

Consultation on draft language requirements for public sector workers Code of Practice

**Launched on: 13 October 2015**

Respond by: 8 December 2015

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Please email englishlanguagerequirement@cabinetoffice.gov.uk if you require a copy of this consultation document in large print, audio, braille or Welsh.

**FOREWORD**

We committed in our manifesto to “legislate to ensure that every public sector worker operating in a customer facing role must speak fluent English”, and we are delivering on this commitment through the Immigration Bill currently before Parliament.

In order to improve the quality, efficiency and safety of public services, and to support taxpayers’ confidence that they are receiving the best value from public funds, workers who regularly speak to the public as part of their role must be able to speak fluent English. The public have the right to expect that those with whom they interact in the sphere of public services will have sufficient language skills to provide the services effectively.

Our aim is to deliver on this commitment without a significant burden on employers. We will not require any further action from those who speak English fluently, and will police the duty through complaints, not direct action. To implement the policy we have prepared a draft statutory Code of Practice which public authorities will have to consider when deciding how to comply with this new legal duty. This aims to support and inform public authorities to which the duty will apply. We are actively seeking comment and insights from public bodies and others as to how it might affect them. We welcome your views.

**The Rt Hon Matt Hancock MP**

Minister for the Cabinet Office and Paymaster General

**HOW TO RESPOND TO THIS CONSULTATION**

Responses can be made by completing the form at Annex B and emailing this to englishlanguagerequirement@cabinetoffice.gov.uk, or sending it to the address below.

English speaking in the public sector
Workforce Reform
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

We welcome your views. The closing date for responses is **8 December 2015**.

**SCOPE OF THIS CONSULTATION**

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| --- | --- |
| **Topic of this consultation** | This consultation is on the draft statutory Code of Practice on language requirements for public sector workers at Annex A.  |
| **Purpose of this consultation** | The purpose of this consultation is to gather views on the content, scope and potential impact of the Code of Practice. It will be used to test key concepts and to gain more detail on costs and benefits.  |
| **Target of this consultation** | This consultation is open to everyone, but is targeted at all public authorities in England, Wales and Scotland within the meaning of clause 7 of the Immigration Bill. They are requested to consult widely with their staff and employee groups before submitting their responses. |
| **Duration of this consultation** | 8 weeks |
| **Enquiries and response** | Enquiries about the content or scope of the consultation should be sent to englishlanguagerequirement@cabinetoffice.gov.uk |
| **After the consultation** | A summary of responses will be published on the gov.uk website within 12 weeks of the consultation period finishing. Where possible, participants will be informed of publication. The draft Code of Practice will then be revised in light of responses received and laid before Parliament before it is issued. |
| **Previous engagement**  | We engaged with those Government Departments responsible for public sector workforces prior to formal consultation, to inform drafting of the Code of Practice. A full list can be found at the end of this document.  |
| **Impact assessment (IA)** | See attached.  |

**PURPOSE**

* 1. This consultation document seeks views on the draft statutory Code of Practice on the language requirements for public sector workers. The draft is at Annex A.

**BACKGROUND**

* 1. The intention of the Code of Practice is to assist public authorities in meeting their obligations under Part 7 of the Immigration Bill, but also to provide a higher quality service offering to the public. The Government believes that UK public services should be amongst the best in the world, and that this Code of Practice will contribute to efficient and effective public services by ensuring sufficient fluency and comprehension in all interactions with the public.
	2. The public have the right to expect that all those with whom they interact, in the sphere of public services, will have sufficient fluency in English (or English or Welsh fluency in Wales) to be able to communicate with them effectively. Ensuring that this is the case through a statutory Code of Practice will have a number of positive benefits including greater efficiency, increased public confidence and improved health and safety. The Government is particularly eager to ensure that the public feel they are getting the best value from public services.

**Efficiency**

* 1. Ensuring sufficient fluency in English or Welsh in public service delivery will bolster efficiency by reducing the time taken in routine interactions and the likelihood of human error.
	2. As well as reducing communication difficulties, anecdotal evidence suggests that learning a shared language leads to higher productivity and retention, as well as promoting integration outside of work[[1]](#footnote-1). This higher productivity and efficiency has the clear benefit of reduced opportunity costs for the public, as well as time savings in public authorities.
	3. This is not about saying communication must be in English, but rather than it can be. So, for example, a public servant fluent in French may choose to speak to a French customer in French. Rather the purpose is to ensure all public sector works can communicate in fluent English.

**Public confidence**

* 1. Citizens have the right to expect that customer-facing public sector workers will be able to comprehend their needs well and offer assurance that their requests will be dealt with quickly and appropriately. Reports suggest that the public view a good standard of service provision as a core priority for public services[[2]](#footnote-2).
	2. Given this, the Government believes that fluency in English or Welsh must be a requirement for all customer-facing public sector workers. This is to ensure that the public are able to trust in the comprehension of those staff with whom they interact; and at the higher level, to ensure that the public feel that the Government recognises and acts on their concerns.

**Health and safety**

* 1. Where public sector workers have one-to-one relationships or interactions with the public, English or Welsh speaking is particularly important as it promotes safety as well as efficiency. The effectiveness of one-to-one interactions, whatever the profession of the public servant in question, relies on trust, understanding and honesty. In healthcare particularly, a lack of fluency in English or Welsh, or reliance on other staff to interpret, inhibits effective care and service. For example, a lack of fluency in English or Welsh within the health sector could result in a misinterpretation of doses or symptoms, and therefore have a serious impact on patient safety.

**APPLICATION OF THE POLICY**

* 1. As stated in the draft Code of Practice, the implementation of this policy is affected by several key definitions.
	2. For the purposes of the Code of Practice, public authorities are defined broadly so as to include central government departments, local authorities, NHS bodies, state-funded schools, the police, armed forces as well as public corporations.
	3. Customer-facing workers are those who are directly employed by a public authority, and who are required to speak to members of the public, either face-to-face or by telephone, as a regular and intrinsic part of their role. As such, they must have a command of spoken English or Welsh that is sufficient to enable the effective performance of their role.
	4. The Code of Practice will apply to public authorities in respect of existing workers in such roles, not just newly recruited staff. It would therefore be enforced for new staff via the recruitment process, and for existing staff through a complaints-based process rather than routine re-testing, with the opportunity for training or redeployment if English or Welsh language fluency is deemed insufficient. This is explored in detail in the draft Code of Practice.

**CODE OF PRACTICE**

* 1. Part 7 of the Immigration Bill currently before Parliament requires the Secretary of State or Chancellor of the Duchy of Lancaster to consult whomever he thinks appropriate when preparing the Code of Practice. This consultation fulfils that requirement.
	2. The attached draft version of the Code of Practice (Annex A) lists the information that the Code must address, including – the requisite standard of spoken English or Welsh; how any failures to meet that standard will be dealt with; and procedures for dealing with complaints from the public.
	3. This draft version of the Code of Practice is made up of five sections:
* Section 1 defines the scope of the Code.
* Section 2 explains the appropriate standards of spoken English or Welsh for customer-facing roles.
* Section 3 provides options for remedial action where staff do not meet the necessary standard or spoken English or Welsh.
* Section 4 outlines the complaints procedure that must be followed.
* Section 5 provides guidance on compliance with other legal obligations.

**IMPACT ASSESSMENT**

* 1. An Impact Assessment has been prepared to provide evidence for and analysis of the preferred policy option. The Impact Assessment is published on gov.uk alongside this consultation document. As part of this consultation, we are seeking views on the expected costs and benefits of the policy set out in the Impact Assessment, which also includes further information on the evidence base and current practice in public authorities.

**FORM FOR RESPONDING TO THE CONSULTATION**

Please use this form to respond to the consultation and send your completed form to englishlanguagerequirement@cabinetoffice.gov.uk, or the address stated above, by 8 December 2015. Anyone may return a completed form to the above email or address, but it is primarily targeted at public authorities to whom the Code applies. Public authorities are also expected to consult widely with their staff and employee groups before completing their responses.

|  |  |
| --- | --- |
| Name |  |
| Job Role |  |
| Organisation |  |
| Contact details |  |
| Q1: Is the guidance in the Code of Practice sufficient to help you meet the duties imposed on public authorities by Part 7 of the Immigration Act [2016] and set the necessary standard of spoken English? If not, please suggest what additions are necessary. |
| Q2: Is the Code of Practice clear in its alignment with any existing legal obligations that you must adhere to, such as the Equality Act 2010 or Welsh Language (Wales) Measure 2011? If not, please suggest how it could be better aligned with those obligations or any others not already included. |
| Q3: Do you have an existing minimum language standard for your customer-facing workers? If so, please provide details and confirm if you are satisfied that your existing standard meets your obligations under Part 7 of the Immigration Act [2016]. |
| Q4: Do you have, or are you aware of, any existing best practice for establishing a necessary level of English or Welsh fluency that would be useful to reflect in the Code of Practice? If so, please give details. |
| Q5: What would be the impact of extending the Code of Practice to voluntary and private sector suppliers that you contract with? Please explain your answer. |
| Q6a: What will be the additional cost to your organisation to implement this duty? Please provide detailed estimates. Q6b: From your perspective, would implementing this policy have a specific impact on the country, region or business sector which you operate in? Please explain your answer. Q6c: If you are a local government body, to what extent would this new duty constitute a New Burden for your organisation? Please explain your answer. |
| Q7: How many workers will this new duty affect in your organisation? Please provide details such as employment status. |
| Q8: If complaints handling were to remain at the discretion of your organisation, what do you envisage as the basic process for enforcing it and for dealing with workers who do not meet the requisite language standards? Please provide details of your current process for dealing with complaints and escalation route from members of the public; any complaints data you currently publish, and the likely cost of expanding the process to include language-related complaints. |

**Consultation principles**

This consultation is issued in line with Cabinet Office consultation principles. These can be found at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments or complaints about the consultation process, please address them to:

Karen West

Cabinet Office

Better Regulation Unit

Rosebery Court

Norwich

NR7 0HS

Email: karen.west@cabinetoffice.gov.uk

**Handling of information from individuals**

The information you send may need to be passed to colleagues within Cabinet Office or other Government departments, and may be published in full or in a summary of responses.

All information in responses, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want your response to remain confidential, you should explain why confidentiality is necessary and your request will be acceded to only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Contributions to the consultation will be anonymised if they are quoted.

Individual contributions will not be acknowledged unless specifically requested.

**List of Organisations consulted on the policy to inform drafting of the Code of Practice**

Department for Communities and Local Government

Department of Health

Department for Education

Ministry of Justice

Department for Work and Pensions

HM Revenue and Customs

Home Office

Ministry of Defence

Department for Transport

1. Commission on cohesion and integration final report (2007), Our Shared Future, <http://resources.cohesioninstitute.org.uk/Publications/Documents/Document/DownloadDocumentsFile.aspx?recordId=18&file=PDFversion> [↑](#footnote-ref-1)
2. Ipsos Mori (2010), *What do people want need and expect from public services, (*https://www.ipsos-mori.com/DownloadPublication/1345\_sri\_what\_do\_people\_want\_need\_and\_expect\_from\_public\_services\_110310.pdf) [↑](#footnote-ref-2)