

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Policy and Resources Cabinet Board

15th December 2016

Report of the Head of Corporate Strategy and Democratic Services Karen Jones

Matter for Decision

Wards Affected: All Wards

WELSH LANGUAGE STANDARDS

Purpose of Report

1. To advise the Cabinet Board of the response received from the Welsh Language Commissioner to the Challenge submitted by the Council in respect of those standards that the Council considers to be unreasonable and disproportionate and to outline the next steps in the process.

Executive Summary

2. The Council received correspondence from the Welsh Language Commissioner on 6th June 2016 which detailed the Commissioner's initial consideration of the Challenge to 54 standards that were included in the Council's Compliance Notice. The Commissioner was, at that time, considering make one minor modification to one of the standards but offered the Council an opportunity to make further representations to her in relation to the other standards that we had challenged.
3. On 14th July 2016, the Policy and Resources Scrutiny Committee and the Cabinet Board considered a proposed response to the Commissioner's letter. Following detailed consideration of the issues, some changes to the proposed response were agreed by Members and that response was forwarded to the Commissioner on 18th July 2016.

4. On 24th October 2016 the Council received a response to its letter and accompanying evidence submitted on 18th July 2016. That letter is attached at Appendix 1. A comparison of the Council's Submission to the Welsh Language Commissioner and the Commissioner's Response is attached at Appendix 2
5. Additionally, the Chief Executive met with the Commissioner on 25th October 2016 to discuss the reasons why the Council feels unable to fully comply with all of the standards it has been proposed should be applied to it.
6. Both the letter received on 24th October and 25th October 2016 indicate that the Commissioner is prepared to work with the Council to identify how the Council can meet more of the standards over time, given the limited financial and human resources available at this time and for the foreseeable future. There will also be an opportunity to discuss some of the standards where the difficulties are not related directly to resource available, but due to other factors.
7. A follow up meeting between officers and the Commissioner's representatives to try and agree a resolution to this work took place on 15th November 2016. However, the meeting ended with discussions incomplete, and a further meeting has been arranged for 19th December 2016 to continue working to find a way forward.

Financial Appraisal

8. The Council has challenged a number of the standards on the basis that additional financial costs would be incurred which are not allowed for in existing budgets.

Equality Impact Assessment

9. People who share protected characteristics will wish to access services through the medium of Welsh. The Council has drawn together evidence in its submissions to the Welsh Language Commissioner to identify where the greatest demand for Welsh language services are across the borough and has put forward arguments as to what could be considered reasonable and proportionate in the Council's local circumstances.

Workforce Impact

10. The Council's ability to meet all of the standards is constrained by the number of people in the workforce who have Welsh language skills. Whilst restrictions on external recruitment continue to apply to facilitate the Council's wish to avoid compulsory redundancies to the maximum extent possible, it will take some time to increase linguistic capability.

Legal Impact

11. The Welsh Language Standards were introduced by the Welsh Language (Wales) Measure 2011.

Risk Management

12. Failure to comply with the Welsh Language Standards could attract complaints which could adversely affect the Council's reputation. Additionally, the Welsh Language Commissioner has powers to issue fines in the event of non-compliance.

Consultation

13. There is no requirement for consultation under the Constitution for this item.

Recommendation

14. It is recommended that Members note the response received from the Welsh Language Commissioner and the dialogue that is now taking place between officers of the Council and representatives of the Welsh Language Commissioner with a view to agreeing a mutually agreeable position in relation to the Compliance Notice.

Reasons for Proposed Decision

15. To endorse the actions taken by officers to achieve a mutually agreeable position in relation to those Welsh Language Standards

the Council has identified as being difficult or impossible to comply with.

Implementation of Decision

16. The decision is proposed for implementation after the three day call in period.

Appendices

17. Appendix 1 - Comparison of Council's Submission to the Welsh Language Commissioner and the Commissioner's Response
18. Appendix 2 - Letter from the Welsh Language Commissioner 24th October 2016

List of Background Papers

- a) Policy and Resources Cabinet Board 23rd July 2015 – Welsh Language Standards draft Compliance Notice Consultation Response
- b) Letter dated 24th July 2015 to Welsh Language Commissioner responding to the consultation on the draft Compliance Notice
- c) Welsh Language Commissioner – Challenge and Appeals Procedure: Compliance Notices
- d) Welsh Government – Explanatory Memorandum to Welsh Language Standards (no. 1) Regulations 2015
- e) Welsh Government Consultation Document – Welsh Language Standards: Regulations and response from NPT Council dated 3rd December 2015
- f) Welsh Government – Welsh Ministers' response to the Welsh Language Commissioner's standards reports and advice note
- g) Letter from Deputy Leader to First Minister – Welsh Language Commissioner's Response to Standards Investigation
- h) Letter to WLGA Chief Executive from Chief Executive of NPT Council regarding Welsh Language Commissioner's Response to Standards Investigation

- i) Welsh Language Commissioner – Standards relating to the Welsh Language
- j) Welsh Language Commissioner – Standards Report: County councils and county borough councils in Wales
- k) Letter from Leader of Council to Welsh Language Commissioner – Standards Investigation
- l) Welsh Government – Regulatory Impact Assessment of the proposed standards relating to the Welsh Language
- m) NPT Council response to the Welsh Language Commissioner’s Standards Investigation
- n) Policy and Resources Cabinet Board, October 2015, Welsh Language Standards Compliance Notice
- o) Policy and Resources Cabinet Board, July 2016, Welsh Language Standards
- p) Letter to the Welsh Language Commissioner providing further evidence in supporting of the Council’s Challenge to the Compliance Notice, 18th July 2016

Officer Contacts

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Comparison of Council's Submission to the Welsh Language Commissioner and the Commissioner's Response

Standard	Standard refers to...	Council's position 18th July 2016	Commissioner's proposed response October 2016
22	All automated telephone systems must be provided in Welsh	Comply immediately in the Corporate Contact Centre Extend timetable for compliance in the Social Services contact centres Introduce requirement for automated messaging when the Council renews its mobile phone contracts	Position unchanged
26,26A 29,29A	When conducting meetings about someone's wellbeing it should be possible to conduct the meetings in Welsh if required or for a simultaneous translation service to be made available.	That the standards are applied except in circumstances where the Council can show reliance on translation services would prejudice the safety or wellbeing of the individual, or where the individual does not wish a translation services to be provided	Position unchanged
30,33	If arranging a meeting open to the public people must be advised that people attending are welcome to use the Welsh language and if required a translation service should be available	Council accepted the standard after further consideration	Preliminary determination to be made

41	Minutes and agendas for meetings open to the public must be available in Welsh	The standard should not be imposed	Standard has been varied
42	Any licence or certificate produced must be in Welsh	The standard should not be imposed	Prepared to extend the imposition date
52	The text of the website should be available in Welsh	Clarification sought that the standard does not extend to third party systems that interface with the Council's website	Position unchanged but clarified this does not apply to third party information
61,62	New signs/renewals of signs should be displayed in Welsh and Welsh should be read first	The standard should be amended to exclude those that would prejudice public safety if the standard were to be fully applied	Position unchanged – further evidence required to substantiate arguments
64	Reception services must be available in Welsh	The standard is applied at Port Talbot Civic Centre, Neath Civic Centre and Pontardawe but modified to reflect the fact that a bilingual service may only be available in other reception areas via Skype or via a third party service.	Standard will be modified
76	Invitations to tender should be published in Welsh if the subject matter suggests it should be produced in Welsh	The Council is not able to provide a competent legal service to meet this standard	Prepared to extend the imposition date

77,7A,79,80	If tenders are published in Welsh then where Welsh tenders are submitted they should be dealt with in Welsh and no differently to those received in English	The Council is not able to provide a competent legal service to meet this standard	Prepared to extend the imposition date
84,86	If an education course is open to the public the need for that service to be provided in Welsh should be assessed and where the assessment indicates it should then be available in Welsh	The standards should not be imposed. An alternative way of assessing the requirement for such courses should be developed which is less onerous	Position unchanged
99,100,101, 102,103,104	In offering a post to an employee there should be an opportunity for the employee to receive papers and services about their appointment, performance and career planning through the medium of Welsh	Standards only to be applied in Welsh medium schools	Position unchanged – but further evidence invited
112,112A,114, 115,116,116A, 118,119	Staff should be able to make complaints in Welsh and employment processes should enable the proceedings to be conducted in Welsh.	Standards only to be applied in Welsh medium schools	Position unchanged – but further evidence invited
122,124,126	The home page of the intranet should be in Welsh	The standards should not be imposed	Ceases to make this a requirement
128,129	Employment training should be available in Welsh	The standards should not be imposed	Prepared to extend the imposition date

130,131	Employees should be able to receive Welsh lessons free of charge during working hours	Specific training for managers in their role of managers should be excluded from the standard	Preliminary determination to be made
137,137A,137B,139,140	Recruitment and selection processes should support people to access the arrangements through the medium of Welsh	Standard should apply to Welsh essential posts only	Prepared to extend the imposition date
141,142,143,144	New signs in the workplace should be in Welsh as should workplace announcements	Definition of a sign to be provided in order for the standard to be fully assessed	Position unchanged. Clarified that this applies to new signs only
145,146	A 5 year strategy should be produced to increase the number of Welsh speakers in the area and a target should be set in relation to the Strategy. A monitoring report should be produced to show progress	The standard should exclude the need to set a target	Position unchanged
154	Records should be kept of the Welsh language requirements attached to posts and the staff who have those skills	Extend imposition date to 30 th March 2017	Prepared to extend the imposition date