



Subject:	Draft Policy on Linguistic Diversity
Date:	21 April 2017
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Lorraine Dennis, Equality & Diversity Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input checked="" type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of report or summary of main issues
1.1	To request approval of the draft <i>Policy on Linguistic Diversity</i> for public consultation, including staffing resource.
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • Approve the draft <i>Policy on Linguistic Diversity</i> (attached at Appendix 1) for consultation. • Consider the staffing resource element of the policy i.e.: (i) staff member dedicated to the promotion of the Irish Language (currently included in the draft <i>Policy on Linguistic Diversity</i>); or (ii) a staff member dedicated to the promotion of Linguistic Diversity (not currently included in the draft <i>Policy on Linguistic Diversity</i>). Or (iii) an

	<p>Irish Language Officer and a post covering wider language promotion (perhaps at a later date)</p> <ul style="list-style-type: none"> • Agree the outline consultation plan and next steps
3.0	Main report
3.1	<p><u>Background</u></p> <p>The original Language Policy was adopted by Council in 2006. The Joint Diversity Group (of Party Group Leaders and the Historic Centenaries Working Group) agreed that it should be up-dated and refreshed in line with legal advice on the Council's compliance with all relevant legal obligations.</p> <p>Denise Wheatley of Policy Arc consultants was commissioned in March 2013 to prepare a scoping paper, as she had experience of preparing the Equality Schemes for both <i>Foras na Gaeilge</i> and the Ulster-Scots Agency, she had also assisted Magherafelt District Council with the EQIA of their recent Irish Language Policy.</p> <p>The opinion of Richard Gordon QC of Brick Court Chambers in London was sought since he had extensive experience in advising on human rights issues and his advice, including references to both local and international law, was submitted to the Joint Diversity Group at its meeting on 21 May 2013 along with a draft language policy.</p> <p>Following discussion at the Joint Diversity Group, 18 October 2013, an enquiry was made to the Equality Commission for Northern Ireland (ECNI) regarding Newry & Mourne Council's Language Policy. ECNI responded:</p> <p>‘We have commented that Newry & Mourne has a clear policy in place to promote the Irish Language and the Commission has provided advice, when requested, in relation to the implementation of the policy. In general we consider the language rights issue to be more a human rights issue than an equality issue although there is an intersection with employment and good relations aspects’.</p> <p>ECNI also summarised their response to Committee of Experts on the European Charter for Regional and Minority Languages:</p> <p>‘Our response had made the point that the notion that providing equality or protection for one group limits their availability for another is both unfounded in itself and acts to the detriment of all who seek to live in a society that is fair and equitable and should be</p>

	<p>avoided in the drafting of public policy.’</p> <p>At that time no agreement was reached and the demands of Local Government Reform prioritised work streams in that area, consequently the 2006 Language Policy remained in place. In late 2016 a decision was made to revisit the 2006 Language Policy and following refreshed engagement with key stakeholders the draft <i>Policy on Linguistic Diversity</i> is presented.</p>
3.2	<p>In developing the draft <i>Policy on Linguistic Diversity</i> the Council was mindful of various legal positions including Counsel’s opinion and International and domestic legal obligations and standards. The development was also informed by demands for minority languages and feedback from consultation.</p> <p>Developments in linguistic diversity in central government laid out principles reflected in our draft policies, particularly in relation to:</p> <ul style="list-style-type: none"> • The <i>Strategy to Enhance and Protect the Development of the Irish Language</i> over the period 2015-2035 • The <i>Strategy to Enhance and Develop the Ulster-Scots Language</i> over the period 2015-2035 <p>In 2016 the Department of Culture, Arts and Leisure opened a public consultation on a <i>Sign Language Framework</i>, with the ECNI response providing important insight to the particular challenges the Framework was designed to address, including:</p> <ul style="list-style-type: none"> • A report into educational inequalities in Northern Ireland reported that whilst statistics show that attainment for disabled children generally is rising, deaf children’s attainment is actually falling. • Lack of provision could be met through the establishment of Deaf Cultural and Linguistic Centres in Belfast and Derry • The lives of deaf people could be improved by addressing aspects of direct and indirect discrimination <p>Following on from recommendations made in the scoping report on the revision of the 2006 Language Policy the draft <i>Policy on Linguistic Diversity</i> is a comprehensive strategic approach which will explore the connections between all different languages written and spoken in Belfast, whilst being mindful of our legal obligations with respect to Irish and Ulster-</p>

	<p>Scots. The key recommendation was to develop a framework, with three correlated policies:</p> <ul style="list-style-type: none"> • Irish Language Policy • Ulster-Scots Language Policy • Other Languages Policy <p>This approach is in line with the ECNI response to the Consultation by the Department of Culture, Arts and Leisure on <i>Proposals for an Irish Language Bill</i>, May 2015:</p> <p>‘An important aspect of language policy is the interrelationship between individuals or groups that speak different languages. Any duty placed on public authorities should ensure that the development of provisions to protect and promote the language is viewed within the context of the duty to have due regard to the need to promote equality of opportunity and to have regard to the desirability of promoting good relations within the provision of public services. Public authorities should consider aspects of mutual understanding, co-operation, communication and partnership between different ‘language communities’, including engagement with relevant communities to seek to explore and take reasonable account of concerns or perceptions about the promotion of minority languages.’ (Para 11)</p>
3.3	<p><u>Key Issues</u></p> <p>a. Framework</p> <p>The draft <i>Policy on Linguistic Diversity</i> presented at Appendix 1 includes the <i>proposed Language Framework</i> and drafts of the three policies within it:</p> <ul style="list-style-type: none"> • Irish Language Policy • Ulster-Scots Language Policy • Other Languages Policy <p>b. Staff</p> <p>Members are asked to consider the issue of a dedicated staff member. In line with our obligations to promote the Irish Language under Part III, Article 10 of the Charter for Regional and Minority Languages there is a dedicated staff resource in the draft <i>Irish Language Policy</i> (p.17 draft <i>Policy on Linguistic Diversity</i>). Under ‘Council staff, it states: ‘pending the outcome of the review by <i>Foras na Gaeilge</i>, appointment of an Irish Language Officer to promote Irish within the Council and in the Council area, with responsibility for the development of an action plan to ensure the promotion of Irish language can be effectively provided by Council,</p>

including awareness raising and language training'. The Irish Language Officer would develop two work streams, internal and external. Internally focused work would be aimed at training staff in Irish and supporting staff in translations and providing services in Irish. The external work stream would provide support for Irish language groups in the city with training and support.

During the party briefings however there were a number of options discussed as follows:

- Staff Member dedicated to the promotion of the Irish Language Policy (as currently included in the draft Policy on Linguistic Diversity and identified as a specifically required role by Irish Language groups)

OR

- Staff Member dedicated to the promotion of Linguistic Diversity (not currently included in the draft Policy on Linguistic Diversity)
- A combination of both of the above (i.e. 2 posts)

Based on the outline details provided below it is likely the post as presented in the draft policy (one Irish Language Officer) would be approved between PO1 and PO4 (salary of £29,323 and £39,177 from April 2017). A full assessment of the post would have to be undertaken and full economic cost to include employers NI contributions and pension included. Further details on the options are presented below:

Foras na Gaeilge opened consultation on 'The Irish Language Officers Scheme in Local Government in the North' in early March 2017. In reviewing the successes of previous schemes which supported officers, the consultation document notes: 'under the scheme recognition is given to the language throughout the councils by providing comprehensive information and services in Irish, and through a range of work which would not be done if it were not for the Irish language officers in the local councils'. The consultation document outlines four options, summarised below:

- a. Do nothing – and to have no funding scheme again aimed at councils in the north.
- b. Offer 50% of the employment costs for appointing Irish language officers for 3 years. Match funding could be offered to 3 successful councils under this choice.
- c. Provide support for councils to prepare an 'Irish language development strategy'

	<p>through expert consultation. All councils could be funded under this choice.</p> <p>d A special fund aimed at councils in the north to provide relevant activities which would support Irish speaking and learning communities within their administrative areas. Applications from all councils could be catered for under this choice.</p>
3.4	<p>c. Consultation</p> <p>Both the documents are presented in draft as a period of public consultation is required before they are finalised. The body of statute and case law relating to consultation is increasing with regard to the need to consult the public before final decisions are made.</p> <p>When Council have approved the draft <i>Policy on Linguistic Diversity</i>, and/or recommended any changes, the documents will be opened for a period of public consultation running from 26 May until 18 July 2017. The recent debates on the appropriate period of consultation are fully acknowledged and the extent of consultation already undertaken provides rationale for the eight week period recommended.</p> <p>An outline plan of the consultation follows:</p> <ul style="list-style-type: none"> • Two public meetings on the draft <i>Policy on Linguistic Diversity</i> • Four targeted focus groups on each of the individual strands (i) Irish Language Policy; (ii) Ulster-Scots Language Policy; (iii) Two separate events for the Other Languages Policy a. New-comer communities; b. Deaf and partial hearing loss community. • Questionnaire on Citizen Space • Internal engagement with HR, staff and Trade Unions <p>The consultation document will reference how any changes in compliance related to the Irish Language Act may impact on planned implementation and the scope of the draft policy.</p> <p>The following resources are required to support the consultation:</p> <ul style="list-style-type: none"> • Budget for catering / alternative formats/signers/translators at four meeting = £250 x 6 = £1500 • Staff resources: Support required re: Citizen Space questionnaire design and analysis, communications and engagement of consultation, development of action

	<p>plan (internal).</p> <ul style="list-style-type: none"> External consultant for co-facilitation: 5 days @ £450 per day = £2250 <p>TOTAL = £3750</p>														
3.5	<p><u>Timeline for next steps</u></p> <p>It is planned to issue the draft <i>Policy on Linguistic Diversity</i> for an 8-week public consultation from May 2017. The table below outlines the next steps:</p> <table border="1"> <tr> <td>23 May – 18 July 17</td> <td>8 week public consultation - events and questionnaire open</td> </tr> <tr> <td>10 August 17</td> <td>Budget panel: draft SP&R report</td> </tr> <tr> <td>11 August 17</td> <td>Final reports issued for SP&R</td> </tr> <tr> <td>18 August 17</td> <td>SP&R debate report</td> </tr> <tr> <td>4 Sep 17</td> <td>Council ratify SP& R decision</td> </tr> <tr> <td>Sep 17 – Aug 18</td> <td>Delivery of Year One Action Plan</td> </tr> <tr> <td>August 18</td> <td>Monitoring Report on Delivery of Year One Action Plan. Costed year 2 Action Plan to SP&R.</td> </tr> </table>	23 May – 18 July 17	8 week public consultation - events and questionnaire open	10 August 17	Budget panel: draft SP&R report	11 August 17	Final reports issued for SP&R	18 August 17	SP&R debate report	4 Sep 17	Council ratify SP& R decision	Sep 17 – Aug 18	Delivery of Year One Action Plan	August 18	Monitoring Report on Delivery of Year One Action Plan. Costed year 2 Action Plan to SP&R.
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3.6	<p><u>Financial & Resource Implications</u></p> <p>The following resources are required to support the consultation:</p> <ul style="list-style-type: none"> Budget for catering / alternative formats/signers/translators at six meetings/focus groups = £250 x 6 = £1500 Staff resources: Support required re: Citizen Space questionnaire design and analysis, communications and engagement of consultation, development of action plan (internal). External consultant for co-facilitation: 5 days @ £450 per day = £2250 <p>TOTAL = £3750</p> <p>Following the period of public consultation final documents and a costed one year action plan will be presented. Dependent on the scope of the action plan the financial resource implications may be significant.</p>														
3.7	<p><u>Equality or Good Relations Implications</u></p> <p>A draft comprehensive screening of the policy has been undertaken and will form part of the</p>														

	public consultation. This screening report is in draft form which will enable us to engage more fully with key stakeholders, internal and external, during that process.
4.0	Appendices – Documents Attached
	Appendix 1 – Draft <i>Policy on Linguistic Diversity</i>