directorate:

Department	Number of Staff with Welsh Language Skills	Number of Staff without Welsh Language Skills	Percentage of Staff with Welsh Language Skills
Place	178	2,359	7.5%
Resources	50	695	7.2%
Education excluding schools	54	847	6.4%
Social Services	134	1,804	7.4%

Breakdown by Grade (excluding schools):

Grade	Number of Staff
Deputy Chief Executive 1-3	1
Director 001-007	1
GRADE_01 01	2
GRADE_02 03	13
GRADE_02A 03A	3
GRADE_03 04	14
GRADE_04 05-06	20
GRADE_04A 05A-06A	2
GRADE_05 07-09	47
GRADE_06 11-17	61
GRADE_07 19-24	68
GRADE_08 25-29	48
GRADE_09 30-34	40
GRADE_10 35-39	24
GRADE_10A 35-37	12
GRADE_10B 38-39	4
GRADE_11 40-44	13
GRADE_12 45-49	12
Head Deputy and Assistant Teachers 001-043 H00	2
HOS Band_1 07-13	1
HOS Band_2 03-09	1
Apprentices	5
No grade given	2
Soulbury Advisor Inspectors 002-011	2
Soulbury Advisor Inspectors 019-022	2
Soulbury Advisor Inspectors 022-024	1
Soulbury Ed Psychologist 001-009	2
Teacher 001-006 W00	4
Threshold Teacher 001-003 P00	6
Unqualified Teacher 001-006	3

Schools Workforce

The schools workforce census is reported to Welsh Government in this specific format:

School Workforce Census 2020 : Ability in Welsh						
All schools	Headcount			Percentage of Headcount		
Level	Teachers	Support	Total	Teachers	Support	Total
Proficient Level	364	213	577	18.2%	8.9%	13.2%
Advanced Level	77	37	114	3.9%	1.5%	2.6%
Intermediate Level	176	58	234	9.1%	2.1%	5.4%
Foundation Level	416	192	608	21.1%	7.7%	13.9%
Entry Level	509	750	1259	26.0%	31.3%	28.9%
No language skills	424	1139	1563	21.5%	48.3%	35.9%
Information not yet obtained	2	5	7	0.1%	0.2%	0.2%

Grand Total	1968	2394	4362			
English medium only	Headcount			Percentage of Headcount		
Level	Teachers	Support	Total	Teachers	Support	Total
Proficient Level	109	38	147	6.4%	1.7%	3.8%
Advanced Level	70	20	90	4.1%	0.9%	2.3%
Intermediate Level	176	52	228	10.3%	2.4%	5.8%
Foundation Level	416	192	608	24.4%	8.8%	15.6%
Entry Level	509	750	1259	29.8%	34.2%	32.3%
No language skills	424	1135	1559	24.9%	51.8%	40.0%
Information not yet obtained	2	5	7	0.1%	0.2%	0.2%
Grand Total	1706	2192	3898			
Welsh medium only	Headcount			Percentage of Headcount		
Level	Teachers	Support	Total	Teachers	Support	Total
Proficient Level	255	175	430	97.3%	86.6%	92.7%
Advanced Level	7	17	24	2.7%	8.4%	5.2%
Intermediate Level		6	6	0.0%	3.0%	1.3%
Foundation Level				0.0%	0.0%	0.0%
Entry Level				0.0%	0.0%	0.0%
No language skills		4	4	0.0%	2.0%	0.9%
Information not yet obtained				0.0%	0.0%	0.0%
Grand Total	262	202	464			

3.3.5 New and Vacant Posts

The table below gives a summary of the number of new or vacant posts advertised by the authority and indicates the levels of Welsh Language Skill required for the role. Level 1 being the most basic level of understanding and Level 5 the most advanced. The request for Welsh language skills as desirable has significantly increased from 54 last year to 316 in 2020-21. In the coming year the Council will explore:

- Ways of attracting Welsh speakers to work for the Council from Welsh medium schools, universities, and further education colleges
- Mandatory Welsh when recruiting unless there is a specific shortage in the market for a particular skill.

Welsh Language skill level required	Number of new and vacant posts advertised
Level 1	310
Level 2	2
Level 3	3
Level 5	3
Not Required	0
Desirable	316
To be Learned	1

3.3.6 Staff Training

A Welsh Language Training Support Group has been established, meeting monthly for the purpose of improving opportunities to learn or improve Welsh Language skills.

With regard to formal training, in 2020-21 there were:

- 15 participants on Mynediad Level 1 (No change from last year)
- 4 participants on Mynediad Level 2 (Down by 5 from last year)
- 1 on Sylfaen. (Up from last year)
- 21 Taster Session (Newly reported this year).

3.3.7 Cwtsh Cymraeg

Due to the Covid-19 pandemic, officers are now working from home and therefore staff have not been able to use 'Cwtsh Cymraeg' in the offices during the reporting period. However the Microsoft Teams virtual 'Cwtsh – Ysgrifennu yn Cymraeg' was still available throughout the year for Officers to use virtually.

3.3.8 Staff Communication

Communication issued centrally and sent to groups of staff is in English (as is permissible under the standards).

3.3.9 Meetings

All meetings during 2020-21 shifted online via Microsoft Teams including Council, Cabinet, Committee and Scrutiny meetings. During Q4 the Council was successful in securing a digital democracy grant to grow the Council's e-democracy capability. Simultaneous translation shifts to a virtual environment in this new model. This will enable hybrid meetings as an ongoing model with the aim of encouraging greater participation in the democratic process including from Welsh speakers. Although the corporate tool remains Teams, Zoom licences have been procured for facilitators to enable simultaneous translation.

3.4 Record Keeping Standards

Complaints

Complaints in relation to the Welsh Language and /or complaints received in the Welsh Language about any aspect of service delivery are dealt with according to the Council's corporate complaints policy. The Complaints Policy was recently reviewed and updated and feedback / guidance was sought from the Welsh Language Commissioner's Office. The revised Policy is attached at Appendix 1.

Section 13 of the revised Complaints Policy deals exclusively with Welsh Language complaints so as to comply with the Standards. The Policy identifies the process, timescales, responsible officers, and staff training and communication around Welsh Language complaints.

As highlighted earlier in section 3.1.4, both the new complaints system and upgraded ERP system will improve the breadth of reporting. This will enable data-led decision-making and targeted training around Welsh Language Standards and compliance.

Five Welsh Language complaints were received directly to the Council during the reporting period April 2020 – March 2021. Further staff awareness will be undertaken,

particularly around the Service Delivery Standards as all the complaints during the year relate to that category. These include:

Standards Group	Complaint Details	Action Taken
Service Delivery Standards	Facebook page not in Welsh	There are two Facebook accounts, one in English and one in Welsh instead of bilingual posts on one. This was following guidance from the Commissioner and as a recommendation from the Commissioner's monitoring work. An explanation was provided within the complaints handling deadline.
Service Delivery Standards	No response to an email sent to Waste	The original email was sent to Environmental Health who were unable to locate any correspondence. Once received by the Complaints team, a response to the query was provided by Waste within the complaints handling deadline
Service Delivery Standards	Unable to pay Council tax in Welsh	Residents are able to pay Council Tax in Welsh, this was an error by a member of staff. An apology was issued and the information for making a payment via medium of Welsh was provided within the complaints handling deadline
Service Delivery Standards	Planning notices not in Welsh	Exemption rules apply – the Council has also engaged with the Commissioner on this. Explanation provided within the complaints handling deadline.
Service Delivery Standards	Road sign misspelt	New sign ordered once officers were made aware of the error. Response and apology provided to the resident within the complaints handling deadline.

4. Welsh Medium Education

The future development of the Welsh language across Swansea and beyond is fundamentally linked with Welsh Medium Education and this aspect is dealt with specifically in the council's Welsh in Education Strategic Plan. We are currently in the process of drafting our first 10-year Welsh in Education Strategic Plan. This will be consulted upon in autumn 2021 with the plan going live in September 2022.

There are 11 Welsh medium primary schools feeding into the two secondary schools – Ysgol Gyfun Gŵyr and Ysgol Gyfun Gymraeg Bryn Tawe.

Currently the number of students attending Welsh medium education in the three age ranges and the overall percentage of each range which these figures is outlined in the tables below.

2020-2021

School Rolls	Total Welsh and English streams	Number of students in Welsh medium provision	Percentage of students in Welsh language streams
Primary	21159	3157	14.92%
Y7-11	12859	1674	13.02%
Y12-Y13	1507	315	20.90%
Total	35525	5146	14.49%

2019-2020

School Rolls	Total Welsh and English streams	Number of students in Welsh medium provision	Percentage of students in Welsh language streams
Primary	22190	3519	15.9%
Y7-11	12331	1503	12.2%
Y12-Y13	1358	273	20.1%
Total	35879	5295	14.8%

2018-2019

School Rolls	Total Welsh and English streams	Number of students in Welsh medium provision	Percentage of students in Welsh language streams
Primary	22147	3306	14.9%
Y7-11	12246	1503	12.3%
Y12-Y13	1318	273	20.7%
Total	35711	5082	14.2%

In GCSE Welsh First Language, over 89.4% in 2020 of students attain grades A* - C, and numbers entering this subject have increased steadily in the eight years up to 2020.

In the GCSE Welsh Second Language (full course) over 76.5% in 2020 attain grades A* - C and numbers entering the subject have increased in the eight years since 2012 from 239 entries to 1803 entries in 2020. The increase in entries is due partly to the withdrawal of the short course option in this subject, with all entries being full course from 2019.

Performance in Welsh is also strong in key stages 2 and 3, but no data was collected in 2020 due to the pandemic.

5. Conclusions and Recommendations

It has been a very challenging year for the Council due to the Covid-19 pandemic with both staff and Councillors diverted into directly supporting the community, particularly the most vulnerable. Despite that, the Council continued to support and deliver the Welsh Language Standards as evidenced by examples throughout this report.

However, there are areas which require focus and improvement in the coming year, including:

- a) With regard to promotional materials, review emergency procedures and experiences from the pandemic with regard provision in Welsh and English
- b) Improve staff awareness of the service delivery standards – this was the main category of complaint during the year
- c) Training / awareness sessions to Policy makers on the code of practice guidance to ensure the impact on the Welsh language is thoroughly assessed and meaningful.

Other areas of work in the coming year include:

- c) Establishing a Welsh Language Board
- d) Completing the e-Democracy project – improving participation including for Welsh speakers
- e) Standards Officer in post – complete the recruitment
- f) Completing the automation project in the Welsh Translation Unit
- g) Completing the new complaints system
- h) Reviewing and updating the five year strategy and plan
- i) As part of the strategy work, explore ways of attracting Welsh speakers to work for the Council from Welsh medium schools, universities, and further education colleges
- j) Piloting the breach panel process – this already works well for data protection and it is hoped the process can be mirrored for the Welsh Language Standards compliance work
- k) Reviewing the joint Welsh Translation Service with Neath & Port Talbot Council to ensure adequate provision of translation services
- l) Impact on the Welsh Language to be fully embedded in the Integrated Impact Assessment (IIA)
- m) Explore mandatory Welsh when recruiting unless specific shortage in the market for a particular skill.



Corporate Complaints Policy

1. Introduction

- 1.1 The City and County of Swansea (The Authority) is committed to dealing effectively with any concerns or complaints you may have about our service. In this document, the term “complaint” refers to a concern or a complaint.
- 1.2 We aim to clarify any issues about which you are not sure. We will provide any service to which you’re entitled where we have failed to do so previously without good reason. We will apologise if we get something wrong, and where possible try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

2. When to Use This Policy

- 2.1 The Council will use this Policy in a way which is supportive, so you know how and who to contact and the timescales at each stage of the process. In most cases, this Policy may be used to determine whether or not correct advice has been given, or that a service to which a person is entitled has not been provided, or not provided properly. Circumstances where this Policy may not apply include complaints relating to issues that would either be dealt with by another forum or have their own separate appeal mechanism. The assigned Officer will advise you if this is the case once they have studied your complaint.
- 2.3 The final decision as to whether or not a complaint should be dealt with under this policy will be made by the Standards Officer. In the event of a disagreement, challenges to the decision of the Standards Officer should be referred to the Public Services Ombudsman for Wales.
- 2.4 When you express concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal (e.g. against a refusal to grant you planning permission, or the decision not to give your child a place in a particular school) so, rather than investigate your complaint, we will explain to you how you can appeal.
- 2.5 Sometimes you might be concerned about matters that are not decided by us and in such cases we will advise you how to make your complaint known.
- 2.6 The role of the Complaints Officer is to investigate a complaint and determine whether or not the relevant Service Department has acted in accordance with legislative requirements, or in line with approved policies and procedures. It

is not the role of the Complaints Officer to overturn any properly made decisions.

3. When to Approach the Relevant Service Department

- 3.1 If you are approaching us for a service for the first time, (e.g. reporting a faulty street light, requesting an appointment etc) then this policy doesn't apply. You should first give the relevant Service Department a chance to respond to your request for service.
- 3.2 If you make a request for a service and then are not happy with the Service Department's response to that request, you will be able to make your complaint known as set out below.

4. Stage 1 Complaint: Informal Resolution

- 4.1 Where possible, we try to deal with things straight away rather than sort them out later. If you have a complaint, raise it with the person you're dealing with. S/He will try to resolve it for you there and then.
- 4.2 If the person you are dealing with is unable to resolve the issue at the point of contact, the matter may be referred to a senior person within the appropriate Service Department to provide a response. Depending on the nature of the complaint, the matter may be resolved over the telephone or in writing including email. Where an issue is resolved by way of a telephone call you will receive a letter or email as confirmation of the outcome of the conversation.
- 4.3 If there are any lessons to learn from addressing your complaint, appropriate action will be taken where possible to put those lessons learned into practice.
- 4.4 The Service Department will provide a substantive response to your complaint within 10 clear working days. If the complaint is not resolved to everyone's satisfaction by then it will be escalated to stage 2.
- 4.5 Where your complaint has been referred to the relevant Service Department and you are dissatisfied with their response, you can then ask for a formal investigation.
- 4.6 Depending on circumstances, the Authority reserves the right to escalate a complaint directly to Stage 2 of the Complaints Policy.

5. Stage 2 Complaint: Formal Investigation

- 5.1 The Council aims to resolve complaints quickly and informally wherever possible. However, you can take your complaint to Stage 2 of the complaints process for investigation by the Complaints Team. Here are some examples where stage 2 may apply:
 - a) Where a Service Department has had adequate opportunity to address your complaints and has not provided you with a response in accordance with the requirements outlined in paragraph 4.4 above;

- b) If you do not consider that your complaint has received adequate or proper consideration;
 - c) If you have received a response and you remain aggrieved or dissatisfied with the decision of the Service Department.
- 5.2 Should you wish to take your complaint to Stage 2, the investigating officer will ask you for more information to understand what went wrong and your desired outcome to resolve the matter.
- 5.3 Upon receipt of a Stage 2 complaint, the details will be logged and an acknowledgement of receipt will be sent by the Complaints Team within 5 clear working days.
- 5.4 In most cases, the Complaints Team will provide a substantive response to your complaint within 20 clear working days. Where this is not possible you will be informed in writing of the reason for the delay before the response deadline, together with the date you can expect to receive a full response.
- 5.5 Occasionally, the specific issues that a complainant wants investigated may require clarification. In these circumstances, the Complaints Officer will write to the complainant with a summary of the issues to be investigated as they understand it, asking the complainant to agree that the issues identified are comprehensive and correct, or to provide further clarification.
- 5.7 When this course of action is required, the 20 clear working day timescale for the investigation will begin when the specific issues to be investigated have been agreed by both parties. Where no response has been received from the complainant within 28 working days of a request for clarification, the complaint will be closed.

6. How to Make a Complaint

6.1 You can make a Complaint in any of the ways below.

- Online Complaint Form – Available at www.swansea.gov.uk/complaints
- e-mail – Contact us at complaints@swansea.gov.uk
- Letter – Write to: The Complaints Team, Civic Centre, Oystermouth Road, Swansea SA1 3SN
- Pre Printed Complaint Form – Available from the Complaints Team or our Service outlets.
- Customer Services staff can help you complete the form online by calling (01792) 636000
- Telephone – Contact Complaints Team on (01792) 637345

- 6.2 We aim to have complaint forms and fact sheets available in hardcopy at all City & County of Swansea public offices. Alternatively Customer Services staff can help you complete the form online. Copies of the Complaint Policy and the complaint form are available in English and Welsh and can also be made available in other languages. Formats such as Audio, Braille or Large Print can also be provided if required.

7. Dealing with Your Complaint

- 7.1 Acknowledgement of your complaint will be sent within 5 clear working days. We will usually respond to you in the same way as you communicated with us (e.g. if you complained by email in Welsh, we would respond to you by email in Welsh) unless you inform us that you have particular requirements.
- 7.2 We will deal with your complaint in an open and honest way and will make sure that your dealings with us in the future do not suffer just because you have made a complaint.
- 7.3 Normally, we will only be able to look at your complaints if you tell us about them within 12 months. This is because it's better to look into your complaint while the issues are still fresh in everyone's mind.
- 7.4 In exceptional circumstances we may look at concerns which are brought to our attention later than this. However, you will have to give us strong reasons why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. The final decision whether to investigate after 12 months rests with the Standards Officer.
- 7.5 If you're expressing a concern on behalf of somebody else, we'll require a copy of their written agreement to you acting on their behalf. A written agreement form may be obtained online at www.swansea.gov.uk/complaints.

8. When There Is More Than One Body Involved

- 8.1 If your complaint covers more than one body (e.g. a Housing Association and The Authority re: noise nuisance) we will usually work with the other body to decide who should take a lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.
- 8.2 If the complaint is about a body working on our behalf (e.g. a specialist company contracted by The Authority) you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will look into the matter ourselves and respond to you.

9. Investigating your Complaint

- 9.1 We will usually discuss your complaint with the Service Department in question and get back to you. In certain cases (i.e. cases concerning Social Services

where a statutory procedure applies) we may appoint an independent investigator.

- 9.2 We will set out to you our understanding of your concerns and ask you to confirm that we've got it right. We will also ask you to tell us what outcome you're hoping for.
- 9.3 The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us at the time you make your complaint.
- 9.4 If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had it; we will offer to provide the service rather than investigate.
- 9.5 We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 clear working days. If your complaint is more complex, we will:
 - 9.5.1 Let you know within this time why we think it may take longer to investigate;
 - 9.5.2 Tell you how long we expect the investigation to take; and
 - 9.5.3 Give you periodic updates, including telling you whether any developments might change our original estimate.
- 9.6 The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on the complexity of the issues you have raised. In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.
- 9.7 We will look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular concern. If necessary, we will talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

10. Outcome of your Complaint

- 10.1 If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or e-mail, for example. If necessary, we will produce a longer report.
- 10.2 We will explain how and why we came to our conclusions. If we find that the Service Department got it wrong, we will tell you what went wrong and why it happened. We will show how the mistake affected you.
- 10.3 If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again. If we got it wrong, we will always apologise.

11. Putting Things Right

- 11.1 If we didn't provide a service you should have had, we will aim to provide it as soon as practicable. If we didn't do something well, we will aim to put it right. If you have lost out due to a mistake on our part, we will usually aim to put you back in the position you would have been in if we had got it right.
- 11.2 If you had to pay for a service yourself, when you should have had one from us, or if you were entitled to funding you did not receive, we will usually aim to make good what you have lost.
- 11.3 If you are complaining about a failure that has resulted in personal injury, loss of or damage to property, any associated compensation claim you wish to make will be handled separately by the Insurance Section and will not be dealt with under the complaints process.

12. Public Services Ombudsman for Wales

- 12.1 If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all Public bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
- 12.1.1 Have been treated unfairly or received a bad service through some failure on the part of the body providing it; or
- 12.1.2 Have been disadvantaged personally by a service failure or have been treated unfairly.
- 12.2 The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right.
- 12.3 You can contact the Ombudsman in the following ways:
- By Telephone: 0300 790 0203
 - By e-mail: ask@ombudsman.wales
 - Via the website: www.ombudsman.wales
 - In writing to: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

13. Welsh Language Complaints

- 13.1 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language by way of sub-legislation (Welsh Language Regulation Standards).

All the information relating to Swansea Council's implementation of the standards and annual reports can be viewed online at:

<https://www.swansea.gov.uk/cymraeg>

- 13.2 With regard to a Welsh Language complaint, the Council will follow the same approach identified throughout this Policy. In addition, the investigating officers will consult with any relevant legislation, the Standards, Code of Practice and Commissioner's guidance before making a determination. Complaints or Concerns regarding the Welsh Language will follow the same timeframes and steps already highlighted in this policy.
- 13.3 As highlighted in section 4, the Council will aim to resolve a Welsh Language complaint quickly and informally first (stage 1) with the relevant service area and within 10 clear working days. How to make a complaint is covered in section 6. Stage 1 complaints will be allocated to the appropriate officer dealing with complaints for that particular service, and will be tracked and monitored.
- 13.4 Section 5 highlights escalating your complaint to stage 2.
- 13.5 Welsh Language stage 2 complaints will be investigated by the Standards Officer. An initial acknowledgement will be sent within 5 clear working days.
- 13.6 In most cases, the Standards Officer will provide a substantive response to your stage 2 complaint within 20 clear working days. Where this is not possible you will be informed in writing of the reason for the delay before the response deadline, together with the date you can expect to receive a full response.
- 13.7 Occasionally, the specific issues that a complainant wants investigated may require clarification. In these circumstances, the Standards Officer will write to the complainant with a summary of the issues to be investigated as they understand it, asking the complainant to agree that the issues identified are comprehensive and correct, or to provide further clarification.
- 13.8 When this course of action is required, the 20 clear working day timescale for the investigation will begin when the specific issues to be investigated have been agreed by both parties. Where no response has been received from the complainant within 28 working days of a request for clarification, the complaint will be closed.
- 13.9 In line with the 'Record Keeping' standards, the Standards Officer will log the Welsh Language complaint against the relevant category of standards, i.e. Service Delivery, Policy Making, or Operational Standards.
- 13.10 All Welsh Language complaints received directly by the Council are reviewed by the Standards Officer and reported in the Council's Annual Welsh Language Standards report.
- 13.11 Advice, handy guides and virtual training are available to staff on the intranet. Online training forms part of induction for new starters and existing staff are advised to undergo refresher training every two years.
- 13.12 The Council periodically runs campaigns on the intranet and through newsletters to raise staff awareness of the procedures and Welsh Language Standards. Support for Officers dealing with complaints can be found on the

Intranet and staff are able to seek further guidance from the Standards Officer.

- 13.13 The Council has all the material necessary for Officers to deal with the complaint on a central Sharepoint site.
- 13.14 There may be rare occasions where the requirement to comply with a standard has been postponed via a challenge or appeal. In this scenario the Standards Officer will provide advice.
- 13.15 There are also other organisations that consider complaints, for example, the Welsh Language Commissioner. Should you wish to complain about the lack of services in Welsh or that someone is interfering with your freedom to use Welsh, you can contact the Welsh Language Commissioner by:

Phone: 0345 6033 221

E-mail: post@cyg-wlc.wales

Writing to: The Welsh Language Commissioner, Market Chambers, 5-7 St Mary Street, Cardiff CF10 1AT

14. Learning Lessons

- 14.1 We take your concerns and complaints seriously and try to learn from any mistakes we may have made. Cabinet receives detailed Annual Complaints Reports which include recommendations for improved practice.
- 14.2 Where there is a need for change, Service Departments will develop an action plan setting out what they will do, who will do it and when they plan to do it by. They will let you know when changes we've promised have been made.

15. What Do We Expect From You?

- 15.1 In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.
- 15.2 We believe that all complainants should have the right to be heard, understood and respected. However, our staff also have the same rights. We therefore expect you to be polite and courteous in your dealings with us.
- 15.3 If a complainant is considered to be acting in an unreasonable manner, restrictions on contact may be implemented in accordance with our Unreasonable Customer Behaviour Policy, which can be viewed online at: www.swansea.gov.uk/behaviour .

16. If You Need Further Help

- 16.1 Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help.
- 16.2 **If you are under the age of 18** you can also complain using this policy. You can contact someone on:

The Meic Helpline

Telephone: 0808 802 3456

Website: www.meiccymru.org

The Children's Commissioner for Wales

Freephone: 0808 801 1000

e-mail: post@childcomwales.org.uk

Website: www.childcomwales.org.uk

- 16.3 **If you are over the age of 60**, you can also get help. Please contact:

The Older People's Commissioner for Wales

Cambrian Buildings, Mount Stuart Square, Butetown, Cardiff CF10 5FL

Telephone: 03442 640 670 or 02920 445030

This Policy was reviewed and updated: January 2016, June 2021

Agenda Item 6



Report of the Chief Legal Officer for the

Service Improvement and Finance Scrutiny Performance Panel – 23rd June 2021

Byelaw Process

Purpose:	To brief the Scrutiny Panel on the legislation and processes relating to byelaws
Content:	A briefing/update on byelaws The process of :- <ul style="list-style-type: none">- Creating new byelaws- Amending current byelaws- Removing or superseding obsolete byelaws
Councillors are being asked to:	Consider the information provided
Lead Councillor:	Cross Cutting
Lead Officer(s)	Craig Davies - Associate Lawyer Debbie Smith - Deputy Chief Legal Officer
Report Author:	Craig Davies - Associate Lawyer Tel: 01792 636833 E-mail: Craig.Davies@Swansea.gov.uk

1. Introduction

1.1 Currently the City and County of Swansea has 33 byelaws in force.

1.2 This report provides an update on the process of creating new byelaws, amending current byelaws, removing or superseding obsolete byelaws and enforcement of byelaws.

1.3 A Council for a County or County Borough in Wales may make byelaws:

- 1) For the good rule and government of the whole or any part of its area;
- 2) For the prevention and suppression of nuisances in its area.

1.4 In making a byelaw an authority must decide and evidence that a byelaw is necessary and appropriate for that specific location. The authority also needs to be satisfied that it has the powers to make the byelaws and that it does not duplicate or contradict existing legislation.

1.5 Byelaws should be considered as measures of last resort after a local council has tried to address the local issue through other means.

2. The Local Government Byelaws (Wales) Act 2012

2.1 In 2012 The Local Government Byelaws (Wales) Act 2012 ('the 2012 Act') was passed and it made provision for:

- a)** Legislating authorities to be able to make byelaws;
- b)** The procedure to be followed in making those byelaws;
- c)** The revocation of existing byelaws; and
- d)** The enforcement of byelaws.

2.2 The 2012 Act has simplified the procedures for the making and enforcement of byelaws in Wales.

2.3 The 2012 Act improved the process for confirmation of byelaws, It introduced an alternative procedure which removed the need for confirmation by the Welsh Ministers for some specified byelaws (see Appendix A). This enables a County or County Borough Council to make its own byelaws which don't require confirmation by the Senedd.

2.4 Additionally the 2012 Act provides an alternative, more direct option for the enforcement of byelaws through the introduction of fixed penalty notices.

2.5 A Fixed penalty notice can provide authorities with an effective and visible way of responding to low-level offences, if resources allow.

3. The procedure for making byelaws

3.1 Byelaws in Wales are subject to one of two procedures.

3.2 The 2012 Act removed the need for confirmation by the Welsh Ministers for most byelaws relevant to this Authority - Appendix A sets out which byelaws do not require confirmation.

3.3 Whether a byelaw requires confirmation or not, the process is very similar for both procedures - Appendix B sets out a flowchart of each process.

4. Byelaws not requiring confirmation

4.1 There are three stages to the procedure for byelaws that do not require confirmation:

- a)** Publication of an 'initial written statement' and consultation with interested persons;
- b)** Publication of the authority's decision and draft byelaws, if appropriate; and
- c)** Making and the coming into effect of byelaws.

4.2 It is noted that a byelaw made by an authority to amend or revoke an existing byelaw does not require confirmation by the Welsh Ministers.

5. Byelaws requiring confirmation

5.1 Any byelaw not listed in the table set out in Appendix A, requires confirmation by the Welsh Ministers.

5.2 The three stages to the procedure for byelaws that do require confirmation:

- a)** Publication of an 'initial written statement' and consultation with interested persons;
- b)** Publication of the authority's decision and the proposed byelaws, if appropriate; and
- c)** Making, confirming and the coming into effect of the byelaws.

6. Consultation

6.1 The 2012 Act provides that Authorities must consult with interested persons initially to determine whether a byelaw is the most appropriate way of addressing a specific problem.

6.2 Consultation is required for byelaws which require confirmation and those which do not; an authority would follow procedures as below in both scenarios.

6.3 Prior to making a byelaw an authority must:

- a)** Publish on the authority's website - an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw; and
- b)** Consult any persons (including, where applicable, a Community Council) who the authority thinks is likely to be interested in, or affected by, the issue.
- c)** The consultation should remain open for a reasonable period of time (12 weeks is the standard consultation period followed by the Welsh Government) to allow as many interested persons as possible the opportunity to respond.

6.4 Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.

6.5 The authority must then publish on its website a second written statement which contains:

- a)** The initial written statement;
- b)** A summary of the consultation and the responses; and
- c)** Its decision – either to introduce byelaws or to address the problem through other means
- d)** The reasons for the decision.

6.6 The written statement should clearly define:

- 1)** The nature, extent and incidence of the issue or problem;
- 2)** The area in which the issue or problem is being experienced; and
- 3)** All reasonably practicable options, including but not limited to a byelaw, for resolving the issue or problem.

6.7 For at least six weeks before making the byelaw, the authority must ensure that:

- (i)** A draft of the byelaw is published on the authority's website;
- (ii)** A copy of the draft is deposited at a place in the authority's area;
- (iii)** A copy is open to public inspection at all reasonable hours without payment;
- (iv)** Where applicable, a copy is sent to all Community Councils whose areas the authority thinks are likely to be affected by the byelaw.

7. Making the byelaw and the coming into force date

7.1 The preparation of the written statement, the negotiations during consultation process and publication is officer led, with the officers using the model byelaws as provided by Welsh Government.

7.2 The making of the byelaws is subject to specific deadlines. Where the byelaws are not subject to the confirmation procedure, the authority may not make a byelaw later than six months after the date they published the decision notice of their intention to do so.

7.3 The authority may set the date on which the byelaws will come into force. If no date is fixed, the byelaw will come into force at the end of one month from the date the byelaw was sealed.

7.4 For byelaws requiring confirmation, copies of the intended Byelaw will be sent to Welsh Ministers for confirmation. Once the Welsh Ministers have confirmed the byelaws the final signed copies will be issued to the authority for sealing with the date of coming into force.

8. Publication of a byelaw once made or confirmed

8.1 Once a byelaw is made, or where applicable confirmed, the authority must:

- a) Publish the byelaw on the authority's website;
- b) Deposit a copy of the byelaw at a place in the authority's area;
- c) Ensure that the copy is open to public inspection at all reasonable hours without payment;
- d) Give a copy of the byelaw to a person who requests it.

9. Revoking Byelaws

9.1 Authorities have powers, implied or otherwise, to amend or revoke byelaws previously made by them under enabling legislation.

9.2 An authority will be able to replace an obsolete byelaw with a new byelaw, whereby a paragraph would be written into the new byelaw setting out the byelaw made on "the date" is revoked.

*"The byelaws relating ** which were made by the Council of the **on the ** day of ** and were confirmed ** on the ** day of ** are hereby revoked."*

10. Model Byelaws

10.1 A number of model byelaws and associated guidance notes have been developed, to support the introduction of certain byelaws.

These provide a template to use when drafting byelaws, setting out appropriate wording for byelaws on a number of different subjects.

11. Enforcement of Byelaws

11.1 There are two principal enforcement routes available: enforcing fines through the Magistrates' Courts or issuing of fixed penalty notices (FPNs).

11.2 The use of FPNs has been offered as an alternative method of enforcement. The benefits of FPNs include cost savings compared to enforcement through the Magistrates' Courts.

FPNs provide a simple and direct process which can save time and personnel input.

11.3 The level of success in enforcing a byelaw will be dependent on an authority having authorised officers available who are adequately trained to issue FPN's and able to patrol the areas.

However by prior agreement; the power of an authorised officer may also be exercised by a Police Community Support Officer or another accredited person.

12. Amount of fixed penalty

12.1 The level of fixed penalties payable in respect of a breach of byelaws that may be specified by the legislating authority is set at a range of £50 to £150, with a default initial amount of £75.

13. Financial Implications

13.1 Additional resources and associated cost will be necessary for the preparation, advertising, promotion, signage and enforcement of byelaws; although the amount is not known at this stage.

14. Conclusions/Key Points Summary

14.1 The making of a byelaw should not be presumed to be the only solution.

14.2 The initial written statement and consultation is designed to seek and establish the most appropriate means of addressing the underlying issue.

14.3 Other solutions which could be considered include using the police with their existing legislation; referring to good practice; following Welsh Government policy; running awareness initiatives; and following codes of conduct.

14.4 The Home Office's Anti-Social Behaviour, Crime and Policing Act 2014 ("The 2014 Act") received Royal Assent in 2014 (revised 2021).

14.5 2014 Act introduced Public Space Protection Orders and Community Protection Notices which are geared specifically to the relevant behaviour or nuisance and replace measures such as Alcohol Control Zones and Dog Control Orders.

14.6 Therefore before proceeding to consultation for a new byelaw, authorities should consider whether these and other such means of regulation are more appropriate than making byelaws.

Appendices:

Appendix A – Table Byelaws not requiring confirmation;

Appendix B – Flow chart.

List of byelaw making powers

Part 1 - Byelaws not requiring confirmation

The list of enactments below are included in Part 1 of Schedule 1 of the 2012 Act as such any byelaws made by a legislating authority under these Acts, do not require confirmation by the Welsh Ministers.

Enactment under which byelaws are made	Subject- matter of byelaws	Type of authority by whom the byelaws are made
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County Council County Borough Council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County Council County Borough Council Community Council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County Council County Borough Council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County Council County Borough Council Community Council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County Council County Borough Council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County Council County Borough Council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County Council County Borough Council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County Council County Borough Council
Section 87 of the Public Health Act 1936	Provision of public conveniences	County Council County Borough Council Community Council
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County Council County Borough Council Community Council
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County Council County Borough Council Community Council
Section 231 of the Public Health Act 1936	Public bathing	County Council County Borough Council Community Council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County Council County Borough Council Community Council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County Council County Borough Council

Section 270 of the Public Health Act 1936	Accommodation of hoppers and persons engaged in similar work	County Council County Borough Council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County Council County Borough Council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County Council County Borough Council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County Council County Borough Council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County Council County Borough Council
Section 41 of the Glamorgan County Council Act 1973	Heating undertakings	County council and county borough council
Section 35 of the Highways Act 1980	Regulation of walkways	County Council County Borough Council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County Council County Borough Council
Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County Council County Borough Council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semipermanent skin colouring, cosmetic piercing and electrolysis	County Council County Borough Council
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County Council County Borough Council Community Council
Section 31 of the Road Traffic Regulation Act 1984	Use of a road as a playground for children	County Council County Borough Council

Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community Council
Section 41 of the Clwyd County Councils Act 1985	Leisure centres	County and county borough council
Section 42 of the Clwyd County Councils Act 1985	Temporary structures	County and county borough council
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County Council County Borough Council
Section 53 of the Swansea City Council (Tawe Barrage) Act 1986	Upstream river	County council (Swansea)

Section 31 of the Mid-Glamorgan County Council Act 1987	Porthcawl Harbour	County borough council (Bridgend)
Section 14 of the West Glamorgan Act 1987	Leisure centres	County council and county borough council
Section 36 of the West Glamorgan Act 1987	Policing and control of pedestrian highways	County council and county borough council
Section 41 of the West Glamorgan Act 1987	Temporary structures	County council and county borough council
Section 63 of the West Glamorgan Act 1987	Swansea Market	County council (Swansea)
Section 45 of the Dyfed Act 1987	Temporary structures	County council and county borough council
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County Council (Cardiff)
Section 2 of this Act	Good rule and government and the prevention and suppression of nuisances.	County Council County Borough Council
Section 4(1) of this Act in so far as it applies to byelaws made under any of the enactments listed in Part 1 of Schedule 1	Power to revoke byelaws	Legislating Authority

Part 2 – Byelaws in relation to which fixed penalties may be issued

Enactment under which byelaws are made	Subject- matter of byelaws	Type of authority by whom the byelaws are made
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County Council County Borough Council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County Council County Borough Council Community Council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County Council County Borough Council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County Council County Borough Council Community Council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County Council County Borough Council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County Council County Borough Council
Section 18 of the Children and Young Persons Act 1933	Restrictions on employment of children	County council and county borough council
Section 20 of the Children and Young	Restrictions on the employment of children in street trading	County council and county borough council

Persons Act 1933		
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County Council County Borough Council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County Council County Borough Council

Section 87 of the Public Health Act 1936	Provision of public conveniences	County Council County Borough Council Community Council
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County Council County Borough Council Community Council
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc.	County Council County Borough Council Community Council
Section 231 of the Public Health Act 1936	Public bathing	County Council County Borough Council Community Council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County Council County Borough Council Community Council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc.	County Council County Borough Council
Section 270 of the Public Health Act 1936	Accommodation of hoppickers and persons engaged in similar work	County Council County Borough Council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County Council County Borough Council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County Council County Borough Council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County Council County Borough Council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County Council County Borough Council
Section 35 of the Highways Act 1980	Regulation of walkways	County Council County Borough Council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County Council County Borough Council
Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County Council County Borough Council

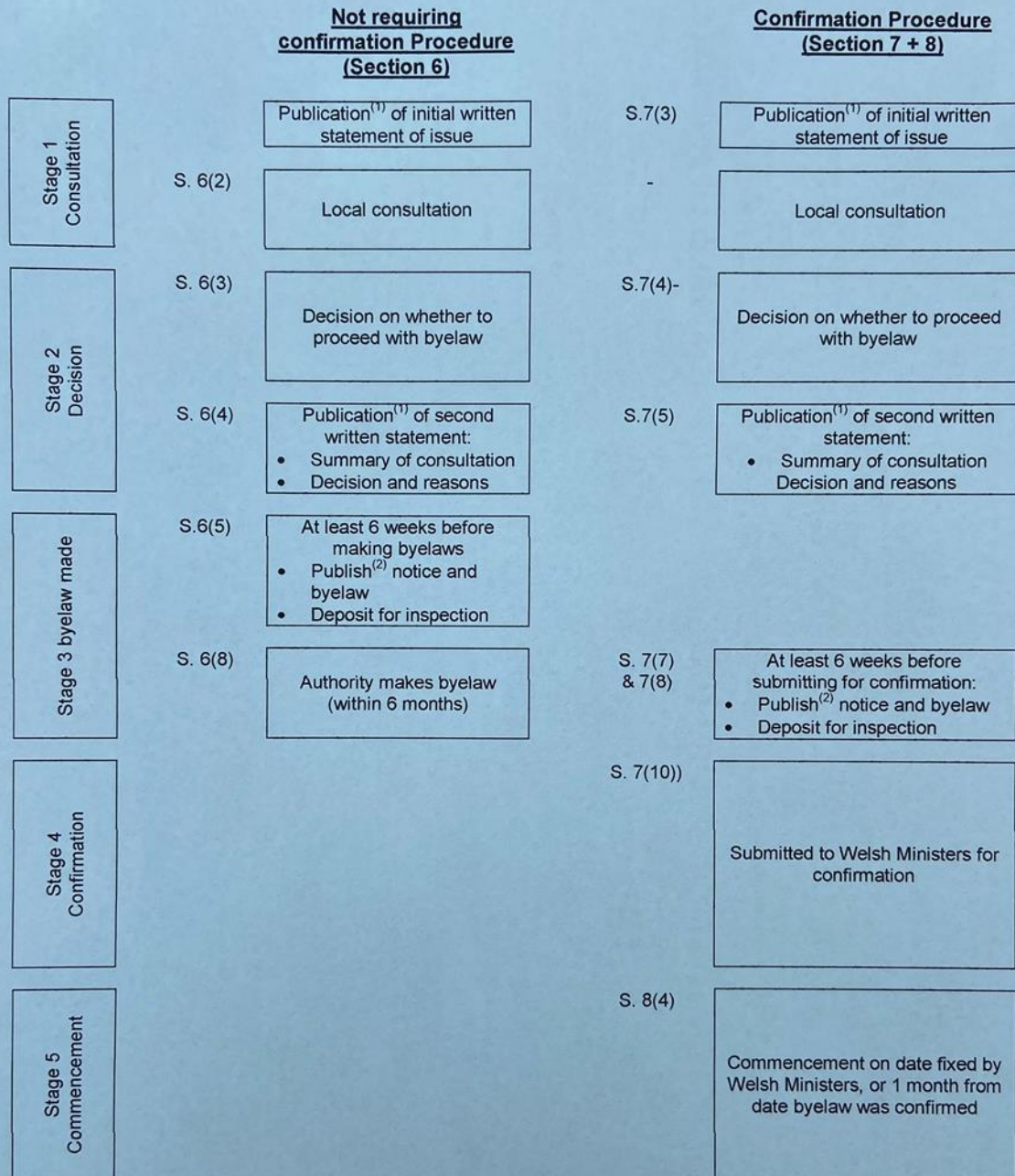
Section 15 of the Local Government	Tattooing, semipermanent skin	County Council County Borough Council
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(Miscellaneous Provisions) Act 1982	colouring, cosmetic piercing and electrolysis	
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County Council County Borough Council Community Council
Section 31 of the Road Traffic Regulation Act 1984	Use of a road as a playground for children	County Council County Borough Council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community Council
Section 41 of the Clwyd County Council Act 1985	Leisure centres	County council and county borough council
Section 42 of the Clwyd County Council Act 1985	Temporary structures	County council and county borough council
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County Council County Borough Council
Section 53 of the Swansea City Council (Tawe Barrage) Act 1986	Upstream river	County council (Swansea)
Section 31 of the Mid Glamorgan County Council Act 1987	Porthcawl Harbour	County borough council (Bridgend)
Section 14 of the West Glamorgan Act 1987	Leisure centres	County council and county borough council
Section 36 of the West Glamorgan Act 1987	Policing and control of pedestrian ways	County council and county borough council
Section 41 of the West Glamorgan Act 1987	Temporary structures	County council and county borough council
Section 63 of the West Glamorgan Act 1987	Swansea Market	County council (Swansea)
Section 45 of the Dyfed Act 1987	Temporary structures	County council and county borough council
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County Council (Cardiff)
Section 2 of this Act	Good rule and government and the prevention and suppression of nuisances	County Council County Borough Council
Section 4(1) of this Act in so far as it applies to byelaws made under any of the enactments listed in Part 1 of Schedule 1	Power to revoke byelaws	Legislating Authority

Please note that the Welsh Ministers have the power to amend Part 1 and 2 of Schedule 1 so authorities should ensure that they always consult an up to date version of the 2012 Act.

Annex B

Byelaw-making procedures flowchart



Notes:

1. Publication on the authority's website.
2. Publication of notice in local newspaper and on website; byelaw on website

Agenda Item 7

Service Improvement and Finance – Scrutiny Performance Panel

Work Plan 2021/22

<p>Meeting 1 11th June 2.00</p>	<ol style="list-style-type: none"> 1. Confirmation of Convener 2. Overview: <i>Understanding Financial Reporting</i> 3. Revenue Outturn, HRA Outturn and Capital Outturn and Financing 20-21 <i>Invited to attend:</i> Ben Smith – Chief Finance Officer / S.151 Officer Cllr Rob Stewart - Cabinet Member for Economy, Finance and Strategy 4. Draft Work Plan 2021/22 Panel to discuss/agree work plan topics for the coming year.
<p>Meeting 2 23rd June 2021 10.00</p>	<ol style="list-style-type: none"> 1. Welsh Language Standards Annual Report <i>Invited to attend:</i> Sarah Lackenby - Chief Transformation Officer Cllr Louise Gibbard – Cabinet Member for Supporting Communities Cllr Robert Smith – Cabinet Member for Education Improvement, Learning & Skills 2. Overview: Byelaws <i>Invited to attend:</i> Craig Davies – Associate Lawyer
<p>Meeting 3 24th August 2021 10.00</p>	<ol style="list-style-type: none"> 1. End of Year 2020/21 Performance Monitoring Report (provisional) <i>Invited to attend: TBC</i> Richard Rowlands – Strategic Delivery & Performance Manager Cllr Andrew Stevens – Cabinet Member for Business, Improvement and Performance 2. Progress update on the Local Government Use of Data Action Plan <i>Invited to attend: TBC</i> Steve King - Information Research and GIS Team Leader Sarah Lackenby - Chief Transformation Officer Cllr Rob Stewart - Cabinet Member for Economy, Finance and Strategy
<p>Meeting 4 Monday 20th September 2.00</p>	<ol style="list-style-type: none"> 1. Q1 Budget Monitoring Report – 2021/22 <i>Invited to attend: TBC</i> Ben Smith – Chief Finance Officer / S.151 Officer Cllr Rob Stewart - Cabinet Member for Economy, Finance and Strategy 2. Peer Review & Self-Assessment (Local Government and Elections (Wales) Act 2021) <i>Invited to attend: TBC</i> Adam Hill - Deputy Chief Executive / Director of Resources Richard Rowlands – SDU manager Cllr Andrew Stevens – Cabinet Member for Business Improvement & Performance 3. Good Practice / Performance Feedback <i>Invited to attend: TBC</i>

	<p>Adam Hill – Deputy Chief Executive / Director of Resources Lee Wenham – Head of Communications and Marketing Richard Rowlands – Strategic Delivery & Performance Manager Cllr Andrew Stevens – Cabinet Member for Business Improvement & Performance</p>
<p>Meeting 5 19th October 2021 9.30</p> <p>(Cabinet 21st Oct)</p>	<p>1. Q1 2021/22 Performance Monitoring Report (provisional) <i>Invited to attend: TBC</i> Richard Rowlands – Strategic Delivery & Performance Manager Cllr Andrew Stevens – Cabinet Member for Business, Improvement and Performance</p> <p>2. Mid-term Budget Statement</p> <p>3. Overview from Ben Smith: <i>Understanding Financial Reporting (Reserves)</i></p> <p>4. Review of Reserves <i>Invited to attend:</i> Ben Smith – Chief Finance Officer / S.151 Officer Cllr Rob Stewart - Cabinet Member for Economy, Finance and Strategy</p>
<p>Meeting 6 16th November 2021 9.30</p>	<p>1. Q2 Budget Monitoring 21-22 <i>Invited to attend:</i> Ben Smith – Chief Finance Officer / S.151 Officer Cllr Rob Stewart - Cabinet Member for Economy, Finance and Strategy</p> <p>2. Planning Annual Performance Report <i>Invited to attend: TBC</i> Ian Davies - Development Conservation and Design Manager Cllr Andrew Stevens – Cabinet Member for Business, Improvement and Performance</p>
<p>Meeting 7 Wednesday 15th December 2.00</p>	<p>1. Recycling and Landfill - Annual Performance Monitoring <i>Invited to attend:</i> Chris Howell – Head of Waste Management and Parks Cllr Mark Thomas – Cabinet Member for Environment and Infrastructure</p> <p>2. Pre-decision scrutiny of Final Draft Budget (TBC) <i>Invited to attend:</i> Ben Smith – Chief Finance Officer / S.151 Officer</p>
<p>Meeting 8 18th January 2022 9.30</p>	<p>1. Q2 2021/22 Performance Monitoring Report <i>Invited to attend:</i> Richard Rowlands – Strategic Delivery & Performance Manager Cllr Andrew Stevens – Cabinet Member for Business, Improvement and Performance</p> <p>2. Sustainable Swansea Commissioning Reviews (Outcomes) <i>Invited to attend:</i> Adam Hill – Deputy Chief Executive / Director of Resources Sarah Lackenby - Chief Transformation Officer Cllr Andrea Lewis – Cabinet Member for Climate Change & Service Transformation</p>

Meeting 9 15 th February 2022 9.30	TBC (Possible budget / elections)
Meeting 10 22 March 2022 9.30	1. Welsh Housing Quality Standards Annual Update <i>Invited to attend:</i> Mark Wade - Head of Housing and Public Health Cllr Andrea Lewis – Cabinet Member for Climate Change & Service Transformation 2. TBC Equalities Review

TBC:

- **Annual Review of Well-being Objectives and Corporate Plan** *(The five year corporate plan was rolled over into 2021/22 as a result of the pandemic with only essential and unavoidable changes made; so no fundamental annual review made to the corporate plan during 2020/21 as a result of Covid).*
- **Welsh Public Library Standards – Annual Performance Report**
Martin Nicholls – Director of Place TBC
- **Recovery Plan (Post-Pandemic) TBC**
Marlyn Dickson
Adam Hill – Deputy Chief Executive / Director of Resources
Cllr Rob Stewart - Cabinet Member for Economy, Finance and Strategy