



01/05

Chief Executive
Aneurin Bevan University Health Board

By e-mail: judith.paget@wales.nhs.uk

21/10/2019

Dear Chief Executive,

Challenging future duties: Determining an application by Aneurin Bevan University Health Board ¹

This is the Welsh Language Commissioner's determination to the challenges you presented to standards 4, 5, 19, 20, 21, 22, 22A, 22CH, 32, 36, 44, 45 a 63 and information about the next steps.

I shared my initial comments with you on 16 September 2019 and I asked you to respond.

Having considered your response, I am determining in accordance with the initial comments for the standards above.

Here's a summary of my determinations:

¹ Section 57 Welsh Language (Wales) Measure 2011.

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

0345 6033 221
post@comisiynyddygybraeg.cymru
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

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

0345 6033 221
post@welshlanguagecommissioner.wales
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.wales



Standard Number Regulations No. 7	Commissioner's reference number	Date received	Commissioner's determination	Next steps
4	820-20190529-BIPAB-4	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
5	821-20190529-BIPAB-5	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
19	822-20190529-BIPAB-19	29/05/2019	That the requirement to comply with the standard as it was imposed is unreasonable and disproportionate	<p>Vary the compliance notice as follows:</p> <p>You must comply with standard 19 in every circumstance, except:</p> <ul style="list-style-type: none"> ○ where it is necessary for a member of staff who does not speak Welsh to provide a service on a specific subject matter; ○ where no Welsh speaking member of staff is available to provide a service on that specific subject matter; and ○ where a one off telephone call is made to a patient in relation to booking or cancelling an appointment. <p>The requirement under standard 19 to ask A whether A wishes to</p>



				<p>receive telephone calls from you in Welsh and to keep a record of A's wish applies each time a telephone call is made to A for the first time in relation to the specific matter of the call ("the matter in hand");</p> <p>The requirement under standard 19 to conduct telephone calls made to A from then onwards in Welsh applies in relation to every call which involves the matter in hand.</p> <p>Imposition day: 30 November 2019</p>
20	823-20190529-BIPAB-20	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
21	824-20190529-BIPAB-21	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
22	825-20190529-BIPAB-22	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
22A	826-20190529-BIPAB-22A	29/05/2019	That the requirement to comply with the standard is not	No change



			unreasonable or disproportionate	
22CH	827-20190529-BIPAB-22CH	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
32	828-20190529-BIPAB-32	29/05/2019	That the requirement to comply with the standard by 30 May 2019 is disproportionate	Vary the compliance notice as follows: Imposition day: 30 November 2019
36	829-20190529-BIPAB-36	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
44	830-20190529-BIPAB-44	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change
45	831-20190529-BIPAB-45	29/05/2019	That the requirement to comply with the standard by 30 May 2019 is disproportionate	Vary the compliance notice as follows: Imposition day: 30 November 2019
63	832-20190529-BIPAB-63	29/05/2019	That the requirement to comply with the standard is not unreasonable or disproportionate	No change



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

I have made a variation to the existing compliance notice and it has been included with this letter.² Please note that this notice takes the place of any previous notice, and you should therefore ensure that it is this notice that you give publicity to from now on.

Appeal the decision

If you do not agree with my determination that a requirement to comply with a standard is reasonable and proportionate, you may appeal to the Welsh Language Tribunal, by requesting the Tribunal to determine the matter. A link to the Tribunal website is provided here: <http://tribiwnlysygymraeg.llyw.cymru>.

The requirement to comply with the standard(s) which were determined as reasonable and proportionate in this letter does not apply at present, and the duty continues to be postponed until your rights to appeal have passed. This means that the compliance notice attached to this letter will not be placed on my website until a period of 28 days has passed and your rights to appeal have passed, or until an appeal to the Tribunal or a further appeal has come to an end.

If you have any questions about the contents of this letter, your contact officer is Catrin Jenkins.

Yours sincerely,

Aled Roberts
Welsh Language Commissioner

Copy: Geraint Evans, Director of Workforce & Organisational Development
Rhiannon Davies, Welsh Language Officer
Non Ellis, Welsh Language Support Officer

Encs: Compliance notice as varied

² This was done under the provisions of section 57(6)(c). It should be noted that sections 45(3), 46(3) and 47 of the Welsh Language (Wales) Measure 2011 do not apply in relation to the compliance notice where it has been agreed by the organisation and the Commissioner.