

CABINET MEETING: 13 JUNE 2019

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WELSH LANGUAGE STANDARDS: ANNUAL REPORT 2018-19

LEADER (COUNCILLOR HUW THOMAS)

AGENDA ITEM: 3

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**Reason for this Report**

1. To agree and approve the content of the Welsh Language Standards Annual Report 2018-19, prior to publication in accordance with the Welsh Language Standards, under the Welsh Language (Wales) Measure 2011.
2. To agree the revised action plan for the Bilingual Cardiff Strategy 2017-22.

**Background – Welsh language standards Annual Report 2018-19**

3. Local authorities in Wales have a statutory duty to comply with Welsh Language Standards Regulations that explain how they as organisations must use the Welsh language in different situations. 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 (No.1) Standards 2015).
4. The standards issued to Cardiff Council are listed in 'The Cardiff Council *Compliance Notice – Section 44 Welsh Language (Wales) Measure 2011*. A copy of the standards, which is referred to in this report, is available from [www.cardiff.gov.uk/bilingualcardiff](http://www.cardiff.gov.uk/bilingualcardiff)

5.

**The principal 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.**

6. 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.
7. Each local authority was issued with a compliance notice from the Welsh Language Commissioner in September 2015, which lists the standards and compliance date which the organisation is expected to comply with. Cardiff Council was issued with **171 standards**.
  8. 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.
  9. Each local authority is required to publish each year an annual report detailing the following information.

<b>Complaints</b>
The number of complaints received during that financial year relating to compliance with the Welsh language standards.
<b>Employees Welsh language skills</b>
The number of employees who have Welsh language skills at the end of the financial year in question.
<b>Welsh Medium Training</b>
<ul style="list-style-type: none"> <li>• The number of members of staff who attended training courses offered in Welsh during the year.</li> <li>• If a Welsh version of a course was offered by you during that year, the percentage of the total number of staff attending the course who attended the Welsh version.</li> </ul>
<b>Posts Advertised</b>
<p>The number of new and vacant posts that were advertised during the year which were categorised as posts where:</p> <ul style="list-style-type: none"> <li>• Welsh language skills were essential,</li> <li>• Welsh language skills needed to be learnt when appointed to the post,</li> <li>• Welsh language skills were desirable, or</li> <li>• Welsh language skills were not necessary.</li> </ul>

10. Approval needs to be given by Council prior to the report being published on the Council's website by the required deadline of **30<sup>th</sup> June 2019**.
11. 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.

12. The report also includes a revised action plan for the Bilingual Cardiff Strategy, in accordance with the recommendations of an external review of the strategy.

## **Background – Bilingual Cardiff Strategy 2017-22**

13. Standard 145 of the Welsh Language Standards (No.1) Regulations 2015 requires the Council to produce and publish a five year strategy by the 30th of September 2016 which sets out how we will promote and facilitate the use of Welsh. This strategy includes a target to increase the number of Welsh speakers within Cardiff as well as specific actions to facilitate the use of the language in line with the Welsh Government's Welsh Language Strategy ***Cymraeg2050***

Welsh Language Standard 145 states:

**You must produce, and publish on your website, a 5-year strategy that sets out how you propose to promote the Welsh language and to facilitate the use of the Welsh language more widely in your area; and the strategy must include (amongst other matters) (a) a target (in terms of the percentage of speakers in your area) for increasing or maintaining the number of Welsh speakers in your area by the end of the 5 year period concerned, and (b) a statement setting out how you intend to reach that target; and you must review the strategy and publish a revised version on your website within 5 years of publishing a strategy (or of publishing a revised strategy).**

14. Over the last 25 years, the number of Welsh speakers in Cardiff has more than doubled with the latest 2011 census figures indicating that over 16% of the city's population have one or more skills in the language. As the city grows our aim in this strategy is to increase the number and percentage of Welsh speakers and learners in Cardiff, as well as increase the use of the Welsh language in the city.
15. The Council has a statutory duty under standard 145 to include in the strategy a target for increasing or maintaining the number of Welsh speakers by the end of the 5 year period concerned. To support the Welsh Government's vision for a million Welsh speakers by 2050, and in order for Cardiff to play its part in achieving this vision, we would need to increase the number of Welsh speakers (aged 3+) in Cardiff by 15.9% from 36,735 (2011 Census) to 42,584 (2021 Census). This target has been included in the Bilingual Cardiff Strategy.
16. The methodology used for this target was to apply the percentage increase required each year in the number of Welsh speakers to reach a million by 2050 (from 562,016 in 2011 Census). This 1.5% per annum growth rate if applied to Cardiff would increase the number of Welsh speakers to 42,584 by the 2021 Census; an increase of 15.9% on the 2011 Census figure.

17. The Bilingual Cardiff Strategy sets out our priorities under 3 strategic areas
  - 1) The Family, Children and Young People
  - 2) Community and Infrastructure and
  - 3) Welsh Language Services and the Workplace,and identifies the change that we will need to make to realise the vision set out in the strategy.
18. Supporting young people, families and communities to learn and speak Welsh is also at the heart of delivering our ambitions. Recent years have seen a significant increase in the growth of Welsh medium education in the city with an ever increasing number of our children and young people now receiving their education in Welsh. The education system and the Council's Welsh in Education Strategic Plan will play a key role in ensuring the future growth of the language as we aim to increase the number of children – and parents – who have the opportunity to learn and speak Welsh, and have opportunities to use the language outside the school gates.
19. This is a strategy for the city as a whole, not for any one organisation. Delivering the strategy will rely on partnership working: between public sector partners; between the public, private and education sectors; as well as the citizens.

### **Independent External Review 2018**

20. As part of the Cabinet report for the Bilingual Cardiff 2017-22 strategy, the Council committed to an independent external review of the strategy within a year of its publication, to ensure that the action plan was appropriate to fulfil the strategy's priorities. The external review, conducted by Nico  
<http://cardiff.moderngov.co.uk/mgAi.aspx?ID=12645&LLL=0> stated:

***Considering the Strategy in light of identified best practice and stakeholder comments, this review finds that the Strategy has been built on strong foundations of consultation and communication and has a strong compliance and scrutiny framework in place.***

***The strategic priorities identified correspond with the national vision and are based on the close consultation with partners. They naturally reflect the specific needs of the population and are grouped under 3 strategic areas. The resulting targets are mindful of current provision and financial constraints and are seen to be realistic and achievable by key stakeholders.***

***The strategy draws from a purposeful vision supported by proactive leadership and key personnel and a robust accountability process which includes external scrutiny and involvement by key partners and a strong relationship through the Fforwm Caerdydd Ddwylieithog (Bilingual Cardiff Forum).***

21. The review states that the strengths of the Bilingual Cardiff Strategy should be celebrated and good practice shared. There are a number of opportunities to consider further strengthening the implementation of the strategy and the following recommendations attempt to highlight those opportunities in light of the findings and feedback from stakeholders. The review includes 8 recommendations:

R1	Consider a review of <i>what</i> is measured, (and when, how and by whom) to reinforce shared understanding, robust record keeping and evidence of progress towards the strategic priorities and overarching target.
R2	Consider exploring further the definition of what a truly bilingual Cardiff means in quantifiable terms in the context of the strategic priorities. In addition, consider linking measurable key indicators and milestones of success clearly to the action plan so that all partners are clear on what is to be achieved and evidenced.
R3	Ensure continued support and engagement to articulate the vision in contexts that are relevant to different sections of the Council, and amongst partners in general over the strategy's lifetime. This will assist in strengthening shared purpose and achievement of the strategy.
R4	As suggested in the Fforwm meeting, consider the possibility of extending a Fforwm meeting once a year to a wider partnership to allow Bilingual Cardiff to ensure practical input from partners of all interests, and to reinforce the city-wide ownership of the vision.
R5	Consider developing and maintaining a stakeholder management plan in order to sustain and nurture the positive relationship with key stakeholders over the lifetime of the Strategy.
R6	Consider developing and maintaining a programme of communication to support the implementation of the Strategy.
R7	In conjunction with R1 and R2, consider reviewing the action plan in consultation with key partners (by the end of year 2, March 2019), with a view to updating or adapting the targets. <i>[As part of any review, consider how the achievement of any new or adapted targets will align with the requirements to report on progress in terms of i) the increase in the number of Welsh speakers and ii) the increase in the use of Welsh and what is the quantitative and qualitative evidence required.]</i>
R8	When conducting a review of the action plan, consider identifying any key strategic areas that aren't sufficiently covered in the current action plan so that a record or 'wish list' is kept should any co-funding or co-production opportunities arise. Also, any risks arising from lack of resources or change in circumstances that would impact on the successful achievement of any strategic priorities should be recorded.

22. Appendix 1 of the Welsh Language Standards Annual Report includes a revised action plan for the Bilingual Cardiff Strategy 2017-22.

### Reason for Recommendations

23. 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.

24. The external review of the Bilingual Cardiff Strategy 2017-22 recommended reviewing the action plan.

### **Financial Implications**

25. The Annual Report sets out a series of proposed actions and recommendations in accordance with the Welsh Language Standards. In the event of any of these actions resulting in costs then the funding will need to be identified from within the current budgetary allocation of the relevant individual directorates. The covering report highlights the potential for financial sanctions to be incurred as a result of non compliance with the Welsh Language Standards. Any financial penalties incurred will need to be found within the overall budgetary allocation of the appropriate directorate.

### **Legal Implications**

26. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language and the report deals with all these obligations. The Council has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.
27. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
28. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well being objectives are set out in Cardiff's Corporate Plan 2019-22: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Pages/Corporate-Plan.aspx> When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
29. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
  - Focus on prevention by understanding the root causes of problems
  - Deliver an integrated approach to achieving the 7 national well-being goals
  - Work in collaboration with others to find shared sustainable solutions
  - Involve people from all sections of the community in the decisions which affect them
30. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>
31. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of ‘protected characteristics’. The ‘Protected characteristics’ are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief.

### **HR Implications**

32. The Welsh Language Standards Annual Report includes compliance with those standards that relate to the Council’s role as an employer. The HR implications arising from the approval of the report are mainly within the area of training. The specifics are detailed in the Action Plan and include:
- Ensuring continued training provision to increase the numbers of Welsh language speakers across the Council in line with the Council’s proposed Workforce Strategy;
  - The provision of Welsh language training for all employees;
  - The provision of other training such as First Aid and Health and Safety courses in Welsh;
  - Ensuring that employees working in receptions have Welsh language awareness training and are able to provide greetings in Welsh; and
  - Promoting job opportunities to groups proficient in the Welsh language

### **RECOMMENDATIONS**

Cabinet is recommended to recommend that Council:

- (1) Approve the Welsh Language Standards Annual Report 2018-19 (attached as Appendix A) and agree the report prior to publication in accordance with the Welsh Language Standards (Welsh Language (Wales) Measure 2011).

- (2) Approve the revised Bilingual Cardiff Strategy Action plan (attached as Appendix 1)

SENIOR RESPONSIBLE OFFICER	SARAH McGILL Corporate Director People & Communities
	7 June 2019

*The following appendices are attached:*

**Appendix A** Welsh Language Standards Annual Report 2018-19

**Appendix 1** Bilingual Cardiff Strategy Draft Actions 2019-20

**Appendix 2** Complaints 2018-19

**Appendix 3** Welsh Essential Posts 2018-19

**Appendix 4** Directorate Delivery Plan Objectives 2018-19

**Appendix 5** Welsh Language Standards – Directors Assurance Statement 2018-19

**Appendix 6** Welsh Language Commissioner Assurance Report – Cardiff Council's performance

**Appendix 7** Equality Impact Assessment – Bilingual Cardiff Strategy revised action plan