

Welsh Language Division
Education and Public Services
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

14 October 2016

Dear Sir,

Welsh Language Standards Consultation – Adding health professional regulators to bodies subject to Standards (No.4) Regulations

The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in Great Britain. Our role is to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmaceutical services in Wales, England and Scotland. We have a staff of approximately 250, three of whom are home workers that work in Wales.

We thought it would be helpful to provide the following information which gives context to our work in Wales:

- Of the 14,424 pharmacies we regulate, 749 pharmacies are in Wales
- Of the 52,575 pharmacists on our register, 2,486 pharmacists have their registered address in Wales¹.
- Of the 23,392 pharmacy technicians on our register, 1,620 pharmacy technicians have their registered address in Wales².
- Our office is in London and as a consequence the vast majority of our service functions are delivered by staff that are not based in Wales. This has clear implications for the requirement of the use of translation services and the costs associated with this.
- As we have regulatory responsibility across Great Britain, we employ a single model of regulation across Wales, England and Scotland. Our devolution policy is clear, however, about our commitment to taking account of the different health delivery structures in each of the countries we regulate.
- Our funding comes principally from annual renewal fees (ARF) of our registrants approximately 5% of whom have their registered address in Wales.

¹ These figures relate to the registrants address rather than where they work.

² As above.

We welcome the opportunity to respond to the Welsh Government Consultation on the application of Welsh Language Standards (No.4) to the General Pharmaceutical Council and other health professional regulators. We have had a Welsh Language Scheme since our establishment in 2010 and would like to reaffirm our commitment to improving the Welsh medium services we provide to Welsh speaking patients and members of the public in Wales. We look forward to building on this foundation when implementing any Welsh Language Standards in the future.

We recognise the challenge in designing the standards in a way which is appropriate for the diversity of organisations to which they will apply. In our case, as a statutory regulatory remit across Great Britain our conclusion is that a number of the “No.4” standards are broad and should not apply to an organisation such as ours. In a number of the cases it would not be possible to meet the standards if a compliance notice was issued.

There are a number of standards where we think to apply them to the General Pharmaceutical Council would be inappropriate and both unreasonable and disproportionate for us to meet. To try and explain both how we operate and why we think this is the case, we have set this out in further detail in Annex A attached. We have provided some initial estimates of costings, but will provide a more detailed Regulatory Impact Assessment before the end of November.

We take seriously the commitment that when engaging with the public in Wales they should have an equal opportunity to do so in the Welsh and English languages. We do ask, however, that the above information is taken into account when setting out in the regulations which Standards should be reasonably and proportionately applied to our organisation. The GPhC is committed to treating the Welsh and English languages on the basis of equality when engaging with the public in Wales.

We would welcome further clarification about the meaning of the phrase “in relation to Wales” as set out in the commencement section of the regulations. In some cases the standards are not clear about the audience or jurisdiction to which they apply and clarity on this point would enable us to more effectively plan for implementation.

We would like to thank you for your engagement so far particularly the help and advice from Alan Jones in the Welsh Language Division. We look forward to continuing to work together so that we can best improve our provision of Welsh language services for the public without a disproportionate impact on our regulatory functions which some of the standards could have if applied.

If you have any questions about this letter please do not hesitate to contact me.

Yours sincerely

Darren Hughes
Director for Wales

Annex A – GPhC Analysis of Welsh Language Standards (No.4) Regulations

Please find herewith our response to the consultation and a summary of the impact and effect on the GPhC of each group of standards in the Welsh Language Standards (No.4) Regulations being applied. We did not respond to the consultation questions as they apply to the (No.6) regulations which it is proposed will not apply to the health professional regulatory bodies.

Service Delivery Standards

Correspondence (Standards 1 – 7)

Our Welsh language scheme sets out how we correspond with members of the public through the medium of Welsh. We already meet standard 1, if we receive correspondence from members of the public in Welsh we would respond in Welsh. We do not correspond with registrants or registered pharmacies in Wales through the medium of Welsh and would consider this to be disproportionate. Our communications with the public are general in nature and rarely targeted at named individuals. Communications with registrants and individuals within registered pharmacies in Wales is often related to inspections or concerns raised with us. Our relationship management system has the ability to record language preferences however we do not have the specialist expertise to conduct inspections or investigations through the medium of Welsh but we would enable members of the public to engage with us using translators and interpreters.

Concerning the issue of circulars and other pieces of correspondence to be issued in both languages at the same time, would be appropriate for our communication with patients and the public in Wales. However, it would be disproportionate given the scale and volume of communication with our registrants and registered pharmacies.

Standard 5, requiring all correspondence to be issued in English and Welsh without prior indication of language preference, would be extremely difficult to comply with and in most cases disproportionate. Correspondence issued by the GPhC can be detailed, complex, legal and tailored to the individual.

Telephone calls (Applicable Standards 11,12,15,22)

We have a single GB wide contact centre that provides an English language service. It is based in London alongside our operational units with which it integrates. If a call was received where a member of the public wants to speak to us through the medium of Welsh we would facilitate this by use of simultaneous translation service "Language line". We are unable to identify from where a caller is calling. We do not have a record of any Welsh language requests to our contact centre for 2014, 2015 or so far in 2016.

We do not agree that it would be reasonable or proportionate to provide a directly equivalent service as per Standards 11 & 12 for a number of reasons, but particularly taking into account the absence of any demand to date and the costs and difficulty in a Welsh speaking member of staff to our London office for a contact centre role. Priority would be given to providing the highest level of service however the same targets for timeliness could not be met due to the involvement of a third party translator.

As previously noted, our office is located outside of Wales. It would not, in our views, be reasonable or proportionate for standards 16-21 concerning telephone calls to this office to be dealt with

through the medium of Welsh. Similarly, staff in operational teams may be responsible for making telephone calls to individuals, often concerning detailed and complex cases; it is therefore unreasonable for staff to conduct these calls through the medium of Welsh as per Standard 21 although they could use an interpreter if required.

We only have a partially automated telephone service as per standards 22. As soon as the automatic portion of the call is completed the caller would be transferred to an English speaking colleague who could if required facilitate a call through the medium of Welsh with an interpreter. An active offer could be made at the start of the automatic portion of the call to raise awareness of the fact that calls can be conducted with Welsh language interpreter.

Meetings not open to the general public (Applicable Standards 24-25D)

For meetings held in Wales, or with individual Welsh speaking patients or registrants, we can provide translation services for those who request it (we currently offer this for meetings in Wales with members of the public. We would be able to increase the prominence of text welcoming meetings in Welsh on invites or publicity material (Standards 24-24B).

Standards 23 and 25CH, that require meetings to be conducted in Welsh without the aid of translation services, would be impossible to meet. The GPhC is a GB wide organisation, with only three staff based in Wales. We regularly host meetings with individuals/small groups that aren't open to the public. Many of these meetings are complex and tailored to the individual. Many involve legal and technical terminology and are hosted by experts and specialists in the required area – this is particularly relevant to our meetings with patients when dealing with individual complaints about a registrant or pharmacy. It would be unreasonable and disproportionate to expect that all meetings be conducted in Welsh without the assistance of a translator.

Standard 25c, with regard to meetings with more than one invited person, we believe that 30% of attendees wishing to speak Welsh is a reasonable minimum requirement for translation services to be available.

Meetings open to the general public (Standards 26-30)

For public meetings held in Wales, we could comply with Standards 26, 27, 28 and 30 and would be able to continue to do so.

Standard 29 requires translation services to be available at all public events. We do not believe this is reasonable and proportionate, and would welcome a percentage approach similar to Standard 25c.

Public events organised or funded by a body (Standards 31-32)

For public events held in Wales, we would promote events in Welsh and English and treat the languages on the basis of equality and thus comply with Standard 31.

With regard to Standard 32, for public events held in Wales, we would be able to treat Welsh no less favourably than English in relation to publicity and signage. However, for audio announcements and presentation translation this may prove unreasonable and disproportionate depending on attendees' willingness to notify us of translation needs in advance.

Publicity and advertising (Standard 33)

We currently produce all advertising material in use in Wales bilingually and thus comply with Standard 33.

Displaying material in public (Standards 34 – 35)

For public exhibitions/events which we hold or attend in Wales, we currently: display public/exhibition material in Welsh and ensure that the Welsh version is no less prominent or accessible than the English version, and treated no less favourably than the English version. We are therefore compliant with Standards 35 and 36.

Producing and publishing documents (Applicable Standards 37 – 45)

We currently, for patients and the public in Wales:

- Translate into Welsh any publication/document/brochure leaflet or pamphlet that may be useful or helpful, with particular regard to services and complaints.
- Translate into Welsh guidance, professional standards and consultation papers.
- Translate into Welsh notices relating to the outcome of Fitness to Practise Hearings of registrants who live or work in Wales (Standard 42).
- Treat English and Welsh on the basis of equality and state clearly that there is a Welsh language version available (Standard 44 and 45).

In relation to Standard 37, as at present we would produce agendas and papers for meetings open to the public in Welsh upon request. This is particularly relevant as a GB organisation where the vast majority of meetings are not held in Wales. To produce council papers bilingually would be unreasonable and disproportionate as well as costly. They could however be made available in Welsh on request if any of the matters therein related to Wales specifically.

We do not consider Standard 38 proportionate given that the vast majority of our registrants are based outside of Wales. This would be an extension of our processes and require systems development to produce specific certificates for registrants who are located in Wales.

As noted above, we translate into Welsh fitness to practise notices concerning registrants located in Wales. We do not consider Standard 42 reasonable and proportionate as the majority of our communication to the press is to GB-wide media organisations and thus automatic translation into Welsh would not be of benefit to the public. We would be happy to consider translation of statements relating to requests from Welsh media organisations or for stories relating specifically to Wales.

We do not consider Standard 43 reasonable and proportionate. For example, we produce complex, highly technical documents in relation to our education function and would not consider that the anticipated audience, such as pharmacy educators and professional bodies, would expect to receive these in Welsh. Nevertheless we would continue our present approach of translating this type of documents if any request was received.

Producing and publishing forms (Applicable Standards 46-46B)

We currently comply with standard 46 in relation to forms for members of the public and would be able to continue to do so in relation to forms for patients and the public. To produce Welsh versions

of technical forms for registrants and reports to organisations whose premises we regulate would be unreasonable to produce as a matter of course but we could do this on request.

Legal proceedings (Standards 48 – 51)

We do not believe that Standard 51 is reasonable and proportionate. To ensure the consistency and accuracy of Welsh language correspondence we use a professional translator. This is a particular concern given the highly technical nature of our fitness to practise investigation.

Websites and online services (Applicable Standards 5-56, 59)

In relation to our website, we currently:

Have a 'Cymraeg' link on our website homepage that links directly to Welsh language content, including our guidance & online complaints form

We are undertaking a comprehensive review of the website as part of our service transformation work, including improving navigation for members of the public who are Welsh language users.

We do not consider Standards 52-57 reasonable and proportionate. They suggest the need for translation of the entire website and for the publication of all content and updates bilingually in future. Initial estimates are that it will cost in the region of £300,000 to translate the website with very significant ongoing costs to ensure all updates and amendments are made bilingually.

A large proportion of our website is not relevant to patients and the public, or specific to our services in Wales.

Apps published by a body (No applicable standards)

A body's use of social media (Applicable standard 59)

We could not meet standard 58 as all staff who update and use social media are London based with no knowledge of Welsh. As with any correspondence received through the medium of Welsh, we would reply in Welsh if an answer is necessary and thus comply with Standard 59.

Self Service Machines (N/A)

We do not operate any self-services machines at any of our premises.

Signs displayed by a body (N/A)

A body receiving visitors at its buildings (N/A)

Notices made by a body (Standards 69-70)

Public notices regarding issues relevant to the fitness to practise of particular registrants in Wales are translated into Welsh. It would be unreasonable and disproportionate to do this for notices applying to registrants or premises outside Wales.

Standard 70 requires the Welsh text to appear first and we do not consider this reasonable and proportionate to inconvenience the majority of readers by dictating that Welsh should appear first in this instance.

A body awarding contracts (Standards 71 – 75)

Application of these standards to the GPhC would be unreasonable and disproportionate. GPhC procurement is carried out at our London office and, where the threshold is met, advertised across Europe. As our procurement team is not based in Wales, any tenders submitted in Welsh would be subject to translation. Due the legally binding and technical elements of the document there could be far reaching operational and financial consequences to a misinterpretation. We do not consider Standards 71-75 as reasonable and proportionate.

Raising awareness of Welsh language services (Standards 76-77)

We currently aim to comply with standards 76-77 for raising awareness of our Welsh language service.

A body's corporate identity (Standard 78)

When promoting the corporate identity of the GPhC in Wales, we treat English and Welsh on the basis of equality. Our logo and strapline is available in both languages, corporate letterheads and promotional material has been updated to reflect this.

Courses offered by a body Standards 79 – 81)

We do not offer any education courses therefore Standards 79-81 are not applicable to the GPhC.

Public address systems used by a body (N/A)

Policy Making Standards

Effects of a body's policy decisions on the Welsh language (Standards 83 – 91)

All new policies and publications are subject to our equality impact assessment toolkit prior to release, including the effects on users of the Welsh language. All policies are subject to the same process prior to implementation

We do not consider Standards 86-88 necessarily reasonable and appropriate as almost all consultations relate to GB wide policy issues, taking into account the needs of the public across this area as well as the Welsh speaking public in Wales.

We would be able to expand this question to include Welsh language considerations where appropriate.

Operational Standards

We note that the majority of Operational Standards (92 – 125, 129 – 130a & 132 – 139) are not applicable to us due to the fact that we do not have an office in Wales and if they were applied we would consider it unreasonable and disproportionate.

We remain committed to the principles of the Welsh Language Act, as operationalised through our Welsh Language Scheme. Only three of our 215 staff are based in Wales

Use of the Welsh Language within a body's internal administration N/A

Developing Welsh Language Skills of our workforce (Applicable Standards 126 – 128)

We advertise that Welsh language skills are desirable for some posts in Wales. We are currently compliant with Standard 126-127, given that we incorporate Welsh Language awareness as part of our corporate induction and have provided additional bespoke language awareness training for staff in our communications team. We can also comply with Standards 128.

Recruiting and appointing (Applicable Standards 131-131A)

We have advertised that Welsh language skills are desirable for certain posts in Wales (Standard 131-131A) and would continue to assess this in future. We also advertise bilingually in Wales when recruiting council members & staff.

It would be unreasonable and disproportionate for standards 132 – 139 to be applied to the GPhC

Record Keeping (Applicable Standards 140-143,147-148)

We consider it reasonable and proportionate to be exempt from standards 144-146
We consider that we would be able to comply with record keeping standards 140-143 & 147-148 in addition to the supplementary standards 149-168.

Supplementary Matters

The GPhC should be exempt from the supplementary matters standards 161 – 166 as the operational standards should not apply to us and therefore we should not expect to report on it.