



Immigration Act 2016

2016 CHAPTER 19

PART 7

LANGUAGE REQUIREMENTS FOR PUBLIC SECTOR WORKERS

77 English language requirements for public sector workers

- (1) A public authority must ensure that each person who works for the public authority in a customer-facing role speaks fluent English.
- (2) In determining how to comply with subsection (1), a public authority must have regard to the code of practice under section 80 that is for the time being applicable to that authority.
- (3) A public authority must operate an adequate procedure for enabling complaints to be made to the authority about breaches by the authority of subsection (1) and for the consideration of such complaints.
- (4) In determining whether a procedure is adequate for the purposes of subsection (3), a public authority must have regard to the code of practice under section 80 that is for the time being applicable to that authority.
- (5) For the purposes of this Part a person works for a public authority if the person works—
 - (a) under a contract of employment with the public authority,
 - (b) under a contract of apprenticeship with the public authority,
 - (c) under a contract to do work personally with the public authority,
 - (d) in England and Wales or Scotland, as an agency worker within the meaning of the Agency Workers Regulations 2010 (SI 2010/93) in respect of whom the public authority is the hirer within the meaning of those regulations,
 - (e) in Northern Ireland, as an agency worker within the meaning of the Agency Workers Regulations (Northern Ireland) 2011 (SR 2011/350) in respect of whom the public authority is the hirer within the meaning of those regulations,
 - (f) for the public authority as a constable, or
 - (g) for the public authority in the course of Crown employment.

Status: This is the original version (as it was originally enacted).

- (6) In subsection (5) “Crown employment”—
- (a) in relation to England and Wales and Scotland, has the meaning given by section 191(3) of the Employment Rights Act 1996,
 - (b) in relation to Northern Ireland, has the meaning given by Article 236(3) of the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)), and
 - (c) includes service as a member of the armed forces of the Crown and employment by an association established for the purposes of Part 11 of the Reserve Forces Act 1996.
- (7) References in this Part to a person who works in a customer-facing role are to a person who, as a regular and intrinsic part of the person’s role, is required to speak to members of the public in English.
- (8) For the purposes of this Part a person speaks fluent English if the person has a command of spoken English which is sufficient to enable the effective performance of the person’s role.
- (9) This section applies in relation to a person who is working in a customer-facing role for a public authority when this section comes into force as well as to a person who begins to work in such a role after that time.
- (10) This section does not apply in relation to a person whose work is carried out wholly or mainly outside the United Kingdom.