

English fluency requirement in customer facing roles

Purpose of the report

1. The purpose of this item is to present new guidance for managers and employees in relation to all roles which are customer facing where there is a need to be able to communicate fluently in spoken English.

Background

1. With effect from 21 November 2016 the government has introduced a requirement within the public sector, for all staff in customer-facing roles, to be able to communicate fluently, in English. This is called the “fluency requirement”.
2. The requirement applies to permanent staff as well as temporary workers, apprentices, agency temps, contractors, self-employed contractors. The fluency requirement does not extend to workers employed directly by another private or voluntary sector provider of a public service. The fluency requirement also applies to maintained schools and academies.

Main considerations

2. All employees in customer-facing roles are required to be able to communicate fluently with members of the public, in English. Customers include anyone who is using, interacting or receiving a service provided by the council.
3. Managers are required to identify which roles within their team are customer-facing which would require the employee to meet the English fluency requirement by considering:
 - The business need for interaction with the public;
 - The frequency and form of this interaction;
 - Service quality and the responsiveness expected from the public;
 - The proportion of the role requiring fluent English;
 - The nature of the role.
4. The fluency requirement applies in respect of existing staff as well as to new recruits.
5. Managers are required to consider what standards of English fluency are required for each customer-facing role. The guidance provides advice on how to assess the level of fluency required and ways to assess employee’s fluency ability.

6. The fluency requirement does not relate to accents, regional or international, dialect, speech impediments or the tone of conversations.
7. All current employees where the manager has identified roles within their teams are customer facing and fluent English applies will be informed that this new requirement is part of their role.
8. Where an employee does not meet the fluency requirement a manager is required to consider appropriate training or retraining to support them achieve the required level within a reasonable timeframe.
9. Ultimately, if improvement is not achieved and alternative adjustments to the role and not reduce the fluency requirement, or re-deployment is not possible, dismissal may be considered as a last option.

Proposed implementation for existing staff

10. As current employees need to be informed if their role requires them to be fluent in spoken English we will be applying the following process:
 - a. Email all managers informing them of the new fluent English requirement and supporting guidance
 - b. Ask them to identify which posts within their team require fluent English and to email each postholder about the fluent English requirement. A suggested statement for the manager to use will be supplied by HR
 - c. To update all staff via the weekly Wire of the new fluent English requirement and tell them that their manager will be in contact to inform them if their post requires them to be fluent in English
 - d. To ask all managers of employees who do not have access to emails to inform them via their usual methods if their role requires them to be fluent in English
 - e. To add a statement to the council contract about customer facing roles being required to meet the fluent English requirement.

Recruitment to roles where fluency is required

11. Managers are required to ensure that the role description specifies that the successful candidate must possess an adequate level of English to perform the role and should give an indication of the level/standard of proficiency or qualification required.
12. Managers must ensure that when recruiting for new customer-facing roles candidates are able to communicate fluently in English. Managers may ascertain this through a variety of ways, for example, a first stage telephone interview; or by assessing their level of fluency through a mock telephone scenario; or requiring a specific qualification as outlined in the section above

Environmental Impact of the proposal

11. None

Equalities impact of the proposal

12. The guidance has been equality impact assessed. The guidance is for both managers and employees to provide a practical approach to applying the fluent English requirement at the council. Care must be taken that people from certain nationalities or ethnic backgrounds along with disabled people are treated the same way as people with an English background in the recruitment process and whilst at work.

Risk Assessment

13. None

Financial Implications of the proposal

14. None

Recommendations

15. Staffing Policy Committee is invited to agree the new fluent English guidance

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The following unpublished documents have been relied on in the preparation of this Report:
None