

Appendix B

Full Response from Mumbles Community Council in Response to School's Complaint

By Email:

Letter of Apology to Mrs Rachel Collins, Pennaeth a Dr Katherine Fender,
Cadeirydd Llywodraethwyr Ysgol Gynradd Gymraeg Llwynderw

Mumbles Community Council
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Dear Mrs Collins and Dr Fender

I am writing to you as Chair of Mumbles Community Council at the request of Full Council as agreed at a Special Meeting held on Tuesday August 16th.

In response to your letter of complaint sent on July 25th, on behalf of Mumbles Community Council I would like to send an unreserved apology to the School, the Governors and children and parents of Ysgol Gynradd Gymraeg Llwynderw.

MCC recognises and celebrates the value of a vibrant Welsh language to our community and has identified what more we can and should do to promote and be inclusive of the Welsh language and culture.

The complaint has been fully investigated and I sincerely hope that the recommendations for action set out within the Report attached will reassure you that we have taken your complaint very seriously and will be acting on them with some urgency.

I sincerely hope you will accept our apology and that Ysgol Gynradd Gymraeg Llwynderw and MCC can work collaboratively and supportively going forward.

Yours

Carrie Townsend Jones
Chair
Mumbles Community Council

Background

Mumbles Community Council received a written complaint from Ysgol Gynradd Gymraeg Llwynderw on 26th July 2022 (the complaint had been sent by email after working hours on 25th July so was received on 26th). The complaint was sent to the Clerk, Chair and Vice-Chair as well as various other stakeholders.

The complaint was made on four grounds:

1. The exclusion of Welsh language and culture;
2. The inappropriate lyrical content for primary school children;
3. Correspondence from and conduct of Councillor Rob Marshall (Mumbles Community Council) – who is also the Chair of the Culture, Tourism and Communications Committee;
4. Internal governance and scrutiny mechanisms of Mumbles Community Council.

The Clerk of MCC advised on the Council's Complaints Procedure and the written complaint has been handled in accordance with that procedure. It should be noted that MCC has not revised its complaints procedure since 2014. However, it is based on a model complaints procedure and does not appear to deviate from similar complaints procedures in other public sector organisations.

Recommendation 1: MCC should review and if necessary revise its complaints procedure and then ensure it is published visibly on the MCC website.

MCC's obligations under relevant Welsh Language and equalities legislation

The Welsh Language (Wales) Measure 2011 enshrines in law the official status of the Welsh language in Wales. It sets out the general principles that the Welsh language should not be treated any less favourably than the English language and that people in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so ([Good Councillor's Guide](#), Welsh Government, 2022).

We have taken advice from One Voice Wales about the application of the Welsh Language Measure for community councils. One Voice Wales have given us the following guidance:

It was anticipated that the Welsh Language Commissioner would be publishing a set of Welsh Language standards which would apply to community and town councils but this has not occurred and it now seems unlikely that standards will be published.

Instead, the Commissioner has developed a Welsh Language scheme template for use by community and town councils. The intention is that when a scheme is prepared using the template it should be submitted to the Commissioner for approval. Alternatively, MCC has been advised that we could use the template to guide our approach to the Welsh language, as a framework for developing a policy. MCC was previously unaware of this scheme template. It does not currently have a Welsh Language policy.

The Good Councillor's Guide states: 'Your council is expected to treat the Welsh language reasonably and proportionally in its dealings with the public.' This could be open to interpretation and therefore, while not subject to compliance requirements, MCC should have reviewed our approach to Welsh language more frequently in light of the increased numbers of Welsh speakers in the area due to the opening of Ysgol Gynradd Gymraeg Llwynderw.

Recommendation 2: MCC should establish a Task and Finish Group to, in response to appropriate advice and guidance, review MCC’s Welsh Language provision, consider whether it can adopt the scheme template in full, or use it to guide MCC’s policy on the Welsh Language if significant changes would have to be made. The policy should ensure that MCC meets any and all legislative obligations, and include, but not be limited to: content on MCC’s website; meeting agendas and minutes; contributions to public meetings; customer contact, including telephone greetings and email signatures; content on MCC’s social media pages.

The Task and Finish Group should report to Full Council no later than its January meeting so that any budget implications can be incorporated into the budget setting process for 2023/24. The scheme or policy, as appropriate, should be approved in principle in January 2023, and adopted in full at the AGM in May 2023.

Process

The MCC Complaints Procedure outlines that in response to a complaint, the Clerk, or in the case of complex issues, the Clerk and the Chair should:

- a) Investigate to establish the facts of the issue
- b) Make suggestions in the form of an action plan that outlines how MCC intends to change things to stop the issue happening again.

Due to the previous involvement of the Chair in the issue at hand, the Vice Chair has supported in the investigation and drafting of this report. The Clerk has advised throughout. This report outlines the facts as they have been found in response to the grounds of complaint, and recommendations are included throughout. Subject to Council approval, these recommendations would form the basis of an action plan.

This investigation has taken place at pace to ensure a prompt response to the complainant, and swift action to resolve any issues outstanding. Due to being personally named in the complaint, Cllr Rob Marshall was invited to meet with the Vice Chair to provide some further information about the matters at hand and did so on Monday 15th August.

Investigation Findings

The investigation took the four grounds of complaint separately.

- 1. The exclusion of Welsh language and culture

On this issue we have addressed two questions:

- a) Does MCC regularly exclude Welsh language and culture in its activities?
- b) Did MCC exclude Welsh language and culture on the occasion of Mumbles Fest 2022?

We have undertaken to consider ways in which Mumbles Community Council celebrates Welsh language and culture in its activities, balanced with ways in which we could do more to ensure its inclusion and promotion.

Activities to date inclusive of Welsh language and culture
Bilingual information boards at our Environmental projects, such as the Community Orchard, and wildlife signs currently awaiting installation on the Prom, as well as new bilingual In the Loop bin vinyls
Cymraeg i Blant invited to contribute to Family Fun Days, including a particularly successful session at Castle Acre last year with a large group
Where possible, registration at Family Fun Days completed by a councillor in Welsh with families using Welsh on arrival

St David's Day parades funded by MCC, last took place in 2019 due to the Covid-19 pandemic, and budget agreed for 2023 event
<p>Long-standing dedication to celebrating Celtic languages through our Twinning links, including:</p> <ul style="list-style-type: none"> - Bilingual twinning charters between Mumbles, Hennebont (France) and Havre de Grace (USA) - Book about the history of the Welsh Language, produced in Welsh, Breton, French & English, paid for by MCC grant - Visit to Ysgol Gynradd Gymraeg Llwynderw organised as part of MCC's programme for visitors from Hennebont in 2018 - Writing buddy scheme set up between school in Hennebont and Ysgol Gynradd Gymraeg Llwynderw - Visit by former Chair of MCC to the Inter-Celtic Festival
Support for community projects that promote Welsh language and culture through our grants scheme, including to Ysgol Gynradd Gymraeg Llwynderw in 2022 to celebrate their 20 th anniversary
Formal notices through Democratic Services e.g. of a casual vacancy, election etc. are produced bilingually
Committed funding in 2022-23 budget to produce translation of MCC's newsletter. Summer 2022 newsletter will be translated in full and available on the website.
All schools, including Ysgol Gynradd Gymraeg Llwynderw as the Welsh-medium school, in the MCC area, treated equally e.g. link governor from MCC to represent their views and ensure access to information about MCC's activities and plans; invitations to take part in activities aimed at schoolchildren, such as the recent competition for the design of the Jubilee Arch and access to funds to support pollinator-friendly planting
Previous involvement of Ysgol Gynradd Gymraeg Llwynderw in Mumbles Fest Schools Choirs

It is noted that the new Customer Service and Events Assistant speaks conversational Welsh and this strengthens MCC's ability to engage with residents through the medium of Welsh. However, we do not currently have any fluent Welsh-speaking staff members.

Recommendation 3: MCC should offer Welsh language courses at the appropriate level to all staff and councillors, using Training budget. In particular, MCC should support our 'front of house' staff to advance their Welsh level.

The above list indicates that MCC does not systematically or willingly exclude the Welsh language and culture in the course of its activities. However, it is acknowledged that there is more we can do to advance its inclusion and promotion. It is proposed that these actions are considered in full and included in a formal Welsh Language policy or scheme, as per **Recommendation 2**.

In the case of Mumbles Fest 2022, it is acknowledged that there was no representation of the Welsh language. However, it is a key opportunity to showcase local talent and this may be considered part of Welsh culture.

The Schools Choir has been an element of Mumbles Fest for several years. This year, it is acknowledged that invitations to take part were sent to schools with relatively short notice, giving limited opportunity for the schools to be part of the planning and decision making around this item. This was in part due to the hiatus in meetings during the pre-election period and subsequently the short time available between the new Council being elected and Mumbles Fest taking place. However, the date for 2023 is already set as July 15th and for future years, the

date is to be set much further in advance, giving opportunity for MCC to work in more meaningful partnership with local stakeholders in the planning of the event, including schools.

Recommendation 4: Future involvement of all local schools in future Mumbles Fest should be undertaken with greater partnership, including dialogue with the schools at an earlier stage to come to a shared decision on the choice of songs and format of the performance.

2. The inappropriate lyrical content for primary school children

The specific complaint was about the lyrics of 'Our Song' by Anne-Marie including the word 'Baby' and references to 'waking up alone'. It could be considered that the sexual nature of these references is inappropriate for primary school children.

Only one of the seven schools approached to be part of the Schools Choir appears to have objected to the lyrical content of the song, suggesting that other schools did not consider the lyrics to be inappropriate. Two schools took part in the Schools Choir but the reasons for the other schools not taking part are not known as they did not respond to the invitation.

The lyrical content of the songs was explored prior to the event and the Co-Chair was satisfied that they would not cause an issue, despite other councillors expressing concerns. It could be argued that, as a public body, MCC has to take particular care in its choice of songs and other activities for children and young people throughout its events programme.

Recommendation 5: While the age-appropriateness of various forms of entertainment can often be subjective, MCC should ensure it is inclusive of all children by ensuring that all content aimed at children and families is 'U-rated' without doubt. This could be achieved by using songs from U-rated films, or songs regularly used in school settings. This would remove the subjective nature of individuals having to judge whether something that is more 'borderline' should be considered appropriate or not.

Recommendation 6: Where concerns are raised about the appropriateness of any content prior to an event, these should be discussed by the relevant Committee, and a way forward agreed by the Committee. This applies whether the concerns are raised to an individual councillor, to the Clerk or another officer. (See more under point 4.)

3. Correspondence from and conduct of Councillor Rob Marshall (Mumbles Community Council) – who is also the Chair of the Culture, Tourism and Communications Committee;

Town and Community Councils are not empowered under their standing orders to investigate complaints about the conduct of individual councillors from outside bodies. Therefore, MCC has undertaken no investigation in response to this grounds for complaint in and of itself. In the letter acknowledging receipt of the written complaint, the Clerk outlined to Ysgol Gynradd Gymraeg Llwynderw that:

'Direct complaints about Cllr Marshall should be made to the Public Ombudsman for Wales via the website: ombudsman.wales'.

This report, subject to Full Council approval, will be sent in response to Ysgol Gynradd Gymraeg Llwynderw, and the Clerk has advised that the following will be included in the cover letter:

'If you are unsatisfied with the outcome of our investigation, you may refer your complaints to the Public Services Ombudsman for Wales via the website: ombudsman.wales'.

While investigating the complaint about internal governance and scrutiny mechanisms of MCC (below), the actions of Cllr Marshall are relevant and as such, the correspondence was considered as part of the investigation.

4. Internal governance and scrutiny mechanisms of Mumbles Community Council

A key point in the complaint received is that although Ysgol Gynradd Gymraeg Llwynderw raised concerns prior to Mumbles Fest 2022, opportunities were missed to discuss these concerns at a Culture, Tourism and Communications Committee meeting. The complaint notes that 'Musical Acts' was an agenda item for the meeting that took place on Wednesday 22nd June 2022, the day after the concerns were originally raised with the Co-Chair.

In contravention of MCC's own policy on recording meetings for public record, meetings of the Culture, Tourism and Communications Committee are not recorded. This makes it more difficult to review the discussion retrospectively.

The Co-Chair has reported that he felt he had been directed by the Committee to arrange the Schools Choir and that he interpreted that to mean to sort any issues that arose. The minutes of Committee meetings do not, however, indicate that such authority was given to Cllr Marshall. Any issues must be referred back to committee. There is no record in the minutes of the meetings between 22nd June and the event on 16th July of these issues having been raised.

It is noted that Full Council agreed to delegate powers to the Culture, Tourism and Communications Committee for the purposes of organising Mumbles Fest to ensure that decisions could be taken at pace in the dynamic context of event management. A report was submitted to Full Council at June and July's meetings, but these issues are not included.

MCC's governance and scrutiny mechanisms rely on issues being raised and discussed at the right decision-making forum where due authority has been granted to that meeting - Council, Committee, or Sub-committee. Except in rare circumstances, no individual councillor should make decisions or speak on behalf of Council without other councillors' involvement. At the time of the meeting on 22nd June, no-one other than the Co-Chair was aware of the concerns raised. Correspondence was directly between Cllr Marshall and Mrs Collins. The other Co-Chair of the committee, MCC's link governor with the school nor any officer was copied in. This allowed one individual councillor to judge whether the issue should be raised at committee, without any other councillor or officer being able to express their view. This appears to be in contravention of Standing Order 25a (ii) – Restrictions on Councillor Activities:

'Unless duly authorised no councillor shall issue orders, instructions or directions.'

Similarly, it is not in accordance with the Code of Conduct, which states:

'You must, when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers[...].'

Cllr Marshall agrees that he did not seek the authority of Culture, Tourism and Communications Committee, or the advice of MCC's officers before responding to Mrs Collins.

Recommendation 7: In light of lack of adherence to MCC's governance and scrutiny mechanisms, and its subsequent impact, Council should consider any and/or all of the following courses of action:

- a) Cllr Rob Marshall should be removed from the Culture, Tourism and Communications Committee
- b) Cllr Rob Marshall should be removed from the position of Co-Chair of Culture, Tourism and Communications Committee.
- c) Cllr Rob Marshall should send Ysgol Llwynderw a written apology underlining that his comments were not made with authority of MCC.

To avoid a similar situation happening again, the following are recommended:

Recommendation 8: MCC should review and re-confirm its policy of recording meetings for public record. If re-confirmed, the policy should be applied uniformly to all relevant meetings, with the Clerk, not the meeting's Chair, determining if the meeting should be recorded under the policy.

Recommendation 9: All correspondence with external stakeholders should be copied to (as a minimum):

- the Chair, Co-Chair and/or Vice Chair of the relevant committee;
- the lead officer for the issue at hand; if unclear who the lead officer is, the Clerk should be copied in; and
- if the correspondence is with a school, MCC’s link governor for the school in question

Conclusion

This incident offers the opportunity for MCC to review how it can support and promote the Welsh language and culture locally. While not obliged to adopt the Welsh Language Standards in full, MCC has an important role to play in supporting the Welsh language, particularly having a Welsh-medium school in the area.

It is regrettable that this incident has led to the perception that MCC excludes Welsh language and culture in its activities. This is not the case, however, this investigation demonstrates that decision-making processes broke down on this occasion, resulting in views being expressed purportedly on behalf of the Council, which do not necessarily reflect its position.

Along with the above recommendations to make improvements for the future, it therefore seems appropriate that, as requested by the school, Ysgol Gynradd Gymraeg Llwynderw should receive an apology and assurances that the school will continue to be involved in MCC’s activities going forward.

Recommendation 10: The Chair of MCC should send a written apology to Ysgol Gynradd Gymraeg Llwynderw on behalf of MCC (see draft attached).

Summary of Recommendations

1	MCC should review and if necessary revise its complaints procedure and then ensure it is published visibly on the MCC website.
2	MCC should establish a Task and Finish Group to, in response to appropriate advice and guidance, review MCC’s Welsh Language provision, consider whether it can adopt the scheme template in full, or use it to guide MCC’s policy on the Welsh Language if significant changes would have to be made. The policy should ensure that MCC meets any and all legislative obligations, and include, but not be limited to: content on MCC’s website; meeting agendas and minutes; contributions to public meetings; customer contact, including telephone greetings and email signatures; content on MCC’s social media pages. The Task and Finish Group should report to Full Council no later than its January meeting so that any budget implications can be incorporated into the budget setting process for 2023/24. The scheme or policy, as appropriate, should be approved in principle in January 2023, and adopted in full at the AGM in May 2023.
3	MCC should offer Welsh language courses at the appropriate level to all staff and councillors, using Training budget. In particular, MCC should support our ‘front of house’ staff to advance their Welsh level.
4	Future involvement of all local schools in future Mumbles Fest should be undertaken with greater partnership, including dialogue with the schools at an earlier stage to come to a shared decision on the choice of songs and format of the performance.
5	MCC should ensure it is inclusive of all children by ensuring that all content aimed at children and families is ‘U-rated’ without doubt.
6	Where concerns are raised about the appropriateness of any content prior to an event, these should be discussed by the relevant Committee, and a way forward agreed by the

	Committee. This applies whether the concerns are raised to an individual councillor, to the Clerk or another officer.
7	In light of lack of adherence to MCC's governance and scrutiny mechanisms, and its subsequent impact, Council agreed that: <ul style="list-style-type: none"> a) Cllr Rob Marshall should be removed from the position of Co-Chair of Culture, Tourism and Communications Committee. b) Cllr Rob Marshall should be asked to send Ysgol Gynradd Gymraeg Llwynderw a written apology underlining that his comments were not made with authority of MCC.
8	MCC should review and re-confirm its policy of recording meetings for public record. If re-confirmed, the policy should be applied uniformly to all relevant meetings, with the Clerk, not the meeting's Chair, determining if the meeting should be recorded under the policy.
9	All correspondence with external stakeholders should be copied to (as a minimum): <ul style="list-style-type: none"> • the Chair, Co-Chair and/or Vice Chair of the relevant committee. • the lead officer for the issue at hand; if unclear who the lead officer is, the Clerk should be copied in; and • if the correspondence is with a school, MCC's link governor for the school in question
10	The Chair of MCC should send a written apology to Ysgol Gynradd Gymraeg Llwynderw on behalf of MCC (see draft attached).