

Assessing the Impact on Equality Characteristics, the Welsh language and Socio-Economic Disadvantage

Please see the sheet *How to Make an Equality Impact Assessment* for assistance to complete this form. You are also welcome to contact Delyth Williams, Policy and Equality Officer on ext. 32708, or DelythGadlysWilliams@gwynedd.llyw.cymru, for further assistance.

The Council is required (under the Equality Act 2010) to consider the impact that any change in any policy or procedure (or the creation of a new policy or procedure) will have on people with protected equality characteristics. The Council also has additional general duties to ensure fairness and to foster good relations. Therefore, a timely assessment should be made before any decision is taken on any relevant change (i.e. that affects people with protected equality characteristics).

The Council is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011), to consider the impact that any change in policy or procedure (or the creation of a new policy or procedure), will have on opportunities for people to use the Welsh language and to ensure that the Welsh language is not treated less favourably than English. This document therefore ensures that these decisions safeguard and promote the use made of the Welsh language.

From 1 April 2021, the Council has a duty to give due attention to addressing socio-economic disadvantage in strategic decisions.

1) Details

1.1 What is the name of the policy / service in question?

Gwynedd Council Language Policy

1.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

To amend the Council's Welsh Language Policy to reflect changes in approaches and to strengthen the Council's commitment to promote the use of the Welsh Language.

The purpose of the Welsh Language Policy is to ensure that the Council operates in a way that gives priority to the Welsh language when providing services. It satisfies the statutory requirement under the Welsh Language (Wales) Bill 2011 to ensure people's right to use Welsh language when engaging with the Council, and contributes to the well-being objective to ensure residents can "live in a natural Welsh society", and the Council's improvement objective to "help people live their lives through the medium of Welsh".

There has been no change in the legislation and statutory requirement in relation to offering Welsh language services, but the Policy needed to be modified to provide clearer guidance on what the requirements of the Welsh Language Standards mean in practice and in the context of officers' day-to-day work, and also to provide guidance on areas where there are no relevant Standards.

The amendments to the Policy therefore strengthen the Council's position that it goes beyond the requirements of the Standards and acts in a way that always puts the Welsh language first.

Changes have also been made to reflect the work of the Council's priority projects that relate to the Welsh language (language specification project, Welsh place Names project) and the ambition of the Council to find ways of going beyond the requirements of the language standards, and to raise the profile of the language in the county, visually and verbally. This includes the decision to use the Welsh name of the Council (Cyngor Gwynedd) only wherever it is possible from now on.

1.3 Who is responsible for this assessment?

Gwenllian Williams, Language Advisor, Language and Scrutiny Unit, Gwynedd Council

1.4 When did you commence the assessment? Which version is this?

Version 1 – 14.09.21
Version 2 - update after consultation - July 2022
Version 3 - update after Equality Advisor's input - August 2022

2) Implementation

2.1 Who are the stakeholders or partners with whom we will have to work to carry out this assessment?

Officers and Heads of Departments, Gwynedd Council
Residents
Language Committee

2.2 What steps have you taken to engage with people with protected characteristics, regarding the Welsh language or with communities (either due to location or due to need), who are living with a socio-economic disadvantage?

There has been no public consultation on the policy as the changes do not affect the services offered to the public. The statutory requirement remains the same, but changes are needed to provide clarity to staff and reflect current Council procedures.

It was, nevertheless, believed to be important to include the views of people with different characteristics and engagement has been held with the Equality Core Group on the current policy and its potential impact on certain groups.

2.3 What was the outcome of the engagement?

Appendix - consultation summary

2.4 On the basis of what other evidence are you acting?

Complaints received by the Language and Scrutiny Unit, and the subjects of investigations by the Welsh Language Commissioner have highlighted some weaknesses in policy guidance and staff awareness of the exact requirement of the Standards.

Some clauses also needed to be added and modified as part of actions imposed as a result of investigations by the Welsh Language Commissioner.

There was therefore a clear need to review the policy to ensure it provided staff with the best possible guidance, and reduced the number of complaints received.

The internal discussions that took place with the following also add to the evidence base, as they have helped us identify the weaknesses and have a discussion about the gaps in policy or barriers to implementation.

- Officer groups on specific topics/parts of the policy
- Language Designations Project Board
- Heads of Council departments
- Language committee
- Cabinet Member

2.5 Are there any gaps in the evidence that need to be gathered?

We do not believe there are gaps in evidence currently, but we will monitor the implementation of the policy and keep track of any non-compliance that manifest themselves through enquiries or complaints. The Language and Scrutiny Unit has just established a new self-assessment regime, with each department within the Council completing an annual questionnaire detailing how they manage to comply with the requirements of the Language Standards and Policy. This will be a way for us to identify any weaknesses and act on them immediately. It will also enable us to identify if any further clarifications or modifications needed to the Policy.

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3) Identifying the Impact

3.1 The Council must duly address the impact that any changes will have on people with the following equality characteristics. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics? There is also a need to consider the impact on the socio-economic disadvantage and on the Welsh language.

Characteristics	What type of impact? *	In what way? What is the evidence?
Race (including nationality)	Positive / negative none	<p>Information gathered from surveys / public consultations by the Council – and in particular feedback recently received from fellow officers as a result of a public consultation by the Equality Unit looking at barriers facing the public in their engagement with the Council, and engagement by the Website Team on public use of the website – shows that some negative aspects exist about the Council's language policy and the assumption of it discriminating against people of a different race or from ethnic minorities (i.e. people who are not native residents).</p> <p>There have also been a number of complaints received in recent years which suggest that some may feel that the Language Policy is racist and discriminatory. These complaints have mainly been concerned with the recruitment element and the belief that the Language Policy denies job opportunities to non-Welsh-speakers. Although language is not a protected equality feature, this is often directly linked to the race aspect.</p> <p>It can therefore be considered that there is some potential negative impact as misunderstandings about the recruitment policy create an impression of discrimination against non-Welsh people or who do not have Welsh nationality or people who have moved to the area and who have not been through the county's education system.</p> <p>At the same time, the reference to language requirements within the recruitment section of the policy risks having a negative impact on a cohort of Welsh-speakers as people feel excluded from opportunities because their Welsh is not good enough. This stems from an assumption that "essential" skills mean fluent, higher-level skills.</p> <p>There may be an element of truth to this as some jobs exist where it would not be possible to recruit someone without the appropriate Welsh language skills without that affecting the service provided.</p> <p>A positive impact on the other hand comes from the fact that the policy satisfies a statutory requirement to protect the right of individuals to Welsh language services and that the recruitment clauses provide a means of ensuring that the appropriate skills are available to deliver Welsh language services proactively and seamlessly. Although the policy specifically relates to the Welsh language and states that the Council prioritises the Welsh language, there is no intention not to communicate and also offer services in English, and therefore there is no negative impact on</p>

		<p>people's ability to access services.</p> <p>The recruitment clauses of the policy ensure that a sufficient number of the workforce are able to access Welsh to meet the linguistic (Welsh) needs of the population, and to provide opportunities for workers to develop their skills.</p> <p>In terms of discrimination against ethnic minority residents, who may speak languages other than Welsh and English, the policy can be seen as having a negative impact as it does not give residents the same rights to services in other languages. As this is a Welsh language policy, designed to outline statutory responsibilities under the Welsh Language Bill to provide Welsh-medium services, and to outline how Welsh (and English) is used in the Council's proceedings, it is not intended to deal with/address the needs of the population in relation to other languages.</p> <p>The Council nevertheless addresses the requirements of other languages through its Equality responsibilities, and is committed to offering provision where needed, for example translation needs at well-being meetings.</p>
<p>Disability</p>	<p>Positive / negative / none</p>	<p>As the Policy relates specifically to a statutory responsibility to produce bilingual materials, and with the medium of language of communication rather than more general modes of communication, no negative impact was identified during the engagement. However, some issues were raised during consultation with the Equality Core Group that should be considered when implementing the policy of producing bilingual materials and accessibility of services in general.</p> <p>It was noted that the practice of producing bilingual materials could have a negative impact on people who are visually impaired, as the need to use fine print or having to squeeze large amounts of content onto one page may affect their ability to read public materials.</p> <p>The emphasis on producing written information materials could have a negative impact on people with hearing impairments. The need to use headphones in order to hear translation in meetings could also create problems (this wouldn't be as much of a problem with online meetings).</p> <p>There is also a potential negative impact for people with intellectual difficulties, if the Council does not follow the policy guidance to produce materials that follow Cymraeg Clir/Plain English principles. The view was expressed that the Council was using too formal, jargonistic language, and that there was a need to work on producing more straightforward and clear materials.</p> <p>As previously set out, the policy satisfies a statutory requirement to produce Welsh language materials and provide Welsh language services rather than means of communication, so changes are not considered necessary as a result of these comments, but as the Council has a wider duty to take reasonable steps to mitigate any barriers to residents in accessing services or information we will consider appropriate</p>

		<p>mitigation for these barriers.</p> <p>There is also a positive impact on any groups of people with disabilities, as the Policy follows the principle of a proactive offer set out in the Welsh Government's More than Just Words Framework. The Council recognises the fact that offering services in the first language of individuals can be key in the event of illness or disability, that individuals are better able to express themselves in their own language, and is therefore a key part of offering quality care and service. Offering Welsh language services and ensuring staff who can speak Welsh are available to speak to the public (proactively and without having to ask for it) is a key principle in the policy and ensures that the Council operates in a way that has a positive impact on people with disabilities who are also Welsh-speakers.</p>
Gender	Positive / negative / none none	No impact identified at this time
Age	Positive / negative / none	<p>A positive impact in securing services that satisfy the public's requirement and need and ensuring quality services for vulnerable age groups.</p> <p>The census statistics show that a higher percentage of older people are Welsh-speakers and therefore the need to offer Welsh language services to this cohort of the population is greater.</p> <p>As set out above, the Policy follows the principle of a proactive offer set out in the Welsh Government's More than Just Words Framework. Implementing the policy ensures a sufficient number of Welsh-speaking staff will be able to make the proactive offer and removes barriers for older people by ensuring they do not have to ask or wait for a service through the medium of Welsh.</p>
Sexual orientation	Positive / negative / none	No additional impact identified at this time
Religion or belief (or lack of belief)	Positive / negative / none	No additional impact identified at this time
Gender reassignment	Positive / negative / none none	No additional impact identified at this time
Pregnancy and maternity	Positive / negative / none none	No additional impact identified at this time
Marriage and civil partnership	Positive / negative / none none	No additional impact identified at this time
The Welsh language	Positive / negative /	Overall a positive impact because the policy reflects the Council's statutory commitments to implement the Welsh Language

	<p>none</p>	<p>Standards and also the Council's desire to be promoting the language and providing diverse opportunities for residents to use Welsh. The Council has a language strategy which outlines its objectives to promote the use of Welsh across the county, and this Policy contributes to the objectives of the Priority 3 field- Language of Work and Service. The Council is also committed to the well-being aim of operating in a way that ensures residents can live in a natural Welsh-speaking society through the Council Plan.</p> <p>There are some potential negative impacts for some aspects, detailed below.</p> <p>General: An opportunity to reinforce the Council's commitment to the Welsh language and to take positive steps to ensure residents' right to use the Welsh language through the Council's services. The amendments that have been made to the policy since the previous policy ensure that there is clear guidance to staff on how services should be offered in Welsh and comply with the requirements of the Welsh Language Standards. It also ensures that the Council continues to go above and beyond the requirements of the Standards and prioritises the Welsh language in its operations.</p> <p>The changes being introduced are an attempt to have a more positive impact on the Welsh language and residents' rights to use it. This includes:</p> <p>Language skills - language designations: Complaints have been received in the past about the Council's recruitment policy, and the fact that the policy may discriminate against the non-Welsh-speakers. We are also aware that many people feel excluded from opportunities due to the requirement for essential language skills and the feeling that their Welsh is not good enough to meet the requirements. The Language Designations priority project has been implemented to try to meet these challenges and to look at how we assess the language requirements of jobs and how we recruit people to the jobs. Major changes have been made to the recruitment process as a result of the project, and a new skills assessment regime has been put in place. The new clauses in the policy therefore reflect those changes. While it was originally intended to move away from identifying essential language requirements, and detailing the exact skills needed to try to open the door to different job candidates, and to provide opportunities for people to learn and immerse themselves in a Welsh-medium workforce, some of the Requirements of the Standards mean that the Policy still risks being seen as discriminatory. Although the Designations project has decided not to use the word "essential" in job adverts, for example, in an attempt to minimise the negative impact and the possibility of it looking like the Council is discriminating, the requirements of the Standards and actions in the wake of an investigation by the Commissioner have meant that we are forced to use the word essential.</p> <p>Technology:</p>
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Socio-Economic Disadvantage	Positive / negative / none	<p>A number of points were raised in the Equality Core Group about accessibility of services and information more generally, but they are also relevant to the Policy and are issues that will require further consideration in implementation. It was noted that there is a potential impact for some groups in terms of access to services as more services go online. There is a risk that this approach is going to effectively shut some members of society out of using services due to a lack of access to technology. This has also been noted in recent responses to consultation work by the Equality Unit on barriers to people accessing Council services.</p>

* To be deleted as required

3.2 The Council has a duty under the Equality Act 2010 to contribute positively to a fairer society through advancing equality and good relations in its activities in the fields of age, gender, sexual orientation, religion, race, gender reassignment, disability and pregnancy and maternity. The Council must duly address the way any change impacts on these duties.

General Duties of the Equality Act	Does it have an impact?*	In what way? What is the evidence?
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Eliminate unlawful discrimination, harassment and victimisation	Yes / no / possible	There is no unlawful discrimination because there is a statutory requirement imposed on the Council through the Welsh Language (Wales) Bill 2011 to provide services through the medium of Welsh, and that the Council implements the Language Policy to ensure equal access to the Welsh medium services, i.e. that there are consistent and seamless bilingual services across the county and that people do not have to take extra steps to access the Welsh-medium service.
Promote equal opportunities	Yes / No / possible	We recognise that some feel unable to apply for jobs because of the language requirements and that creates a risk in offering equal opportunities.
Foster good relations	Yes / No / possible	Recognise that it is possible to anger people as they misunderstand the intention of the Policy and that this could affect a good relationship. It will be necessary to think about how we communicate the intentions and objectives of the policy publicly in order to develop understanding and build positive attitudes and relationships with those cohorts of the community who feel they are currently disadvantaged by the policy.

* To be deleted as required

3.3 How does your proposal ensure that you work in accordance with the Welsh Language Standards (Welsh Language (Wales) Measure 2011), to ensure that the Welsh language is not treated less favourably than English, and that every opportunity to promote the Welsh language is taken (beyond providing bilingual services) and increase opportunities to use and learn the language in the community?

The Policy is written to reflect the statutory requirements of the Welsh Language Standards and the Council's commitment through the Promotion Scheme and the Council Plan to promote the Welsh language more widely.

3.4 What other measures or changes could you include to strengthen or change the policy/practice so as to have a positive impact on people's opportunities to use the Welsh language, and to reduce or prevent any detrimental impacts that the policy/practice could have on the Welsh language?

None at present. As it is amendments to strengthen the policy, we believe that we have made all the changes possible at this time to have the most positive impact possible on the Welsh language. If other opportunities arise, we will consider them at that time.

3.5 How does the proposal show that you have given due regard to the need to address inequality due to socio-economic disadvantage? (Please note that this relates to closing the inequality gap, rather than improving outcomes for everyone only.)

We have already set out that there is a potential impact for some groups in terms of access to services as more services go online and due to a lack of access to technology. We will ensure that the information is also available through traditional ways. We will create a communication plan to keep everyone aware of the change.

3.6 What measures or other changes can you include to strengthen or change the policy/practice to show that you have given due regard to the need to reduce disproportionate outcomes as a result of socio-economic disadvantage, in accordance with the Socio-Economic Act?

No changes have been made to the policy itself, but a communications programme will be developed to share messages about the policy among staff and the public. Increasing understanding about the intention and objectives of the policy will hopefully improve the perception of disadvantage.

4) Analysing the results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the above? What is the reason for this?

Positive impact on the Welsh language.

4.2 Is the policy therefore likely to have a significant, negative impact on any of the above? What is the reason for this?

No.
The Policy reflects statutory requirement and the need to satisfy the linguistic needs of the public across the county.

4.3 What should be done?

Select one of the following:

Continue with the policy/service as it is robust	x
Revise the policy to remove any barriers	
Suspend and abolish the policy as the harmful impacts are too great	
Continue with the policy as any harmful impact can be justified	
No further steps at present, it is premature to decide, or there is insufficient evidence	

4.4 If you continue with the plan, what steps will you take to reduce or mitigate any negative impacts?

Further conversations will need to be held with the Equality Advisor and the Communications Unit to ensure that the accessibility issues raised during consultation are addressed.

We will also consider ways of developing public understanding of the policy as part of the communications programme, addressing why it is important that the Council places particular priority and emphasis on the use of Welsh within its services.

There are a number of other schemes being implemented by the Council which act as mitigation for some of the potential negative impacts, and particularly the impacts identified under the race heading. Various opportunities are offered by the Council to learn Welsh and develop language skills, which gives people opportunities to apply for jobs when they do not satisfy the language designation. The Organisational Learning and Development service will refer staff to external provisions or arrange bespoke training to support skills development. A buddy scheme has also been set up which provides informal opportunities for Welsh language learners to use the language and gain confidence to use Welsh in the workplace.

The Council's Equality Plan states that it will work to "promote equal opportunities among our workforce."

4.5 If you are not taking any further action to remove or reduce the negative impacts, please explain why here.

The Welsh Language (Wales) Bill 2011 and the Welsh Language Standards place a statutory duty on the Council to act bilingually, to ensure people's rights to use Welsh, and to ensure that Welsh is not treated less favourably than English.

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

We will revisit the impact assessment if any necessary changes to the Policy manifest themselves as a result of complaints or investigations by the Welsh Language Commissioner.
A departmental self-assessment regime has also been put in place to ensure that we collect regular information on the ability of departments and services to comply with the Language Standards and the Council's Language Policy.