



The Education Tribunal for Wales Welsh Language Standards Annual Report 2022 – 2023

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Foreword

The Special Educational Needs Tribunal for Wales (SENTW) changed its name to the Education Tribunal for Wales (“the Tribunal”) in September 2021. Over the next 3 years, the statutory legal framework which sets-out the education to be provided to children and young people with learning difficulties or disabilities will change. However, for the purposes of the Welsh Language Standards the Tribunal will follow the same standards as set for SENTW.

This is the Tribunal’s seventh annual report on its compliance with the Welsh Language Standards since the standards came into force on 30 March 2017. The focus of this report is the period from 1 April 2022 to 31 March 2023.

The Tribunal has two parts, the secretariat and Judicial Office Holders. Both work together, during the appeal and claim process doing different tasks. Judicial Office Holders consist of:

- the Tribunal President i.e. the judicial lead;
- Tribunal Judges; and
- Specialist Members, with experience of children and young people with Additional Learning Needs (ALN) and/or disabilities.

Judicial Office Holders are independent from Welsh Government. This means that their decisions cannot be influenced by anyone in Government or employed by the Government. The tribunal has 4 Judicial Office Holders (2 judges, 2 Specialist Members) with strong Welsh language skills and is able to convene a full panel (i.e. a Judge and Specialist Members) that can hear and conduct a full hearing through the medium of Welsh.

The secretariat deal with all telephone and written enquiries. They are civil servants employed by Welsh Government and form part of the Welsh Tribunals Unit, who are responsible for administering six devolved tribunals across Wales. The secretariat provides an administrative support role and cannot influence the decision made by the tribunal panel. The secretariat team has no members who are fluent in Welsh, but they can have assistance from other secretariats within the wider Welsh Tribunals Unit, when necessary. The Senior Operations Manager and the Head of Welsh Tribunals are fluent Welsh speakers

Publication date: 29/09/2023

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Section 1 – Compliance Oversight Arrangements

This Annual Report has been drafted by the Welsh Tribunals Unit and has been approved by the President of the Education Tribunal for Wales.

This annual report appears on the Tribunal's website and the Welsh Language Commissioner has been notified of its publication.

Section 2 – Status of the Compliance Notice for an organisation which has changed its name

On the 31 March 2022, the Tribunal's President received a letter from the Deputy Welsh Language Commissioner confirming the status of the compliance notice for the Education Tribunal for Wales (the Tribunal), following a change in name from the Special Educational Needs Tribunal (SENTW).

The letter stated that as there has only been a change of name in this case, and as the functions of the Tribunal remain very similar to the previous tribunal, no further action is required. The compliance notice issued for SENTW remains in operation for the Tribunal. Considering an organisation which changes its name after receiving its compliance notice under section 44 of the Welsh Language (Wales) Measure 2011 (Measure), a change of name of a person specified in Schedule 6 or Schedule 8 does not affect the implementation of the Measure in relation to that person.

Section 3 – Compliance Assessment

Service Delivery Standards

The tribunal ensures compliance with the service delivery standards by:

- The production of a new bilingual brand to accompany the new tribunal name.
- Providing staff with guidelines on responding to correspondence, telephone answering and e-mail messages.
- Letter templates offering Tribunal users an opportunity to receive correspondence in Welsh. Letters and emails from the Tribunal also include a standard sentence stating that correspondence is welcomed in Welsh, and that corresponding in Welsh will not lead to a delay.
- All documents produced for the public are available in Welsh and English, including application forms and guidance documents. English versions of documents and forms produced by the Tribunal also include a standard sentence stating that they are available in Welsh, and that the public can submit information to the Tribunal in Welsh.
- Making sure there is an awareness that provision is in place to enable Welsh language hearings to be held and that an attendee can use Welsh in a hearing.
- Every page of our website is available in Welsh and English.

- The Welsh Government rolled out a new telephone system through Microsoft Teams in April 2021. The Tribunal uses this new system to ensure that it complies with standards 8 and 9 by ensuring that Tribunal users will have the option of pressing 1 to speak with a member of the team in Welsh and pressing 2 to speak with a member of the team in English.

Use of our Services:

The tribunal received 92 applications in 2022 – 2023 and 60 hearings were held. Of these applications, 0 was requested to be processed in Welsh. 4 hearings were held with Welsh translators.

Websites

Below is a breakdown of how many visits were made to the Tribunal home page of the internet, in both Welsh and English.

	English	Welsh	Total
Page views	5,136	215	5,351

Policy Making Standards

The Tribunal exercises its statutory functions as set out by its governing legislation. The Tribunal does not have a remit to develop policy. However, we consider the impact of our operational decisions on the delivery of our services in Welsh.

Record Keeping Standards

The Tribunal's Compliance Notice (that details the Service Delivery, Policy Making and Record Keeping Standards that the Tribunal must comply with) has been published on the Tribunal's website: www.educationtribunal.gov.wales/sites/educationtribunal/files/2021-08/sentw-wls-compliance-notice.pdf. We keep a record of the number of complaints we receive, if any, relating to our compliance with the Standards.

Complaints

The Tribunal received no complaints about the implementation of the Standards during the reporting period.

Section 4 – Reporting on work undertaken in 2022 – 2023

The table below reports progress on the Forthcoming Work included within the 2021 – 2022 Annual Report.

	Action	Progress
1.	Develop an action plan for promoting and encouraging the public to use the medium of Welsh when interacting with the Tribunal.	Objective completed: Actions have been developed that will feed into the Welsh Tribunal Unit's Divisional Plan for 2023 – 2024.
2.	The Tribunal will be conducting a skills audit of the Tribunal Legal and Lay members. This is to review our records for those able to conduct a Welsh language Tribunal hearing through the medium of Welsh.	Objective completed: Results of the audit can be seen in the foreword section of this report where it details the number of members who can conduct a hearing without the need for an interpreter. Two members were not able answer the audit at this time.
3.	Work will also be carried out to design a system of self-regulation regarding compliance to the Welsh language standards for the Tribunal.	System designed: Two tick box questionnaires have been devised, one for clerks and one for the business manager. They act as an aide-memoir and to check knowledge of the Welsh Language standards. To be implemented 2023 – 2024.
4.	A guidance document will also be produced, providing the Tribunal with instructions on how to access both written and simultaneous translation, and on facilitating bilingual meetings through video conferencing platforms.	System designed: The guidance for the system is not complete as a new translation framework is being procured. Once the new framework is in place the guidance will be completed. To be implemented 2023 – 2024.
5.	The Education Tribunal for Wales (ETW) and Special Educational Needs Tribunal for Wales (SENTW) websites will be reviewed and opportunities to access Tribunal services through the medium of Welsh will be highlighted.	Objective ongoing: The orange Welsh Language/Cymraeg logo has been placed on the home page of the ETW website. We are currently collaborating with the Web team to explore further ways to facilitate easy access to Welsh Language services online.
6.	Bilingual videos will be produced outlining the Tribunal's work and process, explaining the transition from SENTW to ETW and outlining the way the Tribunals remit has been extended. These videos will encourage the public to access Tribunal services through the medium of Welsh.	Objective ongoing: We have completed the filming and are finalising the subtitles for the respective Welsh and English videos. The intention will be to upload the videos to the Welsh and English areas of the ETW website July 2023.

Section 5 – Forthcoming Work 2023 – 2024

1. Engage with service users to identify barriers to interacting with the Tribunals through the medium of the Welsh language.
2. Identify improvements that can be made and implemented within 2023 – 2024 to promote the use of the Welsh language in our tribunals.
3. Deliver training to all tribunal members and WTU staff to raise awareness of the use of the Welsh language in its hearings and wider communication and the tribunals obligations within the Welsh Language Standards.