

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Policy and Resources Cabinet Board

31st March 2016

Report of the Head of Corporate Strategy and Democratic Services

K.Jones

Matter for Decision

Wards Affected: All Wards

Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017

Purpose of Report

1. To rescind the Council's Welsh Language Scheme to remove potential confusion over the Council's obligations in relation to the Welsh language.
2. To approve the Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017 document produced in accordance with the Welsh Language Standards (No.1) Regulations 2015.
3. To authorise the Chief Executive to undertake such actions to ensure compliance with the Welsh Language Standards, including the updating of the Council's Comments, Compliments and Complaints Policy in line with receipt of the standards

Executive Summary

4. Under the Welsh language standards that have been applied to the Council there is a requirement to publish a document to identify those standards with which the Council must comply, along with other administrative requirements imposed under the standards.
5. The Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017 includes information as required by the relevant standards.

Background

6. On 30th September 2015 Welsh Language Commissioner issued the final compliance notice which indicated which standards would be applied.
7. A report on the assessment of the standards and their implications was presented to Cabinet Board on 15th October 2015 and the Chief Executive was authorised to challenge the Welsh Language Commissioner regarding the content of the final Compliance Notice. Subsequently a challenge was submitted to the Welsh Language Commissioner in relation to 55 standards on 15th January (54 of which the Commissioner has considered the challenge valid), the outcome of which is still awaited.
8. The remaining standards were considered achievable as they mirrored or were very similar to the commitments made in the existing Welsh Language Scheme.

The Welsh language Scheme

9. The Council's Welsh Language Scheme will be superseded by the imposition of the Welsh Language Standards. In order for completeness this report seeks members' approval to formally rescind the Scheme to allow for the Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017 and the implementation of all relevant standards.

Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017

10. The Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017, Appendix 1, is being produced in accordance with the requirements of the service delivery, policy, operational, promotion and record keeping supplementary standards, stated in the Welsh Language Standards Compliance Notice, Appendix 2.
11. As a requirement of the Welsh language standards we must produce a document which is to be available on the website and in each of our offices that are open to the public that:
 - records standards with which we are under a duty to comply relating to:

- Service delivery
 - Policy
 - Operational
 - Record keeping
 - Promotion
- records arrangements for overseeing compliance with services delivery standards, promoting the services offered in accordance with the standards and facilitating the use of those services.
12. A document recording the arrangements for overseeing compliance with services delivery standards, promoting the services offered in accordance with the standards and facilitating the use of those services must be published on the intranet.
13. Although details of all standards with which we must comply are included in this document, the inclusion of more detailed arrangements for standards that are due to be imposed on 30th September 2016 would not be appropriate for inclusion at this time. These additional arrangements will be subject to a future report in the autumn.

Financial Impact

14. The Council has estimated that the cost of complying with the Compliance Notice issued on 30th September 2015 is £1m - £2m. However, the Council has challenged 55 standards on the grounds that they are unreasonable and disproportionate; the Commissioner has considered that the challenge on 54 of the Standards is valid. The standards not subject to the challenge are considered to be affordable within existing budgets as the standards are the same as, or similar to, commitments in the existing Welsh Language Scheme.

Equality Impact Assessment

15. The Welsh language is not subject to the Equality Act 2010. However, it is likely that people with protected characteristics will wish to access services through the medium of Welsh and consequently compliance with the Welsh language standards will have an overall positive impact.

16. A screening assessment has been undertaken and a full equality impact assessment is not required.
17. 'Language sensitive areas' within the County Borough have been identified where the tradition and culture of the use of the Welsh language is strong and where the language is spoken by 25% or more of the population. These areas are, the Amman Valley, the Swansea Valley, Pontardawe and the community of Crynant in the Dulais Valley.
18. Where the Council has challenged some standards on the grounds they are unreasonable, disproportionate and/or impractical the Council, where possible, has proposed a variation to the application of the standards taking into account 'language sensitive areas', where it may be reasonable and proportionate to differentiate service delivery standards to reflect population characteristics.

Workforce Impacts

19. A programme of briefings has been arranged to raise awareness of the background, concept and importance of the standards as well as to promote their requirements to all staff.
20. Staff with Welsh language skills will be encouraged to use Welsh in their work.
21. In order to help increase the future language capability of staff the Council will encourage the uptake of available Welsh courses. The Council also recognises the limits to increasing language capability currently due to restrictions on external recruitment.

Legal Powers

- 22.. This report deals with the Council's duty to comply with the Welsh Language (Wales) Measure 2011 and The Welsh Language Standards (No1) Regulations 2015.

Risk Management

23. Failure to comply with the standards could lead to a £5000 fine per standard. There is also a risk of damage to the Council's reputation.

Consultation

24. There is no requirement under the constitution for external consultation on this item.

Recommendations

25. To rescind the Council's Welsh Language Scheme to remove potential confusion over the Council's obligations in relation to the Welsh language.
26. To approve the Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017 document produced in accordance with the Welsh Language Standards (No.1) Regulations 2015.
27. To authorise the Chief Executive to undertake such actions to ensure compliance with the Welsh Language Standards, including the updating of the Council's Comments, Compliments and Complaints Policy in line with receipt of the standards.

Reasons for Proposed Decision

28. To discharge the Council's duty in relation to Welsh Language (Wales) Measure 2011 and the Welsh Language Standards (No.1) Regulations 2015.

Implementation of Decision

29. The decision is for immediate implementation.

Appendices

30. **Appendix 1** - Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017
Appendix 2 - Welsh Language Standards Compliance Notice – issued 30th September 2015

List of Background Papers

31. Welsh Language (Wales) Measure 2011

Welsh Language Standards (No.1) Regulations 2015
Welsh Language Standards Challenge Document

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