

Committee: **Cabinet**

Date of meeting: **4th October 2023**

Report Subject: **CS092 Investigation Action Plan Progress Quarterly Report and Welsh in the Workplace Policy**

Portfolio Holder: **Cllr Stephen Thomas, Leader / Cabinet Member Corporate Overview and Performance**

Report Submitted by: **Sarah King, Head of Democratic Services, Governance & Partnerships**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	10.08.23	04.09.23			14.09.23	04.10.23		

1. Purpose of the Report

- 1.1 The purpose of the Report is to present the CS092 Investigation Action Plan Progress Quarterly Report, and the Welsh in the Workplace Policy.

2. Scope and Background

CS092 Investigation Action Plan Progress Quarterly Report

- 2.1 The CS092 investigation (“the investigation”) was opened by the Welsh Language Commissioners Office (WLCO) in November 2021 following concerns raised during a direct verification assessment of whether the Council was compliant with the Welsh Language Standards in terms of providing a Welsh language telephone service.
- 2.2 In April 2022, the Council provided an initial response to the investigation, which in turn raised further compliance concerns with regards to promoting services, assessing the language skills of staff, providing training opportunities and assessing the language needs of posts. This led to the terms of reference for the investigation being widened to include a number of additional operational standards.
- 2.3 In September 2022, a final determination of the investigation, in accordance with Section 77 of the Welsh Language (Wales) 2011 Measure, was provided to the Council. The determination outlined the steps required to reach compliance and expected delivery timeframes. It also requested the Council take forward an organisational approach (including clear accountability and governance framework) to develop an Action Plan, with a deadline 31 January 2023. The final draft Action Plan was presented to the Corporate Leadership Team for consideration and signed-off on the 26th January 2023. The WLCO signed off the report in March 2023.

2.4 The CS092 Quarterly Progress Report (Appendix 1) provides an update on the implementation of actions set out within the plan since March 2023 until the end of July 2023.

2.5 *Welsh in the Workplace Policy*

On the 28th March 2023 the Council received an Action Notice from the WLCO, explaining that during their standards compliance monitoring the Council failed to comply with standard 98. Standard 98 sets the requirement to produce a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language, which must also be published on the intranet.

2.6 To ensure the Council meets this requirement a draft Welsh in the Workplace Policy has been developed taking into consideration guidance from the WLCO as well as considering good practice from other public bodies under the same duty (Appendix 2).

3. **Options for Recommendation**

3.1 CLT considered the CS092 Quarterly Progress Report (Appendix 1) and Welsh in the Workplace Policy (Appendix 2) on 10 August 2023.

3.2 The Corporate Overview and Performance Scrutiny Committee considered the report on 14th September 2023 and recommended Options 1a and 2a for approval.

3.3 *CS092 Quarterly Progress Report*

Option 1a

Consider and approve the CS092 Quarterly Progress Report (Appendix 1).

Option 1b

Consider the CS092 Quarterly Progress Report (Appendix 1), and make observations/recommendations on progress prior to approval.

3.4 *Welsh in the Workplace Policy*

Option 2a

Approve the Welsh in the Workplace Policy (Appendix 2) for publication.

Option 2b

Consider the Welsh in the Workplace Policy (Appendix 2) and make observations/recommendations to approval.

4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

Since 2016 the Council has a statutory requirement to work in accordance with our Welsh Language Compliance Notice set by the Welsh Language Commissioners Office, written in accordance with the Welsh Language (Wales) Measure 2011.

This Action Plan ensures compliance with the standards that the WLCO failed the Council on as part of the recent investigation, including the Council developing a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language (Standard 98).

The Corporate Plan recognises meeting our Welsh language requirements as a key policy area which will enable the Council to deliver its ambition.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

Failure to comply with any Welsh language standard could lead to penalties. The quoted figure is £5,000 by breach.

5.2 ***Risk including Mitigating Actions***

There is a reputational risk to the Council if the action plan is not implemented efficiently, and the Council is found non-compliant with standard 98.

5.3 ***Legal***

Failure to comply with any requirement set out within the decision notice requesting an action plan, may lead the Commissioner to apply for a court order requiring compliance.

5.4 ***Human Resources***

Organisational Development staff play a key part within the implementation of this plan, working to strengthen the recruitment processes' consideration of the Welsh language.

6. **Supporting Evidence**

The following standards are set out with actions to improve organisation-wide compliance within the plan:

- Standard 8
- Standard 11
- Standard 17
- Standard 81
- Standard 127
- Standard 130
- Standard 131
- Standard 132
- Standard 133
- Standard 136
- Standard 136a

Full investigation report and decision notice attached. (Appendix 3)

Monitoring Action Notice regarding the Welsh in the Workplace Policy attached. (Appendix 4).

6.1 ***Performance Information and Data***

Actions taken to implement the plan are detailed in the progress report.

- 6.2 ***Expected outcome for the public***
The effective implementation of the Action Plan, supported by quarterly progress reports will improve our compliance with the service delivery standards.
- 6.3 ***Involvement (consultation, engagement, participation)***
The core group set up to support implementation of the action plan meet 6-weekly to monitor progress, and received the Welsh in the Workplace Policy for comments.
- 6.4 ***Thinking for the Long term (forward planning)***
The Council has a statutory requirement to work in accordance with the Welsh Language (Wales) Measure 2011, the implementation and production of the Welsh in the Workplace Policy will strengthen our compliance moving forward.
- Furthermore, improving our consideration of the Welsh language contributes to the Welsh Language Promotion Strategy and the Well-Being of Future Generations Act goal to provide 'a Wales of vibrant culture and thriving Welsh language'.
- 6.5 ***Preventative focus***
Meeting the requirements set by the Welsh Language Standards, will aim to prevent reputational and financial risk.
- 6.6 ***Collaboration / partnership working***
Blaenau Gwent continues to work with neighbouring and regional local authorities to support the Council to work in accordance with the Welsh language standards, including regional partnership forums and networks (for example, Blaenau Gwent Welsh Network, Rhwydiaith, Deddf etc).
- 6.7 ***Integration (across service areas)***
By considering a corporate approach to Welsh Language the Council is demonstrating it is taking an integrated approach.
- 6.8 ***Decarbonisation and Reducing Carbon Emissions***
This report has no direct implications towards decarbonisation or reducing carbon emissions.
- 6.9 ***Integrated Impact Assessment (IAA)***
The report considers Equalities throughout and seeks to ensure the Welsh language is valued and not treated less favourably across the Council.
7. **Monitoring Arrangements**
- 7.1 The CS092 Investigation Quarterly Progress Report and Welsh in the Workplace Policy is to be presented to the Corporate Overview and Performance Scrutiny Committee and Cabinet.

Background Documents /Electronic Links

Appendix 1: CS092 Investigation Quarterly Progress Report

Appendix 2: Welsh in the Workplace Policy

Appendix 3: WLCO Full Investigation Report

Appendix 4: WLCO Monitoring Action Notice (Workplace Policy)