



Education Tribunal for Wales Welsh Language Standards Annual Report 2023 – 2024

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Foreword

This is the Education Tribunal for Wales's eighth 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 2023 to 31 March 2024.

The Special Educational Needs Tribunal for Wales (SENTW) changed its name to the Education Tribunal for Wales in September 2021. However, for the purposes of the Welsh Language Standards the Tribunal will follow the same standards as set for SENTW.

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 7 Judicial Office Holders (4 judges, 3 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 administrating 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.

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Contact details for enquiries: Tribunal.Enquiries@gov.wales

Compliance Oversight Arrangements

This Annual Report has been prepared 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.

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.

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.

- From March 2024, a new language preference question has been included within forms with a second non-mandatory question asking “If you can speak Welsh and have indicated English as your language of choice, we would welcome feedback to identify the barriers to using the Welsh language in Tribunals”.
- 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 2023-24:

Total Applications Received	108
Applications Processed in Welsh	0
Total Hearings Held	101
Hearings Held in Welsh	2

Note: The 2 noted as Welsh Hearings were heard bilingually, with Welsh speaking panel members and Welsh translation provided to ensure all participants understood the proceedings. However, the cases themselves were processed in English.

Websites

Due to system changes we are not able to ascertain the number of visits to the Tribunal website for the first quarter of 2023-24. Therefore, the figures noted only cover Q2-4, from 1 July 2023 – 31 March 2024.

Below is a breakdown of how many visits were made to the Welsh and English pages of the ETW Tribunal Website between 1 July 2023 and 31 March 2024.

	English	Welsh	Total
ETW Website Page views	7,409	240	7,649
SENTW Website Page views	1,293	41	1,334

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 1 complaint about the ETW's Welsh Language service during the reporting period. It related to technical issues with the translation service provided during a virtual Tribunal hearing, rather than there being no Welsh language service provided by the Tribunal.

Reporting on work undertaken in 2023-24

	Action	Progress
1.	Work will be carried out to design a system of self-regulation regarding compliance to the Welsh language standards for the Tribunal.	Objective completed: Two tick box questionnaires were 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. Implemented 2023.
2.	A guidance document to 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.	Objective completed: Guidance document completed, and a new translation framework is in place. Implemented 2024.
3.	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 on-going: 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.
4.	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 completed: The videos have been completed and were uploaded to the Welsh and English areas of the ETW website July 2023.

	Action	Progress
5.	Engage with service users to identify barriers to interacting with the Tribunals through the medium of the Welsh language.	Objective on-going: Process has been designed to capture information from users (see bullet point 5 under service delivery standards). Data being collected from March 2024 will be analysed once sufficient information has been received from service users.
6.	Identify improvements that can be made and implemented within 2023-24 to promote the use of the Welsh language in our tribunals.	Objective on-going: (see above) We have also identified improvements that can be made to the Website, which will enable promotion of the Welsh language. Currently working with our IT department to implement.
7.	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.	Objective completed: Welsh language standards and awareness training provided to tribunal members during annual conference in November 2023. Training was provided to WTU administrative staff during the Team Training Day in September 2023.

Forthcoming work 2024-25

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 in 2024-25 to promote the use of the Welsh language in our tribunal proceedings.
3. Assess Tribunal Compliance with the Welsh Language Standards against baseline established in 2023-24.
4. Prepare a Refresher Document to be circulated to all Tribunal Members outlining the requirements of the Welsh Language Standards.