



CABINET – 9TH DECEMBER 2015

SUBJECT: WELSH LANGUAGE STANDARDS – COMPLIANCE AND CHALLENGES

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide Members with an update regarding the Welsh Language Standards and where the Council now stands in terms of the 172 Standards that were issued to it by the Welsh Language Commissioner on 30th September 2015.

2. SUMMARY

- 2.1 The Welsh Language (Wales) Measure 2011 included 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.
- 2.2 The related action plan and requirement to comply with the Standards will replace the Council's Welsh Language Scheme from 30th March 2016 and is a corporate objective under the draft Strategic Equality Plan 2016-2020, currently out for consultation.
- 2.3 This report covers the position the Council is in, as of 30th September 2015, noting the changes made to the specific Caerphilly CBC set of Standards following the evidence submitted during the consultation period and covering an initial set of Standards that can be challenged further.

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.
- 3.3 Welsh Language is also one of the 7 aims under the Welsh Government's *Well-being of Future Generations (Wales) Act 2015*.

4. THE REPORT

- 4.1 The Welsh Language (Wales) Measure 2011 included a commitment to set a common standard for Welsh Language service across public bodies and on 24th March 2015 the Welsh Government passed into legislation 176 Standards under the Welsh Language Standards (No. 1) Regulations 2015.

- 4.2 In June 2015, a draft compliance notice was sent to the Council containing 168 Standards, with a month's consultation period in order for the Council to submit evidence as to why those Standards were acceptable, or unreasonable and disproportionate, either in scope or due to the timescales involved.
- 4.3 Despite the short timescale to be able to fully analyse the impact, a detailed response was submitted by the deadline date of 20th July providing a number of evidence based objections to many Standards. It also contained acceptance of many others, based on what the Council is already doing, as noted in the annual reports produced each year.
- 4.4 On 30th September 2015, the final Compliance Notice was received and a number of amendments or complete changes in Standards had been made, based on the Council's evidence submission. In other cases, some where evidence had been provided and some where there was no evidence, no changes had been made to those particular Standards.
- 4.5 Appendix 1 of this report is a copy of the final Compliance Notice, outlining the 172 Standards, and the exemptions where relevant, together with the timescales for implementation.
- 4.6 Appendix 2 of this report is a quick guide of what Standards have changed and which have stayed the same since the summer's consultation period. Policy Unit staff have broken down the 172 Standards and their sub-sections into 11 groups for ease of reference and discussion within the Council (these groupings have no formal status beyond that). These groups are:
- **Group A** - Those Standards to which the Council had agreed in July 2015 and no further changes have been made to them - the position therefore remains unchanged.
 - **Group B** - Those Standards to which the Council had agreed in July 2015 but with a request for an extension to the timescales or some other amendment, to which the Commissioner's office has agreed.
 - **Group C** - Those Standards the Council were not given a compliance notice for in July 2015 and the situation remains unchanged.
 - **Group D** - Those Standards the Council had rejected in July 2015 and the Commissioner's office has now removed from the final Compliance Notice.
 - **Group E** - Those Standards the Council had accepted in July 2015 but the Commissioner's office has extended the original deadline.
 - **Group F** - Those Standards the Council had rejected in July 2015 and the Commissioner's office has imposed a different one instead with more reasonable expectations.
 - **Group G** - Those Standards the Council were not given a compliance notice for in July 2015 but have now been given in the final notice, as a result of the changes noted in Group F above.
 - **Group H** - Those Standards to which the Council had agreed in July 2015 but with a request for an extension to the timescales or some other amendment, which the Commissioner's office has rejected.
 - **Group I** - Those Standards the Council had rejected in July 2015 but the Commissioner's office has imposed with an amendment.
 - **Group J** - Those Standards the Council had rejected in July 2015 but the Commissioner's office has imposed anyway, but with a change of timetable.
 - **Group K** - Those Standards the Council had rejected in July 2015 but the Commissioner's office has imposed with no change or amendments.
- 4.7 The recommendations for each of the above groups are officer recommendations only, for initial debate as part of the overall discussion.
- 4.8 Appendix 3 of this report is a document showing the 6 Standards currently being recommended for a formal challenge, following receipt of the final Compliance Notice. This does not preclude any further Standards from being challenged.

5. EQUALITIES IMPLICATIONS

- 5.1 No full impact assessment has been undertaken on this report, however implementation of the Standards will impact on service delivery plans across all council services and so those plans will be impact assessed and incorporate the relevant Standards at an operational level as they are developed.

6. FINANCIAL IMPLICATIONS

- 6.1 Financial implications in terms of specific standards depend on a range of factors. Many have no implications beyond current resources, as the Council is already complying with them. Others require minimum or one-off investment to ensure compliance.
- 6.2 Those that may involve greater financial implications or are deemed unreasonable are shown mainly (but not necessarily exclusively) in **Groups H, I, J and K** (under 4.6 above and detailed in **Appendix 2**) and need a Cabinet decision on whether to challenge them or not.
- 6.3 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 per breach of Standard. 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.

7. PERSONNEL IMPLICATIONS

- 7.1 Personnel implications in terms of some specific standards also depend on a range of factors. As with 6.1 above, many have no implications beyond current resources as the Council is already complying with them and others require minimum or one-off investment or HR/IT staff time to ensure compliance.
- 7.2 Those Standards that may involve greater personnel implications or are deemed unreasonable are also shown mainly (but not necessarily exclusively) in **Groups H, I, J and K** (under 4.6 above and detailed in **Appendix 2**) and need a Cabinet decision on whether to challenge them or not.

8. CONSULTATION

- 8.1 The consultees are shown at the end of this report and comments received have been incorporated into the body of the report.

9. RECOMMENDATIONS

- 9.1 That Cabinet approve the submission of the evidence to challenge the 6 Standards as outlined in Appendix 3.
- 9.2 That the Standards shown in **Groups A - G** are formally agreed as reasonable and proportionate, excluding any specific Standards that Cabinet wish to consider for challenge.
- 9.3 That, following on from the above, after due consideration of the other Standards, shown mainly (but not necessarily exclusively) in **Groups H, I, J and K**, any further challenges agreed upon by Cabinet are progressed in accordance with the evidence available.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To ensure that the Council's final set of Welsh Language Standards, to be implemented from 30th March 2016, is reasonable and appropriate for the county borough.

11. STATUTORY POWER

- 11.1 Welsh Language (Wales) Measure 2011 (specifically the Welsh Language Standards (No. 1) Regulations 2015); *Well-being of Future Generations (Wales) Act 2015*.

Authors: David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Ext 4353 thomada@caerffili.gov.uk
Anwen Rees, Equalities Training & Promotion Officer
Ext 4404 reesma@caerffili.gov.uk

Consultees: Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services & S151 Officer
Rob Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services/Monitoring Officer
Howard Rees, Programme Manager - Partnership Development and Collaborative Improvement
Jackie Dix, Policy and Research Manager

Background Papers:

Cabinet Report and Appendices - Welsh Language Standards - Final Consultation dated 15/07/15

Appendices:

Appendix 1: CCBC Welsh Language Standards Final Compliance Notice 30/09/15

Appendix 2: Guide to the changes to CCBC Welsh Language Standards since July 2015

Appendix 3: Initial Standards Challenges 02/12/15