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WELSH STATUTORY INSTRUMENTS

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**2016 No. 405 (W. 125)**

**WELSH LANGUAGE**

**The Welsh Language Standards (No. 4) Regulations 2016**

*Made* - - - - 15 March 2016

*Coming into force* - - 22 March 2016

The Welsh Ministers, in exercise of the powers conferred upon them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011<sup>(1)</sup>, having received the approval of the National Assembly for Wales in accordance with section 150(2) of that Measure, make the following Regulations:

**Title, commencement, application and interpretation**

- 1.—(1) The title of these Regulations is the Welsh Language Standards (No. 4) Regulations 2016.
- (2) These Regulations come into force on 22 March 2016.
- (3) These Regulations apply in relation to Wales.
- (4) In these Regulations—
- a “body” (“*corff*”) means a person listed in Schedule 6;
  - an “individual” (“*unigolyn*”) means a member of the public;
  - a “member of staff” (“*aelod o staff*”) means an employee of a body or an individual working for a body but not a person appointed to a body by the Welsh Ministers, a Minister of the Crown or by County or County Borough Councils in Wales<sup>(2)</sup> (and “staff” (“*staff*”) must be construed accordingly).
- (5) In these Regulations—
- (a) references to any activity being carried out by a body, or to any service being provided by a body, are to be read as including a reference to that activity being carried out on the body’s behalf or to that service being provided on the body’s behalf by a third party under arrangements made between the third party and the body;
  - (b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

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(1) 2011 nawm 1.

(2) *see* section 20(4) of the Local Government Act 1972.

(6) Nothing in these Regulations requires a body to comply with a standard in respect of an activity carried out by it or a service provided by it where it is carrying out that activity or providing that service on behalf of a third party under arrangements made between it and the third party.

### **Standards specified**

2.—(1) In Schedule 1—

- (a) Part 1 specifies service delivery standards;
- (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;
- (c) Part 3 defines a number of words and expressions.

(2) In Schedule 2—

- (a) Part 1 specifies policy making standards;
- (b) Part 2 defines a number of words and expressions.

(3) In Schedule 3—

- (a) Part 1 specifies operational standards;
- (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;
- (c) Part 3 defines a number of words and expressions.

(4) In Schedule 4—

- (a) Part 1 specifies record keeping standards;
- (b) Part 2 defines a number of words and expressions.

(5) Schedule 5 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 to 4 and, in particular—

- (a) Part 1 specifies service delivery standards that deal with supplementary matters;
- (b) Part 2 specifies policy making standards that deal with supplementary matters;
- (c) Part 3 specifies operational standards that deal with supplementary matters;
- (ch) Part 4 specifies record keeping standards that deal with supplementary matters;
- (d) Part 5 makes provision about interpreting the supplementary standards;
- (dd) Part 6 makes supplementary provision.

### **Standards that are specifically applicable**

3.—(1) The Welsh Ministers authorise the Welsh Language Commissioner to give a compliance notice to the persons listed in Schedule 6 requiring them to comply with any of the standards specified under regulation 2 and Schedules 1 to 5.

(2) But the Commissioner is not authorised to give a compliance notice to the Agricultural Land Tribunal (Wales), the Mental Health Review Tribunal for Wales, the Residential Property Tribunal Wales and the Special Educational Needs Tribunal for Wales requiring them to comply with the following standards—

- (i) 92 to 139,
- (ii) 144 to 148,
- (iii) 161 to 166.

15 March 2016

*Carwyn Jones*  
First Minister of Wales

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## SCHEDULE 1

Regulation 2(1)

## Service delivery standards

## PART 1

## THE STANDARDS

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- 1 Standards relating to correspondence sent by a body**
- (1) When a body replies to correspondence**
- Standard 1:** If you receive correspondence from a person in Welsh you must reply in Welsh (if an answer is required), unless the person has indicated that there is no need to reply in Welsh.
- (2) When a body initiates correspondence**
- (a) When a body corresponds with an individual**
- Standard 2:** When you correspond with an individual (“A”) for the first time, you must ask A whether A wishes to receive correspondence from you in Welsh, and if A responds to say that A wishes to receive correspondence in Welsh you must—
- (a) keep a record of A’s wish,
  - (b) correspond with A in Welsh when corresponding with A from then onwards, and
  - (c) send any forms you send to A from then onwards in Welsh.
- (b) When a body corresponds with more than one member of the same household**
- Standard 3:** When you send correspondence addressed to two individuals who are members of the same household (for example, the parents of a child) for the first time, you must ask them whether they wish to receive correspondence from you in Welsh; and if —
- (a) both individuals respond to say that they wish to receive correspondence in Welsh, you must keep a record of that wish and correspond in Welsh from then onwards when sending correspondence addressed to both of those individuals;
  - (b) one (but not both) of the individuals responds to say that he or she wishes to receive correspondence in Welsh, you must keep a record of that wish and provide a Welsh language version of correspondence from then onwards when sending correspondence addressed to both of those individuals.
- (c) When a body corresponds with several persons (for example, when it sends a circular, or sends the same letter to a number of homes)**
- Standard 4:** When you send the same correspondence to several persons, you must send a Welsh language version of the correspondence at the same time as you send any English language version.
- (3) General standards relating to correspondence**

- Standard 5:** If you don't know whether a person wishes to receive correspondence from you in Welsh, when you correspond with that person you must provide a Welsh language version of the correspondence.
- Standard 6:** If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).
- Standard 7:** You must state —
- (a) in correspondence, and
  - (b) in publications and notices that invite persons to respond to you or to correspond with you,

that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.

## **2 Standards relating to telephone calls made and received by a body**

### ***(1) Telephone calls made to a body's main contact number and to any helplines or call centres***

- Standard 8:** When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must greet the person in Welsh.
- Standard 9:** When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must inform the person that a Welsh language service is available.
- Standard 10:** When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh in its entirety if that is the person's wish (where necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).
- Standard 11:** When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if that is the person's wish until such point as —
- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
  - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.
- Standard 12:** When you advertise telephone numbers, helpline numbers or call centre services, you must not treat the Welsh language less favourably than the English language.
- Standard 13:** If you offer a Welsh language service on your main telephone number (or numbers), on any helpline numbers or call centre numbers, the telephone number for the Welsh language service must be the same as for the corresponding English language service.

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- Standard 14:** When you publish your main telephone number, or any helpline numbers or call centre service numbers, you must state (in Welsh) that you welcome calls in Welsh.
- Standard 15:** If you have performance indicators for dealing with telephone calls, you must ensure that those performance indicators do not treat telephone calls made in Welsh any less favourably than calls made in English.
- Standard 16:** Your main telephone call answering service (or services) must inform persons calling, in Welsh, that they can leave a message in Welsh.
- Standard 17:** When there is no Welsh language service available on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must inform persons calling in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.
- (2) Telephone calls made to departments and to members of a body's staff**
- Standard 18:** If a person contacts one of your departments on a direct line telephone number (including on staff members' direct line numbers), and that person wishes to receive a service in Welsh, you must deal with the call in Welsh in its entirety (if necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).
- Standard 19:** If a person contacts one of your departments on a direct line telephone number (including on staff members' direct line numbers), and that person wishes to receive a service in Welsh, you must deal with the call in Welsh until such point as —
- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
  - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.
- Standard 20:** When a person contacts you on a direct line number (whether on a department's direct line number or on the direct line number of a member of staff), you must ensure that, when greeting the person, the Welsh language is not treated less favourably than the English language.
- (3) Telephone calls made by a body**
- Standard 21:** When you telephone an individual ("A") for the first time you must ask A whether A wishes to receive telephone calls from you in Welsh, and if A responds to say that A wishes to receive telephone calls in Welsh you must keep a record of that wish, and conduct telephone calls made to A from then onwards in Welsh.
- (4) A body dealing with telephone calls using an automated system**
- Standard 22:** Any automated telephone systems that you have must provide the complete automated service in Welsh.
- 3 Standards relating to a body holding meetings that are not open to the general public**
- (1) Meetings between a body and one other invited person**

**Standard 23:** If you invite one person only (“P”) to a meeting, you must offer to conduct the meeting in Welsh; and if P informs you that P wishes for the meeting to be conducted in Welsh, you must conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

**Standard 24:** If you invite one person only (“P”) to a meeting you must ask P whether P wishes to use the Welsh language at the meeting, and inform P that you will, if necessary, provide a translation service from Welsh to English for that purpose.

**Standard 24A:** If you have invited one person only (“P”) to a meeting and P has informed you that P wishes to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

**Standard 24B:** If you have invited one person only (“P”) to a meeting and P has informed you that P wishes to use the Welsh language at the meeting, you must arrange for a consecutive translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

***(2) Meetings between a body and more than one invited person***

**Standard 25:** If you invite more than one person to a meeting, you must ask each person whether they wish to use the Welsh language at the meeting.

**Standard 25A:** If you have invited more than one person to a meeting, and at least 10% (but less than 100%) of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

**Standard 25B:** If you have invited more than one person to a meeting, and at least 20% (but less than 100%) of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

**Standard 25C:** If you have invited more than one person to a meeting, and at least 30% (but less than 100%) of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

**Standard 25CH:** If you have invited more than one person to a meeting, and all of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

**Standard 25D:** If you have invited more than one person to a meeting, and all of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

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- 4 Standards relating to meetings arranged by a body that are open to the public**
- Standard 26:** If you arrange a meeting that is open to the public you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.
- Standard 27:** When you send invitations to a meeting that you arrange which is open to the public, you must send the invitations in Welsh.
- Standard 28:** If you invite persons to speak at a meeting that you arrange which is open to the public you must —
- (a) ask each person invited to speak whether he or she wishes to use the Welsh language, and
  - (b) if that person (or at least one of those persons) has informed you that he or she wishes to use the Welsh language at the meeting, provide a simultaneous translation service from Welsh to English for that purpose (unless you conduct the meeting in Welsh without a translation service).
- Standard 29:** If you arrange a meeting that is open to the public, you must ensure that a simultaneous translation service from Welsh to English is available at the meeting, and you must orally inform those present in Welsh —
- (a) that they are welcome to use the Welsh language, and
  - (b) that a simultaneous translation service is available.
- Standard 30:** If you display any written material at a meeting that you arrange which is open to the public, you must ensure that the material is displayed in Welsh, and you must not treat any Welsh language text less favourably than the English language text.
- 5 Standards relating to public events organised or funded by a body**
- Standard 31:** If you organise a public event, or fund at least 50% of a public event, you must ensure that, in promoting the event, the Welsh language is treated no less favourably than the English language (for example, in the way the event is advertised or publicised).
- Standard 32:** If you organise a public event, or fund at least 50% of a public event, you must ensure that the Welsh language is treated no less favourably than the English language at the event (for example, in relation to services offered to persons attending the event, in relation to signs displayed at the event and in relation to audio announcements made at the event).
- 6 Standard relating to a body's publicity and advertising**
- Standard 33:** Any publicity or advertising material that you produce must be produced in Welsh, and if you produce the material in Welsh and in English, you must not treat the Welsh language version less favourably than you treat the English language version.
- 7 Standards relating to a body displaying material in public**
- Standard 34:** Any material that you display in public must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.



**Standard 35:** Any material that you display at a public exhibition organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

## **8 Standards relating to a body producing and publishing documents**

**Standard 36:** Any documents that you produce for public use must be produced in Welsh.

**Standard 37:** If you produce agendas, minutes and other papers for meetings, conferences or seminars that are open to the public, you must produce them in Welsh.

**Standard 38:** Any licence, permit or certificate you produce must be produced in Welsh.

**Standard 39:** Any brochure, leaflet, pamphlet or card that you produce in order to provide information to the public must be produced in Welsh.

**Standard 40:** If you produce the following documents, and they are available to the public, you must produce them in Welsh —

- (a) policies, strategies, annual reports and corporate plans;
- (b) guidelines and codes of practice;
- (c) consultation papers.

**Standard 41:** Any rules that you publish that apply to the public must be published in Welsh.

**Standard 42:** When you issue any statement to the press you must issue it in Welsh and, if there is a Welsh language version and an English language version of a statement, you must issue both versions at the same time.

**Standard 43:** If you produce a document which is available to the public, and no other standard has required you to produce the document in Welsh, you must produce it in Welsh —

- (a) if the subject matter of the document suggests that it should be produced in Welsh, or
- (b) if the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.

**Standard 44:** If you produce a document in Welsh and in English (whether separate versions or not), you must not treat any Welsh language version less favourably than you treat the English language version.

**Standard 45:** If you produce a Welsh language version and a separate English language version of a document, you must ensure that the English language version clearly states that the document is also available in Welsh.

## **9 Standards relating to a body producing and publishing forms**

**Standard 46:** Any form that you make available to the public must be produced in Welsh.

**Standard 46A:** If you produce a Welsh language version and a separate English language version of a form, you must ensure that the English language version clearly states that the form is also available in Welsh.

**Standard 46B:** If you produce a form in Welsh and in English (whether separate versions or not), you must ensure that the Welsh language version is treated no

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less favourably than the English language version, and you must not differentiate between the Welsh and English versions in relation to any requirements that are relevant to the form (for example in relation to any deadline for submitting the form, or in relation to the time allowed to respond to the content of the form).

**Standard 47:** If you pre-enter information on a Welsh language version of a form (for example, before sending it to a member of the public in order for him or her to check the content or to fill in the remainder of the form), you must ensure that the information that you pre-enter is in Welsh.

## 10 Standards relating to legal proceedings

**Standard 48:** You must state in publications, guidance and notices that you produce informing persons about legal proceedings that they may submit forms and documents and make written representations to you in Welsh.

**Standard 49:** Where a person contacts you to commence or respond to legal proceedings, you must ask the person to indicate whether the person wishes to speak in Welsh in any legal proceedings<sup>(3)</sup>.

**Standard 50:** Where a person (“P”) contacts you for the first time to commence or respond to legal proceedings, you must ask P to indicate whether P wishes to receive copies in Welsh of forms and documents that you produce and which are to be available to P (including, for example, written determinations or orders in relation to those legal proceedings).

**Standard 50A:** Where a person (“P”) contacts you to commence or respond to legal proceedings, and P indicates that they wish to receive copies in Welsh of forms and documents that you produce and which are to be made available to P, you —

- (a) must provide such forms and documents in Welsh in relation to those legal proceedings, and
- (b) must not treat the production of them less favourably than forms and documents you produce in English.

**Standard 51:** Where you receive forms or documents in Welsh from a person (“P”) commencing or responding to legal proceedings, you must not treat those forms or documents less favourably than ones that you receive in English (including amongst other matters, in relation to the timescale for receiving such forms and documents and informing P of decisions).

## 11 Standards relating to a body’s websites and on-line services

### (1) Websites published by a body

**Standard 52:** You must ensure that —

- (a) the text of each page of your website is available in Welsh,
- (b) every Welsh language page on your website is fully functional, and
- (c) the Welsh language is not treated less favourably than the English language on your website.

**Standard 53:** You must ensure that —

- (a) the text of the homepage of your website is available in Welsh,

<sup>(3)</sup> Section 22 of the Welsh Language Act 1993 (c.38) makes provision about speaking Welsh in legal proceedings.

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- (b) any Welsh language text on your homepage (or, where relevant, your Welsh language homepage) is fully functional, and
- (c) the Welsh language is treated no less favourably than the English language in relation to the homepage of your website.

**Standard 54:** You must ensure that when you publish a new page on your website or amend a page —

- (a) the text of that page is available in Welsh,
- (b) any Welsh language version of that page is fully functional, and
- (c) the Welsh language is treated no less favourably than the English language in relation to that page.

**Standard 55:** If you have a Welsh language web page that corresponds to an English language web page, you must state clearly on the English language web page that the page is also available in Welsh, and you must provide a direct link to the Welsh page on the corresponding English page.

**Standard 56:** You must provide the interface and menus on every page of your website in Welsh.

***(2) Apps published by a body***

**Standard 57:** All apps that you publish must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that app.

**12 Standards relating to a body's use of social media**

**Standard 58:** When you use social media you must not treat the Welsh language less favourably than the English language.

**Standard 59:** If a person contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

**13 Standard relating to self service machines**

**Standard 60:** You must ensure that any self service machines that you have function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine.

**14 Standards relating to signs displayed by a body**

**Standard 61:** When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

**Standard 62:** When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh-language text must be positioned so that it is likely to be read first.

**Standard 63:** You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

**15 Standards relating to a body receiving visitors at its buildings**

**Standard 64:** Any reception service you make available in English must also be available in Welsh, and any person who requires a Welsh language reception service must

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not be treated less favourably than a person who requires an English language reception service.

- Standard 65:** If you arrange a visit or appointment in advance for a person (“P”) which will mean that P will come to your reception, you must ask P whether P wishes to receive a Welsh language reception service (unless you already know whether P wishes to receive that service in Welsh).
- Standard 65A:** You must provide a face to face Welsh language reception service for a person (“P”) at your reception if you have arranged a visit or appointment for P in advance and —
- (a) P has informed you in advance that P wishes to receive the service in Welsh, or
  - (b) you are already aware that P wishes to receive the service in Welsh.
- Standard 66:** If you have no face to face Welsh language reception service available, you must ensure that a Welsh language reception service is available over a phone in your reception.
- Standard 67:** You must display a sign in your reception which states (in Welsh) that persons are welcome to use the Welsh language at the reception.
- Standard 68:** You must ensure that staff at the reception who are able to provide a Welsh language reception service wear a badge to convey that.

## **16 Standards relating to notices made by a body**

- Standard 69:** Any notice that you publish or display must be published or displayed in Welsh, and you must not treat any Welsh language version of a notice less favourably than an English language version.
- Standard 70:** When you publish or display a notice that contains Welsh language text as well as English language text, the Welsh language text must be positioned so that it is likely to be read first.

## **17 Standards relating to a body awarding contracts**

- Standard 71:** Any invitations to tender for a contract that you publish must be published in Welsh, and you must not treat a Welsh language version of any invitation less favourably than an English language version.
- Standard 72:** When you publish invitations to tender for a contract, you must state in the invitation that tenders may be submitted in Welsh, and that a tender submitted in Welsh will be treated no less favourably than a tender submitted in English.
- Standard 72A:** You must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English (including, amongst other matters, in relation to the closing date for receiving tenders, and in relation to the timescale for informing tenderers of decisions).
- Standard 73:** If you receive a tender in Welsh and it is necessary to interview a tenderer as part of your assessment of the tender, you must offer to conduct that interview in Welsh and, if the tenderer so wishes, you must conduct the interview in Welsh (without the assistance of a simultaneous or consecutive translation service).
- Standard 74:** If you receive a tender in Welsh and it is necessary to interview the tenderer as part of your assessment of the tender you must —

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- (a) offer to provide a translation service from Welsh to English to enable the tenderer to use the Welsh language at the interview, and
- (b) if the tenderer wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).

**Standard 75:** When you inform a tenderer of your decision in relation to a tender, you must do so in Welsh if the tender was submitted in Welsh.

**18 Standards for raising awareness about Welsh language services provided by a body**

**Standard 76:** You must promote any Welsh language service that you provide, and advertise that service in Welsh.

**Standard 77:** If you provide a service in Welsh that corresponds to a service you provide in English, any publicity or document that you produce, or website that you publish, which refers to the English service must also state that a corresponding service is available in Welsh.

**19 Standard relating to a body's corporate identity**

**Standard 78:** When you form, revise or present your corporate identity, you must not treat the Welsh language less favourably than the English language.

**20 Standards relating to courses offered by a body**

**Standard 79:** If you offer an education course that is open to the public, you must offer it in Welsh.

**Standard 80:** If you offer an education course that is open to the public and which is aimed specifically at persons aged 18 or under, you must offer it in Welsh.

**Standard 81:** If you develop an education course that is to be offered to the public, you must assess the need for that course to be offered in Welsh; and you must ensure that the assessment is published on your website.

**21 Standard relating to public address systems used by a body**

**Standard 82:** When you announce a message over a public address system, you must make that announcement in Welsh and, if the announcement is made in Welsh and in English, the announcement must be made in Welsh first.

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## PART 2

### STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

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**22** When a compliance notice requires a body to comply with one of the standards listed on a specific row in column 1 of Table 1, that compliance notice must also require that body to comply (in whatever way the Welsh Language Commissioner considers appropriate) with the standard or standards listed in column 2 of that row (or with one or more of those standards where that is stated).

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**TABLE 1**

<i>Row</i>	<i>Column 1 Main standard</i>	<i>Column 2 Reliant standard</i>
(1)	<b>Replying to correspondence</b> Standard 1	Standard 7
(2)	<b>Corresponding with members of the same household</b> Standard 3	Standard 6
(3)	<b>Corresponding with several persons</b> Standard 4	Standard 6 Standard 7
(4)	<b>General standards relating to correspondence</b> Standard 5	Standard 6 Standard 7
(5)	<b>Raising awareness about corresponding in Welsh</b> Standard 7	Standard 1
(6)	<b>Receiving telephone calls</b> Standard 9	One or more of the following: Standard 10 Standard 11
(7)	<b>Receiving telephone calls</b> Standard 10 or 11	Standard 9 Standard 14
(8)	<b>Raising awareness about telephone services in Welsh</b> Standard 14	One or more of the following: Standard 10 Standard 11 and also Standard 16, and Standard 17

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<i>Row</i>	<i>Column 1 Main standard</i>	<i>Column 2 Reliant standard</i>
(9)	<b>Meetings with one person</b> Standard 24 One or more of the following:	Standard 24A Standard 24B
(10)	<b>Meetings with one person</b> Standard 24A or 24B	Standard 24
(11)	<b>Meetings with more than one person</b> Standard 25	One or more of the following: Standard 25A Standard 25B Standard 25C and also one or more of the following; Standard 25CH Standard 25D
(12)	<b>Meetings with more than one person</b> Standard 25A, 25B, 25C, 25CH or 25D	Standard 25
(13)	<b>Public meetings</b> Standard 26	Standard 29
(14)	<b>Public meetings</b> Standard 29	Standard 26
(15)	<b>Documents</b> Standard 36, 37, 38, 39, 40, 41, or 43	Standard 44 Standard 45
(16)	<b>Forms</b> Standard 46	Standard 46A Standard 46B
(17)	<b>Legal proceedings</b> Standard 50	Standard 50A
(18)	<b>Legal proceedings</b> Standard 50A	Standard 50
(19)	<b>Websites</b>	

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<i>Row</i>	<i>Column 1 Main standard</i>	<i>Column 2 Reliant standard</i>
	Standard 52, 53 or 54	Standard 55
(20)	<b>Signs</b> Standard 61 or 62	Standard 63
(21)	<b>Reception</b> Standard 64	Standard 67 Standard 68
(22)	<b>Reception</b> Standard 65	Standard 65A
(23)	<b>Reception</b> Standard 66	Standard 67
(24)	<b>Raising awareness of Welsh-language services in a reception</b> Standard 67	One or more of the following: Standard 64 Standard 66
(25)	<b>Contracts</b> Standard 72	Standard 72A Standard 75
(26)	<b>Contracts</b> Standard 73 or 74	Standard 72 Standard 72A

### PART 3

#### INTERPRETING THE STANDARDS

- 
- 23** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 24** The standards only apply to the extent that a body —
- (a) delivers services to a person, or
  - (b) deals with any other person in connection with delivering services—
    - (i) to that other person, or
    - (ii) to a third person.



- 25** A body is not required to produce, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.
- 26** For the purposes of the standards —
- (a) a requirement to produce, to send, to publish, to display, to make available or to issue any written material in Welsh does not mean that the material should be produced, sent, published, displayed, made available or issued in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard);
  - (b) a requirement to provide a service in Welsh does not mean that that service should only be provided in Welsh (unless that is specifically stated in the standard).
- 27**
- (1) A body is not required to translate into Welsh any text that it has not produced (“text A”).
  - (2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).
  - (3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with —
    - (a) its Welsh Language Scheme;
    - (b) a duty to comply with standards;
    - (c) Standing Orders of the Assembly;
    - (ch) section 35(1C) of the 2006 Act; or
    - (d) the Assembly Commission’s Official Languages Scheme.
  - (4) In this paragraph—
    - (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993<sup>(4)</sup>;
    - (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
    - (c) “the 2006 Act” means the Government of Wales Act 2006<sup>(5)</sup>;
    - (ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;
    - (d) “the Assembly Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.
- 28** For the purposes of the standards, “meetings” do not include legal proceedings.
- 29** For the purposes of standards 2, 3, 21, 49 and 50, a body contacts, corresponds with an individual or makes a telephone call to an individual for the first time when it contacts, corresponds or makes a telephone call for the first time after the date on which a compliance notice has required the body to comply with the standard.

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(4) 1993 c.38.

(5) 2006 c.32.

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- 30** In standard 22 an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options.
- 31** Standard 32 does not apply to—
- (a) performances of music;
  - (b) artistic or dramatic productions;
  - (c) seminars or oral presentations relating to the performance or production;
  - (ch) any recording of the performance, production, seminar or oral presentation.
- 32** Standards 32 and 82 do not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.
- 33** Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 71 (invitations to tender)), references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —
- (a) the visual presentation of material (for example in relation to the colour or font of any text);
  - (b) the size of the material;
  - (c) the position and prominence of the material in any public place;
  - (ch) when and how the material is published, provided or exhibited;
  - (d) the publication format of material.
- 34** For the purposes of standards 36, 40, 43 and 46, references to documents or other materials being available to the public or being produced for public use do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000<sup>(6)</sup>.
- 35**
- (1) Standards 46, 46A and 46B do not apply to the forms listed in sub-paragraph (3).
  - (2) For the purposes of standard 2, a body is not required to send a Welsh language version of the forms listed in sub-paragraph (3).
  - (3) The forms are —
    - (a) forms used by a body to recruit employees (see standards 132A, 133, and 134 in relation to recruitment);
    - (b) forms used when submitting a tender to enter into a contract with a body (see standards 71 to 75 in relation to tendering for a contract).
- 36** Standards 36, 41, 43, 44 and 45 do not apply to an enactment made by a body or to a draft enactment prepared by a body.
- 37** Standards 36, 39, 40 and 43 do not apply to any advertising material contained in a document, brochure, leaflet, pamphlet or card.

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<sup>(6)</sup> 2000 c.36

- 38 Standard 41 does not apply to rules specified in an enactment or in a draft enactment prepared by a body.
- 39 Standards 52 to 56 (websites) do not apply to —
- (a) documents to which a link is provided on a website, advertising material on a website, or to video and audio clips on a website (see standards 36 to 45 for specific provision in relation to documents, and standard 33 in relation to advertising material produced by a body);
  - (b) information presented by persons (other than the body) on an interactive page published on a body’s website (for example on a section for comments or on a discussion forum).
- 40 (1) For the purpose of standard 57 an ‘app’ is a software application designed to undertake a specific task on an electronic device.
- (2) Standard 57 does not apply to any advertising material on an app (see standard 33 in relation to advertising material produced by a body).
- 41 For the purpose of standards 52 to 57 (websites and apps) and standards 58 and 59 (social media), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —
- (a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text), or
  - (b) when material is published on the website, app or social media;
- but it does not mean that Welsh language material must appear on the same page as English language material, or on a page that a person is likely to find before the English language page when searching.
- 42 (1) Standards 1 to 7 (correspondence) do not apply to correspondence sent by social media (see standards 58 and 59 in relation to social media).
- (2) Standards 52 to 57 (websites and apps) do not apply to social media (see standards 58 and 59 in relation to social media).
- 43 Standards 58 and 59 (social media) do not apply to —
- (a) documents to which a link is provided through social media, or to video and audio clips provided through social media (see standards 36 to 45 for specific provision in relation to documents, and standard 33 in relation to advertising material produced by a body);
  - (b) information presented by persons (other than the body) on a body’s social media account (for example on a section for comments).
- 44 For the purpose of standard 60 (self service machines) reference to treating the Welsh language no less favourably than the English language includes, amongst other matters, treating the Welsh language no less favourably as regards the visual presentation of the material (for example in relation to the colour, size, font and format of any text), but it does not mean that Welsh language material must appear on screen at the same time as English language material.
- 45 For the purposes of standards 64 to 68 (receiving visitors) —
- (a) “reception” means an area in a body’s offices where staff are made available for the purpose of welcoming persons;

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- (b) “reception service” means a service for welcoming persons to the body’s offices or service locations by staff who are made available for that purpose.

**46** For the purposes of standards 7, 69 and 70 a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.

**47** For the purposes of standard 71 (invitation to tender) —

(1) A body is not required to publish an invitation to tender in Welsh in the Official Journal of the European Union.

(2) A reference to treating a Welsh language version no less favourably than an English language version includes, amongst other matters, treating the Welsh language no less favourably as regards—

- (a) the visual presentation of material (for example in relation to the colour or font of any text);
- (b) the size of the material;
- (c) the position and prominence of the material in any public place;
- (ch) when and how the material is published, provided or exhibited;
- (d) the publication format of material;

but a body will not be treating the Welsh language less favourably than the English language by not publishing an invitation to tender in Welsh in the Official Journal of the European Union.

**48** (1) For the purposes of standard 78, the reference to a body forming or presenting its “corporate identity” includes, amongst other things, the way a body presents itself by means of visual statements, the name or names used by a body, and a body’s branding and slogans (for example, branding and slogans printed on its stationery).

(2) Standard 78 does not apply to the extent that an enactment requires a body to use a legal name.

**49** For the purposes of standards 79, 80 and 81 (courses), an “education course” means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public; but does not include—

- (a) activities or courses provided as part of the curriculum in accordance with any enactment; or
- (b) seminars or oral presentations relating to a performance or production.

**50** For the purposes of the standards “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under —

- (a) an Act of Parliament; or
  - (b) a Measure or an Act of the National Assembly for Wales.
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SCHEDULE 2

Regulation 2(2)

Policy making Standards

PART 1

THE STANDARDS

- 
- 1**                    **Standards relating to considering the effects of a body’s policy decisions on the Welsh language**
- Standard 83:**    When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on —
- (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
- Standard 84:**    When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on —
- (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
- Standard 85:**    When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on —
- (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
- Standard 86:**    When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration would have on —
- (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
- Standard 87:**    When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on —
- (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
- Standard 88:**    When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under

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consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on —

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Standard 89:** When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers what effects, if any (and whether positive or adverse), the policy decision under consideration would have on —

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Standard 90:** When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would have a positive effects, or so that it would have increased positive effects, on —

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Standard 91:** When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would not have adverse effects, or so that it would have decreased adverse effects, on —

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

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## PART 2

### INTERPRETING THE STANDARDS

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- |          |   |
|----------|---|
| <b>2</b> | In Part 1 of this Schedule a “policy decision” means any decision made by a body about the exercise of its functions or about the conduct of its business or other undertaking, and it includes, amongst other things (and as appropriate to the body), decisions about — <ul style="list-style-type: none"><li>(a) the content of legislation;</li><li>(b) the exercise of statutory powers;</li><li>(c) the content of policy statements;</li><li>(ch) strategies or strategic plans;</li><li>(d) internal structures and office locations.</li></ul> |
| <b>3</b> | In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect.  |
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SCHEDULE 3

Regulation 2(3)

Operational standards

PART 1

THE STANDARDS

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<b>1</b>	<b>Standards relating to the use of the Welsh language within a body's internal administration</b>
<b>Standard 92:</b>	You must develop a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language, and you must publish that policy on your intranet.
<b>Standard 93:</b>	When you offer a new post to an individual, you must ask that individual whether he or she wishes for the contract of employment or contract for services to be provided in Welsh; and if that is the individual's wish you must provide the contract in Welsh.
<b>Standard 94:</b>	You must— (a) ask each employee whether he or she wishes to receive any paper correspondence that relates to his or her employment, and which is addressed to him or her personally, in Welsh, and (b) if an employee so wishes, provide any such correspondence to that employee in Welsh.
<b>Standard 95:</b>	You must ask each employee whether he or she wishes to receive any documents that outline his or her training needs or requirements in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.
<b>Standard 96:</b>	You must ask each employee whether he or she wishes to receive any documents that outline his or her performance objectives in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.
<b>Standard 97:</b>	You must ask each employee whether he or she wishes to receive any documents that outline or record his or her career plan in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.
<b>Standard 98:</b>	You must ask each employee whether he or she wishes to receive any forms that record and authorise— (a) annual leave, (b) absences from work, and (c) flexible working hours,  in Welsh; and if that is an employee's wish, you must provide any such forms to him or to her in Welsh.

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- Standard 99:** If you publish a policy relating to behaviour in the workplace, you must publish it in Welsh.
- Standard 100:** If you publish a policy relating to health and well-being at work, you must publish it in Welsh.
- Standard 101:** If you publish a policy relating to salaries or workplace benefits, you must publish it in Welsh.
- Standard 102:** If you publish a policy relating to performance management, you must publish it in Welsh.
- Standard 103:** If you publish a policy about absence from work, you must publish it in Welsh.
- Standard 104:** If you publish a policy relating to working conditions, you must publish it in Welsh.
- Standard 105:** If you publish a policy regarding work patterns, you must publish it in Welsh.
- 2**
- Standards relating to complaints made by a member of a body's staff**
- Standard 106:** You must allow each member of staff —
- (a) to make complaints to you in Welsh, and
  - (b) to respond in Welsh to any complaint made about him or about her.
- Standard 106A:** You must state in any document that you have that sets out your procedures for making complaints that each member of staff may —
- (a) make a complaint to you in Welsh, and
  - (b) respond to a complaint made about him or about her in Welsh;
- and you must also inform each member of staff of that right.
- Standard 107:** If you receive a complaint from a member of staff or a complaint about a member of staff, and a meeting is required with that member of staff, you must —
- (a) offer to conduct the meeting in Welsh, and
  - (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).
- Standard 108:** If you receive a complaint from a member of staff or a complaint about a member of staff, and a meeting is required with that member of staff, you must —
- (a) ask the member of staff whether he or she wishes to use the Welsh language at the meeting;
  - (b) explain that you will provide a translation service from Welsh to English for that purpose if it is required;



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and if the member of staff wishes to use the Welsh language, you must provide a simultaneous translation service from Welsh to English at the meeting (unless you conduct the meeting in Welsh without translation services).

**Standard 109:**

When you inform a member of staff of a decision you have reached in relation to a complaint made by him or by her, or in relation to a complaint made about him or about her, you must do so in Welsh if that member of staff—

- (a) made the complaint in Welsh,
- (b) responded in Welsh to a complaint about him or about her,
- (c) asked for a meeting about the complaint to be conducted in Welsh, or
- (ch) asked to use the Welsh language at a meeting about the complaint.

**3**

**Standards relating to a body disciplining staff**

**Standard 110:**

You must allow all members of staff to respond in Welsh to allegations made against them in any internal disciplinary process.

**Standard 110A:**

You must —

- (a) state in any document that you have which sets out your arrangements for disciplining staff that any member of staff may respond in Welsh to any allegations made against him or against her, and
- (b) if you commence a disciplinary procedure in relation to a member of staff, inform that member of staff of that right.

**Standard 111:**

If you organise a meeting with a member of staff regarding a disciplinary matter that relates to his or to her conduct you must —

- (a) offer to conduct the meeting in Welsh; and
- (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

**Standard 112:**

If you organise a meeting with a member of staff regarding a disciplinary matter that relates to his or her conduct you must —

- (a) ask the member of staff whether he or she wishes to use the Welsh language at the meeting, and
- (b) explain that you will provide a translation service for that purpose if it is required;

and, if the member of staff wishes to use the Welsh language, you must provide a simultaneous translation service from Welsh to English at the meeting (unless you conduct the meeting in Welsh without a translation service).



the Welsh language and to assist your staff to use the Welsh language.

- Standard 120:** You must provide the interface and menus on your intranet pages in Welsh.
- 5** **Standards relating to a body developing Welsh language skills through planning and training its workforce**
- Standard 121:** You must assess the Welsh language skills of your employees.
- Standard 122:** You must provide training in Welsh in the following areas, if you provide such training in English —
- (a) recruitment and interviewing;
  - (b) performance management;
  - (c) complaints and disciplinary procedures;
  - (ch) induction;
  - (d) dealing with the public; and
  - (dd) health and safety.
- Standard 123:** You must provide training (in Welsh) on using Welsh effectively in —
- (a) meetings;
  - (b) interviews; and
  - (c) complaints and disciplinary procedures.
- Standard 124:** You must provide opportunities during working hours —
- (a) for your employees to receive basic Welsh language lessons, and
  - (b) for employees who manage others to receive training on using the Welsh language in their role as managers.
- Standard 125:** You must provide opportunities for employees who have completed basic Welsh language training to receive further training, free of charge, to develop their language skills.
- Standard 126:** You must provide training courses so that your employees can develop—
- (a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
  - (b) an understanding of the duty to operate in accordance with the Welsh language standards;
  - (c) an understanding of how the Welsh language can be used in the workplace.
- Standard 127:** When you provide information to new employees (for example by means of an induction process), you must provide information for the purpose of raising their awareness of the Welsh language.
- Standard 128:** You must provide wording or a logo for your staff to include in e-mail signatures which will enable them to indicate whether they speak Welsh fluently or whether they are learning the language.

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- Standard 129:** You must provide wording for your employees which will enable them to include a Welsh language version of their contact details in e-mail messages, and to provide a Welsh language version of any message which informs others that they are unavailable to respond to e-mail messages.
- Standard 130:** You must make available to members of staff who are able to speak Welsh a badge for them to wear to convey that.
- Standard 130A:** You must promote to members of staff the wearing of a badge that conveys that a member of staff is able to speak Welsh.
- 6**
- Standards relating to a body recruiting and appointing**
- Standard 131:** When you assess the requirements for a new or vacant post, you must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply —
- (a) Welsh language skills are essential;
  - (b) Welsh language skills need to be learnt when appointed to the post;
  - (c) Welsh language skills are desirable; or
  - (ch) Welsh language skills are not necessary.
- Standard 131A:** If you have categorised a post as one where Welsh language skills are essential, desirable or need to be learnt you must —
- (a) specify that when advertising the post, and
  - (b) advertise the post in Welsh.
- Standard 132:** When you advertise a post, you must state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English.
- Standard 132A:** If you publish —
- (a) application forms for posts;
  - (b) material that explains your procedure for applying for posts;
  - (c) information about your interview process, or about other assessment methods when applying for posts;
  - (ch) job descriptions;
- you must publish them in Welsh; and you must ensure that the Welsh language versions of the documents are treated no less favourably than any English language versions of those documents.
- Standard 132B:** You must not treat an application for a post made in Welsh less favourably than you treat an application made in English (including, amongst other matters, in relation to the closing date you set for receiving applications and in relation to any timescale for informing individuals of decisions).
- Standard 133:** You must ensure that your application forms for posts provide a space for individuals to indicate that they wish an interview

or other method of assessment in Welsh and if an individual so wishes, you must conduct any interview or other method of assessment in Welsh (without the assistance of a simultaneous or consecutive translation service).

**Standard 134:**

You must ensure that your application forms for posts —

- (a) provide a space for individuals to indicate that they wish to use the Welsh language at an interview or at any other method of assessment, and
- (b) explain that you will provide a translation service from Welsh to English for that purpose if it is required;

and, if the individual wishes to use the Welsh language at the interview or assessment, you must provide a simultaneous translation service at the interview or assessment (unless you conduct the interview or assessment in Welsh without that translation service).

**Standard 135:**

When you inform an individual of your decision in relation to an application for a post, you must do so in Welsh if the application was made in Welsh.

**7**

**Standards relating to signs displayed in a body's workplace**

**Standard 136:**

When you erect a new sign or renew a sign in your workplace (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

**Standard 137:**

When you erect a new sign or renew a sign in your workplace (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

**Standard 138:**

You must ensure that the Welsh language text on signs displayed in your workplace is accurate in terms of meaning and expression.

**8**

**Standard relating to audio announcements and messages in a body's workplace**

**Standard 139:**

When you make announcements in the workplace using audio equipment, that announcement must be made in Welsh, and if the announcement is made in Welsh and in English, the announcement must be made in Welsh first.

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## PART 2

### STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

<b>9</b>	When a compliance notice requires a body to comply with one of the standards listed on a specific row in column 1 of Table 1, that compliance notice must also require that body to comply (in whatever way the Welsh Language Commissioner considers appropriate) with the standard or standards listed in column 2 of that row.
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**TABLE 1**

<i>Row</i>	<b>Column 1</b> <i>Main standard</i>	<b>Column 2</b> <i>Reliant standard</i>
(1)	<b>Complaints procedures</b> Standard 106	Standard 106A
(2)	<b>Complaints procedures</b> Standard 106A	Standard 106
(3)	<b>Disciplining staff</b> Standard 110	Standard 110A
(4)	<b>Disciplining staff</b> Standard 110A	Standard 110
(5)	<b>Intranet</b> Standards 115, 116 or 117	Standard 118
(6)	<b>Raising awareness of Welsh language badge</b> Standard 130	Standard 130A
(7)	<b>Raising awareness of Welsh language badge</b> Standard 130A	Standard 130
(8)	<b>Recruitment and appointments</b> Standard 131	Standard 131A
(9)	<b>Recruitment</b> Standard 132	Standard 132A Standard 132B Standard 135
	<b>Internal signs</b>	Standard 138

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<i>Row</i>	<b>Column 1</b> <i>Main standard</i>	<b>Column 2</b> <i>Reliant standard</i>
(10)	Standard 136	

## PART 3

### INTERPRETING THE STANDARDS

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- 10** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 11**
- (1) A body is not required to translate into Welsh any text that it has not produced (“text A”).
  - (2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).
  - (3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with—
    - (a) its Welsh Language Scheme;
    - (b) a duty to comply with standards;
    - (c) Standing Orders of the Assembly;
    - (ch) section 35(1C) of the 2006 Act; or
    - (d) the Assembly Commission’s Official Languages Scheme.
  - (4) In this paragraph—
    - (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993;
    - (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
    - (c) “the 2006 Act” means the Government of Wales Act 2006;
    - (ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;
    - (d) “the Assembly Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.
- 12** For the purposes of standards 115, 116 and 117 (a body’s intranet), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—
- (a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text);
  - (b) when material is published on the intranet;

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but it does not mean that the Welsh language material must appear on the same page as the English language material, or on a page that is likely to open before the corresponding English language version of a page.

- 13** For the purposes of standards 132A (recruitment) and 136 (internal signs), references to treating the Welsh language no less favourably than the English language includes, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —
- (a) the visual presentation of the material (for example in relation to the colour or font of any text);
  - (b) the size of the material;
  - (c) the position and prominence of the material in any public area;
  - (ch) when and how material is published, provided or exhibited;
  - (d) the publication format of the material.
- 14** For the purposes of the standards a requirement to publish, provide or display any written material in Welsh does not mean that material should be published, provided or, displayed in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).
- 15** Standards 115 to 118 (intranet) do not apply to—
- (a) documents to which a link is provided on the intranet, advertising material on the intranet, or to video and audio clips on the intranet (see standards 99 to 105 for specific provision in relation to documents);
  - (b) information presented by persons on an interactive page published on a body’s intranet (for example on a section for comments or on a discussion forum).
- 16** For the purposes of standards 131 and 131A only —
- (a) “post” includes a public appointment;
  - (b) “public appointment” means any appointment to a public body or public office.
- 17** Standard 139 does not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.
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SCHEDULE 4

Regulation 2(4)

Record Keeping Standards

PART 1

THE STANDARDS

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**1 Standards relating to a body keeping records**



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- Standard 140:** You must keep a record, in relation to each financial year, of the number of complaints you receive relating to your compliance with standards.
- Standard 141:** You must keep a copy of any written complaint that you receive that relates to your compliance with the standards with which you are under a duty to comply.
- Standard 142:** You must keep a copy of any written complaint that you receive that relates to the Welsh language (whether or not that complaint relates to the standards with which you are under a duty to comply).
- Standard 143:** You must keep a record of the steps that you have taken in order to ensure compliance with the policy making standards with which you are under a duty to comply.
- Standard 144:** You must keep a record (following assessments of your employees' Welsh language skills made in accordance with standard 121), of the number of employees who have Welsh language skills at the end of each financial year and, where you have that information, you must keep a record of the skill level of those employees.
- Standard 145:** You must keep a record, for each financial year of—
- (a) the number of members of staff who attended training courses provided in Welsh (in accordance with standard 122), and
  - (b) if a Welsh version of a course was provided in accordance with standard 122, the percentage of the total number of staff attending the course who attended that version.
- Standard 146:** You must keep a record of the number of members of staff who wear a badge (made available to them in accordance with standard 130) at the end of each financial year.
- Standard 147:** You must keep a copy of every assessment that you carry out (in accordance with standard 131) in respect of the Welsh language skills that may be needed in relation to a new or vacant post.
- Standard 148:** You must keep a record, in relation to each financial year, of the number of new and vacant posts which were categorised (in accordance with standard 131) as posts where—
- (a) Welsh language skills are essential;
  - (b) Welsh language skills need to be learnt when appointed to the post;
  - (c) Welsh language skills are desirable; or
  - (ch) Welsh language skills are not necessary.
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## PART 2

### INTERPRETING THE STANDARDS

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- |          |  |
|----------|--|
| <b>2</b> | The standards specified in Part 1 of this Schedule must be interpreted as follows.                             |
| <b>3</b> | For the purposes of standards 140, 144, 145, 146 and 148 “financial year” means the body’s own financial year. |
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## SCHEDULE 5

Regulation 2(5)

Standards which deal with Supplementary Matters

## PART 1

## SERVICE DELIVERY STANDARDS

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<b>1</b>	<b>A body publicising service delivery standards</b>
<b>Standard 149:</b>	(a) You must ensure that a document which records the service delivery standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.
<b>2</b>	<b>A body publishing a complaints procedure</b>
<b>Standard 150:</b>	You must— <ul style="list-style-type: none"> <li>(a) ensure that you have a complaints procedure that deals with the following matters—           <ul style="list-style-type: none"> <li>(i) how you intend to deal with complaints relating to your compliance with the service delivery standards with which you are under a duty to comply, and</li> <li>(ii) how you will provide training for your staff in relation to dealing with those complaints, and</li> </ul> </li> <li>(b) publish a document that records that procedure on your website.</li> </ul>
<b>3</b>	<b>A body publishing arrangements for oversight, promotion etc.</b>
<b>Standard 151:</b>	You must— <ul style="list-style-type: none"> <li>(a) ensure that you have arrangements for—           <ul style="list-style-type: none"> <li>(i) overseeing the way you comply with the service delivery standards with which you are under a duty to comply,</li> <li>(ii) promoting the services that you offer in accordance with those standards, and</li> <li>(iii) facilitating the use of those services, and</li> </ul> </li> <li>(b) publish a document that records those arrangements on your website.</li> </ul>
<b>4</b>	<b>A body producing an annual report regarding service delivery standards</b>
<b>Standard 152:</b>	<p>(1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the service delivery standards with which you were under a duty to comply during that year.</p> <p>(2) The annual report must include the number of complaints that you received during that year which related to your compliance with the service delivery standards with which you were under a duty to comply.</p> <p>(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.</p>

- (4) You must publicise the fact that you have published an annual report.
- (5) You must ensure that a current copy of your annual report is available on your website.
- 5**                    **A body publicising the way it intends to comply with service delivery standards**
- Standard 153:**    You must publish a document on your website which explains how you intend to comply with the service delivery standards with which you are under a duty to comply.
- 6**                    **A body providing information to the Welsh Language Commissioner**
- Standard 154:**    You must provide any information requested by the Welsh Language Commissioner which relates to your compliance with the service delivery standards with which you are under a duty to comply.
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## PART 2

### POLICY MAKING STANDARDS

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- 7**                    **A body publicising policy making standards**
- Standard 155:**    You must ensure that a document which records the policy making standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.
- 8**                    **A body publishing a complaints procedure**
- Standard 156:**    You must—
- (a) ensure that you have a complaints procedure that deals with the following matters—
    - (i) how you intend to deal with complaints relating to your compliance with the policy making standards with which you are under a duty to comply, and
    - (ii) how you will provide training for your staff in relation to dealing with those complaints, and
  - (b) publish a document that records that procedure on your website.
- 9**                    **A body publishing arrangements for oversight**
- Standard 157:**    You must—
- (a) ensure that you have arrangements for overseeing the way you comply with the policy making standards with which you are under a duty to comply, and
  - (b) publish a document that records those arrangements on your website.
- 10**                  **A body producing an annual report regarding policy making standards**
- Standard 158:**    (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the policy making standards with which you were under a duty to comply during that year.

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(2) The annual report must include the number of complaints you received during the year which related to your compliance with the policy making standards with which you were under a duty to comply.

(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.

(4) You must publicise the fact that you have published an annual report.

(5) You must ensure that a current copy of your annual report is available on your website.

**11 A body publicising the way it intends to comply with policy making standards**

**Standard 159:** You must publish a document on your website which explains how you intend to comply with the policy making standards with which you are under a duty to comply.

**12 A body providing information to the Welsh Language Commissioner**

**Standard 160:** You must provide any information requested by the Welsh Language Commissioner which relates to compliance with the policy making standards with which you are under a duty to comply.

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## PART 3

### OPERATIONAL STANDARDS

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**13 A body publicising operational standards**

**Standard 161:** You must ensure that a document which records the operational standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

**14 A body publishing a complaints procedure**

**Standard 162:** You must—

(a) ensure that you have a complaints procedure that deals with the following matters—

(i) how you intend to deal with complaints relating to your compliance with the operational standards with which you are under a duty to comply, and

(ii) how you will provide training for your staff in relation to dealing with those complaints, and

(b) publish a document that records that procedure on your intranet.

**15 A body publishing oversight arrangements, promotion etc.**

**Standard 163:** You must—

(a) ensure that you have arrangements for—

(i) overseeing the way you comply with the operational standards with which you are under a duty to comply,

(ii) promoting the services that you offer in accordance with those standards, and

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(iii) facilitating the use of those services, and

(b) publish a document that records that procedure on your intranet.

## 16

### **A body producing an annual report regarding operational standards**

#### **Standard 164:**

(1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the operational standards with which you were under a duty to comply during that year.

(2) The annual report must include the following information (where relevant, to the extent you are under a duty to comply with the standards referred to)—

- (a) the number of employees who have Welsh language skills at the end of the year in question (on the basis of the records you kept in accordance with standard 144);
- (b) the number of members of staff who attended training courses you offered in Welsh during the year (on the basis of the records you kept in accordance with standard 145);
- (c) if a Welsh version of a course was offered by you during that year, the percentage of the total number of staff attending the course who attended the Welsh version (on the basis of the records you kept in accordance with standard 145);
- (ch) the number of members of staff who wear a badge at the end of the financial year (on the basis of records you kept in accordance with standard 146);
- (d) the number of new and vacant posts that you advertised during the year which were categorised as posts where—
  - (i) Welsh language skills were essential,
  - (ii) Welsh language skills needed to be learnt when appointed to the post,
  - (iii) Welsh language skills were desirable, or
  - (iv) Welsh language skills were not necessary,(on the basis of the records you kept in accordance with standard 148);
- (dd) the number of complaints that you received during that year which related to your compliance with the operational standards with which you were under a duty to comply.

(3) You must publish the annual report no later than 6 months following the end of the financial year to which the report relates.

(4) You must publicise the fact that you have published an annual report.

(5) You must ensure that a current copy of your annual report is available on your website.

## 17

### **A body publicising the way it intends to comply with operational standards**

#### **Standard 165:**

You must publish a document on your website which explains how you intend to comply with the operational standards with which you are under a duty to comply.

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- 18**                    **A body providing information to the Welsh Language Commissioner**
- Standard 166:**    You must provide any information requested by the Welsh Language Commissioner which relates to compliance with the operational standards with which you are under a duty to comply.
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## PART 4

### RECORD KEEPING STANDARDS

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- 19**                    **A body publicising record keeping standards**
- Standard 167:**    You must ensure that a document which records the record keeping standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.
- 20**                    **A body providing information to the Welsh Language Commissioner**
- Standard 168:**    You must provide any records you have kept in accordance with the record keeping standards with which you are under a duty to comply to the Welsh Language Commissioner, if the Commissioner asks for those records.
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## PART 5

### INTERPRETING THE STANDARDS

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- 21**                    The standards specified in Parts 1 to 4 must be interpreted as follows.
- 22**                    For the purposes of standards 152, 158 and 164 “financial year” means the body’s own financial year.
- 23**                    For the purpose of the standards a requirement to produce or publish any written material in Welsh does not mean that material should be produced or published in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).
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## PART 6

### SUPPLEMENTARY PROVISION

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- 24**                    **Complaints procedures**
- (1) When a body is under a duty to comply with one or more of the following standards, it may—
- (a) comply with them in one complaints procedure;
  - (b) revise an existing complaints procedure.
- (2) The standards are—
- (a) standard 150;
  - (b) standard 156;

(c) standard 162.

**25 Supervisory arrangements**

(1) When a body is under a duty to comply with one or more of the following standards, it may comply with them in one set of supervisory arrangements.

(2) The standards are—

(a) standard 151;

(b) standard 157;

(c) standard 163.

**26 Annual reports**

(1) When a body is under a duty to comply with one or more of the following standards, it may comply with them by including the necessary information in one annual report, to be called “Welsh Language Standards Annual Report”.

(2) The standards are—

(a) standard 152;

(b) standard 158;

(c) standard 164.

**27 Publicising the way in which a body intends to comply with standards**

(1) When a body is under a duty to comply with one or more of the following standards, it may comply with them in one document.

(2) The standards are—

(a) standard 153;

(b) standard 159;

(c) standard 165.

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SCHEDULE 6

Regulation 3

Agricultural Land Tribunal (Wales) (“*Tribiwnlys Tir Amaethyddol Cymru*”)

Education Workforce Council (“*Cyngor y Gweithlu Addysg*”)

The Mental Health Review Tribunal for Wales (“*Tribiwnlys Adolygiad Iechyd Meddwl Cymru*”)

The Residential Property Tribunal Wales (“*Tribiwnlys Eiddo Preswyl Cymru*”)

The Special Educational Needs Tribunal for Wales (“*Tribiwnlys Anghenion Addysgol Arbennig Cymru*”)

Valuation Tribunal for Wales (“*Tribiwnlys Prisio Cymru*”)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Welsh Language (Wales) Measure 2011 ([nawm 1](#)) (“the 2011 Measure”) makes provision for the specification of standards of conduct in relation to the Welsh language (“standards”). These replace the system of Welsh language schemes provided for by the Welsh Language Act 1993 ([c. 38](#)).

Section 26 of the 2011 Measure enables the Welsh Ministers to specify standards, and section 39 enables them to provide that a standard is specifically applicable to a person by authorising the Welsh Language Commissioner (“the Commissioner”) to give a notice to that person requiring compliance with the standard (a “compliance notice”).

These Regulations specify standards in relation to the conduct of the bodies listed in Schedule 6 to the Regulations. The listed bodies are:

- Agricultural Land Tribunal
- Education Workforce Council
- the Mental Health Review Tribunal for Wales
- the Residential Property Tribunal Wales
- the Special Educational Needs Tribunal for Wales
- Valuation Tribunal for Wales.

Amongst other things, these bodies may make decisions in respect of legal proceedings brought before them. The Welsh Language Act 1993 makes provision about speaking Welsh in legal proceedings.

The Regulations also authorise (subject to certain exceptions set out in regulation 3(2)) the Commissioner to give a compliance notice to those bodies, in relation to standards specified by the Regulations.

In accordance with section 44 of the 2011 Measure, the Commissioner may (by way of a compliance notice) require a body to comply with one or more standards that are specifically applicable to it. To reflect that, the standards specified by the Regulations are expressed in the second person narrative, meaning that they are in “you must” form (where “you” means the relevant body in each case).

Using the flexibility provided by section 44 of the 2011 Measure the Commissioner may (if it is reasonable and proportionate, and the Commissioner wishes to do so) require a body to comply with one standard in some circumstances and another standard in other circumstances. For example, if a standard is specifically applicable to a body the Commissioner may require the body to comply with the standard in some circumstances but not others, or require it to comply with the standard only in some areas. Similarly if two or more standards relate to a specific conduct (for example, standards 8 to 11 in relation to answering telephone calls), the Commissioner may (by way of a compliance notice) require a body to comply with one of those standards only, or with different standards at different times, in different circumstances, or in different areas; as is appropriate for the body. The Commissioner is not, therefore, obliged to require every body to comply with every standard.

In accordance with section 46 of the 2011 Measure, the compliance notice given to a body must state the imposition day, or imposition days; meaning the day or days upon which the body becomes required to comply with a standard (or comply with a standard in a specific way). Using the flexibility provided for by section 46, the Commissioner may set an early imposition day for a body to comply



with a standard (provided this is at least 6 months after the date on which the body was given the related compliance notice), or set an imposition day further in the future (for example in relation to more challenging standards).

Where a standard specified in these Regulations requires written material to be displayed or provided in Welsh, or for a service to be provided in Welsh, this does not mean that the material must be displayed or provided in Welsh only, or that the service must only be provided in Welsh (unless that is specifically stated).

**Schedule 1** to the Regulations specifies **service delivery standards**. Section 28 of the 2011 Measure provides that a “service delivery standard” means a standard that relates to a service delivery activity, and is intended to promote or facilitate the use of the Welsh language, or to work towards ensuring that the Welsh language is treated no less favourably than the English language when that activity is carried out. A “service delivery activity” means a person delivering services to another person, or dealing with any other person in connection with delivering services to that other person, or to a third person.

**Schedule 2** to the Regulations specifies **policy making standards**. Section 29 of the 2011 Measure provides that a “policy making standard” means a standard that relates to a policy decision, and is intended to secure, or to contribute to securing, that the person making the policy decision considers one or more of the following—

- (a) what effects, if any, (whether positive or adverse) the policy decision would have on opportunities for people to use the Welsh language, or on treating the Welsh language no less favourably than the English language;
- (b) how the decision could be made so that the decision has positive effects, or increased positive effects, on opportunities for people to use the Welsh language, or on treating the Welsh language no less favourably than the English language;
- (c) how the decision could be made so that the decision does not have adverse effects, or has decreased adverse effects, on opportunities for other persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language.

**Schedule 3** to the Regulations specifies **operational standards**. Section 30 of the 2011 Measure provides that an “operational standard” means a standard that relates to the functions, or a business or other undertaking (“relevant activities”) of a person (“A”), that is intended to promote or facilitate the use of the Welsh language—

- (a) by A in carrying out A’s relevant activities,
- (b) by A and another person in dealings between them in connection with A’s relevant activities, or
- (c) by a person other than A in carrying out activities for the purposes of, or in connection with, A’s relevant activities.

**Schedule 4** to the Regulations specifies **record keeping standards**. Section 32 of the 2011 Measure provides that a “record keeping standard” is a standard relating to the keeping of records about other specified standards, records about complaints concerning compliance with other specified standards, or records about other complaints concerning the Welsh language.

**Schedule 5** to the Regulations specifies **standards that deal with supplementary matters**. These are specific forms of service delivery standards, policy making standards, operational standards and record keeping standards that deal with the matters referred to in section 27(4) of the 2011 Measure (which are supplementary to the matters dealt with in Schedules 1 to 4).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Language Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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