

GWYNEDD COUNCIL CABINET



Report for a meeting of the Gwynedd Council Cabinet

Date of meeting:	27 September 2022
Cabinet Member:	Councillor Menna Jones
Contact Officer:	Gwenllian Mair Williams, Language Advisor
Contact Number:	32469
Subject:	Amending the Council's Welsh Language Policy

THE DECISION SOUGHT

To support the amendments to the Language Policy and recommend to the Full Council that they adopt the revised Policy

REASONS FOR THE NEED FOR A DECISION

There have been significant changes in the way the Council operates and provides services to the public since the current Policy was drawn up in 2016. It is therefore vital to ensure that the Council's Welsh Language Policy is updated to reflect those changes in modes of operation and the Council's current ambitions regarding promotion of the Welsh language in its services.

1. INTRODUCTION

- 1.1. The Council's statutory commitment to provide Welsh language services is defined under the *Welsh Language (Wales) Measure 2011* and the Language Standards imposed on the Council by the Welsh Language Commissioner.
- 1.2. The current Policy was written and approved in 2016 in response to the setting of the Welsh Language Standards. It was a means of answering the requirements within the Standards to "*develop a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language*" (Standard 98) and also to have a document that explains how the Council intends to comply with the various classifications of Standards (Standard 171 and others).
- 1.3. At the same time, the Council wanted to ensure that the implementation of the Standards did not weaken the commitments set out in previous Language policies and plans, and specifically the commitment to maintaining its internal administration through the medium of Welsh, to be promoting the Welsh language, and to be making the proactive Welsh language offer through all of its services.

- 1.4. The Policy was therefore drawn up with the intention of explaining how the Council's services and staff will operate in accordance with the Standards when providing services to the public, and also to reflect the Council's principles and ambition for the promotion of the Welsh language, and the intention to act in favour of the Welsh language.

2. THE REASONING AND JUSTIFICATION FOR RECOMMENDING THE DECISION

2.1 During 2020, we started looking at possible revisions to the language policy. This step was taken because of the feeling that there had been major changes in the way the Council operated and provided services to the public since the current Policy was drawn up in 2016.

2.2 There was a feeling that some parts of the Policy did not provide sufficiently clear and firm guidance to staff, and that it did not encompass all the situations that services deal with from day to day. For example, there were no specific clauses dealing with the way in which the Welsh language is used in the Council's IT systems. The changes made to the recruitment procedure also needed to be reflected in the policy.

2.3 It was decided to take advantage of this opportunity to carry out a thorough review of the Policy. The revised Policy can be seen in full in **Attachment A**, and the changes that are being proposed here vary from:

- minor administrative changes
- creating new clauses
- providing guidance on areas that are not necessarily included as part of the Standards, to
- inserting clauses that clearly set out key principles so as to ensure that the Council takes every opportunity to promote the Welsh language.

3. New clauses or sections

3.1 Some clauses have been added anew to the policy and there are some sections where more significant changes have been made to the previous policy's content. We therefore note below the main changes, for your information:

- **General Objectives and Principles** - The general principles at the beginning of the policy have been adapted and strengthened, and new clauses included, including one about using the Council's Welsh name only, and one highlighting the Council's responsibility to assess the impact of decisions. The format of the policy has been adapted to include General Principles at the beginning of each section too. These give a short and concise explanation of the general objective for that area of operation, and these principles can be used as a brief and quick guide to help staff understand what needs to be done to implement the policy and comply with the Standards in their work. These objectives and principles convey the Council's commitment to the Standards and also to promoting the Welsh language beyond simply offering a bilingual service.
- **General Objectives – The Council's Name:** A commitment has been included in the general objectives, and clauses have been added to the policy, that reflect the desire to use the

Council's Welsh name (Cyngor Gwynedd) when referring to itself in writing and as part of the corporate image. This includes changing from Cyngor Gwynedd Council to Cyngor Gwynedd on electronic logos, letterheads and references to the Council in public documents, meeting agendas and websites and apps. It will also include use of the Council's name in publicly used logos, such as on site signage or Council vehicles and these changes will be undertaken when renewing these to avoid additional costs.

This change has been included to reflect the work and guidance given by the Native Place Names Project.

Statutorily, under the Local Government Act 1972 the Council has a Welsh and English name, i.e. the name of the County, Gwynedd and either Cyngor Gwynedd or Gwynedd Council. What is recommended in the Policy does not change this position. What is in the Policy is an intention to use the Welsh form only when communicating and referring to the Council. We have received legal guidance that we can act in this manner by drawing specific attention to the requirements of the Welsh Language Measure (Wales) 2011 and the Equality Act 2010. These aspects are given specific attention in the report and in the attached Impact Assessment. Under the provisions of the Local Government and Elections (Wales) Act 2021, Section 25, the Council now has a general competency power that gives the Council broader operational flexibility to make decisions. The ability to use this power is subject to any statutory restriction that already exists. However, what is recommended does not fall within this category. What is recommended in the report regarding the use of the Welsh form only is a Policy position that the Council can take within the general competency power. Evidently, in implementing the Policy it will be necessary to keep an overview of the circumstances where specific requirements mean that there will be a need to use an alternative form, however, the Policy provides sufficient flexibility to address this.

- **Section 5 - Digital Services - website, apps and self-service** - This section has been changed significantly in order to provide staff with better guidance on the use of the Welsh language in the different ways technology is utilised in the Council's work. The Standards, and consequently the previous Policy, didn't give much guidance on the use of the Welsh language in technology, and as the Council has been developing more online services and relied more on IT systems, the policy needed to be adapted to reflect this.
- **Section 6 - Signage** - A number of new clauses have been added to the policy to reflect the objectives of the Welsh Place Names priority project and the Council's commitment to protect Welsh place names. Historically, the Council had a clause within its language plan committing to using Welsh place names, but that had disappeared from the last Welsh Language Policy, and there was a desire to see a similar clause in the Policy again. These clauses also reflect the guidance that has been given to the Names Project in the context of using the Council's Welsh name and using the Welsh names of streets and places within the county.
- **Section 14 - advertising jobs and the recruitment process** - Since the publication of the Welsh Language Policy in 2016, considerable work has been carried out as a result of the Language Designations project to develop Welsh language skills assessment procedures across the Council. It was necessary to amend this section in order to reflect the changes that have been implemented within the recruitment process as a result of that project

These amendments have therefore been drawn up based on discussions with officers from the organisation's Learning and Organisational Development service, Human Resources and

the Support service as part of the Language Designations Project Board, and are consistent with the adaptations that have also been made to the Council's recruitment policy.

- **Section 15 - Accountability** - This section has been added in order to explain clearly who is accountable to the policy and what are the responsibilities of the Elected Members and members of the Language Committee.

4. Engagement and Consultation

- 4.1. We have consulted widely and had many discussions on the changes to this Policy. A number of workshops and conversations were held with officers to discuss specific parts of the policy and changes that were being considered, such as the section on internal administration, in order to ensure that any adaptations were practical and did not put officers in a difficult position in terms of compliance. There were also specific conversations with the Council's human resources officers, to ensure consistency between the recruitment and appointment clauses that would be included in the Language Policy and the internal recruitment policy, which was reviewed during the past year.
- 4.2. We have presented items on the Policy review to the Language Committee on two occasions. Once in January 2021, when an informal workshop was held with members, in order to gather opinions about some of the principles being considered and to approve the recruitment and appointment clauses, and again at their meeting in July 2022 in order to present the draft of the policy.
- 4.3. We have also received comments following consultation with the Council's Departments and the Council's Equality group, and have considered changes as a result of complaints and the Welsh Language Commissioner's investigations. A summary of the consultation that has been carried out, the comments or suggestions that have been put forward in the various forums, and any changes that we have incorporated into the final policy as a result of those comments, can be found as an appendix to this report (Attachment B). The risks that were identified through these discussions have been reflected in the impact assessment, and any equality implications considered carefully.

5. Impact Assessments

5.1 Statutory Duties

5.1.1 Equality Act 2010

In accordance with the legal duties under the Equality Act 2010, when making decision, the Council must give due attention to the need (1) to eliminate unlawful discrimination (2) advance equality of opportunity and (3) encourage good relations based on the protected characteristics. These matters have been considered while developing the impact assessment, as noted above.

5.1.2 The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 involves improving the social, economic, environmental and cultural well-being of Wales. The act places a well-being duty on public bodies which is aimed at delivering the seven well-being goals, namely a prosperous, resilient, healthier, more equal Wales with cohesive communities and a vibrant culture and thriving Welsh language which is globally responsible. Given the context, the recommendations are in accordance with these duties.

5.1.3 Welsh Language Measure (Wales) 2011

The Welsh Language Standards set on the Council under the Welsh Language Measure (Wales) 2011 places a duty on the Council to operate in a manner that complies with the standards. This includes the duty to have a policy which explains how the Council will use the Welsh language internally and a duty to consider the impact of its decisions on opportunities for people to use the Welsh language and on not treating the Welsh language less favourably than English. The Policy, and the impact assessment provided as an attachment to this report, ensures we comply with the requirements set in the standards.

5.2 Main findings of the Impact Assessment

- 5.2.1 As the Policy has been written to answer the statutory obligation to comply with the Welsh language standards, and that it is intended to ensure that the Council protects the rights of the residents to use the Welsh language, and to ensure Welsh language services are available to all, the effects identified were on the whole positive. The latest Impact Assessment can be seen in full in **Attachment C**.
- 5.2.2 Some issues were raised during consultation regarding race, and the fact that some people are of the impression that the policy could discriminate against people of differing races and from ethnic minorities – that is people who do not speak Welsh/ who are not of Welsh nationality or people who have moved into the county and have not gone through the education system, and therefore had a chance to learn Welsh. This is mainly in relation to the recruitment clauses and the perception that “essential” skills is the same as fluent, higher level skills. Despite this, it was felt that the overall effect was positive as the policy also ensures the Council complies with the duty to protect people’s right to Welsh language services, and that the recruitment clauses are a way of ensuring that the right skills are available to provide services proactively and with consistency.
- 5.2.3 Other issues were raised regarding accessibility of information, the effects of producing bilingual materials on certain disability groups, and the danger that current trends could exclude some members of the public from using services as a result of a lack of access to technology (potential socio-economic disadvantage). However, as these matters are more to do with the general communication methods of the Council, rather than specifically relating to the Welsh Language Policy, it was judged that there was no effect that would warrant a change to the policy, but that it would be a matter that would need some attention elsewhere.
- 5.2.4 The conclusion was that the implementation of the changes to the Policy would have a positive effect as these changes represented a strengthening of the Councils commitment to the Welsh

Language Standards as well as the Council's wish to be promoting the Welsh language and to be offering various opportunities for the residents to use the Welsh language. The assessment notes that the Council has a Welsh language strategy, which outlines its aims to promote the use of the language across the county, and that the revised policy contributes to the aims of Priority area 3- the Language of Work and Services. The Council has also committed through The Council Plan to the well-being aim of operating in a manner that ensures the resident of the county can live in a natural Welsh society.

6 Cost and Implementation implications

- 6.1 As a number of changes have been made to the policy, it will be essential that the Language Advisors raise staff awareness of those changes, and put measures in place to ensure that everyone is aware of the requirements. A communication programme will be developed in order to share regular and timely messages with staff.
- 6.2 As a result of complaints, etc., we are aware that there are some areas where an awareness of the exact requirements of the Standards is low, and particular attention will need to be paid to those areas.
- 6.3 There are also some implementation implications for those sections of the policy that have been identified in section 3 above as those where the greatest changes have been made to the Policy. These include:
- 6.4 **Section 5 - Digital Services - website, apps and self-service:** A specific piece of work needs to be done to review the council's IT systems, to ensure that every system we have meets the requirements of the Standards and the Policy and operates in a way that gives priority to the Welsh language and uses Welsh names and addresses. This will be a long-term programme, with changes being made to systems as they are renewed in some cases, if changes cannot be made immediately. This avoids having to incur additional expenditure when implementing the policy after it has been adopted.
- 6.5 **Section 6 - Signage:** The commitment set out in the policy to use Welsh place names wherever possible means that some actions will need to be taken in order to witness a change as soon as possible. Staff will be instructed to use Welsh place names, including street names and names of villages, in any correspondence, written materials and on signs.
- 6.6 **General Objectives – the Council's Name:** The changes that will be needed to use the Welsh name of the Council (Cyngor Gwynedd) will be made as part of the work programme of the Place Names Project, and in a way that entails the minimum costs possible to the Council. Instructions will be shared with staff as part of the communication programme of the Policy, in order to take cost-free initial steps, such as changing electronic logos, letterheads and references to the Council in documents. Bigger changes, such as changing logos on the Council's signs or vehicles, will be carried out during renewal so as to avoid additional costs.
- 6.7 There are some circumstances where legal advice will be required before implementing the change, for example when using the Council's Welsh name in legal documents, statutory notices, contracts and on penalty notices, to ensure there is no risk to the Council.

- 6.8 The Place Names Project and its project board will be responsible for monitoring the change and for considering any practicality and cost issues, i.e. if costs become apparent in the implementation of certain elements, it will be necessary to obtain the agreement of the Cabinet before proceeding.
- 6.9 **Section 14 - Job Advertisement and the Recruitment Process:** A number of changes in this field have already been made as part of the Language Designations Project, but responsibility will remain to monitor, and to ensure that the clauses of the language and recruitment policy are followed. It will also be necessary to implement steps to develop the support given to employees and managers to develop skills and ensure that services can continue to operate and be administrated internally through the medium of Welsh.
- 6.10 **Section 15 - Accountability:** It will be necessary to check the Elected Members' Code of Conduct to ensure that the expectations set out in the Policy to respect the Council's position on the Welsh language are clearly stated in it. It will also be necessary to raise members' awareness of these changes in the Policy.
- 6.11 We do not consider therefore that any additional cost is attached to the changes that will be brought about by the implementation of the Policy, as changes will be implemented as part of the Council's day-to-day work, and in the case of signs, gradually and as part of the Council's normal renewal arrangements.

7 NEXT STEPS AND TIMETABLE

- 7.1 If the Cabinet agrees on the Policy in its current form, it will be presented to the Full Council for approval.
- 7.2 The Language Advisors will draw up and implement a communication programme to ensure that Council staff are aware of the changes that have been made.
- 7.3 A number of guidelines will be shared on the Council's intranet in order to facilitate compliance and provide further guidance to staff on specific areas, including an impact assessment guide and templates and standard phrasing to be used as statements in documents and correspondence.

8 VIEWS OF STATUTORY OFFICERS:

i. The Monitoring Officer:

I have had an opportunity of advising specifically on aspects of this matter. I am satisfied that the proposed amendments to the Policy are appropriate from a legal perspective.

ii. Head of Finance:

While there may be marginal financial implication of implementing the changes to the Language Policy across all Council services, I am convinced that the Council's departments can cope with the requirements within their current resources.

The report provides assurances that larger changes, such as changing logos on Council signs or vehicles, will be made during refurbishment to avoid additional costs, and further states that if costs manifest themselves in the implementation of certain elements, Cabinet agreement will need to be obtained before moving forward. I therefore have no objection to including the revised Language Policy from a financial perspective.

Attachments included with this report:

Attachment A: Revised Welsh Language Policy 2022

Attachment B: Record of Engagement on the Policy

Attachment C: Welsh Language Policy Impact Assessment – August 2022