



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

WELSH LANGUAGE CABINET STEERING GROUP

10 OCTOBER 2018

WELSH LANGUAGE SERVICES - INTERNAL AUDITS OF COMPLIANCE

**REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION, AND
COMMUNITY SERVICES IN DISCUSSION WITH THE RELEVANT PORTFOLIO
HOLDER CLLR G. HOPKINS**

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to provide the Welsh Language Steering Group with an outline of the process adopted by Welsh Language Services for auditing departmental compliance with Welsh language standards, highlighting areas of potential non-compliance and to offer corrective solutions.
- 1.2 A sample of the audits completed by the Compliance Officer can be seen at Appendix 1 and Appendix 2.

2. RECOMMENDATIONS

It is recommended that the Welsh Language Cabinet Steering Group:

- 2.1 Note the content of the report;
- 2.2 Consider whether further information is required;
- 2.3 Approve the implementation of further audits in order to reduce risk to the Council and to offer corrective solutions to service areas.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Welsh Language (Wales) Measure 2011 established a legal framework to impose a duty on local authorities to comply with Standards of conduct in relation to the Welsh Language. In particular, this means that Local Authorities cannot treat the Welsh language less favourably than the English

language, and must promote and facilitate the use of the Welsh language therefore making it easier for people to use it in their daily life.

- 3.3 The Standards affect all areas of the Council's work and a penalty of up to £5,000 can potentially be applied by the Commissioner for each proven breach of a standard.
- 3.4 The Council has been subject to a number of statutory investigations which can take up to 18 months to complete. Such investigations have been costly in terms of officer time. Most recently, after an investigation carried out in accordance with section 71 and Schedule 10 of the Welsh Language (Wales) Measure 2011, the Welsh Language Commissioner determined that Rhondda Cynon Taf County Borough Council failed to comply with Standard 4 (When you send the same correspondence to several persons, you must send a Welsh language version of the correspondence at the same time as you send any English language version). This Standard applies even if language preference has been determined.
- 3.5 Undertaking regular internal audits to assess the level of compliance of Council services ensures that any potential breaches, or any areas where there are particular challenges, can be identified and addressed swiftly before any complaint is made to the Welsh Language Commissioner's Office.

4. BACKGROUND

- 4.1 The structure of the Welsh Language Services unit was reviewed, and job descriptions revised, in readiness for the implementation of the Welsh Language Statutory Standards so that the Council would be better prepared for the impact of the Compliance Notice issued in September 2015, as amended in 2016. Within the new structure the post of Welsh Language Development Officer was replaced by a Compliance Officer post. This was a significant change and highlighted to all Council services the new legal status afforded to the Welsh language and the importance of compliance with the new legislation.
- 4.2. Advice was sought from the Council's Audit Team on the approach to be adopted when undertaking audits and the Welsh Language Compliance Officer has worked closely with the Audit team on developing the necessary processes.
- 4.3 Since the introduction of the Welsh Language Standards further legislation has been passed by the Welsh Government including the Wellbeing of Future Generations Act and the Cymraeg 2050 strategy which has further highlighted the importance of the Welsh language and meeting the requirements of the Standards is central to the success of many of them.
- 4.4 As noted in 3.3 above, failure to comply with the requirements of the Standards would put the Council at risk, both financially and from a reputation aspect. The Compliance Officer therefore not only undertakes audits to assess compliance against the standards but also provides a wide range of

advice and support to Council officers on how to overcome any challenges they face in relation to embedding the relevant standards in their service areas.

5. CURRENT POSITION

- 5.1 Full audits of two service areas have been undertaken since appointing to the post of Compliance Officer mid way through the last financial year. Further audits are underway, one of which is as a direct result of the Welsh Language Commissioner's determination that Rhondda Cynon Taf County Borough Council failed to comply with Standard 4.
- 5.2. In addition to creating an opportunity to measure compliance, the two audits have been found to afford senior officers an opportunity to develop further understanding of the Standards and how they are uniquely relevant to their service area as well as gaining insight into the national context. Furthermore, they provide an opportunity to raise concerns and discuss any barriers.
- 5.3 Audit reports are compiled, covering the Standards' 10 themes – namely the 5 classes of Standards (service delivery; policy making; operational; promotion; record keeping) and the supplementary Standards which apply to the 5 classes.
- 5.4 A level of compliance is awarded to each class, i.e. a percentage figure for the relevant Standards where there is evidence of compliance. There are five levels identified on the recording spreadsheet. This allows the Compliance Officer to create the most comprehensive picture of services and compliance according to themes from the Standards rather than against each individual Standard. This approach is easier for senior officers to monitor and allows departments to prioritise certain themes which require more focus than others.
- 5.5 The audit report also makes recommendations on actions required in order to comply or improve processes.
- 5.6 For both the service areas subject to full audits to date (Human Resources and Library Service) compliance has been achieved in a number of areas. Nevertheless, evidence suggests that further work needs to be progressed in order to achieve full compliance.

6. NEXT STEPS

- 6.1 Welsh Language Services will continue to implement an audit cycle focusing on areas as outlined in the Welsh Language Commissioner's Annual Assurance report. Follow-up audits will also be undertaken to check on the Progress made by services where improvements have been recommended.
- 6.2 Officers from Welsh Language Services will present a paper at the Welsh Language Commissioner's Successful Practices Seminar in November 2018 on implementing audits in the context of compliance with statutory linguistic

duties as this has been identified as an area of good practice in the Commissioner's Annual Assurance Report.

- 6.3 The Compliance Officer will continue to work closely with departments in order to resolve issues, including sharing evidence on how other service areas and authorities have overcome these as the main aim of the audits is not to humiliate, but to support and reduce risk to the Council.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An Equalities Impact Assessment is not required for the purposes of this report.

8. CONSULTATION

- 8.1 A consultation is not required for the purposes of this report.

9. FINANCIAL IMPLICATION(S)

- 9.1 There are no financial implications aligned to this report. However, costs and resources may be required by service areas as instances of non-compliance are identified. In addition to the staffing costs involved with the Welsh Language Commissioner's investigations, determination by the Welsh Language Commissioner for non-compliance could incur financial penalties of up to £5,000.

10. LEGISLATION CONSIDERED

- 10.1 Welsh Language (Wales) Measure 2011 and Welsh Language Statutory Standards 2015 regulate this area of work.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 11.1 The Welsh language is a cross-cutting theme in the Corporate Plan and underpins all corporate priorities as the Council is required to comply with the amended Compliance Notice issued by the Welsh Language Commissioner in September 2016 under the Welsh Language (Wales) 2011 Measure in addition to Strategies regarding the Welsh Language published by the Welsh Government.
- 11.2 The work undertaken by the Welsh Language Compliance Officer is part of the longer-term approach to ensuring that all Council Services comply with the requirements of the Welsh Language Standards. The approach adopted is one of collaboration with services areas to reduce the risk of non-compliance and prevent complaints in relation to the Council's compliance with the Welsh Language Standards being made to the Welsh Language Commissioner's Officer. A range of services have been involved in providing feedback on the process adopted, and the close working relationship with the Audit team has ensured that there is an integrated approach to auditing across the Council.

11.3 The work outlined in this report is particularly relevant to the following well-being goals:

- An Equal Wales – it ensures that residents in Rhondda Cynon Taf can access services in their preferred language
- A Wales of vibrant culture and thriving Welsh language – it supports the normalisation of the Welsh language and its use in daily life.

12. CONCLUSION

12.1 The increased level of compliance as a result of the Compliance Officer's involvement and support is firm evidence of growth and development. As the audit system develops, further benchmark evidence will be available to every Council department. Then, a second full audit of departments will allow the Council to measure continued compliance with the Standards, with progress seen against the action points within the original audit report.

12.2 The Welsh Language Commissioner aims to encourage compliance through empowering and enabling organisations. One of the ways by which the Welsh Language Commissioner achieves this is by drawing attention to examples of successful practices. Rhondda Cynon Taf's decision to implement a cycle of audits with regards to how service areas comply with the Welsh Language Standards have been noted publicly by the Welsh Language Commissioner as an example of good practice and, as such, should be shared with, and hopefully implemented by other organisations.