

COUNCIL:

29 JUNE 2017

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL
SERVICES

WELSH LANGUAGE STANDARDS: ANNUAL REPORT 2016-17

PORTFOLIO: LEADER (ECONOMIC DEVELOPMENT & PARTNERSHIPS)

Reason for this Report

1. To agree and approve the content of the 2016-17 Welsh Language Standards Annual Report prior to publication in accordance with the Welsh Language Standards under the Welsh Language (Wales) Measure 2011.

Background

2. The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language by way of sub-legislation (Welsh Language Regulation Standards). The standards issued to the City of Cardiff Council are listed in 'The City of Cardiff Council Compliance Notice – Section 44 Welsh Language (Wales) Measure 2011 (www.cardiff.gov.uk/bilingualcardiff)

3.

The principle aim of the legislation (standards) is to ensure that the Welsh language is treated no less favourably than the English language with the emphasis on actively offering and recording language choice rather than the onus being on the individual service user or employee to request information or services in Welsh.

4. The standards are listed in the following categories:

Service delivery standards:

In relation to the delivery of services in order to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favourably than English.

Policy making standards:

Require organisations to consider what effect their policy decisions will have on the ability of persons to use the language and on the principle of treating Welsh no less favourably than English.

Operational standards:

Standards which deal with the internal use of Welsh by organisations.

Promotional standards:

Require organisations to adopt a strategy setting out how it proposes to promote and facilitate the use of Welsh.

Record keeping standards:

These standards make it necessary to keep records about some of the other standards, and about any complaints received by an organisation. These records will assist the Commissioner in regulating the organisation's compliance with standards.

5. The Welsh language standards have been drafted with the aim of:
- Improving the services Welsh-speakers can expect to receive from organisations in Welsh
 - Increasing the use people make of Welsh-language services
 - Making it clear to organisations what they need to do in terms of the Welsh language
 - Ensuring that there is an appropriate degree of consistency in terms of the duties placed on organisations in the same sectors.
6. Each local authority were issued with a compliance notices from the Welsh Language Commissioner in September 2015 which lists the standards and compliance date which the organisation is expected to comply with. The City of Cardiff Council was issued with **171 standards**.

The City of Cardiff Council				
Categories	Compliance date: 30 March 2016	Compliance date: 30 September 2016	Compliance date: 30 September 2018	Total
Service Delivery	85	3	0	88
Policy Making	16	0	0	16
Operational	41	7	1	49
Record Keeping	13	1	0	14
Promotional	0	4	0	4
Total	155	15	1	171

7. The Council has a statutory duty to comply with the Welsh language standards which includes the requirement to produce an annual Report on compliance with these standards.

Issues

8. The Welsh Language Standards Annual Report has been completed to meet the requirements of the Welsh Language Standards (Welsh Language [Wales] Measure 2011)
9. Approval needs to be given by Council prior to it being published on the Council's website by the required deadline of 30th June 2017.
10. The Welsh Language Commissioner can investigate a failure to comply with the Welsh Language Standards and can take enforcement action, including imposing a civil penalty, requiring an action plan to remedy the breach or publicising the breach.

Reasons for Recommendations

11. Standard 158, 164 and 170 requires the Council to produce an annual report, in relation to each financial year, which deals with the way in which the Council has complied with the service delivery, policy making and operational standards.

Legal Implications

The Welsh Language (Wales) Measure 2011 introduces a new system of regulation through 'standards', which specify how an organisation should use the Welsh language and created the Welsh language Commissioner. It is a statutory requirement to comply with the Welsh Language (Wales) Measure 2011.

The Welsh Language Standards (Number 1) Regulations 2015 were approved on the 24th March 2015 and specify standards in relation to the conduct of County Councils. The Welsh language Commissioner issued the Council with a compliance notice on the 30th September 2015. This contains 5 different types of Standards; Service delivery standards, policy making standards, operational delivery standards, promotional standards and record keeping standards.

Standard 158 requires the Council to produce an annual monitoring report in relation to each financial year which deals with the way in which the Council has complied with the service delivery standards; similarly standard 164 requires this in relation to the policy making standards and standard 170 makes similar provision for the operational delivery standards. The annual report must include the number of complaints that the Council received during that year which related to compliance with the standards, details of the Welsh language skills of Council staff, training courses offered and attended by Council staff and number of posts advertised with Welsh language as a requirement. The annual report must be published no later than 30th of June following the financial year to which the report relates and must be publicised and placed on the Councils website as well as at any Council offices open to the public.

The Welsh Language Commissioner can investigate any failure to comply with the Welsh Language Standards and can take enforcement action, including imposing a civil penalty, requiring an action plan to remedy the breach or publicising the breach.

Financial Implications

The report highlights a series of recommendations which will be actioned and in the event of costs arising will be funded from within the current budgetary allocation of the Council individual directorates. The covering report highlights the potential for financial sanctions to be incurred as a result of non-compliance to the Welsh Language Standards. Any financial penalties incurred will need to be found from within the overall budgetary allocation of the appropriate directorate.

RECOMMENDATION

The Council is recommended to approve the Welsh Language Standards Annual Report 2016-17 (as attached as Appendix A) and agree the report prior to publication in accordance with the Welsh Language Standards (Welsh Language (Wales) Measure 2011).

DAVINA FIORE

Director of Governance & Legal Services
19 June 2017

The following appendices are attached:

Appendix A – Draft Welsh Language Standards Annual Report 2016-17

Appendix I – Welsh Language Standards Complaints

Appendix II – Welsh Essential and Desirable Posts

Appendix III – Welsh Language Training

Appendix IV – CIS Improvement Actions