



CABINET – 16TH APRIL 2014

SUBJECT: WELSH LANGUAGE STANDARDS INVESTIGATION

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide Members with the proposed response of the Caerphilly County Borough Council evidence in response to the national investigation on the draft Welsh Language Standards.

2. SUMMARY

- 2.1 The Welsh Language (Wales) Measure 2011 includes a commitment to set a common standard for Welsh Language service across public bodies, thus facilitating the public's understanding and access to those services. The related action plan will replace the Council's Welsh Language Scheme from July 2015 according to the current timetable.
- 2.2 The investigation period runs from 27th January 2014 to 18th April 2014.

3. LINKS TO STRATEGY

- 3.1 Welsh Language issues, along with the wider Equalities work are a cross-cutting theme of 'Caerphilly Delivers', the LSB single integrated plan and are specifically detailed in the Strategic Equalities and Welsh Language Objectives and Action Plan 2012-2016.
- 3.2 It is also part of Caerphilly CBC's Education work in terms of Welsh-medium education issues (via the Welsh in Education Strategic Plan for example) and the Youth Service Strategy; also regional work for the Gwent EAS and the SEW Safeguarding Children Board; also Health, Social Care and Social Services under the national "More Than Just Words" Strategy.

4. THE REPORT

- 4.1 The Welsh Language (Wales) Measure 2011 includes a commitment to set a common standard for Welsh Language service across public bodies. The principle of Standards instead of Welsh Language Schemes is now part of legislation and so does not form part of this investigation.
- 4.2 The aim of the Standards is to set a common level of Welsh Language services across public bodies. They will be placed on named public bodies (including all local authorities) and so differ from the previous Welsh Language Schemes, which were agreed locally by each body and so currently vary across Wales.
- 4.3 In January 2014, the Welsh Language Commissioner issued a notice to launch a Standards Investigation of each Local Authority. This involves the Welsh Language Commissioner's

Office gathering evidence from local authorities on how the Standards would apply to each public body, based on current levels of implementing existing Welsh Language Schemes.

- 4.4 This means that the greater the amount of evidence of actions and implementation currently being undertaken, the less will be any potential resource implications in 2015 should all the standards be made into regulations and included in the Compliance Notice. Public bodies who have not implemented Welsh Language Schemes to any great extent will potentially be affected far more than public bodies that have made progress each year.
- 4.5 An initial review of the draft versions of the 134 Standards was made in January and consulted upon with Cabinet Members at the time, with a further version being developed by late March, following a period of evidence gathering within Caerphilly CBC and both regionally and nationally with other organisations being affected by the Standards in this first investigation round.
- 4.6 The full analysis and mapping of the 134 draft standards is attached as Appendix 2 in the Welsh Language Commissioner's Investigation document, along with the evidence to support Caerphilly CBC's position. This is the third draft version, following discussions with Cabinet Members and senior officers and the inclusion of all the evidence found during the investigation period. The current results stand at:

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| Number of draft standards scoring in a Green category | 95 |
| Number of draft standards scoring in an Amber category | 25 |
| Number of draft standards scoring in a Red category | 14 |
| TOTAL | 134 |

- 4.7 Also attached is the Welsh Government's Regulatory Impact Assessment of the proposed standards relating to the Welsh Language, (appendix 3), completed based on the likely impact on the existing Equalities and Welsh Language team resources.
- 4.8 The national combined results of the investigation will then lead to a Standards Report to Welsh Ministers prepared by the Welsh Language Commissioner, with recommendations on how the Standards should apply to each public body.
- 4.9 In November 2014, Ministers will produce draft regulations for the attention of the National Assembly for Wales. The regulations once approved will authorise the Welsh Language Commissioner to issue a Compliance Notice to named public body to comply with all the relevant Standards. These will be sent to Chief Executives in January 2015 with a compliance date of July 2015.
- 4.10 By this date, the Council will have had to delete the current Welsh Language Scheme and approve and publish a Welsh Language Standards implementation plan, in whatever form that may take. It is hoped that this will be left to local discretion to allow Caerphilly CBC to merge these actions into the existing Strategic Equalities and Welsh Language Objectives and Action Plan via a simple update.
- 4.11 This process, as it will be a change to the Council's Policy Framework, will need to be consulted upon, then progress through Corporate Management Team, Policy and Resources Scrutiny Committee, Cabinet and full Council by the July 2015 deadline date.

5. EQUALITIES IMPLICATIONS

- 5.1 No full impact assessment has been undertaken on this report, however Welsh Language issues, along with the wider Equalities work, help to inform and support other service delivery projects and actions across all council services.

6. FINANCIAL IMPLICATIONS

- 6.1 Should Caerphilly CBC's Compliance Notice include any of the standards in the Amber or Red categories shown in 4.6, this will have resource implications but is impossible to detail what those might be at this time, beyond what is noted in the evidence.
- 6.2 Financial implications in terms of some specific standards also depends on developments between now and July 2015 in terms of regional working for example, or national initiatives such as the current All Wales Academy for Local Government proposals (that is hoped will be funded by an ESF bid via WEFO).
- 6.3 Any additional costs will need to be factored into the Medium Term Financial Planning assumptions, this will lead to an increase in the amount of savings required by the Authority moving forward.
- 6.4 Members should note that non-compliance with any Standard in future brings organisational risk to the Council, in that any complaint that may be upheld, and reaches the final stage of the process, potentially brings with it a fine of up to £5,000. This is the ultimate sanction after other stages have been exhausted, however the greater the ability of the Council to meet its duties now mitigates against financial penalties in future.
- 6.5 Members should also note that since 2008, the Equalities and Welsh Language team, through grant-funding, regional working and service level agreements with partner organisations, have brought in additional resources worth nearly £112k to the team in order to ensure that Caerphilly CBC is well placed to meet new and increasing statutory requirements under both Equalities and Welsh Language legislation.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no immediate personnel implications, although this will need to be regularly reviewed in the future as work required by the Standards is implemented. This will be monitored however and Cabinet will be informed of any significant implications at the appropriate time as with the Financial Implications above.

8. CONSULTATION

- 8.1 Evidence was gathered from within Caerphilly CBC and also regionally and nationally in terms of current statutory duties, levels of compliance and related legislation that has a bearing on how the Standards will impact on the Council.
- 8.2 During the period from January to April 2014 however, in addition to the evidence being gathered, some members and officers expressed concerns about the potential impact some of the standards would have on the Council during times where cuts to services were having to be considered and these comments are reflected below:
- a) The Authority's current Welsh Language Scheme reflects the Authority's view of what is reasonable and proportionate and therefore any significant extension of that is considered inappropriate for this Authority.
 - b) As a matter of principle this Authority believes each local authority should have some flexibility to determine what is appropriate and reasonable for its own area given its experience, workforce profile and the linguistic profile of the area.
 - c) Given the position of extreme financial austerity (resulting in service reductions) then it is not considered appropriate to introduce requirements at the expense of other public services.
 - d) There are specific concerns regarding the application of some of the proposed standards such as the translation of all documentation, simultaneous translation at all meetings and the requirements to place Welsh first in all signage etc. It is considered that these issues are particularly disproportionate to the position in this Authority.

- 8.3 These support the view that our current approach is reasonable and proportionate for this area (Appendix 1 shows a brief overview of the relevant local information) and that the standards scoring red in particular, and to a lesser extent amber, are therefore not considered reasonable and proportionate and should not form part of our Compliance Notice.
- 8.4 The format of the investigation document however does not lend itself to be able to reflect such concerns as it follows a set format based on current evidence. It was therefore agreed that those concerns would be reflected in this Cabinet report and the covering letter that would accompany the submission of evidence.
- 8.5 All comments and contributions are listed at the end of this report as Consultees, together with the details showing from where the Evidence was gathered.
- 8.6 If Members are minded to support the views expressed above, then it is suggested that they be incorporated into an appropriate covering letter as referred to in 8.4.

9. RECOMMENDATIONS

- 9.1 That Cabinet approve the submission of the evidence document and the covering letter to the Welsh Language Commissioner and Welsh Government by the deadline date.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To ensure that the Council's evidence is used as part of the development of how the new Welsh Language Standards legislation is implemented, and that this Council's comments around the Amber and Red scores are noted by the Welsh Language Commissioner and Ministers when the final national report is being prepared.

11. STATUTORY POWER

- 11.1 Local Government Act 2000, Local Government (Wales) Measure 2010, Welsh Language (Wales) Measure 2011.

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Jackie Dix, Policy and Research Manager
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Background Papers:

Welsh Language Scheme 2012

Strategic Equality Plan 2012

Strategic Equalities and Welsh Language Objectives and Action Plan (2012-2016)

Welsh in Education Strategic Plan

More Than Just Words - Director's updated position statement 2014

(These are available electronically for information if requested)

Appendices:

Appendix 1 - Overview of Relevant Local Information

Appendix 2 - Welsh Language Commissioner's Standards Investigation Questionnaire April 2014
(CCBC results) (pdf)

Appendix 3 - Welsh Government Regulatory Impact Assessment document (pdf)