

## **Council, 11 February 2010**

### **Welsh Language Scheme**

#### **Executive summary and recommendations**

##### **Introduction**

Under the Welsh Language Act 1993, the HPC must produce a Welsh language scheme. The scheme explains how the HPC will adopt the principle that in the conduct of public business in Wales, it will treat the English and Welsh languages on the basis of equality.

If Council agree the text of the draft scheme, the Executive will work with the Welsh Language Board to agree a consultation programme for the scheme. The consultation programme includes adverts in Welsh newspapers as well as a consultation mailing and information on the HPC website.

The scheme will then be brought back to Council following the public consultation, prior to final agreement by the Welsh Language Board.

##### **Decision**

The Council is invited to:

- discuss and agree the attached Welsh language scheme;
- agree the text of the consultation document, subject to minor editing and production of a bilingual consultation document; and
- agree that the Executive should work with the Welsh Language Board to agree a consultation programme.

##### **Background information**

None.

##### **Resource implications**

- Printing and mailing consultation document and draft scheme (including production of bilingual consultation document and scheme)
- Analysing consultation responses

These resources implications are accounted for in Policy and Standards Department planning for 2009/2010.

##### **Financial implications**

- Printing and mailing consultation document and draft scheme (including production of bilingual consultation document and scheme)

- Analysing consultation responses

These financial implications are accounted for in Policy and Standards Department planning for 2009/2010.

## **Appendices**

None.

## **Date of paper**

1 February 2010

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## **Welsh Language Scheme - consultation document**

### **Introduction**

We are consulting on our Welsh language Scheme.

### **About us**

We are the Health Professions Council (HPC). We are a regulator and our job is to protect the health and wellbeing of people who use the services of the professionals registered with us.

To protect the public, we set standards that professionals must meet. Our standards cover the professionals' education and training, behaviour, professional skills, and their health. We publish a Register of professionals who meet our standards.

Professionals on our Register are called 'registrants'. If registrants do not meet our standards, we can take action against them which may include removing them from the Register so that they can no longer practise.

### **About this consultation**

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 Welsh language schemes. The attached scheme explains the steps that we will take in order to meet our duties under the Welsh Language Act.

### **About this document**

We would welcome your comments on the scheme, in whatever format is convenient for you. In particular, we are interested in whether the proposals outlined in the scheme will enable Welsh speakers to engage with us in our work.

We would like to invite any individual or organisation with an interest in these issues to respond to this consultation. To help ensure we analyse your response correctly it would be helpful if you could explain how you formulated your response.

The consultation will put the proposed scheme before a wide range of stakeholders and members of the public. We would like to invite any individual or organisation with an interest in these issues to respond to this consultation. We will also publicise the scheme in newspapers circulating in Wales.

You can also download further copies of this document from our website or you can contact us if you would like us to send you a copy.

**Please contact us to request a copy of this document in an alternative format.**

The deadline for responses to this consultation is **xx**.

**How to respond**

Please send your response to:

Consultation on Welsh language scheme  
Policy and Standards Department  
Health Professions Council  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

You may also email responses to [consultation@hpc-uk.org](mailto:consultation@hpc-uk.org) or send a fax to +44 (0)20 7820 9684.

Please note that we are not able to accept responses by telephone or in person.

We will publish a summary of the responses we receive to the consultation and the decisions we have taken as a result on our website.

If you would prefer your response not to be made public, please indicate this when you respond.

We look forward to receiving your comments.

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**The Health Professions Council**

**Welsh Language Scheme prepared under the Welsh  
Language Act 1993**

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## The Health Professions Council Welsh Language Scheme

The Welsh Language Scheme of the Health Professions Council received the approval of the Welsh Language Board under Section 14(1) of the Welsh Language Act 1993 on [insert date when approved]

### Principle of equality

The Health Professions Council is committed to fulfilling its obligations under the Welsh Language Act 1993.

The Health Professions Council has adopted the principle that in the conduct of public business in Wales, it will treat the English and Welsh languages on a basis of equality.

This Scheme sets out how the Health Professions Council will give effect to that principle when providing services to the public in Wales.

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# 1. Introduction

## About the Health Professions Council (HPC)

1.1 The Health Professions Council (HPC) adopts the principle that in the conduct of public business in Wales, it will treat the English and Welsh languages on the basis of equality. This Scheme sets out how the HPC intends to give effect to that principle when providing services to the public in Wales.

1.2 The HPC is a statutory regulator, and was set up to protect the public. To do this, the HPC keeps a register of professionals who meet its standards for their training, professional skills, behaviour and health.

1.3 Professionals on the HPC's Register are called 'registrants' and there are approximately 200,000 on the Register, from 14 different professions.

- Arts therapists
- Biomedical scientists
- Chiropodists / podiatrists
- Clinical scientists
- Dietitians
- Occupational therapists
- Operating department practitioners
- Orthoptists
- Paramedics
- Physiotherapists
- Practitioner psychologists
- Prosthetists / orthotists
- Radiographers
- Speech and language therapists

1.4 The HPC may regulate other professions in the future. An up-to-date list of the professions it regulates can be found at [www.hpc-uk.org](http://www.hpc-uk.org)

1.4 Each of these professions has a 'protected title' (protected titles include titles like 'physiotherapist' and 'dietitian'). Anyone who uses one of these titles must be on the HPC's Register. Anyone who uses a protected title who is not registered with the HPC is breaking the law and could be prosecuted.

1.5 The Register is available on the HPC's website for anyone to search, so that they can check that their professional is registered.

1.6 The HPC can consider complaints it receives about registrants as part of its role in protecting the public. It looks at every complaint received, to decide whether it is necessary to take action. The HPC can hold hearings to consider the complaints.

1.7 The HPC is currently based at Park House, 184 Kennington Park Road, London, SE11 4BU and employs over 100 members of employees. It does not anticipate that it will have an office in Wales in the near future. However, the HPC intends to follow the Act as the HPC is a UK wide regulator.

## How we are run

1.8 The HPC was created by a piece of legislation called the Health Professions Order 2001. This sets out its role and gives the HPC its legal power. The HPC has a Council which is made up of registrant and lay members. The Council sets the strategy and policy, and makes sure that the HPC carries out its role.

1.9 Professionals must register with the HPC before they can use one of the protected titles for their profession. This means that even if they have completed a course in, for example, physiotherapy, they would still not be able to call themselves a 'physiotherapist' unless they were registered with the HPC.

## Our role

1.10 The HPC has four main functions. It:

- sets standards which applicants and registrants must meet;
- approves education programmes which meet its standards;
- registers individuals who meet those standards; and
- takes action against individuals on its Register who do not meet those standards.

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## **2. Service planning and delivery**

2.1 The HPC acknowledges the importance of providing a service in the preferred language of the customer as part of a quality service and recognises the culture and linguistic needs of the Welsh speaking public. The HPC is fully committed to the principle that the English and Welsh languages will be treated on the basis of equality.

### **New policies and initiatives**

2.2 As part of any proposal for a new policy, an assessment will be made of the likely impact of the proposed initiative on the Welsh Language Scheme. The ability of others to provide services in Welsh will also be considered.

2.3 In addition:

- Employees involved in developing HPC policy will be made aware of the Welsh Language Scheme and our responsibilities under the Welsh Language Act 1993. Training will also familiarise them with the implementation, reporting and evaluation plans for the Scheme.
- The Council will ensure that the new policies and initiatives will be consistent with the Scheme and not undermine it.
- The Council will oversee the formulation, implementation and on-going monitoring of the HPC Welsh Language Scheme.

2.4 The HPC will publish and distribute internal guidelines describing the measures necessary to implement the Scheme.

2.5 The HPC will consult with the Welsh Language Board in advance regarding proposals which will affect the Scheme.

2.6 The Scheme will not be altered without consultation with the Welsh Language Board.

### **Delivery of service**

2.7 The HPC is committed to the delivery of a bilingual service in accordance with the contents of the Scheme.

### **The standards of service in Welsh**

2.8 The HPC is committed to providing an equally high service in both Welsh and English languages and this will be stated on the HPC website and in key documents, for example, our annual report and financial statements.

### **Supporting measures**

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

### **3. Communicating with the Welsh speaking public**

3.1 The main duty of the Health Professions Council, as outlined in the Health Professions Order 2001, is to protect the health and well being of people using the services of registrants across the UK.

#### **Public access to the HPC**

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

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

3.4 In order to achieve this, the 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 employees are aware of the HPC's Welsh Language Scheme and how communication in Welsh will be handled and by whom; and
- publicise clearly the availability of services in Welsh.

3.5 The following section deals with specific examples of where the Scheme would be implemented.

#### **Written communication**

3.6 The 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 emails in Welsh will be answered with a signed reply in Welsh and within the same service levels as correspondence in English.

3.7 For correspondence received in English, HPC will automatically reply in English unless otherwise requested.

3.8 For written communications sent to more than one member of the public (eg public information campaign or invitation to an event taking place in Wales only) then this information will be provided in both English and Welsh. However, at this time we will not produce registration forms or renewal forms in Welsh.

#### **Telephone Communication**

3.9 If the call is recognised as coming from Wales the greeting will be in English as the HPC has no Welsh speaking employees at present. We will offer the caller the option of continuing the call in English or of putting the query to us in writing.

3.10 The HPC will publish guidelines on dealing with telephone calls, and ensure that all employees are aware of the protocol when calls are received from Welsh speakers.

3.11 The HPC will monitor the demand for provision to ensure that the option of being able to receive and deal with calls in Welsh from the outset will be considered.

### **Public meetings**

3.12 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. All public meetings in Wales 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 the separate section below.

3.13 We will provide guidance for the chair of the meeting on offering a choice of language.

3.14 Papers and agendas will be produced bilingually for public meetings held in Wales. The HPC will also use public facing exhibition stand materials and display materials in Welsh and English.

### **Translation**

3.15 The HPC already uses Welsh language translators to ensure a high quality of service to our Welsh speakers. The HPC gives a commitment to continue doing so.

### **HPC website**

3.16 We have published Welsh pages that explain the key functions of the HPC and how to complain on our website which are easily accessed from the front page. These are:

- What is the HPC?
- Information about the professions we regulate.
- How to make a complaint.

3.17 Press releases where specific to a Welsh audience will be made available via the website press room in Welsh.

## **4. The organisation's public face**

### **Corporate identity**

4.1 We have developed a Welsh corporate identity which we use in Wales. A Welsh translation of the Health Professions Council's name and address will appear on any responses and circulars sent to Wales.

### **Publications**

4.2 The HPC issues publications for a variety of purposes. The following will be available in both Welsh and English:

- Press releases (where these relate to specific issues in Wales)
- Who regulates health professionals? (leaflet about health regulation)
- How to make a complaint about a health professional

There may be other publications and information for the public which we publish in Welsh and English in the future.

4.3 Standards, guidance and other technical or specialised material aimed at professionals and not directly at the public will be in English. However, we will offer a translation into Welsh on request.

4.4 All new publications which need to be presented bilingually in Welsh and English will be presented in a single bilingual publication.

4.5 All HPC documents are available free of charge. However, if in the future there is a cost attached to a publication, the English and Welsh copies or the bilingual copies of the publication will be the same price.

### **Press notices**

4.6 The HPC will issue bilingual press releases and statements to the media in Wales where they relate to specific Welsh issues. Translations at press conferences in Wales will be provided for journalists.

4.7 There may be times when it is not possible to organise translation of an urgent press release before issuing it, where this occurs a translation will be arranged as soon as possible.

### **Public advertising**

4.8 The HPC will ensure a commitment to conduct public advertising and publicity campaigns in Wales bilingually, in a way that treats the two languages on a basis of equality. Specifically the HPC will ensure advertising specific to Wales is produced bilingually in the following media:

- Public transport advertising (where the public transport is exclusive to Wales)
- Billboard advertising (where the billboard site is in Wales)

- Magazine/newspaper advertising (where the publication is intended for a Welsh audience only or is a Welsh edition)

4.9 The HPC will ensure any public advertising produced for Wales conforms to the guidance produced by the Welsh language board.

4.10 Where a UK wide advertising campaign is being run the adverts will be produced in English.

### **Employee recruitment advertising**

4.11 When recruiting employees where fluent Welsh is an essential requirement recruitment adverts will be in Welsh only. Where the requirement is desirable, recruitment adverts appearing in the national press and in the Welsh press will be bilingual.

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## **5. Registrant and stakeholder access to the HPC**

### **Fitness to practise proceedings**

5.1 Our fitness to practise proceedings are a key part of our role in protecting the public. This section sets out the Health Professions Council's support for the principle 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**

5.2 Article 22(7) of the Health Professions Order 2011 (the 2011 Order) provides that fitness to practise hearings and related preliminary meetings must take place in the UK country in which the registrant is situated. Consequently, if a registrant's registered address is in Wales, then any hearing or preliminary meeting must take place in Wales. In addition, a hearing of a registration appeal must also take place in Wales if the appellant resides there.

5.3 Fitness to practise hearings are heard by a panel of three people which includes, registrant and lay members. When making decisions about the make up of panels it is important that one member of the panel is from the same profession as the registrant. Some of these professions are relatively small in size. It is therefore important that the HPC is given notice when registrants or complainants wish to conduct a hearing in Welsh so that the appropriate arrangements can be made.

5.4 This Scheme sets out the arrangements which HPC has established to ensure that the principle enshrined in the Welsh Language Act 1993 is honoured and proceedings in Welsh are conducted fairly and managed effectively.

5.5 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**

5.6 In order to ensure that the appropriate support is available for the conduct of proceedings in Welsh, the parties or those representing them will be encouraged to inform the Council as soon as possible of their wish to use the Welsh language.

5.7 When 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 will be encouraged to tell the HPC of that fact as soon as possible so that appropriate arrangements can be made for the management of the case.

5.8 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.

5.9 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**

5.10 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. This includes offering a choice of language to the parties or representatives.

5.11 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 HPC.

5.12 In any case where a party has already informed the HPC 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**

5.13 If an interpreter is needed to translate evidence from English to Welsh or from Welsh to English, the panel will appoint 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**

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

## **6. Implementing and monitoring the Scheme**

### **Employees and their responsibility**

6.1 Whilst ultimate responsibility for the provision of services in Welsh rests with the Chief Executive, the Policy Manager will oversee the day-to-day implementation of the Scheme.

6.2 The Policy Manager, supported by the Equality and Diversity working group, will ensure that those involved with recruitment and training are made aware of their obligations under the Welsh Language Scheme.

6.3 All managers have a responsibility to implement those aspects of the Scheme which are relevant to their departments.

6.4 To ensure the effectiveness of our Welsh Language Scheme, employees will be advised of the requirements of our Scheme and the implications it will have on day-to-day activities.

### **Vocational training in Welsh**

6.5 Any person interacting with the public and wishing to learn Welsh will be encouraged and supported to do so by the HPC in the context of their overall goals and objectives and those of the organisation.

### **Recruitment in Wales**

6.6 The HPC will identify if there are any posts where the ability to speak Welsh is essential and those where it is desirable, to identify the level of proficiency required. This will be reflected in job descriptions and person specifications accordingly.

6.7 Recruitment notices will appear bilingually in English language publications principally circulating in Wales and in Welsh in Welsh language publications. They will also appear bilingually on the HPC website recruitment section if Welsh language ability is a key ability required for the advertised position.

### **Third party contractors**

6.8 All third party contractors will be made aware of the HPC's Welsh language Scheme and any specific obligations. Where the work will involve communicating in Wales, any third party contract, will include reference to the HPC's Welsh Language Scheme, and specify the service in Welsh that is required. Particular attention will be drawn to the relevant parts of the Scheme they will be expected to implement.

6.9 Where a contract is tendered for provision of services exclusively to Wales, that document, contract and conditions will be produced in Welsh.

6.10 Performance against contract will be monitored against compliance.



## **Timescales and targets**

6.11 Timescales and targets for implementing our Scheme are identified in our action plan (Appendix A).

## **Monitoring the Scheme**

6.12 HPC will prepare internal progress reports regarding the implementation of the Scheme and submit them to the monitoring group (the HPC Council) every six months.

6.13 The HPC will receive an annual compliance report that will:

- measure whether the HPC is complying with the Scheme;
- measure if the Scheme is being appropriately managed;
- analyse its performance on a departmental and corporate basis, in order to ensure consistency;
- assess and consider key themes in scheme implementation; and
- recognise any fundamental weakness and set up an action plan which will include a timetable to deal with them.

6.14 A copy of this report will be sent to the Welsh Language Board on an annual basis. In the third year of the Scheme's implementation the HPC will prepare a comprehensive evaluation report that will assess and evaluate performance in implementing the scheme since its inception. This report will:

- provide an overview and thematic analysis of compliance and performance over the first three years of the Scheme( from two perspectives, service delivery and Scheme management); and
- outline priorities for the following three years, together with a revised timetable for implementing the measures in the Scheme.

6.15 After the priorities for the next three years have been identified and a revised timetable produced, the HPC will revise and update the Welsh Language Scheme.

6.15 A summary report will be posted on the HPC website.

## **7. Publication of the Scheme**

7.1 The HPC will publicise its Welsh Language Scheme to the public and other stakeholders by:

- posting on the HPC website;
- issuing a Press release (bilingual); and
- making all relevant stakeholder groups such as professional bodies, employers and patient associations aware of the Scheme.

### **Improving the Scheme**

7.2 The HPC welcomes improvements to the Scheme. All comments or suggestions should be addressed to the Policy and Standards Department (Welsh Language Scheme) and will be considered as part of the monitoring process.

7.3 All complaints regarding the implementation of the Scheme will be investigated and the action taken will be highlighted in the annual reports and financial statements published by Council. Complaints will be received in Welsh and in English and will be dealt with in the same timescale.

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## Appendix 1: Implementation plan

		Timeline	Lead
1	Consult on Welsh Language Scheme for 12 weeks.	Q1/Q2 2010	Policy Manager
2	Welsh Language Scheme approved by Welsh Language Board	Q2 2010	Policy Manager
3	Welsh Language Scheme approved by Council	Q3 2010	Policy Manager
4	Publish final Scheme on HPC website in the Welsh section	Q3 2010	Policy Manager and Web Manager
5	Deliver training to all employees on the Scheme	Q3 2010	Policy Manager
6	Ensure that organisational policies reflect our commitments under the Welsh Language Scheme	From Q3 2010 onwards	Policy Manager with Equality and Diversity working group
7	Include the Welsh Language Scheme in employees induction plans	Q4 2010 onwards	Policy Manager and HR Director
8	Work with the Welsh translation agency on standards for translating press releases	Q4 2010	Press and Public Relations Manager
9	Production of bilingual display and public information materials	Q4 2010 onwards	Communications Director to oversee
10	Issue Welsh press releases	Q1 2011	Press and Public Relations Manager
11	Assess and evaluate performance in delivering the Scheme. Provide annual updates	Q3 2011	Policy Manager with Equality and Diversity working group
12	Review and update the Scheme as part of a 3 year review	Q3 2013	Policy Manager with Equality and Diversity working group