

<b>Agenda item:</b>	<b>7</b>
<b>Report title:</b>	<b>Welsh Language Standards update</b>
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<b>Action:</b>	<b>To consider</b>

## Executive summary

This paper provides an update on the external and internal progress of the Welsh Language Standards. This follows on from the paper and updated action plan considered by the Performance and Resources Board at its meeting on 22 September 2015. Progress against the action plan is reported at Annex A.

## Recommendations

The Performance and Resources Board is asked to:

- a** Note the progress of the Welsh Language Standards legislation to date, with particular reference to the delayed timetable for implementation.
- b** Note the risk relating to the existing Welsh Language Scheme and consider how, in addition to convening Welsh Language leads to discuss, this can be addressed on an organisational-wide basis.
- c** Consider the progress against the action plan detailed at Annex A.

## External progress

### *Meeting with the Commissioner*

- 1** Since the Board last considered Welsh Language Standards at its meeting on 22 September 2015, the Chief Operating Officer (COO) and Head of Welsh Affairs (HWA) have met the Welsh Language Commissioner. It was reiterated that:
  - a** The GMC is committed to improving the services it provides to Welsh speaking patients and members of the public in Wales. It has a Welsh Language Scheme in place and annual updates on the Scheme are provided to the Commissioner.
  - b** The GMC is already building on the Scheme in advance of the implementation of the Standards and has a dedicated team and action plan in place to do so.
- 2** The COO also raised the GMC's outstanding concerns about the Standards, specifically that the investigation report:
  - a** Was not clear about the audience or jurisdiction to which the Standards applied; this is particularly difficult to interpret for organisations with a UK-wide remit.
  - b** Did not clearly respond to concerns raised about UK-wide organisations, the varying size of organisations and the location of services provided (Wales based versus non-Wales based).
  - c** Did not specifically refer to the fact that the nine Professional Standards Authority for Health and Social Care regulators are not funded by Welsh Government, either directly or indirectly.
- 3** The Commissioner reiterated her team's original advice and confirmed that:
  - a** Each compliance notice would be tailored to the individual organisation.
  - b** Whilst all standards may be deemed applicable to an organisation by the legislation, the compliance notice issued by the Commissioner may not include all standards.
  - c** Each standard applied to the organisation would have its own timescale for implementation.
  - d** The Commissioner can vary a compliance notice to take account of timescale for implementation, location of service provider and individual circumstances of the organisation e.g. some standards may add caveats such as 'in Wales' or 'Wales only'.

- 4 The Commissioner also commended the GMC's work to improve its offering in the meantime, its proactive approach to the implementation of the Standards and its support in coordinating the dialogue with other UK-wide regulators. The Commissioner agreed to maintain an open dialogue throughout the process.

#### *Revised legislative timetable*

- 5 The GMC's Wales Office has monitored the progress of the Standards legislation to date and noted that the regulations relating to the GMC were not published prior to the Assembly elections as planned.
- 6 This was followed up with the Commissioner's team who confirmed:

*"A number of regulations that are to derive from the second round of standards investigations did not receive the approval of, or were not laid before the National Assembly for Wales prior to purdah. The GMC falls within that latter category. Therefore it will be the responsibility of the next Government to prepare those regulations.*

*The First Minister has noted his intention to hold a further consultation on draft regulations that affect the health sector, but that this will be the only further consultation on draft regulations. A set of regulations concerning organisations outside of Wales is also expected.*

*With regard to the GMC, we aren't able to clarify which set of regulations will apply to you.*

*The stages in the process as previously outlined are all applicable still, but we're unable to put dates against the steps. Hopefully things will become clear fairly shortly after the formation of the next Government, and when we have information regarding timescales we will communicate this with all of the relevant organisations."*

- 7 The Wales Office has shared this information with the other health professional regulators.

#### **Internal progress**

- 8 As agreed by the Board, each Directorate now has nominated a lead for the implementation of the Welsh Language Standards.
- 9 Recent progress against the Action Plan is at Annex A for consideration. This includes:

- a** Welsh Language requirements will be taken into account for the ongoing project to improve the List of Registered Medical Practitioners and the procurement of a replacement for Community People.
- b** The GMC's annual report will be available in Welsh for the first time in 2016.
- c** An estimated launch date for on the phone translation has been agreed for the Contact Centre and Wales Office – 9 May 2016.
- d** The Wales Office team has undertaken basic Welsh Language training, webpage improvements are underway and a bilingual signature and out of office are in place. The Publications team continues to ensure that GMC publications are translated in line with the existing Scheme.
- e** Finance has confirmed that directorates have submitted budget bids for Welsh language translation in 2016.
- f** All fitness to practise disclosure letters will have been amended to include an offer of Welsh translation by June 2016.
- g** Education teams have added proactive statements offering to translate documents into Welsh on request. The majority of Standards documentation is already translated for a patient and public audience.

## Risk

### *Welsh Language Standards*

- 10** In 2015, the Board considered the level of risk associated with failing to plan for the implementation of the Welsh Language Standards. As there are no substantial changes to the implementation process, the residual low risk rating remains appropriate.
- 11** Financial risk is covered elsewhere on the Corporate Risk Register (ID14) and is mitigated by the strength of the business planning and budget setting process and subsequent ongoing monitoring and forecasting.

### *Current Scheme*

- 12** In the meantime, the GMC maintains its statutory obligation to its Welsh Language Scheme. It is essential that any new policy, procurement, service or documentation complies with this. At present there is limited organisational governance of this process and it predominantly relies on promotion through the corporate induction and the vigilance of the HWA or directorate Welsh language lead/project manager to

monitor. This inevitably results in increased organisational risk. Recent near misses include the GMC's annual report and the procurement of the replacement for Community People.

- 13** A recent, public and critical [investigation](#) by the Commissioner into the Nursing Midwifery Council's (NMC's) consultation on its Code of Practice made the following recommendations:
- a** The NMC should review the way in which it assesses the language consequences of its new policies and initiatives to ensure that it fully fulfils the requirements of its Welsh language scheme
  - b** The NMC should reconsider the revised code of practice consulted upon in relation to the Welsh language.
  - c** The NMC should amend its guidance on equality analysis to ensure that it adequately reflects the body's statutory duty, under the Welsh language scheme, to assess the language consequences of new policies and initiatives.
  - d** The NMC should put arrangements in place to ensure that comprehensive records are kept of the consideration given to the linguistic consequences of its new policies and initiatives
- 14** The NMC continues to work with the Language Commissioner to address her concerns.
- 15** In the light of this recent report the Board is asked to note the risk relating to the existing Welsh Language Scheme and to consider how, in addition to convening Welsh Language leads to discuss, this can be addressed on an organisational-wide basis.

### Next steps

- 16** The proposed next steps are as follows:
- a** Allocated leads to continue to progress projects as outlined in Action Plan.
  - b** Wales Office to continue monitoring progress of the legislation.
  - c** The Welsh Language leads meet to discuss ways to address the potential risk posed by the existing Scheme.
  - d** Wales Office to respond to annual report request from Commissioner (expected June/July 2016).

**7 – Welsh Language Standards update**

**7 – Annex A**

**Welsh Language Standards progress against action plan**

Service area	Correspondence/ record keeping	Telephone Calls	Website and online services	Publications	Recent progress
Resources and Quality Assurance	Budget code for Welsh Language introduced; advice added to budget setting guidance.		'Cymraeg' link added to all web pages (not just home page).		Recruitment for Head of Welsh Affairs – Welsh advert, interviews offered in Welsh. All directorates have submitted budget bids for Welsh language translation in 2016.
Fitness to Practise	Estimation of ~ £185,000 for translation. Introduction of proactive translation offer. Procedures under review.		Online complaints form updated in 2014.	Translated 'Liaising with patients during a fitness to practise investigation'	All fitness to practise disclosure letters will have been amended to include an offer of Welsh translation by June 2016.
Registration and Revalidation	Preference recording available in Siebel. Budget allocated and new procedure implemented for 2016 correspondence - £1,000	On the phone translation budgeted for 2016 - £500 contract initiation, plus £1.35 per minute charge.			An estimated launch date for on the phone translation has been agreed for the Contact Centre and Wales Office – 9 May 2016.  Welsh Correspondence Procedure is now in place.

Service area	Correspondence/ record keeping	Telephone Calls	Website and online services	Publications	Recent progress
Strategy and Communication	Cardiff Office: E- signatures/Out of Office introduced. Ad-hoc correspondence budget £1,000		Review of pages of the Wales Office section of the website underway.	Work ongoing on making online Welsh versions centralised, accessible and more visible.	Wales Office team has undertaken basic Welsh Language training and will have access to on the phone translation service.  Welsh Language requirements will be taken into account for the ongoing project to improve the LRMP.
Education and Standards				Introduction of proactive translation offer – Education. Relevant guidance docs are already translated – Standards.	
General	Need to consider implications of a GMC- wide preference offering/recording.	Ongoing discussions with HR re proactive recruitment of Welsh speakers.		New wording added to all hard copy publications explicitly offering Welsh language format on request.	GMC annual report to be translated. Community people procurement to consider Welsh Language options.