

BRITISH TRANSPORT POLICE AUTHORITY

Report to: STAKEHOLDER RELATIONS & COMMUNICATIONS STRATEGY COMMITTEE

Date: 20th JULY 2009

Subject: WELSH LANGUAGE SCHEME PROPOSAL

Sponsor: DEPUTY CHIEF EXECUTIVE

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For: DECISION

1. PURPOSE OF PAPER

- 1.1 To inform Members of the legal requirement for public bodies to develop and adopt a Welsh Language Scheme.
- 1.2 Following a revision of the Force's Scheme to recommend that the Authority now develops its own standalone Welsh Language Scheme.
- 1.3 To inform the Committee about the likely resource implications in undertaking this piece of work.

2. BACKGROUND

- 2.1 The 1993 Welsh Language Act established the principle that in the conduct of public business in Wales, the English and Welsh languages should be treated on the basis of equality.
- 2.2 Further, the same Act made provisions for public bodies to prepare and have approved 'Welsh Language Schemes' in accordance with guidelines set out by the Welsh Language Board (WLB). In March 1996 the WLB published guidance to support public bodies in developing (and consulting on) compliant Welsh Language Schemes.

3. CURRENT ARRANGEMENTS

- 3.1 Under Section 7 of the Act the Welsh Language Board may give notice to an individual public body requiring it to prepare a scheme in accordance with

Section 5 of the Act. Whilst the Force has produced (and subsequently revised) its own Scheme, the Authority has not yet been advised by the WLB that it is required to develop its own scheme. However, it is likely that, as a relatively new organisation, the Welsh Language Board has not yet added the BTPA to its list of statutory public bodies.

- 3.2 As a public body which provides services in Wales it is essential that the information or services provided by the British Transport Police Authority in Wales comply with the statutory obligations as outlined within the Welsh Language Act 1993.
- 3.3 Until now the Police Authority has adopted the Force's Welsh Language Scheme, however recent revisions to the BTP Scheme mean that it is now probably not appropriate for the Authority to continue to do so. Guidance on developing Welsh Language Schemes emphasises the need for bodies to focus on what is appropriate and reasonably practical for them to deliver in relation to the nature and level of services they provide in Wales. This would not be the case if the Authority continued to operate the Force's revised scheme.

4. DEVELOPING A BTPA WELSH LANGUAGE SCHEME

- 4.1 The process for developing a Welsh Language Scheme is set out in Part II of the Welsh Language Act and would begin immediately once BTPA contacted the Welsh Language Board. In summary the process would then run as follows;
 - The WLB writes to the Authority informing them of the need to prepare a Scheme and setting out a timetable for submission (if necessary the Authority can request an amendment to the prescribed timetable)
 - The Authority carries out an audit of its functions and activities in Wales to determine appropriateness and reasonability and if necessary approaches the WLB for advice on developing a draft scheme
 - The Authority liaises with the WLB for guidance on developing drafts of the scheme
 - The WLB and Authority agree a plan for public consultation on the final draft of the scheme
 - The WLB issues a plan to the Authority setting out who it must consult with and how
 - The Authority gives notice (in English and Welsh) in daily and weekly newspapers circulating in Wales that it will be carrying out a consultation exercise on its draft scheme
 - A consultation period of 8-13 weeks begins (as set out by the WLB)
 - The final draft of the Scheme is sent to the consultees as required by the WLB AND made available to the public in English and Welsh

- After the consultation period closes the Authority prepares a consultation report summarising the feedback it has received and indicating what changes if any are required to its draft scheme
- The revised draft scheme and consultation report are submitted to the WLB for approval

4.2 The Welsh Language Board has strict guidelines for submission dates and consultation process which are to be adhered to during the process. In the event of resubmission of the Scheme, the time for revision and resubmission is likely to be more stringent.

5. OPTIONS

- 5.1 Option 1: The Authority continues to adopt the Force's revised Welsh Language Scheme although it may not be appropriate and reasonably practical to do so with the resources currently to the Secretariat.
- 5.2 Option 2: The Authority contacts the WLB and begins the process of developing its own Welsh Language Scheme in line with the guidance developed by the Welsh Language Board. This is the recommended option.
- 5.3 Option 3: The Authority no longer adopts the Force's scheme but does not develop its own scheme. This would leave the Authority vulnerable to legal action for non-compliance.

6. RISK IMPLICATIONS

- 6.1 There are potential legal risks, and risks to the Authority's reputation, if it decides not to comply with the Welsh Language Act 1993 to adopt an appropriate Welsh Language Scheme.

7. FINANCIAL IMPLICATIONS

- 7.1 The Secretariat has researched the likely cost of developing a Welsh Language Scheme and provision has been made in the Authority's 2009/10 budget for a scheme to be developed; this includes costs of translation and advertising in the Welsh press.

8. DIVERSITY IMPLICATIONS

- 8.1 Development of a Welsh Language Scheme for the BTPA is underpinned by legislation which seeks to achieve equal treatment of the English and Welsh language in Wales. Not complying with this equality legislation may mean that the Authority does not allow equal access to the services and information it provides in Wales.

9. FOR DECISION

- 9.1 Members of the Authority are asked to approve the recommended (option 2 at 5.2 above) for the BTPA to develop its own Welsh Language Scheme.