

Draft Regulations laid before the National Assembly for Wales under section 150(2) of the Welsh Language (Wales) Measure 2011, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2018 No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
(No. 7) Regulations 2018**

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 Local Health Boards, National Health Service Trusts in Wales, Community Health Councils and the Board of Community Health Councils in Wales (which are referred to in the Regulations as “bodies”).

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 relation to Social Care Wales the Regulations authorise the Commissioner to give that body a compliance notice in relation to standards specified in the Welsh Language Standards (No. 4) Regulations 2016 (S.I. 2016/405 (W. 125)).

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 10 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).

The Regulations require a body to comply with the standards—

- (a) whether it is carrying out the activity or providing the service; or
- (b) whether it is carried out or it is provided on its behalf by a third party under arrangements made between them.

However, in the case of an individual attending a clinical consultation or a case conference, or an individual who is an in-patient, it is the standards that apply to the third party carrying out the activity or providing the service on behalf of the body that apply. This means, for example, that if Cardiff and the Vale University Health Board carries out or provides a case conference on behalf of Betsi Cadwaladr University Health Board, then Cardiff and

the Vale University Health Board's standards would apply, not Betsi Cadwaladr University Health Board's standards. It also means that if an individual is an in-patient at Cardiff and the Vale University Health Board's hospital on behalf of Betsi Cadwaladr University Health Board, then Cardiff and the Vale University Health Board's standards would apply, not Betsi Cadwaladr University Health Board's standards.

Where the third party is a primary care provider, or where the service provided or the activity carried out on the body's behalf is provided or carried out in a private hospital or private clinic in Wales, a private ward in a hospital in Wales or a hospital or clinic outside of Wales, then no standards apply. No standards apply when the service provided or the activity carried out on the body's behalf is a care home service.

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 persons 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 persons 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 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.

Draft Regulations laid before the National Assembly for Wales under section 150(2) of the Welsh Language (Wales) Measure 2011, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2018 No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
(No. 7) Regulations 2018**

Made

Coming into force

29 June 2018

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⁽¹⁾, 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. 7) Regulations 2018.

(2) These Regulations come into force on 29 June 2018.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

a “body” (“*corff*”) means a person listed in Schedule 6;

a “care home service” (“*gwasanaeth cartref gofal*”) has the same meaning as in section 2(2) of, and paragraph 1 of Schedule 1 to, the Regulation

(1) 2011 nawm 1.

and Inspection of Social Care (Wales) Act 2016⁽¹⁾;

a “case conference” (“*cynhadledd achos*”) means an interaction the main purpose of which is to discuss an individual’s (“A”) health related provision and is between—

- (a) A,
- (b) one or more bodies, and
- (c) one or more persons where at least one of those persons is a county council or a county borough council in Wales;

a “clinic” (“*clinig*”) is a surgery or consulting room in which—

- (a) a clinical consultation; or
- (b) a private clinical consultation;

takes place;

a “clinical consultation” (“*ymgyngoriad clinigol*”) means a health provision interaction between one or more individuals and a body;

“health provision” (“*darpariaeth iechyd*”) means the provision of health services as part of the national health service to an individual and includes the assessment, diagnosis or treatment of that individual;

“health related provision” (“*darpariaeth sy’n ymwneud ag iechyd*”) means provision of services to an individual which may have an effect on the health of that individual but which are not health provision or private health provision;

a “hospital” (“*ysbyty*”) means—

- (a) any institution for the reception and treatment of persons suffering from illness,
- (b) any maternity home, and
- (c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

and includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution;

an “individual” (“*unigolyn*”) means a natural person ordinarily resident in Wales acting in their personal capacity; but does not include an individual acting in their capacity as a volunteer;

an “in-patient” (“*claf mewnol*”) means an individual who is admitted to hospital for at least one night;

an “in-patient admission” (“*derbyniad fel claf mewnol*”) begins on the day the in-patient is

(1) 2016 anaw 2.

admitted to hospital and ends on the day the in-patient ceases to be in hospital;

a “member of staff” (“*aelod o staff*”) means an employee of a body or a natural person working for a body but not a person appointed to a body by the Welsh Ministers, a Minister of the Crown, Secretary of State, a county council or county borough council or a voluntary organisation⁽¹⁾ (and “staff” (“*staff*”) must be construed accordingly);

“national health service” (“*gwasanaeth iechyd gwladol*”) means the comprehensive health service in Wales continued under section 1(1) of the National Health Service (Wales) Act 2006⁽²⁾;

a “national health service clinic” (“*clinig gwasanaeth iechyd gwladol*”) means a clinic vested in the Welsh Ministers, a Local Health Board or a National Health Service Trust;

a “national health service hospital” (“*ysbyty gwasanaeth iechyd gwladol*”) means a hospital vested in the Welsh Ministers, a Local Health Board or a National Health Service Trust;

a “primary care provider” (“*darparwr gofal sylfaenol*”) means a person who provides a primary care service on behalf of a Local Health Board;

a “primary care service” (“*gwasanaeth gofal sylfaenol*”) means a service provided under a contract, arrangement or agreement made under or by virtue of any of the following provisions of the National Health Service (Wales) Act 2006—

- (a) section 41(2)(b) (primary medical services);
- (b) section 42(1) (general medical services contracts);
- (c) section 50 (arrangements by Local Health Boards for the provision of primary medical services);
- (ch)section 57(1) (general dental services contracts);
- (d) section 64 (arrangements by Local Health Boards for the provision of primary dental services);
- (dd)section 71 (arrangements for general ophthalmic services);
- (e) section 80 (arrangements for pharmaceutical services);

(1) See for example regulation 7 of the Community Health Councils (Constitution, Membership and Procedures)(Wales) Regulations 2010 (S.I. 2010/288 (W. 37)) which relates to the appointment of members to Community Health Councils by voluntary organisations.

(2) 2006 c. 42.

(f) section 81 (additional pharmaceutical services);

(ff) section 92 (pilot schemes);

(g) section 102 (local pharmaceutical services schemes);

a “private clinic” (“*clinig preifat*”) means a clinic which is not a national health service clinic;

a “private clinical consultation” (“*ymgyngoriad clinigol preifat*”) means a private health provision interaction between one or more individuals and a person;

“private health provision” (“*darpariaeth iechyd breifat*”) means the provision of health services not as part of the national health service to an individual and includes the assessment, diagnosis or treatment of that individual; and

a “private hospital” (“*ysbyty preifat*”) means a hospital which is not a national health service hospital.

(5) Subject to paragraphs (7), (8), (9) and (10), 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.

(6) Nothing in these Regulations requires a body to comply with a standard in relation to 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, except in relation to—

(a) a clinical consultation,

(b) a case conference, or

(c) an in-patient (when the in-patient is not attending a clinical consultation).

(7) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out on its behalf or a service provided on its behalf by a third party under arrangements made between it and the third party in relation to—

(a) a clinical consultation,

- (b) a case conference, or
- (c) an in-patient (when the in-patient is not attending a clinical consultation).

(8) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where that activity is carried out or that service is provided on its behalf—

- (a) in a private hospital or private clinic in Wales,
- (b) on a private ward in a hospital in Wales, or
- (c) in a hospital or clinic located outside of Wales.

(9) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where that activity is carried out or that service is provided on its behalf by a primary care provider.

(10) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where the activity carried out or the service provided on its behalf is a care home service.

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 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.

(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) In Schedule 5—
 - (a) Part 1 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 to 4;
 - (b) Part 2 makes provision about interpreting the supplementary standards.

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—

- (a) National Health Service Trusts in Wales requiring them to comply with the following standards—
 - (i) 65 to 68,
 - (ii) 78 to 78A;
- (b) Community Health Councils and the Board of Community Health Councils in Wales requiring them to comply with the following standards—
 - (i) 23 to 25,
 - (ii) 64 to 68,
 - (iii) 78 to 78A,
 - (iv) 110 and 110A.

Amendment of Welsh Language Standards (No. 4) Regulations 2016

4.—(1) In regulation 3 of the Welsh Language Standards (No. 4) Regulations 2016 (“the No. 4 Regulations”)(¹) for paragraph (2) substitute—

“(2) But the Commissioner is not authorised to give a compliance notice to—

- (a) the Agricultural Land Tribunal (Wales), the Mental Health Review Tribunal for Wales, the Residential Property Tribunal Wales and the

(1) S.I. 2016/405 (W. 125).

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;

(b) Social Care Wales⁽¹⁾ requiring it to comply with standard 60.”

(2) In Schedule 6 to the No. 4 Regulations in the appropriate place insert—

“Social Care Wales (*“Gofal Cymdeithasol Cymru”*)”.

Minister for Welsh Language and Lifelong Learning,
under the authority of the Cabinet Secretary for
Education, one of the Welsh Ministers

Date

(1) See section 67 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) which continued the Care Council for Wales in existence, but renamed it as Social Care Wales.

SCHEDULE 1 Regulation 2(1)
Service Delivery Standards

PART 1

THE STANDARDS

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 that A is to complete 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 one or more 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) all 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 all of those individuals;
- (b) one (but not all) 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 all 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 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 11: 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 12: 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.

Standard 13: 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 14: 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 15: Your main telephone call answering service (or services) must inform persons calling, in Welsh, that they can leave a message in Welsh.

Standard 16: 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 17: 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 18: 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 19: 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 20: Any automated telephone systems that you have must provide the complete automated service in Welsh.

Standards relating to a body holding meetings that are not open to the public

(1) Meetings between a body and one other invited person

Standard 21: If you invite one person only (“P”) to a meeting—

- (a) you must ask P whether P wishes to use the Welsh language at the meeting, and inform P that you will conduct the meeting in Welsh or, if necessary, provide a translation service from Welsh to English for that purpose, and
- (b) if P has informed you that P wishes to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

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

Standard 22: 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 22A: 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 or consecutive translation service from Welsh to English to be available at the meeting.

Standard 22B: 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 or consecutive translation service from Welsh to English to be available at the meeting.

Standard 22C: 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 or consecutive translation service from Welsh to English to be available at the meeting.

Standard 22CH: 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 or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

4 Standards relating to in-patients

Standard 23: You must ask an in-patient (“A”) on the first day of A’s in-patient admission whether A wishes to use the Welsh language to communicate with you during that in-patient admission.

Standard 23A: If the in-patient (“A”) informs you that A wishes to use the Welsh language to communicate with you during an in-patient admission you must identify to your staff who are likely to communicate with A, that A wishes to use the Welsh language to communicate with you during that in-patient admission.

Standard 24: You must produce and publish a policy on how to establish whether an in-patient (“A”) wishes to use the Welsh language during A’s in-patient admission if A is unable to inform you that A wishes to use the Welsh language to communicate with you during an in-patient admission.

5 Standards relating to case conferences

Standard 25: If you invite an individual (“A”), to a case conference which will be held 5 or more working days after the invitation is sent—

- (a) you must ask A whether A wishes to use the Welsh language at the case conference, and inform A that, you will conduct the conference in Welsh, or if necessary provide a translation service from Welsh to English and from English to Welsh for that purpose, and
- (b) if A has informed you that A wishes to use the Welsh language at the case conference, you must conduct the conference in Welsh or, if necessary, provide a simultaneous or consecutive translation service from Welsh to English and from English to Welsh.

6 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 and at which public participation is allowed 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 and at which public participation is allowed, 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 and at which public participation is allowed, 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 or consecutive 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 and at which public participation is allowed, 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 produce and 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.

7 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 you produce and display at the event and in relation to audio announcements made at the event).

8 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.

9 Standards relating to a body displaying material in public

Standard 34: Any material that you produce and 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 produce and 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.

10 Standards relating to a body producing and publishing documents and forms

Standard 36: If you produce a form that is to be completed by an individual, you must produce it in Welsh.

Standard 37: If you produce a document (but not a form) which is available to one or more individuals, 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 38: If you produce a document or a form in Welsh and in English you must—

- (a) not treat any Welsh language version less favourably than you treat the English language version (whether separate versions or not);
- (b) not differentiate between the Welsh and English version in relation to any requirements that are relevant to the document or 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 document or form); and
- (c) ensure that the English language version clearly states that the document or form is also available in Welsh.

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

(1) Websites published by a body

Standard 39: 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 40:** You must ensure that—
- (a) the text of the homepage of your website is available in Welsh,
 - (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 41:** 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 42: 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 43: You must provide the interface and menus on every page of your website in Welsh.

(2) Apps published by a body

Standard 44: 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 45: When you use social media you must not treat the Welsh language less favourably than the English language.

Standard 46: If a person contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

13 Standards relating to signs and notices displayed or published by a body

Standard 47: When you—

- (a) erect a new sign or renew a sign (including temporary signs); or
- (b) publish or display a notice;

any text displayed on the sign or notice must be displayed in Welsh (whether on the same sign or notice as you display corresponding English language text or on a separate sign or notice); 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 48: When you—

- (a) erect a new sign or renew a sign (including temporary signs); or
- (b) publish or display a notice;

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

14 Standards relating to a body receiving visitors at its buildings

Standard 50: Any reception service you make available in English at your

reception must also be available in Welsh, and any person who requires a Welsh language reception service at your reception must not be treated less favourably than a person who requires an English language reception service.

Standard 51: If you have no face to face Welsh language reception service available at your reception, you must ensure that a Welsh language reception service is available over a phone in your reception.

Standard 52: 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 53: You must ensure that staff at the reception who are able to provide a Welsh language reception service wear a badge to convey that.

15 Standards relating to a body awarding grants

Standard 54: Any documents that you publish which relate to applications for a grant must be published in Welsh, and you must not treat a Welsh language version of such documents less favourably than an English language version.

Standard 55: When you invite applications for a grant, you must—

- (a) state in the invitation that applications may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English; and
- (b) not treat applications for a grant submitted in Welsh less favourably than applications submitted in English (including, amongst other matters, in relation to the closing date

for receiving applications and in relation to the time-scale for informing applicants of decisions).

Standard 56: When you inform an applicant of your decision in relation to an application for a grant, you must do so in Welsh if the application was submitted in Welsh.

16 Standards relating to a body awarding contracts

Standard 57: Any invitations to tender for a contract that you publish must be published in Welsh if the subject matter of the contract suggests that it should be produced in Welsh, and you must not treat a Welsh language version of any invitation less favourably than an English language version.

Standard 58: When you publish invitations to tender for a contract, you must—

- (a) 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, and
- (b) 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 time-scale for informing tenderers of decisions).

Standard 59: 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.

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

Standard 60: You must promote any Welsh

language service that you provide, and advertise that service in Welsh.

Standard 61: 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.

18 Standard relating to a body's corporate identity

Standard 62: When you form, revise or present your corporate identity, you must not treat the Welsh language less favourably than the English language.

19 Standard relating to courses offered by a body

Standard 63: If you offer an education course to one or more individuals, you must—

- (a) undertake an assessment of the need for that course to be offered in Welsh;
- (b) offer that course in Welsh if the assessment indicated that the course needs to be offered in Welsh.

20 Standard relating to public address systems used by a body

Standard 64: When you announce a recorded 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.

21 Standards relating to primary care

Standard 65: When you know that a primary care provider is willing to provide a primary care service or part of a primary care service through the

medium of Welsh, you must designate and maintain a page on your website (in Welsh) containing that information.

- Standard 66:** You must—
- (a) provide an English to Welsh translation service for use by a primary care provider to enable it to obtain Welsh language translations of signs or notices displayed in connection with its primary care service, and
 - (b) encourage the use of the translation service provided by you in accordance with this standard.

- Standard 67:** You must—
- (a) make available to a primary care provider a badge for it or its staff to wear to convey that they are able to speak Welsh, and
 - (b) promote to a primary care provider the wearing of the badge.

- Standard 68:** You must provide training courses, information or hold events so that a primary care provider can develop—
- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
 - (b) an understanding of how the Welsh language can be used in the workplace.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

- 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).

TABLE 1

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
(1)	Replying to correspondence Standard 1	Standard 7
(2)	Corresponding with members of the same household Standard 3	Standard 6
(3)	Corresponding with several persons Standard 4	Standard 6 Standard 7
(4)	General standards relating to correspondence Standard 5	Standard 6 Standard 7
(5)	Raising awareness about corresponding in Welsh Standard 7	Standard 1
(6)	Receiving telephone calls Standard 9	Standard 10
(7)	Receiving telephone calls	

	Standard 10	Standard 9 Standard 13
(8)	Raising awareness about telephone services in Welsh Standard 13	Standard 10 Standard 15 and Standard 16
(9)	Meetings with more than one person Standard 22	One or more of the following: Standard 22A Standard 22B Standard 22C and also; Standard 22CH
(10)	Meetings with more than one person Standard 22A, 22B, 22C or 22CH	Standard 22
(11)	In-patients Standard 23	Standard 23A
(12)	In-patients Standard 23A	Standard 23
(13)	Public meetings Standard 26	Standard 29
(14)	Public meetings Standard 29	Standard 26
(15)	Documents and forms Standard 36 or 37	Standard 38
(16)	Websites Standard 39, 40 or 41	Standard 42
(17)	Signs and notices	

	Standard 47 or 48	Standard 49
(18)	Reception Standard 50	Standard 52 Standard 53
(19)	Reception Standard 51	Standard 52
(20)	Raising awareness of Welsh-language services in a reception Standard 52	One or more of the following: Standard 50 Standard 51
(21)	Grants Standard 55	Standard 56
(22)	Contracts Standard 58	Standard 59

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** The standards do not apply to the extent that the activity carried out or the service provided relates to research.

26 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.

27 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).

28

- (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⁽¹⁾;
- (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⁽²⁾;
- (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.

29

(1) If—

- (a) the conditions in paragraphs (i) to (iii) are met, or
- (b) the condition in subparagraph (2) is met,

a person or body listed in Schedule 1 to the Civil Contingencies Act 2004⁽³⁾ (“the 2004 Act”) is not required to comply with any of the standards in respect of an activity or a service referred to in paragraph (ii)—

- (i) the first condition is that an emergency has occurred, is occurring or is about to occur;
- (ii) the second condition is that the activity being carried out or the service being provided

(1) 1993 c. 38.

(2) 2006 c. 32.

(3) 2004 c. 36.

by the person or body is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of an emergency; and

(iii) the third condition is that the need for the activity or the service referred to in paragraph (ii) is urgent.

(2) The condition is that the person or body is undertaking an emergency drill.

(3) In this paragraph, “emergency” has the same meaning given to it in section 1 of the 2004 Act subject to sub-paragraph (4).

(4) If the condition in sub-paragraph (2) is met, then the reference to “an emergency” in sub-paragraph (1)(ii) is to be read as “the simulated emergency situation”.

30

(1) Where the emergency is not an emergency within the meaning of paragraph 29, and—

- (a) the conditions in paragraphs (i) to (iii) are met, or
- (b) the condition in sub-paragraph (2) is met,

a body is not required to comply with any of the standards in respect of an activity or a service referred to in paragraph (ii)—

- (i) the first condition is that an emergency has occurred, is occurring or is about to occur;
- (ii) the second condition is that the activity being carried out or the service being provided by the body is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of an emergency; and
- (iii) the third condition is that the need for the

activity or the service referred to in paragraph (ii) is urgent and it is occurring outside of a hospital building.

(2) The condition is that the body is undertaking an emergency drill.

(3) If the condition in subparagraph (2) is met, then the reference to “an emergency” in subparagraph (1)(ii) is to be read as “the simulated emergency”.

31

(1) Where a body is responding to the notification of a suspected disease, infection, causative agent or contamination within the meaning of the Public Health (Control of Diseases) Act 1984⁽¹⁾ (“the 1984 Act”) or any regulations made under the 1984 Act, and—

- (a) the conditions in paragraphs (i) and (ii) are met, or
- (b) the condition in subparagraph (2) is met,

a body is not required to comply with any of the standards in respect of an activity or a service referred to in paragraph (ii)—

- (i) the first condition is that a proper officer (within the meaning of the 1984 Act) determines that the case is urgent; and
- (ii) the second condition is that the activity being carried out or the service being provided by the body is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of a disease, infection, contamination or the causative agent.

(2) The condition is that the body is undertaking a drill.

⁽¹⁾ 1984 c. 22.

(3) If the condition in sub-paragraph (2) is met, then the reference to “a disease, infection, contamination or causative agent” in sub-paragraph (1)(ii) is to be read as “the simulated disease, infection, contamination or causative agent”.

- 32** For the purposes of standards 2, 3 and 19, a body corresponds with an individual or makes a telephone call to an individual for the first time when it 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.
- 33** Standards 1 to 5 do not apply to correspondence which contains the report of a clinical consultation (including, for example, test results).
- 34** Standards 4 and 5 do not apply to correspondence between a body and a person (who is not an individual) about one or more individuals.
- 35** Standards 8 to 10 and 13 to 16 do not apply to calls made to the following telephone numbers—
- (a) 999;
 - (b) 112.
- 36** Standard 19 does not apply to the extent that the activity carried out or the service provided relates to a primary care service.
- 37** In standard 20 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.
- 38** (1) The standards in sub-paragraph (2) do not apply to a meeting between the body and one or more persons to discuss the assessment, diagnosis or treatment of one or more named individuals and none of those individuals are present at that

meeting.

(2) The standards referred to in sub-paragraph (1) are—

- (a) standards 8 to 20 (telephone calls);
- (b) standards 21 to 22CH (meetings);
- (c) standards 26 to 30 (meetings open to the public);
- (ch) standard 32 (public events);
- (d) standards 39 to 44 (websites and online services);
- (dd) standards 45 and 46 (social media).

39

(1) The standards in sub-paragraph (2) do not apply to a clinical consultation or a case conference (see standards 23 to 24 for in-patients and standard 25 for case conferences).

(2) The standards referred to in sub-paragraph (1) are—

- (a) standards 8 to 20 (telephone calls);
- (b) standards 21 to 22CH (meetings);
- (c) standards 26 to 30 (meetings open to the public);
- (ch) standard 32 (public events);
- (d) standards 39 to 44 (websites and online services);
- (dd) standards 45 and 46 (social media).

40

In standard 25—

- (a) a “working day” means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971 or other public holiday;
- (b) a “working day” does not include the day on which the invitation was sent.

- 41** 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; or
 - (ch) any recording of the performance, production, seminar or oral presentation.
- 42** Standards 32 and 64 do not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.
- 43** Where a standard refers to material that is to be produced in Welsh (with the exception of standards 39 to 44 (websites and apps), 45 and 46 (social media) and 57 (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; or
 - (d) the publication format of the material.
- 44** For the purposes of standard 37 references to documents or other materials being available to one or

more individuals do not include documents or materials that are only available to individuals by virtue of the Freedom of Information Act 2000⁽¹⁾.

45

(1) Standards 36 and 38 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 107A and 108 in relation to recruitment);
- (b) forms used when applying for grant assistance from a body (see standards 54 to 56 in relation to applications for grants); and
- (c) forms used when submitting a tender to enter into a contract with a body (see standards 57 to 59 in relation to tendering for a contract).

46

Standards 36 to 38 do not apply—

- (a) to an enactment made by a body or to a draft enactment prepared by a body;
- (b) to any advertising material contained in a document;
- (c) to rules specified in an enactment or in a draft enactment prepared by a body; or
- (ch) when a form or document produced by the body provides information in relation to a named individual.

47

Standards 39 to 43 (websites) do not apply to—

- (a) documents to which a link is provided on a website,

(1) 2000 c. 36.

advertising material on a website, or to video and audio clips on a website (see standards 36 to 38 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); or
- (c) a webpage which contains the report of a clinical consultation (including, for example, test results).

48

(1) For the purpose of standard 44 an 'app' is a software application designed to undertake a specific task on an electronic device.

(2) Standard 44 does not apply to any advertising material on an app (see standard 33 in relation to advertising material produced by a body).

49

For the purpose of standards 39 to 41 (websites), 44 (apps) and 45 (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.

50 (1) Standards 1 to 7 (correspondence) do not apply to correspondence sent by social media (see standards 45 and 46 in relation to social media).

(2) Standards 39 to 44 (websites and apps) do not apply to social media (see standards 45 and 46 in relation to social media).

51 Standards 45 and 46 (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 38 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); or

(c) information sent by social media which contains the report of a clinical consultation (including, for example, test results).

52 For the purposes of standards 50 to 53 (receiving visitors)—

(a) “reception” means an area in a body's hospitals, offices and service locations where staff's main role is to welcome persons; and

(b) “reception service” means a service for welcoming persons to the body's hospitals, offices or service locations by staff whose main role is for that purpose.

53 For the purposes of standards 7 and

47 to 49 a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.

54

For the purposes of standard 57 (invitation to tender)—

- (a) a body is not required to publish an invitation to tender in Welsh in the Official Journal of the European Union;
- (b) 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—
 - (i) the visual presentation of material (for example in relation to the colour or font of any text);
 - (ii) the size of the material;
 - (iii) the position and prominence of the material in any public place;
 - (iv) when and how the material is published, provided or exhibited; or
 - (v) 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.

55

(1) For the purposes of standard 62, 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 62 does not apply to the extent that an enactment requires a body to use a legal name.

56

For the purposes of standard 63 (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 individuals; but does not include—

- (a) an education course that prepares a participant for a qualification or an exam;
- (b) an education course where the majority of participants are undertaking the course as part of their professional development;
- (c) an education course where the majority of participants will be members of staff; or
- (ch) an education course for which a fee is paid.

57

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.

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 69:** 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 70:** 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 71:** 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 72: 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 73: 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 74: 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 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 75: 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 76: 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 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 77: 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.

Standard 78: You must publish a policy on providing a primary care service which requires you to take the following into account when you make decisions in relation to providing a primary care service—

- (a) what effects, if any (and whether positive or negative), the decision would have on—
 - (i) opportunities for persons to use the

- Welsh language, and
- (ii) treating the Welsh language no less favourably than the English language;
- (b) how that decision could be taken or implemented so that it would have positive effects, or increased positive effects, on—
 - (i) opportunities for persons to use the Welsh language, and
 - (ii) treating the Welsh language no less favourably than the English language; and
- (c) how the decision could be taken or implemented so that it would not have adverse effects, or so that it would have decreased adverse effects on—
 - (i) opportunities for persons to use the Welsh language, and
 - (ii) treating the Welsh language no less favourably than the English language.

**Standard
78A:**

On the expiry of 5 years after publishing the policy in accordance with standard 78 (whether or not revisions have been made to that policy) and on the expiry of each subsequent period of 5 years you must —

- (a) assess to what extent you have complied with the policy; and
- (b) publish that assessment on your website within 6 months of the end of the period.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

2

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.

TABLE 1

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
(1)	Policy on a primary care service Standard 78A	Standard 78

PART 3

INTERPRETING THE STANDARDS

- 3** 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—
- (a) the exercise of statutory powers;
 - (b) the content of policy statements;
 - (c) strategies or strategic plans;
 - (ch) internal structures and location of premises; or
 - (d) the recruitment or use of volunteers.
- 4** In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect.

5

Standards 75 to 77 do not apply to the extent that the research commissioned or undertaken is or relates to medical research.

SCHEDULE 3 Regulation 2(3)

Operational standards

PART 1

THE STANDARDS

1 Standards relating to the use of the Welsh language within a body's internal administration

Standard 79: 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.

Standard 80: 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.

Standard 81: You must ask each employee ("A") whether A wishes to receive any of the following in Welsh, and if A wishes to receive one or more in Welsh you must provide it (or them) to A in Welsh—

- (a) any paper correspondence that relates to A's employment, and which is addressed to A;
- (b) any documents that outline A's training needs or requirements;
- (c) any documents that outline A's performance objectives;
- (ch) any documents that outline or record A's career plan;
- (d) any forms that record and authorise annual leave;
- (dd) any forms that record and authorise absences from work;
- (e) any forms that record and authorise flexible working

hours.

Standard 82: If you publish any of the following, you must publish it in Welsh—

- (a) a policy relating to behaviour in the workplace;
- (b) a policy relating to health and well-being at work;
- (c) a policy relating to salaries or workplace benefits;
- (ch)a policy relating to performance management;
- (d) a policy relating to absence from work;
- (dd) a policy relating to working conditions;
- (e) a policy relating to work patterns.

2 Standards relating to complaints made by a member of a body's staff

Standard 83: You must allow and 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 84: 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 or, if necessary, provide a translation service from Welsh to English for that purpose; and
- (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh or, if necessary, with the assistance of a simultaneous or consecutive

translation service from Welsh to English.

Standard 85: When you inform a member of staff (“A”) of a decision you have reached in relation to a complaint made by A, or in relation to a complaint made about A, you must do so in Welsh if A—

- (a) made the complaint in Welsh,
- (b) responded in Welsh to a complaint about A,
- (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 86: You must—

- (a) allow and 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 87: 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 or, if necessary, provide a translation service from Welsh to English for that purpose; and
- (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh, or if necessary with the assistance of a

simultaneous or consecutive translation service from Welsh to English.

Standard 88: When you inform a member of staff (“A”) of a decision you have reached following a disciplinary procedure, you must do so in Welsh if A—

- (a) responded to allegations made against A in Welsh,
- (b) asked for a meeting regarding the disciplinary procedure to be conducted in Welsh, or
- (c) asked to use the Welsh language at a meeting regarding the disciplinary procedure.

4 Standards relating to a body’s information technology and about support material provided by a body, and relating to the intranet

Standard 89: You must provide staff with computer software for checking spelling and grammar in Welsh, and provide Welsh language interfaces for software (where an interface exists).

Standard 90: You must ensure that—

- (a) the text of each page of your intranet is available in Welsh,
- (b) every Welsh language page on your intranet is fully functional, and
- (c) the Welsh language is treated no less favourably than the English language on your intranet.

Standard 91: You must ensure that—

- (a) the text of the homepage of your intranet is available in Welsh,
- (b) any Welsh language text on your intranet’s homepage (or, where relevant, your Welsh language intranet 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 intranet.

Standard 92: You must ensure that each time you publish a new intranet page 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 the text of that page.

Standard 93: If you have a Welsh language page on your intranet that corresponds to an English language page, you must state clearly on the English language page that the page is also available in Welsh, and must provide a direct link to the Welsh language page on the corresponding English language page.

Standard 94: You must designate and maintain a page (or pages) on your intranet which provides services and support material to promote the Welsh language and to assist your staff to use the Welsh language.

Standard 95: 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 96: You must assess the Welsh language skills of your employees.

Standard 97: You must provide opportunities for 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 98: You must provide opportunities for training in Welsh on using Welsh effectively in—

- (a) meetings;
- (b) interviews; and
- (c) complaints and disciplinary procedures.

Standard 99: 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 100: 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 101: You must provide opportunities for employees to receive training, free of charge, to improve their Welsh language skills.

Standard 102: 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; and
- (c) an understanding of how the Welsh language can be used in the workplace.

Standard 103: 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 104: You must provide—

- (a) 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, and
- (b) 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 105: You must—

- (a) make available to members of staff who are able to speak Welsh a badge for them to wear to convey that; and
- (b) promote the wearing of the badge to members of staff.

6 Standards relating to a body recruiting and appointing

Standard 106: 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 106A: 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 107: 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 107A: 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; or
- (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 107B: 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 applicants of decisions).

Standard 108: You must ensure that your application forms for posts provide a space for applicants to indicate that they wish an interview or other method of assessment in Welsh and if an applicant so wishes, you must conduct any interview or other method of assessment in Welsh, or, if necessary, provide a simultaneous or consecutive translation service

from Welsh to English for that purpose.

Standard 109: When you inform an applicant 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 a plan dealing with offering to carry out clinical consultations in Welsh

Standard 110: You must publish a plan for each 5 year period setting out—

- (a) the extent to which you are able to offer to carry out a clinical consultation in Welsh;
- (b) the actions you intend to take to increase your ability to offer to carry out a clinical consultation in Welsh;
- (c) a timetable for the actions that you have detailed in (b).

Standard 110A: Three years after publishing a plan in accordance with standard 110, and at the end of a plan's 5 year period you must—

- (a) assess the extent to which you have complied with the plan; and
- (b) publish that assessment within 6 months.

8 Standards relating to signs and notices displayed or published in a body's workplace

Standard 111: When you—

- (a) erect a new sign or renew a sign in your workplace (including temporary signs),or
- (b) publish or display a notice in your workplace;

any text displayed on the sign or notice must be displayed in Welsh (whether on the same sign or notice as the corresponding English

language text or on a separate sign or notice), 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 112:** When you—
- (a) erect a new sign or renew a sign in your workplace (including temporary signs); or
 - (b) publish or display a notice in your workplace;

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

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

- Standard 114:** When you make a recorded announcement 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.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

- 10** 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.

TABLE 1

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
(1)	Intranet Standards 90, 91 or 92	Standard 93
(2)	Recruiting and appointing Standard 106	Standard 106A
(3)	Recruiting and appointing Standard 107	Standard 107A Standard 107B Standard 109
(4)	Plan relating to clinical consultations Standard 110	Standard 110A
(5)	Plan relating to clinical consultations Standard 110A	Standard 110
(6)	Internal signs and notices Standard 111	Standard 113

PART 3

INTERPRETING THE STANDARDS

- 11** The standards specified in Part 1 of this Schedule must be interpreted as follows.

(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⁽¹⁾;
- (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⁽²⁾;
- (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

(1) 1993 c. 38.

(2) 2006 c. 32.

paragraph 8 of Schedule 2
to the 2006 Act.

13

For the purposes of standards 90 to 92 (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); or
- (b) when material is published on the intranet;

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.

14

For the purposes of standards 107A (recruitment) and 111 (internal signs and notices), 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; or
- (d) the publication format of the material.

- 15** 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).
- 16** Standards 90 to 92 (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 standard 82 for specific provision in relation to documents); or
 - (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).
- 17** For the purposes of standards 106 and 106A only—
- (a) “post” includes a public appointment;
 - (b) “public appointment” means any appointment to a public body or public office.
- 18** For the purposes of standards 107 to 109 only “post” includes a voluntary post.
- 19** In standard 110 the “5 year period” means—
- (a) 5 years beginning with the imposition date, and
 - (b) each subsequent 5 year period.
- 20** In paragraph 19 the “imposition date” means the day from which a person is required to comply with standard 110 or to comply with it in a particular respect.

21

Standard 114 does not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.

SCHEDULE 4 Regulation 2(4)
Record Keeping Standards

PART 1
THE STANDARDS

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

Standard 115: 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 116: You must keep a record (following assessments of your employees' Welsh language skills made in accordance with standard 96), 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 117: 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 106) 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.

PART 2
INTERPRETING THE STANDARDS

2 The standards specified in Part 1 of this Schedule must be interpreted as

follows.

3

For the purposes of standards 115, 116 and 117 “financial year” means the body's own financial year.

SCHEDULE 5 Regulation 2(5)

Standards which deal with Supplementary Matters

PART 1

STANDARDS

1 A body publicising standards

Standard 118: You must ensure that a document which records the 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.

2 A body publishing a complaints procedure

Standard 119: You must—

- (a) ensure that you have a complaints procedure that deals with how you intend to deal with complaints relating to your compliance with the standards with which you are under a duty to comply, and
- (b) publish a document that records that procedure on your website.

3 A body producing an annual report regarding standards

Standard 120: (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 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 complaints that you received during the

year in question which related to compliance with the standards with which you were under a duty to comply (on the basis of the records you kept in accordance with standard 115);

(b) 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 116);

(c) the number (on the basis of the records you kept in accordance with standard 117) 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.

(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 ensure that a current copy of your annual report is available on your website.

4

A body providing information to the Welsh Language Commissioner

Standard 121: You must provide the Welsh Language Commissioner (if requested by the Commissioner) with any information which relates to your compliance with the service delivery standards, the policy making standards or the operational standards with which you are under a duty to comply.

PART 2

INTERPRETING THE STANDARDS

- 5** The standards specified in Part 1 must be interpreted as follows.
- 6** For the purpose of standard 120, “financial year” means the body’s own financial year.
- 7** 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).

SCHEDULE 6 Regulation 3

The Board of Community Health Councils in Wales
(“*Bwrdd Cyngorau Iechyd Cymuned Cymru*”)

Community Health Councils (“*Cyngorau Iechyd Cymuned*”)

Local Health Boards (“*Byrddau Iechyd Lleol*”)

National Health Service Trusts in Wales
(“*Ymddiriedolaethau Gwasanaeth Iechyd Gwladol yng Nghymru*”)