

POLICY & RESOURCES SCRUTINY COMMITTEE

3rd FEBRUARY 2016

Complying with the new Welsh Language Standards

To consider and comment on the following issues:

- That the Policy & Resources Scrutiny Committee notes progress on implementing and complying with the new Welsh Language Standards.

Reasons:

- In September 2015 the Council was issued with its final set of Welsh language standards from the Welsh Language Commissioner. The final set includes a total of 170 different standards which the Council will need to comply with within the designated timescales (either 30 March 2016 or 30 September 2016).

To be referred to Executive Board / Council for decision: **NO**

Executive Board Member Portfolio Holder:

Cllr. Mair Stephens (Human Resources, Efficiencies & Collaboration)

Directorate: Chief Executive's	Designations:	Tel Nos. / E-Mail Addresses:
Name of Head of Service: Wendy Walters	Assistant Chief Executive (Regeneration and Policy)	01267 224112 / wswalters@cararthenshire.gov.uk
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EXECUTIVE SUMMARY

POLICY & RESOURCES SCRUTINY COMMITTEE 3RD FEBRUARY 2016

Complying with the new Welsh Language Standards

In September 2015 the Council was issued with its final set of Welsh language standards from the Welsh Language Commissioner. The final set includes a total of 170 different standards which the Council will need to comply with within the designated timescales (either 30 March 2016 or 30 September 2016).

Amendments from the draft standards

Following an initial consultation period on the standards back in June-July 2015 the Council submitted a detailed response to the Commissioner stating which draft standards were felt to be 'unreasonable and/or disproportionate'. The Commissioner has taken this feedback on board and has amended some of the standards that were causing the greatest concern. For example, most of the standards that included the reference to having to conduct meetings through the medium of Welsh without the use of simultaneous translation (standards 23, 25, 113 and 117) have now been amended to standards that allow the use of simultaneous translation and the draft standard relating to publishing all Executive Board papers bilingually has been amended to require the agenda and minutes of those meetings to be published bilingually (something the Council already does).

Final standards to consider appealing

The Commissioner has established a 'Challenge and Appeal' process which allows authorities to challenge any of their final set of standards that they believe is 'unreasonable and /or disproportionate'. Following consideration of the final set of standards by the Executive Board Member responsible for the Welsh Language, the Policy Team and the Welsh Language Advisory Panel, the Executive Board are proposing the Council appeal against the following standards:

No.	Standard
27CH	If you have invited more than one person to a meeting (which does not relate to the well-being of one of more of the individuals invited), and all of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).
28	<p>If you invite more than one person to a meeting, and that meeting relates to the well-being of one or more of the individuals invited, you must:-</p> <p>(a) Ask that individual or each of those individuals whether he or she wishes for the meeting to be conducted in Welsh, and</p> <p>(b) If that individual, or if each of those individuals, informs you that he or she wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).</p>
73	If you receive an application for a grant in Welsh and it is necessary to interview an applicant as part of your assessment of the application, you must offer to conduct that interview in Welsh and, if the applicant so wishes, you must conduct the interview in Welsh (without the assistance of a simultaneous or consecutive translation service).

Reasons for Appealing

Although the Council will work towards achieving this as a principle for our services we will not be able to ensure we comply with these standards at all times across all service areas due to the current Welsh language skill mix of the workforce. Therefore, we would request that standard 27CH is changed to 27D, standard 28 is changed to 29 and standard 73 is changed to 74, all of which allows the use of simultaneous translation at such meetings. This will also enable the Council to communicate a consistent message to its staff and service users about expectations when arranging meetings which is in line with other standards the Council has received in its final set of standards all of which allows the use of simultaneous translation.

Next Steps

The Policy Team are currently in the process of working through the final set of standards to identify which ones the Council already complies with (as they were included in the Council's Welsh Language Scheme) and which ones we will need to take further steps to implement. The following steps are also being taken:

- Discussions with managers who are responsible for specific standards to ensure compliance and support to deliver.
- Development of guidance notes for staff on the practical steps that need to be considered and taken in their day to day work in order to ensure compliance with the standards.
- Development of an action plan to address any outstanding standards and provide basis for reporting on progress to the Commissioner. This will take into account any standards which may be challenging for the Council to ensure compliance by the set deadline.
- Alignment of the new Standards with the recommendations of the Council's Gweithgor report in order to ensure a streamlined approach to delivery.
- Development of an on-going communication plan to ensure all staff and councillors are aware of the requirements.
- Development of a new learning and development framework to support staff to further their Welsh language skills for use in the workplace in line with the Council's new Welsh Language Skills Strategy (approved by Full Council on 13 January 2016).
- Re-structuring of the Translation Unit.

The Council will aim to fully comply with all of the standards within the given timescales but it must also be noted that this may not be possible on all occasions due to complex arrangements for services, dependence on other services/partners, staff capacity to deliver or human error. Therefore, managers are being asked to keep a record of all steps being taken to develop services in order to comply with the standards and to monitor progress on a regular basis. In the event that we are not able to comply within the given deadline this will enable us to provide evidence of the steps being taken by the Council and to identify any barriers to fully complying. This will also then be used as evidence to the Commissioner of the progress the Council is making and proposed steps to address any barriers. If the Council fails to comply with any standards it runs the risk of being fined £5,000 for each individual standard.

DETAILED REPORT ATTACHED?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: Wendy Walters, Assistant Chief Executive (Regeneration & Policy)

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	YES	NONE

1. Policy, Crime & Disorder and Equalities

The final Compliance Notice received from the Welsh Language Commissioner on the 30 September 2015 requires the Council to comply with a new set of Standards either by 30 March 2016 or 30 September 2016 (as designated by the Commissioner for specific standards).

The new standards will replace the Council's existing Welsh Language Scheme.

2. Legal

The Welsh Language Standards Regulations 2015 came into force on 31 March 2015. These Regulations replace the responsibilities placed on Carmarthenshire County Council under the Welsh Language Act 1993 and will be imposed on the council on the 31 March 2016.

3. Finance

In order to ensure the Council fully complies with its duties a growth pressure bid for additional funding of £200,000 to support the appointment of a further five translators to support current and projected growth in demand for services has been submitted.

5. Risk Management Issues

Failure to comply with any individual standards runs the risk for the Council in incurring a £5,000 fine from the Welsh Language Commissioner.

6. Staffing Implications

It has been identified that a further five translators will be required to support current and projected growth in demand for services.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Wendy Walters, Assistant Chief Executive (Regeneration & Policy)

1. Local Member(s) – N/A

2. Community / Town Council – N/A

3. Relevant Partners – N/A

4. Staff Side Representatives and other Organisations – N/A

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW:

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Compliance Notice – Section 44 Welsh Language (Wales) Measure 2011	Hysbysiad Cydymffurfio Cyngor Sir Gâr Carmarthenshire County Council Compliance Notice