

COUNCIL:

24 SEPTEMBER 2020

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## CABINET PROPOSAL

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### WELSH LANGUAGE STANDARDS: ANNUAL REPORT 2019-20

#### Reason for this Report

1. To agree and approve the content of the Welsh Language Standards Annual Report 2019-20, prior to formal publication in accordance with the Welsh Language Standards, under the Welsh Language (Wales) Measure 2011.

#### Background – Welsh language standards Annual Report 2019-20

2. 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).
3. 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)

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**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.**

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; and
  - 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 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**.
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.
8. 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>	
➤	The number of members of staff who attended training courses offered in Welsh during the year.
➤	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.
<b>Posts Advertised</b>	
The number of new and vacant posts that were advertised during the year which were categorised as posts where:	
•	Welsh language skills were essential;
•	Welsh language skills needed to be learnt when appointed to the post;

- Welsh language skills were desirable, or
- Welsh language skills were not necessary.

9. 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.
10. As a result of the exceptional circumstances brought about by the Covid-19 emergency, it was not possible to formally present the report to Cabinet for approval prior to the statutory publication date of 30<sup>th</sup> of June 2020. However, a draft report was published by the statutory deadline date with a proviso stating that the final report is expected to be presented to Cabinet for formal approval in September 2020 and published on the Council's website thereafter.

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

11. Standard 145 of the Welsh Language Standards (No.1) Regulations 2015 requires the Council to produce and publish a five year strategy by the 30<sup>th</sup> 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).**

12. 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.
13. 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 42,583 (2021 Census). This target has been included in the Bilingual Cardiff Strategy.

14. 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.
15. The Bilingual Cardiff Strategy sets out our priorities under 3 strategic areas:
  - 1) The Family, Children and Young People
  - 2) Community and Infrastructure
  - 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.

16. 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.
17. 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.
18. The Bilingual Cardiff Strategy Action Plan (2019-20) is attached as **Appendix 2** and outlines progress made against all relevant actions within the reporting year as part of the overall Welsh Language Standards Annual Report.

### **Financial Implications**

19. 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**

20. 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.
21. 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. 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.
22. 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](#).

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.

23. 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; and

- involve people from all sections of the community in the decisions which affect them.
24. 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](#).
25. 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
- eliminate unlawful discrimination;
  - advance equality of opportunity; and
  - 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; and
- religion or belief (including lack of belief).

### **HR Implications**

26. 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;
- promoting job opportunities to groups proficient in the Welsh language; and
- ensuring that the number of posts which have Welsh language as a desirable criteria are increased.

## **CABINET PROPOSAL**

Council is recommended to approve the Welsh Language Standards Annual Report 2019-20 (attached as **Appendix A**) prior to formal publication in accordance with the Welsh Language Standards (Welsh Language (Wales) Measure 2011).

## **THE CABINET 17 September 2020**

*The following appendices are attached:*

<b>Appendix A</b>	Welsh Language Standards Annual Report 2019-20
<b>Appendix 1</b>	Welsh Language Standards Investigations 2019-20
<b>Appendix 2</b>	Bilingual Cardiff Strategy Action Plan 2019-20