

Immigration Act 2016

Factsheet – English Language Requirements in the Public Sector

(Part 7, sections 77-84)

What does it do?

- Ensures that all public sector workers in public-facing roles speak fluent English.

Where can I find information for employers?

- A statutory Code of Practice is available. The Code of Practice is intended to support public sector employers in complying with this new duty, whilst ensuring minimal burden. It provides principles and examples for public authorities to consider when fulfilling their legal duties and obligations.

Minister for the Cabinet Office, Ben Gummer said:

“The quality of public services in the UK is amongst the finest in the world and everyone in our society wants the public services in the UK to be accessible and delivered to the highest standards possible.

Part 7 of the Immigration Act 2016 delivers on our manifesto commitment to help ensure the safe and high quality delivery of public services by ensuring that they are provided to an appropriate standard of fluency in English, or in Wales, English or Welsh.”

‘Public-facing’

- In the Code and other supporting documents, a public sector worker is determined to be ‘public-facing’ if as a regular and intrinsic part of their role, they are required to speak to members of the public in English, or in Wales in English or Welsh. This is described in Part 7 of the Act as a ‘customer-facing role’.

Background

- Currently, there are many vital public-facing roles in the public sector that do not require the jobholder to be a fluent English speaker, including; unqualified teaching posts, teaching assistants and unregulated NHS posts. This cannot be allowed to continue for roles where communication with the British public is vital to deliver an effective service.
- We have placed a duty on public authorities to ensure that each person who works for a public authority in a public-facing role speaks fluent English. In determining how to comply with this duty, a public authority must have regard to the statutory Code of Practice. The duty will ensure that every member of the public receiving help or advice is served by someone who can provide them with advice in clear English.

- The Code of Practice outlines: the minimum standard of spoken English to be met; the action to be taken by a public authority where someone does not meet that standard; the procedure to be operated to deal with any complaints; and, how the public authority can comply with its other duties including its obligations under the Equality Act 2010.

Key Questions and Answers

➤ **How will employers test fluency?**

We are clear that this must not be an extra hurdle for employers or hold up recruitment campaigns. The Code of Practice will provide additional guidance on how we expect employers to set the required standard of fluency.

➤ **Isn't this discriminatory?**

Absolutely not. The Code of Practice provides further guidance on how a public authority should exercise this duty in light of its obligations under the Equality Act 2010.

➤ **Will this apply to staff who are locally engaged overseas?**

No – locally engaged staff will be exempt from this policy.

Cabinet Office
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