



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**WELSH LANGUAGE CABINET SUB-COMMITTEE**

**17 October 2023**

**IMPROVING THE COUNCIL'S RECRUITMENT PROCESS ON  
ATTRACTING WELSH-SPEAKERS 2022-2027**

**JOINT REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION,  
AND COMMUNITY SERVICES AND THE DIRECTOR OF HUMAN  
RESOURCES IN DISCUSSION WITH THE RELEVANT PORTFOLIO  
HOLDERS CLLR RHYS LEWIS AND THE DEPUTY LEADER, CLLR  
MAUREEN WEBBER**

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**1.0 PURPOSE OF THE REPORT**

- 1.1 The main purpose of the report is to seek approval from the Welsh Language Cabinet Sub-committee for Human Resources staff and Welsh Language Services staff to start work on drafting an achievable and reasonable guaranteed interview scheme for Welsh-speakers Level 3 and above if they meet the vacancy essential criteria.
- 1.2 Introducing a guaranteed interview scheme is noted as an action in the Council's statutory 5-year strategy for promoting the Welsh language and its supporting action plan, as agreed by this Committee at meetings held on 25 October 2022 and 9 May 2023 respectively.

**2.0 RECOMMENDATIONS**

It's recommended that Members : -

- 2.1 Delegate to the Director of Human Resources and Welsh Language Service's Manager authority to draft an achievable and reasonable guaranteed interview scheme for Welsh-speakers Level 3 and above, subject to applicants meeting the vacancy essential criteria, in line with an agreed action noted in the Council's statutory strategy for the promotion of the Welsh language,
- 2.2. Subject to 2.1 above, delegate implementation decision to Service Directors for HR, PHP and Community Services, in consultation with the relevant Cabinet Members for Human Resources and Welsh Language Service.
- 2.3 Subject to 2.1 and 2.2 above, once the scheme is operational, to include a strapline on job advertisements highlighting the guaranteed interview scheme.
- 2.4 Agree that, once the scheme has been operational for a period of 12 months, a review is undertaken to measure the scheme's success.

### **3.0 REASONS FOR RECOMMENDATIONS**

- 3.1 Rhondda Cynon Taf Council is legally obliged to comply with the Welsh Language Standards, which require us to provide services in Welsh. Our 5 year strategy targets us to increase the number of Welsh-speakers and services we provide.
- 3.2 Approval of the scheme would be in line with the Council's statutory 5-year strategy for promoting the Welsh language and its supporting action plan, as agreed by this Committee at meetings held on 25 October 2022 and 9 May 2023 respectively.
- 3.3 RCT Council have also agreed that the number of Welsh speaking staff in each service area competent enough to provide services to the public should mirror the percentage of RCT residents who speak Welsh according to each Census, which is currently 12.4%. [Level 3](#) is the minimum level accepted as being able to provide any meaningful service through the medium of Welsh.
- 3.3 The aim is that adopting a guaranteed interview scheme, (similar to the one already approved by the Council for our Veteran Community [click here](#)) will have a significant impact on efforts to increase the number of Welsh-speakers in our workforce, creating opportunities for Council staff and residents to use the Welsh language in their everyday lives.
- 3.4 The guaranteed interview scheme would provide the guarantee of an interview to those who meet the essential criteria set out in any job pack.

It would not however, guarantee employment, as selection procedures would ensure the best candidate for the job is appointed.

- 3.5 Adopting the scheme will complement and further strengthen the Council's new Human Resources Strategy 2023-2028 and the Council Workforce Plan 2023-2028.

#### **4.0 BACKGROUND**

- 4.1 On 25 October 2022 and 9 May 2023 respectively, this Committee, the Welsh Language Cabinet Sub Committee, approved a revised copy of the statutory Welsh Language Promotion Strategy (Appendix 1) as required under Standard 145 of the Compliance Notice issued to Rhondda Cynon Taf County Borough Council under Section 44 of the Welsh Language (Wales) Measure 2011 and its supporting Action Plan.
- 4.2 The strategy aligns with the new Welsh in Education Strategic Plan 2022-2032 so that the Council may play a central role in supporting the Welsh Government's aim of achieving a million Welsh-speakers by 2050.
- 4.3 This Strategy continues to focus on the three main national themes as set out by Welsh Government which are:
- Increasing the Number of Welsh Speakers;
  - Increasing the Use of Welsh; and,
  - Creating Favourable Conditions – infrastructure and context.
- 4.4 Currently only 7% of the Council workforce has Level 5 Welsh speaking ability, 2.2% at Level 4 and 2.1% at Level 3.
- 4.5 The Council's honourable efforts in increasing the number of its Welsh language staff via its policy of all Council posts being advertised as Welsh Language Level 1 essential with Level 2-5 as desirable (HR Policy 'Welsh Language Recruitment and Selection at Rhondda Cynon Taf – March 2018), has had a positive effect. Yet, the annual Service Self Evaluation returns suggest a very mixed picture on where the current capacity exists with managers consistently identifying the need to improve Welsh language capacity within their teams.
- 4.6 Improving the number of fluent Welsh-speakers within service areas will also possibly lessen the reliance on the Welsh Language Services' translation staff and the associated costs, especially with regards to the delivery of face-to-face services to the public.
- 4.7 Furthermore, the More than Words Strategy (the Welsh Government's strategic framework for Welsh language services in health, social services and social care) should also benefit from the scheme. The Council are subject to statutory requirements under the Strategy and

difficulties in the recruitment of staff with appropriate Welsh language skills is a common theme.

- 4.8. In addition, the implementation of the guaranteed interview scheme would have wider benefits for our potential future employees who reside in our area, giving a real added-value for maintaining the Welsh skills they would have gained in our education settings. It may also open RCT up to a group of candidates which may not otherwise consider RCT Council as a potential employer.

## **5.0 CURRENT SITUATION**

- 5.1 During a seminar held in July 2023 facilitated by the Welsh Language Commissioner and the commercial law firm, Darwin Grey, it was emphasised that it's a legal requirement for Councils to have sufficient capacity of Welsh language skills to enable them to make provisions in Welsh in accordance with the Welsh language standards.
- 5.2. The main influence on the ability of organisations to provide appropriate Welsh language provision is the number of their staff who have Welsh language skills. Increasing the levels of staff with Welsh language skills is therefore imperative in order to comply with the requirements of the Welsh language standards
- 5.3 In a recent review by the Welsh Language Commissioner of public bodies subject to the legal requirements, it was noted that those public bodies were failing to attract fluent Welsh-speakers and failing to attract Welsh-speakers to fill certain types of posts.
- 5.4 One of the reasons identified which cause the above failures was a lack of applications from Welsh-speakers/ catchment demography, possibly due to lack of confidence with regards to Welsh-language skills or lack of Welsh-speaking applicants for specialist posts.
- 5.5 In its Assurance Report for 2021-22, 'Welsh as a way of working', the Welsh Language Commissioner "continues to believe that *no* fundamental change has occurred in planning and implementation in recruitment, assessment of Welsh language skills and development of workplace skills to improve organisations' compliance levels with the range of Welsh language standards as a whole.
- 5.6 In response, the Welsh Language Commissioner will therefore take steps and regulate this important strategic area when coming across failures and has issued a warning for public bodies to adopt adequate arrangements in terms of Welsh language recruitment.

- 5.7 The introduction of a guaranteed interview scheme may go some way to mitigating any risks for the Council, demonstrating to the Welsh Language Commissioner that, once again, Rhondda Cynon Taf Council is at the forefront of innovation with regards to the implementation of the Welsh Language Standards but also allowing both potential applicants and the Council to overcome any barriers to improved matters pertaining to recruitment and the Welsh language.

## **6.0 EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY**

- 6.1 The greatest constraint on the way in which language skills are addressed in an employment context is probably that set out in the Equality Act 2010. A provision, criterion or practice that inappropriately requires a person to have Welsh language skills as a condition of employment could contravene the Act by being an act of indirect discrimination. Generally, it is unlawful to discriminate against a person or persons on grounds of race. Race includes: colour, nationality, or ethnic or national origins. So for example, it could be claimed that requiring Welsh language skills is a contravention of the Equality Act 2010 on the basis that it would give people from a Welsh background an advantage over people from other national origins in a recruitment process or during employment. This is not necessarily the case but in any event the Act contains a key exception; if there are valid reasons associated with the post, which can be objectively justified, for advertising a vacancy with linguistic requirements then that does not constitute unlawful racial discrimination. Therefore, for example, applying a Welsh-language requirement in a job advertisement (essential or otherwise) is not unlawful discrimination, if doing so can be justified<sup>1</sup>.

An Equalities Impact Assessment will be completed before any agreed scheme is implemented.

## **7.0 CONSULTATION**

- 7.1 Trade Unions will need to be engaged in the development of any policy.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 There are no specific financial implications aligned to this report.

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<sup>1</sup> Also notable is that case law has considered the protection of national origins within the United Kingdom and has concluded that the distinct origins of “the Welsh”, “the Scots” etc. are themselves likely to have protection under the Equality Act.

## **9.0 WELSH LANGUAGE IMPLICATIONS**

- 9.1 A Welsh Language Impact Assessment will be completed before any agreed scheme is agreed.

## **10.0 LEGAL IMPLICATIONS AND LEGISLATION CONSIDERED**

10.1 Welsh Language (Wales) Measure 2011 and Welsh Language Statutory Standards 2015 regulate this area of work. The strategy also links in with the More than Words Strategy (the Welsh Government's strategic framework for Welsh language services in health, social services and social care) and Welsh in Education Strategic Plans (under the School Standards and Organisation (Wales) Act 2013).

10.2 With specific regards to the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards, the context for this proposal is:

- a. the official status of the Welsh language,
- b. clear statutory obligations requiring promotion of the Welsh language,
- c. the statutory principle that the Welsh language should be treated no less favourably than the English language,
- d. the fact that Welsh legislation is bilingual with the Welsh and English languages having equal status for all purposes, and
- e. the Council's requirement for increasing the number of Welsh speakers.

## **11.0 CONCLUSION**

11.1 The introduction of a Guaranteed Interview Scheme will strengthen the Council's position regarding the statutory requirements regarding the Welsh language and delivery of services through the medium of Welsh and lower the risk with regards to any potential litigation.

11.2 In addition, the scheme will also benefit the Council as an employer through a potential wider selection of candidates who meet the essential criteria and have a large number of transferrable skills.

11.3 It's worth reiterating that the guaranteed interview scheme would only provide the guarantee of an interview to those who meet the essential criteria set out in any job pack. It would not guarantee employment, as selection procedures would ensure the best candidate for the job is appointed.