

Appendix C

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ENGLISH LANGUAGE REQUIREMENT FOR PUBLIC SECTOR WORKERS

Guidance for managers and schools

This guidance covers:

- Background to the requirements.
- Defining customer facing roles.
- English language fluency standard.
- Assessment of fluency.
- Job accountabilities/person specification
- Current staff.
- Other workers.
- Complaints.

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1. Introduction

- 1.1 The government's manifesto included a statement that they would 'legislate to ensure that every public sector worker operating in a customer facing role speaks fluent English.' Part 7 of the Immigration Act 2016 creates a duty to ensure that all public sector workers in a 'customer facing' role can speak fluent English to an appropriate standard.
- 1.2 A statutory Code of Practice has been published and can be viewed [here](#). This document sets out the approach the council has taken to implement the requirements that take effect from October 2016.

2. Defining customer facing roles

- 2.1 The code covers all staff working in customer facing roles including fixed term, apprentices, agency workers and self employed contractors. Customer facing roles are defined as those for whom speaking to members of the public is a 'regular and intrinsic' part of the role. Services and schools are required to identify the roles they consider fall into this category.
- 2.2 When considering which roles should be defined as customer facing, consideration should be given to the following aspects of the role:
 - is there a business need for interaction with the public.
 - what is the frequency and form of this interaction.
 - what is the level of service quality and responsiveness expected by the public.
 - what is the proportion of the role which would require spoken interaction with members of the public.
 - what is the nature of the role.
 - is English language the primary language required for the role.
- 2.3 Some examples of roles and whether they should be considered customer facing are set out in Appendix A.
- 2.4 The classification of a role a customer facing is a judgement based on the knowledge of the role by the service or school.

3. English language fluency standard

- 3.1 The council must identify a level of fluency and the following factors may be relevant when considering the standard required:
 - the frequency of spoken interaction.
 - the topic of spoken interaction.
 - whether the communication is likely to include technical, profession-specific or specialist vocabulary.
 - the typical duration of spoken interaction.
 - whether the communication is repeated in or supplemented by, written material provided to customers.
 - the significance of the spoken interaction for service delivery.

- 3.2 Using guidance in the Code of Practice, the following minimum standard will be applied to all customer facing roles:

‘The ability to converse at ease with the public, answer questions and provide advice, including the use of specialist terminology relevant to the job role/profession and where necessary for an extended period of time.’

4. Assessment of fluency

- 4.1 All organisations have to define what evidence it will use to assess fluency or language competence. The council will assess English language competency at interview, through the competent answering of interview questions in English.
- 4.2 The assessment is based on competency/fluency in the English language and care must be taken not to allow accent, dialect, origin or nationality to deflect from the individual’s language performance.
- 4.3 This method of assessment can be reviewed and amended if required.

5. Person specification

- 5.1 All customer facing roles will have this status identified in the person specification. The following statement should be added:

‘This post has been identified as customer facing in accordance with Part 7 of the Immigration Act 2016 and therefore the council’s English language fluency standard applies.’

- 5.2 The standard set out in 3.2, will be added as an essential requirement of the person specification and the criteria set out in section 4.2 will be added to the person specification.
- 5.3 Appendix B contains an example of a person specification for a customer facing role.

6. Current staff

- 6.1 The English language requirement applies to existing staff as well as new recruits. All current staff must be informed of this new requirement. This will be undertaken by HR.
- 6.2 There is however no requirement to test existing staff. However it is possible that some current employees are identified through performance management processes as not meeting the standard. If managers/schools identify any cases then they should make contact with the HR Business Partner team for advice and support.

7. Other workers

- 7.1 The fluency requirement also applies to agency workers and self employed contractors. HR will advise all approved/contracted agencies of the customer facing status of roles and standard that the council has adopted. Schools should make contact with any agencies they use.
- 7.2 Managers/schools will need to review the roles of self employed contractors in the light of this requirement. Where the standard is not met, advice should be sought from whoever provides legal advice.
- 7.3 The council's standard Consultancy agreement will be updated to include a clause on English language fluency.

8. Complaints

- 8.1 The Code of Practice sets out the procedure that 'must be followed' when a complaint is made by a member of the public, when they consider that the 'required standard has not been met'.
- 8.2 The council's Corporate Complaints Procedure will state 'RBWM will investigate complaints made against its employees by members of the public who consider that the individual was unable to speak fluent English to an appropriate standard, as defined by Part 7 of the Immigration Act 2016'.
- 8.2 A complaint about an employees' accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about their ability to speak fluent English.
- 8.3 The council's Corporate Complaints Procedure has been reviewed and reflects the requirements of the Code. Schools should review their own complaints procedure.

9. Review

- 9.1 This document will be reviewed regularly and revised as required.

Appendix A

Examples of roles and suggested customer facing status

Job role	Comments	Customer facing
Customer Services Assistant	Receives incoming calls from the public, answers questions, gives information and advice.	Yes
Teaching Assistant	Supporting pupils in class.	Yes
Administration Officer	Range of administrative tasks supporting a team, role is internally focussed and only occasionally receives external calls from members of the public.	No
Administration Officer	Range of administrative tasks supporting a team, provides the team with first point of contact support for calls from members of the public.	Yes
Parking Officer	Regular contact with members of the public, when patrolling parking areas.	Yes
Payroll Assistant	Regular contact with staff, occasional contact with external organisations.	No
Library Assistant	Provides information, help and support to access resources to the public/pupils.	Yes
Highways Operative	Part of a team, with occasional interaction with members of the public.	No
Social Worker	Works with case load of clients.	Yes
Environmental Health Officer	Delivers services to customers, residents and businesses.	Yes
Highways Engineer	Manages allocated projects, with some very limited with external organisations, members of the public.	No
Planning Officer	Manages a case load of applications, with regular contact with the public, businesses and professional organisations.	Yes
Cover Supervisor	Oversees a class in the absence of the teacher, supports pupils with allocated work.	Yes
Accountancy Technician	Part of a team, with occasional interaction with members of the public.	No

Appendix B

Person specification

Key Criteria	Essential	Desirable	How assessed
Qualifications and training			
Job Competence summary (knowledge, skills, abilities, experience)			
This post has been identified as customer facing in accordance with Part 7 of the Immigration Act 2016 and therefore the council's English language fluency standard applies.	The ability to converse at ease with the public, answer questions and provide advice, including the use of specialist terminology relevant to the job role/profession and where necessary for an extended period of time.		The competent answering of interview questions in English.