

Item 3 – Communications Committee 5th July 2004

Welsh Language Scheme

Summary

The Welsh Language Act 1993 established the principle that in the conduct of public business and administration of justice in Wales the English and Welsh languages should be treated on a basis of equality. The act also made provisions for the preparation and approval of a Welsh language scheme.

HPC is designated as a public body under the Welsh Language Act 1993; as such it must produce a Welsh language scheme that will allow Welsh speakers access to its services in their own language.

This policy sets out a draft Welsh language scheme that aims to fulfil these requirements.

Action

The Committee are asked to approve that the following policy document be forwarded to Council and then to the Welsh Language Board for their comments and approval as fulfilment of our scheme under the act.

** The fitness to practise aspects of the policy, if approved, will be extracted and sent round the Practice committees for their approval separately. The whole policy will then be forwarded to the Welsh Language Board*

Welsh Language Scheme – Health Professions Council (draft)

This Scheme received the approval of the Welsh Language Board under section 14 (i) of the Welsh Language Act on July 2004.

Introduction

The Welsh Language Scheme (the Scheme) of the Health Professions Council (HPC) received the approval of the Welsh Language Board under section 14 (i) of the Welsh Language Act 1993 on 3 X July 2004.

The HPC adopts the principle that in the conduct of its business in Wales, it will treat the English and Welsh languages on the basis of equality. The Scheme sets out how the HPC intends to give effect to that principle when providing services to the general public and to its registered health professionals in Wales.

The Health Professions Council (HPC) is a new independent, UK-wide regulatory body responsible for setting and maintaining standards of professional training, performance and conduct of the 12 healthcare professions that it regulates. It was set up by the Health Professions Order 2001. It is a not-for-profit body corporate and reports directly to the Privy Council

These are the 12 health professions that HPC regulates. Each of these professions has a 'protected title'. Anyone who uses one of the titles protected by law must register with us.

- Arts therapists
- Biomedical scientists
- Chiropodists and podiatrists
- Clinical scientists
- Dietitians
- Occupational therapists
- Orthoptists
- Paramedics
- Physiotherapists
- Prosthetists and Orthotists
- Radiographers
- Speech and language therapists

HPC has four main functions

- Maintain a register of health professionals
- Set standards
- Approve educational program's
- Deal with health professionals fitness to practise

In doing so HPC has six main objectives;

- Protection of the public
- Communications and responsiveness
- Value for money and audit

- Transparency
- Collaboration
- Provision of a high quality service

HPC employs around 60 people, and is based at 184 Kennington Park Road, London SE11 4BU. It has a UK wide remit with currently around 145,000 health professionals registered.

The standard of service in Welsh

HPC will:

Ensure the same standard of service is delivered in Welsh as in English

Set standards for providing services and dealing with the public in Welsh

Ensure consistency in the standard of the Welsh Language Service provided by HPC

Monitor the standard and its implementation

Supporting measures

HPC will include details of the standards of service in regard to providing a Welsh Language Service in its annual report

Providing a service to patients people in Welsh

The founding principle of the Health Professions Council is to protect the health and well being of people using the services of health professionals across the UK. To enable it to do this HPC has to communicate with a variety of stakeholders. For the purposes of this document we will split these stakeholders into 3 broad groups;

1. Members of the public
2. Registered health professionals (registrants)
3. Stakeholders (professional bodies, politicians, employers, educational institutions)

The first part of this document will lay out how we will interact with those members of the public choosing Welsh as their first language. In the latter part will outline our commitments to the other two groups in providing Welsh language services.

Public access to HPC

In delivering its services in accordance with the contents of the scheme, HPC will give priority to the areas of operation where contact with the patients and the public is greatest.

HPC is committed to offering services to the public in the language or format of their choice.

In order to achieve this HPC will:

- Establish the language of choice of the stakeholder at an early stage
- Arrange for services to be provided directly or through interpretation in the language of choice
- Ensure that all HPC staff are aware of HPC's Welsh language scheme and how communication in Welsh will be handled and by whom
- Publicise clearly the availability of services in other languages

The following section deals with specific examples of where the scheme would be implemented

Written communication

HPC will commit itself to being able to deal with written enquiries in either Welsh or English. This will be stated clearly on any communications intended for distribution or use in Wales.

Letters or e-mails in Welsh will be answered in Welsh and within the same time period as correspondence in English. For correspondence received in English, HPC will automatically reply in English unless otherwise requested. For communications sent to individual members of the public in Wales, where linguistic preference is not known, the correspondence will again be sent in English. For written communications sent to more than one member of the public (e.g. large mailing or public information campaign) then this information will be provided in both English and Welsh.

Telephone Communication

Members of the public who call HPC's office and indicate that they wish to conduct their conversation in Welsh will be offered a choice of;

- A Welsh speaker returning their call as soon as possible,
- Sending a letter (which will be responded to in the language of the correspondent)
- Continuing the call in English

HPC currently has no Welsh language ability among its 60 staff members. As part of the on-going monitoring of the scheme it will commit to look at specific recruitment in this area should it be required.

Public notices and public meetings

Notices of public meetings in Wales will be bilingual. Such notices will make it clear that the public will be welcome to speak in Welsh or English. As already happens with HPC, all public meetings will have Welsh/English interpreters present to allow for the asking and answering of questions in either language.

*For fitness to practise proceedings held in Wales, please see separate section

Papers and agendas will be produced bilingually for public meetings held in Wales.

Translation

HPC already uses Welsh language translators as recommended by the Welsh Language Board to ensure a high quality of service to our Welsh language users. HPC gives a commitment to continue doing so.

HPC website

The HPC website will have a key path of bilingual information. That key path will allow Welsh language users to find out who we are? What we do? And how they can contact us? It will also allow people using the Welsh language to understand how they can make an allegation against a health professional. These are the key parts of our statutory duties and form the key path into HPC and our services.

Initially the public microsite will be bilingual along with an explanation of the fitness to practice process and how people can make an allegation. The HPC website home page will notify people of these routes in Welsh and English with direct links through to each section in English and Welsh languages.

The HPC website has been Crystal Marked by the Plain English Society and any changes to the format of the website will conform to their guidelines for accessibility and usability.

Website usage and in particular the Welsh Language pages, will be monitored with more bilingual information added if there is public demand for them.

Corporate Identity

The HPC are committed to ensuring that its corporate identity is fully bilingual in Wales. This will be reflected in the corporate name, address and logo and will be attached to appropriate stationery and publications.

All material will be equal in size, legibility and prominence with all HPC staff being made aware of their responsibility in using appropriate corporate materials and information.

Publications

HPC will continue to make its publications available in a variety of formats and languages including Welsh. Where a publication is deemed specific to a Welsh audience it will be produced bilingually with equal size, format and prominence for each language. All other publications are available and will continue to be available in Welsh on request. There will be no cost passed onto the stakeholder for requesting any of our publications in another language or format. That cost will be borne by HPC.

Examples of bilingual information available are;

- Annual report and accounts
- Consultation documents
- Public information leaflets
- Public information posters

English only publications

All documents will be made available in Welsh, where not already done so, on request to members of the Welsh speaking public. HPC recognizes the importance ensuring equitable access to information all its stakeholders.

Press releases

Press releases intended for a Welsh audience will be issued bilingually.

Advertising/Marketing

When advertising or promoting HPC's services in Wales, HPC will ensure that all material is bilingual and conforms to the guidelines for bilingual design issued by the Welsh Language Board.

Staff recruitment advertising

When recruiting staff where fluent Welsh is an essential or desirable requirement of the post, recruitment adverts appearing in the national press and in the Welsh press will be bilingual.

Registrant and stakeholder access to HPC

Registrant communications

While HPC can ensure equitable access to its resources and services through the provision of a Welsh Language Scheme to members of the public, it will continue to provide its registrant communications and information in English only. This will apply even if the registrant is Welsh or is registered in Wales.

Registrants as part of their professional proficiency must be proficient in English to a written, reading, listening and speaking level of 7.5 in the International English Language Testing System (IELTS) with no element below 6.5. It remains important therefore that Council provides its information to registrants in English only to underpin this legal requirement of the health professions in the UK.

The exception to this rule will be in fitness to practice proceedings held in Wales where HPC is committed to the overall goals of the Welsh Language Scheme.

Fitness to practice proceedings

Our fitness to practice proceedings are of vital importance to protection of the public and this section sets out the Health Professions Council's support for the principle set out in the Welsh Language Act 1993 that, in the administration of justice in Wales, the English and Welsh languages should be treated on the basis of equality.

Background

Article 22(7) of the Health Professions Order 2001¹ (the 2001 Order) provides that fitness to practise hearings and related preliminary meetings must take place in the UK country in which the relevant health professional's registered address is situated. Consequently, if a health professional's registered address is in Wales, then any hearing or preliminary meeting must take place in Wales.

Similarly, the effect of Article 37(8) of the 2001 Order is that the hearing of any registration appeal must take place in Wales if the appellant resides there.

The 2001 Order requires the Council, in appointing Panels to hear cases, to have regard to the professional field of the person concerned and the matters in issue. That requirement, the relatively small size of many of the professions which the Council regulates and its limited caseload in Wales mean that it is not feasible for the Council to appoint Panels that are able to conduct proceedings in Welsh on an *ad hoc* basis.

Consequently this scheme sets out the arrangements which the Council has established to ensure that the principle enshrined in the Welsh Language Act 1993 is honored and proceedings in Welsh are conducted fairly and managed effectively.

For the avoidance of doubt, it should be noted that the arrangements set out in this scheme only apply to fitness to practise and appeal proceedings which take place in Wales.

Case management

Whilst the Council will provide appropriate support for the conduct of proceedings in Welsh, the primary responsibility for informing the Council that the Welsh language may be used in proceedings before a Panel in Wales must rest with the parties to the case or those representing them.

In every case in which it is possible that Welsh may be used by any party or witness or in any document which may be placed before the Panel, the parties or their representatives must inform the Council of that fact as soon as possible so that appropriate arrangements can be made for the management of the case.

The provision of this information should not be delayed because a party does not have definitive information or details about the use of Welsh in the proceedings. An indication at the earliest stage that Welsh may be used in the proceedings will help in managing the case more effectively. However, once more detailed information becomes available it should be passed on to the Council. This includes details of:

- any person wishing to give oral evidence in Welsh; and
- any documents or records in Welsh which that party expects to use.

Preliminary Meetings

At any preliminary meeting which it holds, the Panel will take the opportunity to consider whether it should give directions for the management of the case.

To assist the Panel, the parties or their representatives should draw attention to the possibility of Welsh being used in the proceedings, even where this information has already been provided to the Council.

In any case where a party has already intimated to the Council that Welsh may be used in the proceedings, wherever possible, this should be confirmed or not (as the case may be) at the preliminary meeting.

Interpreters

Whenever an interpreter is needed to translate evidence from English to Welsh or from Welsh to English, the Council will take steps to secure the attendance of an interpreter. Wherever possible, and unless the nature of the case calls for some other form of linguistic expertise, interpreters will be drawn from the list of interpreters approved by the Courts.

Oaths and affirmations

When witnesses are called during hearings, the person administering the oath or affirmation will inform them that they may choose to be sworn or affirm in Welsh or English.

Partners, staff and Council

HPC places language and its ability to communicate with a wide range of stakeholders very highly on its list of objectives. HPC recognizes that language (and for the purposes of this scheme – Welsh) can play an important part in protecting the public.

HPC's policies will respect the principles that designated public bodies in Wales should treat Welsh and English on a basis of equality. The following illustrates how HPC aims to protect the public across Wales from healthcare professionals whose fitness to practice has been impaired by reason of health, conduct or competence. By encouraging and facilitating bilingualism when carrying out its role.

New policies and new initiatives

- HPC will assess the linguistic implications of new policies and initiatives when Council formulates them to check that they are consistent with the core of the scheme.
- When HPC put new policies or initiatives into action, Council will ensure that they meet the commitments given in the scheme and do not undermine them.
- HPC will ensure that staff involved in policy formulation are aware of the scheme and provide guidance to them on how to assess the impact of any proposals on its commitments
- The Communications Committee will oversee the formulation, implementation and on-going monitoring of the HPC Welsh Language Scheme

Vocational training in Welsh

HPC will monitor the requests for its services in Welsh and through this assess the need for vocational training through the medium of Welsh. Any person interacting with the public and wishing to learn Welsh will be encouraged and supported to do so by HPC in the context of their overall goals and objectives and those of the organization.

Third party contractors

All third party contractors will be made aware of HPC's Welsh language scheme. Any third party contract, whose work will involve communicating in Wales, will include reference to HPC's Welsh language scheme, and specify the service in Welsh that is required.

Performance against contract will be monitored against compliance.

Administrative arrangements

The Health Professions Council agrees and gives their commitment to the arrangements set out in this scheme. Future monitoring and strategic development of the scheme will be undertaken by the Communications Committee with day-to-day responsibility for the scheme handed to the Director of Communications.

HPC is committed to implementing and providing a Welsh language scheme that enhances its core values of protecting the public, transparency and communication to the Welsh speaking population.

The provision of a Welsh language scheme is already embedded into the HPC Communications strategy and therefore has the full backing and commitment of the Council.

Monitoring the scheme

The Communications Committee will monitor implementation of the scheme on a quarterly basis. HPC Council will also publish measurements against the scheme in its annual report and accounts. These will include the number of Welsh language requests and time delivery against normal English language service level agreements as already in place by Council. Fitness to practice processes will be monitored by the Director of Fitness to Practise and reported against separately in their own annual report.

The Chief Executive and Registrar of HPC publishes monthly reports against service level agreements for HPC currently and a provision stating how we are divulging our Welsh Language responsibilities will be added. This will be published via Council minutes on the HPC website.

STATUTORY DUTY SECTION 12(2)(b) Publication of the scheme

HPC will publicise its Welsh Language Scheme to the public and other stakeholders in the following ways:

- HPC website
- Press release (bilingual)
- Forwarding a copy of the scheme all relevant stakeholder groups such as professional bodies, trade unions, trusts, employers, contractors and patient associations

Improving the scheme

HPC welcomes improvements to the Scheme. All comments or suggestions should be addressed to the Director of Communications and will be considered as part of the monitoring process. All complaints regarding the implementation of the scheme will be investigated and the action taken will be highlighted in the Annual Reports published by Council

Contact.

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Email: info@hpc-uk.org Telephone 020 7582 0866

STATUTORY DUTY SECTION 12(2)(a) Timetable for implementation

Communications Committee approval	July 5 th 2004
Council approval of draft scheme	July 15 th 2004
Draft scheme submitted	July/August 2004
Website micro site bilingual	July 2004
Internal training to staff	September 2004
Fitness to practise	in place
Public meetings in Welsh	in place
Translators	In place
Corporate identity measures delivered	November 2004
Monitoring of scheme (first report)	November 2004
Communications committee review	February 2005
Bilingual advertising	April 2005
Bilingual information leaflet	April 2005
Annual report on Scheme	July 2005