

Explanatory Memorandum to The Welsh Language Standards (No 8) Regulations 2022

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Welsh Language Standards (No 8) Regulations 2022. I am satisfied that the benefits justify the likely costs

Jeremy Miles MS
Minister for Education and Welsh Language
30 June 2022

1. Description

1.1 The Welsh Language Standards (No. 8) Regulations ('the Regulations') specify service delivery standards; policy making standards; operational standards; and record keeping standards.

1.2 The Regulations also make the standards specifically applicable to the following bodies, enabling the Welsh Language Commissioner ('the Commissioner') to issue Compliance Notices to those bodies in relation to the standards specified:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health and Care Professions Council
- Nursing and Midwifery Council
- Professional Standards Authority for Health and Social Care

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 Numbers in the Regulations

The Regulations use the Welsh alphabet i.e. (a), (b), (c), (ch) etc. This affects:

- (1) Standards 33, 57, and 63
- (2) paragraphs 21, 22, and 27 of Schedule 1, paragraph 2 of Schedule 2, paragraph 7 of Schedule 3

This style is different to the usual numbering style adopted in subordinate legislation made by the Welsh Ministers. Usually, the Welsh and English version adopt the English alphabet. In this case, because of the nature and the subject matter of the Regulations, the Welsh alphabet had been used in the English and Welsh versions to ensure consistency and to remove any possibility of confusion when cross-referring. The same style was adopted within The Welsh Language Standards (No. 1) Regulations 2015 (SI 2015/996) and subsequent Regulations specifying Welsh language standards.

2.2 Name of the Regulations

The title of the Regulations is The Welsh Language Standards (No. 8) Regulations 2022. If passed by the Senedd, these will be the seventh¹ Welsh Language Standards Regulations to be made. It is intended that all the Regulations made under section 26 of the Welsh Language (Wales) Measure 2011 ('the Measure') will be made in a series, in the same way as commencement orders. It is felt that this approach will make the Regulations easier to deal with and to refer to, particularly when Compliance Notices refer to Regulations.

2.3 Bodies in Regulation 3 of and Schedule 6 to the Regulations

Schedule 6 to the Regulations lists the bodies that the Commissioner is authorised to give a compliance notice to in respect of the standards specified. Section 43 of the Measure provides that regulations may not make standards specifically applicable to a person unless the standard is potentially applicable to them. The bodies listed are either specified in column 1 of the table in Schedule 6 to the Measure or are within a category of persons specified in that column, and column 2 of their entry sets out which standards are potentially applicable to them (section 36 of the Measure).

3. Legislative background

- 3.1 The Regulations are made in exercise of the powers conferred on the Welsh Ministers under sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011. Section 26 of the Measure enables the Welsh Ministers to specify standards by regulations. Section 27 enables the Welsh Ministers to specify different standards in relation to different conduct. It also enables them, in relation to a particular conduct, to specify one standard or a number of standards.
- 3.2 Before the Commissioner can give a person a compliance notice requiring them to comply with a standard, that standard has to be specifically applicable to the person (section 25). Section 39 provides that a standard is specifically applicable to a person once the Welsh Ministers have authorised the Commissioner to give that person a Compliance Notice in respect of that standard. Section 105(5) provides that any power of the Welsh Ministers to make regulations includes a power to make such transitional, transitory, consequential, saving incidental and other provision as the Welsh Ministers think necessary or appropriate.
- 3.3 The Regulations, pursuant to section 150(2) of the Measure must be laid before and approved by resolution of Senedd Cymru (i.e. the draft affirmative procedure).

4. Purpose and intended effect of the legislation

¹ Welsh Language Standards (No 3) Regulations were rejected by the then National Assembly for Wales.

4.1 The Measure confirmed the official status of the Welsh language in Wales and created a new legislative framework for the language. A key step in giving effect to the Measure is specifying standards and authorising the Commissioner to require persons to comply with those standards.

4.2 Section 25 of the Measure provides that a person is required to comply with a standard specified by the Welsh Ministers where certain conditions are met. Those conditions include:

- i. That a standard is specifically applicable to the person (i.e. the Welsh Ministers have authorised the Commissioner to give that person a Compliance Notice in respect of that standard);
- ii. That the Commissioner has given a Compliance Notice to the person;
- iii. The Compliance Notice requires the person to comply with the standard; and
- iv. The Compliance Notice is in force.

4.3 Standards falling into the following categories are specified in the Regulations:

- **Service-delivery standards** will be imposed in relation to the delivery of services in order to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favourably than English.
- **Policy-making standards** will require bodies to consider what effect their policy decisions will have on the ability of persons to use the language and on the principle of treating Welsh no less favourably than English.
- **Operational standards** deal with the internal use of Welsh by bodies.
- **Record-keeping standards** will make it necessary to keep records about some of the other standards, and about any complaints received by a body.

4.4 The standards have been prepared with the aim of:

- Increasing the use people make of Welsh-language services
- Improving the services Welsh-speakers can expect to receive from bodies in Welsh
- Making it clear to bodies what they need to do in terms of the Welsh language
- Ensuring that there is an appropriate degree of consistency in terms of the duties placed on bodies in the same sectors.

4.5 Some standards are dependent on each other. The Regulations therefore contain tables (in Part 2 of Schedules 1 and 3) to accompany the service-delivery standards and operational standards, detailing which other standards will also need to be imposed when a particular standard is included in a Compliance Notice.

4.6 The Regulations, when they come into force, will not have a direct effect on bodies and they will not, by themselves, create rights for Welsh language users. That will only happen when all the conditions in section 25 of the Measure have been met. However, the Regulations are a crucial step in the Measure's framework, and enable the Commissioner to require bodies to comply with the standards.

4.7 It will be for the Commissioner to choose which standards to impose on each body by way of a Compliance Notice. The Regulations set the range of standards which could be imposed on a body. A body may have to comply with the standard only in some circumstances and not in others – depending on what is stated in their Compliance Notice. The Compliance Notice will also set the date by which the body is required to comply with a standard.

Means of appeal

4.8 Bodies will be able to challenge the requirements to comply with a particular standard on the grounds of whether it is reasonable and proportionate to require them to do so. In the first place, a body will be able to present a challenge to the Commissioner. If they wish to challenge the Commissioner's decision, there is a route of appeal available to the Welsh Language Tribunal, and thereafter to the High Court.

Sanctions

4.9 The Commissioner will be responsible for enforcing compliance with these standards. In cases where the Commissioner determines that a body has failed to comply with a standard, the Commissioner may take enforcement action. Enforcement action under the Measure can vary from the making of recommendations or giving advice to a body, to the imposition of a civil penalty not exceeding £5,000.

5. Risks if Regulations are not made

5.1 If the proposed Regulations are not made, the following risks will be realised:

- Welsh Language Schemes introduced under the Welsh Language Act 1993 will remain in place for the bodies listed above that have a Welsh Language Scheme. If Welsh Language Schemes remain there will be no enforcement mechanism if a body breaches their Scheme.
- Currently, Welsh Language Schemes vary from body to body, and the commitments in some Schemes are not specific. This leads to a situation where the public are unsure about which services they can expect to receive in Welsh. This uncertainty will continue if the Regulations are not made. Although there may still be some variation between bodies, the standards are specific in their nature and will therefore reduce the public's uncertainty.
- A key component of the Measure will not be implemented.

5.2 More detailed information about the risks and benefits of implementing the standards can be found in the Regulatory Impact Assessment (RIA) below, with the risks of not introducing standards highlighted in the 'Option 1: do nothing' section of the benefits.

6. Consultation

6.1 The Welsh Ministers held a [public consultation](#) on draft Welsh Language Standards Regulations between 16 March 2020 and 2 October 2020. Due to the Covid pandemic, the consultation was extended so that all those with an interest in the draft Regulations had an opportunity to share their views. A summary of consultation responses report has been published on Welsh Government's website.

6.2 The consultation included a call for bodies to submit data to allow the Welsh Ministers to prepare a Regulatory Impact Assessment (RIA). The RIA is included in Part 2, below.

PART 2 – REGULATORY IMPACT ASSESSMENT

7. Options, costs and benefits

7.1 The 9 bodies named in Schedule 6 to these Regulations were asked to take part in a Regulatory Impact Assessment (RIA) data collection exercise, which was distributed with the [consultation on draft Regulations](#) held between 16 March and 2 October 2020. Following requests by some bodies, the deadline to submit responses to the RIA exercise was extended to 2 November 2020 to allow the bodies more time to respond. 6 of the 9 bodies named in Schedule 6 of these Regulations submitted a response to the RIA data collection exercise.

7.2 The following analysis of the costs and benefits associated with the standards are based on the responses provided by those 6 bodies.

8. Summary of Responses

8.1 6 of the 9 bodies that will be subject to the Welsh Language Standards (No 8) Regulations 2022 provided information on the cost of their current Welsh Language Scheme (apart from the General Chiropractic Council who does not have a Welsh Language Scheme). They also provided an estimate of the cost of complying with the Welsh Language Standards. These bodies were:

- General Chiropractic Council
- General Medical Council
- General Optical Council
- Health and Care Professions Council
- Nursing and Midwifery Council
- Professional Standards Authority for Health and Social Care

8.2 The bodies were asked to consider the economic, social, environmental, and linguistic benefits of complying with standards. None of the bodies identified any economic or environmental benefits. 4 of the bodies noted a social benefit; the social benefits identified were all relevant to the Welsh language and recognised that enabling people to deal with them in Welsh brought about social benefits. 4 of the bodies also noted linguistic benefits, which again were associated with providing services in Welsh to their service users.

9. Accuracy and Usefulness of Financial Data

9.1 Whilst the above bodies made an effort to assess the implications of the standards, we have some concerns around the reliability of the data received from bodies and whether it gives us basis to produce a robust and accurate RIA.

9.2 Bodies stressed the difficulty of providing accurate data when they did not know which of the draft standards they would be expected to comply with, and under which circumstances. Some bodies provided estimated costs

for complying with a standard in its broadest sense. In some cases this resulted in costs which appear to be unexpectedly high. Although most of the bodies subject to these Regulations provide similar services to the same service users, there was also a broad spectrum of estimated costs. This is not a criticism of the efforts of the bodies to estimate costs, or their rationale in doing so, but rather a recognition of the difficulties of accurately estimating costs under a system where they will not know which duties they are expected to comply with, and in which circumstances, until they receive a compliance notice from the Welsh Language Commissioner.

9.3 For example, the Health Care Professions Council estimated a one-off cost implication of £1.165m to ensure compliance with all service delivery standards. This estimate was significantly higher than the other bodies. Of that estimated cost, it was noted that complying with draft standard 19 alone (a requirement to produce an application form for registrants in Welsh) would result in an estimated one-off cost of £1.150m. Although a significant cost, that estimate alone has not led us to believe that the standard in itself is unreasonable, as other bodies have indicated that they could comply with the duty at a far lower cost. However, it is an example of where the Commissioner could seek further information and consider whether the standard is reasonable for a particular body, or whether a condition should be included in the compliance notice to ensure that the standard is imposed in a reasonable manner.

9.4 When duties have been imposed on bodies subject to previous standards Regulations, the Commissioner has not imposed every standard within Regulations on any single body. The likelihood of this occurring without any conditions is small. If the Regulations are passed by the Senedd, further information will be collected from bodies when the Commissioner consults on draft Compliance Notices. Upon receiving a draft Compliance Notice, a body will have a far greater understating of the exact nature of the duties the Commissioner proposes to impose on them. It will therefore be in a better position to provide accurate costs. A fuller financial impact assessment will then be possible, and it would be considered by the Commissioner as part of his consideration of what duties are reasonable and proportionate to impose on the individual bodies.

10. Options: Costs and benefits

10.1 This Regulatory Impact Assessment considers two options:

- Option 1: Do nothing – bodies would continue to operate their existing Welsh Language Schemes under the Welsh Language Act 1993 (the General Chiropractic Council do not have a Welsh Language Scheme).
- Option 2: Introduce Welsh Language Standards for the bodies.

10.2 The following analysis considers the costs and benefits associated with each of these options in turn.

Costs

Option 1: Do Nothing

10.3 There are no additional costs under this option. The bodies would not be required to comply with Welsh Language Standards but they would be expected to continue to deliver their existing Welsh Language Schemes. If a body does not have a Welsh Language Scheme then they will continue to operate without any commitments or duties with regards to their provision of Welsh language services.

10.4 Table 1 summarises the information received from the organisations about the cost of complying with the existing Welsh Language Schemes.

Table 1 - Costs for delivering existing Welsh Language Schemes (per annum)

	Costs of compliance	Staffing Costs
General Chiropractic Council	No Welsh Language Scheme	-
General Medical Council	£2.5k	£8k
General Optical Council	£1.1k	-
Health and Care Professions Council	£4.5k	£10k
Nursing and Midwifery Council	£15k	£5k
Professional Standards Authority for Health and Social Care	£5.5k	£1k

Option 2: Introduce Welsh Language Standards for the organisations listed in the Regulations.

10.5 While it cannot yet be indicated which of the standards will apply to each body, it is considered likely that there will be some additional one-off and recurrent costs incurred by the bodies to comply with the standards.

10.6 Most of the duties that will be brought about by standards are similar to commitments made in the Welsh Language Schemes currently adopted by most of these bodies. In that sense, some of the additional costs estimated by the bodies would only come to fruition if there was an increase in demand from service users compared to the current level of demand. For example, most bodies noted a cost implication to complying with standards related to correspondence. Costs varied from no cost to one body noting that a member of staff may need to be employed to ensure compliance, which would cost a minimum of £20,000. Most bodies noted an increase in translation costs, with estimates ranging between £1,000-£10,000. However, as they are services that the bodies are already committed to providing in Welsh through their Welsh Language Schemes, those additional costs would only be realised if the bodies received an increased

level of correspondence in Welsh after having to comply with standards (and having to issue a reply in Welsh).

Staffing Costs

10.7 Bodies were asked to estimate additional staffing costs, which would result from having to comply with the standards.

10.8 Table 2 – Additional staffing costs

	Additional Staffing Costs (per annum)
General Chiropractic Council	Minimum £20k
General Medical Council	£111k-£172k
General Optical Council	£12k-£15k
Health and Care Professions Council	£28k
Nursing and Midwifery Council	£160k
Professional Standards Authority for Health and Social Care	Minimum £63k

10.9 Some of the estimated staffing costs outlined above were dependent on bodies receiving an increased demand in Welsh language services, and would depend on which standards are imposed on the bodies. For example, the estimate from the Professional Standards Authority for Health and Social Care of £63,000 is based on the need to employ a Welsh speaking member of staff to ensure no delay on responding to correspondence received in Welsh (Standard 4). They currently depend on an external translation company to provide this service, and note that it is currently very rare (less than once per year) that they receive a request for a service in Welsh. They also note that they look forward to discussing this point with the Commissioner when the time comes to impose duties. As noted in paragraph 6 above, matters such as these would be discussed when the time comes to impose standards on bodies.

10.10 Similarly, the General Medical Council note that their staffing estimate depends on the exact requirements of the standards. For example, they noted that they would welcome further clarification of what is required under Standard 5. They note that if it was taken to its fullest extent, they've estimated that it could add an additional £110,000 staff costs annually. We do not believe that Standards 5 in itself would lead to such a financial outlay as it would not necessarily require the body to recruit additional staff to ensure compliance with it.

10.11 The Nursing and Midwifery Council also noted a significant staffing cost of £160,000 per year, compared to current staff costs of £5,000 per year to comply with their Welsh Language Scheme. They note that the increased employment costs for complying with standards is driven by the literal interpretation of Standard 4, and note that their interpretation could lead to having to employ at least one and possibly two full-time in house translators to guarantee that corresponding with somebody in Welsh will not lead to

delay. However, they also note that they do not think it is proportionate to employ translators on a full-time contract and would prefer to continue their current practice of having a contract in place with a translation company. Looking at the experience and response of other bodies who are already comply with Welsh language standards, we do not believe that it is likely that a body with a relatively low demand for Welsh language services would have to specifically employ staff who are able to work in Welsh, or translators to ensure compliance with Standard 4.

Service Delivery Standards

10.12 Estimated additional costs for complying with service delivery standards were the highest of the four categories of standards (service delivery; policy making; operational; record keeping). This is despite the service delivery standards closely resembling commitments made in Welsh Language Schemes.

10.13 Table 3 – Costs of complying with Service Delivery Standards

General Chiropractic Council	£150k
General Medical Council	On-going costs: £204k-£313k One-off cost: £271k-£281k
General Optical Council	On-going costs: £76k One-off cost: £165k
Health and Care Professions Council	On-going costs: £33k One-off cost: £1.165m
Nursing and Midwifery Council	On-going costs: £200k-500k One-off cost: £200k-500k
Professional Standards Authority for Health and Social Care	On-going costs: £68k

10.14 The General Chiropractic Council noted that their sum of £150,000 was a rough estimate. However, £20,000 of that sum was noted as the cost (minimum cost) of employing a new member of staff to deal with providing services in Welsh. The remainder of the £150,000 estimate was noted as a cost of £100,000 to change the registration portal, and £30,000 for website costs.

- 10.15 The General Chiropractic Council also noted that should they be required to arrange translation services at a fitness to practice hearing, then it could incur a cost of between £500-£700 a day. We do not regard this as being additional costs incurred by standards as it is possible that they would have to provide this service under the current provisions of the 1993 Welsh Language Act.
- 10.16 The majority of the General Medical Council's one-off cost estimate resulted from draft Standard 19; a requirement to produce an application form for registrants in Welsh. This was estimated to cost between £215,000 and £256,000 in year one. They note that they plan to build a new GMC Online system to allow persons to apply to be on their register. They estimate that it would cost a further £92,000 to support a Welsh language version of this system if standards were to apply to it.
- 10.17 The GMC also note that there could be significant costs if they were required to translate material relating to legal proceedings. They note that each case is unique, but based on their rationale that the paperwork to support cases can vary from 50 to 3,000 pages, they estimate that it could cost between £2,000-£90,000 to translate paperwork for a Tribunal.
- 10.18 They also estimate that the cost of providing simultaneous translation for one medical practitioners tribunal to be £11,000. However, they would already have to provide this service under the current provisions of the 1993 Welsh Language Act. They note that to date they have not had any requests for tribunal papers to be translated or for the Welsh language to be used at a fitness to practise or interim order tribunal. Therefore, there would need to be an increase in demand from current levels in order for any additional costs to be incurred.
- 10.19 The General Medical Council also provided a broad estimated cost range of between £0 and £57,000 to provide translation in meetings with individuals. They note that this is an estimate range and they anticipate the level of demand to mean that the true cost would be at the lower end of this range.
- 10.20 Similarly, the majority of the General Optical Council's estimate for on-going costs (total £76,000) was noted as costs for providing translation for fitness to practice hearings. They estimate that one hearing would cost £50,000, and their estimate for this RIA is based on them receiving one request a year to use Welsh in a fitness to practice hearing. As with the other bodies, we note that they would already have to provide this service under the provisions of the 1993 Welsh Language Act.
- 10.21 The remainder of the on-going costs would be translation costs resulting from standards relating to social media, meetings, and correspondence, and costs to update the phone system.

- 10.22 The majority of the one-off costs (£111,000 of £165,000) was noted as the cost of translating 200 existing documents into Welsh, and a further £50,000 to provide a registration, renewal and restoration service in Welsh.
- 10.23 The Health and Care Professions Council provided a significantly higher cost estimate than the other bodies as far as the costs of complying with service delivery standards are concerned. £1.15m of the one-off costs were linked to the duty to provide registration forms in Welsh. The estimated costs of complying with other standards were comparable to that provided by other bodies, such as a £9,000 cost to establish a new phone system, and £9,000 to provide simultaneous translation at meetings.
- 10.24 As noted in paragraph 6 above, issues concerning providing a registration form in Welsh, and how the duty can be applied reasonably would be discussed with the Welsh Language Commissioner during the process of consulting on compliance notices.
- 10.25 The Nursing and Midwifery Council provide a broad estimate range. Significant cost estimates included £100,000 to provide a Welsh version of NMC Online to allow registrants to manage their registration in Welsh, £30,000 to change the phone system to include a Welsh language option, and £50,000 to provide documents and forms in Welsh.
- 10.26 The cost of including translation in hearings is estimated at between £10,000-£40,000 a year and is included in this estimate (although they would already have to provide for persons to speak Welsh at a hearing under the provisions of the 1993 Welsh Language Act). They note that a requirement to publish fitness to practise decisions in Welsh would cost £55,000 a year in translation fees.
- 10.27 The Professional Standards Authority for Health and Social Care provided an estimate of £68,000 for costs incurred by service delivery standards. The majority of this cost (£59,000) was allocated to employ two Welsh translators to ensure no delay when responding to Welsh language correspondence, with the remainder being noted as translation costs to provide different categories of services in Welsh. The staffing cost was also noted in table 2 above (see paragraph 14 for further analysis).

Policy Making Standards

10.28 Table 4 – Costs of complying with Policy making Standards

General Chiropractic Council	Excess of £20k per annum
General Medical Council	One off cost - £16k
General Optical Council	No cost noted
Health and Care Professions Council	No cost noted
Nursing and Midwifery Council	No cost noted
Professional Standards Authority for Health and Social Care	One off cost - £1k

10.29 Three of the bodies estimated that the policy making standards would not result in any additional costs.

10.30 The General Medical Council estimated a one off cost of £16,000 to provide training to all policy staff on the requirements of the standards, and the Professional Standards Authority for Health and Social Care believe that the standards would entail some nominal transitional costs as new processes are developed and implemented.

10.31 The General Chiropractic Council noted a cost of in excess of £20,000 annually. They were the only body to note that policy making standards would result in on-going annual costs. However, it is noted that the reason for this cost was a need to translate several policies, processes and external communications, which would cost a minimum of £700 each. Complying with policy making standards should in their own right would not result in a body having to translate policies into Welsh. The duties brought about by those standards relate to considering the effect of a policy *on* the Welsh language, rather than the language of the policy document itself.

10.32 The Health and Care Professions Council noted that complying with policy-making standard would have implications for staff time, and costs resulting from that are included in the staffing costs in table 2.

Operational Standards

10.33 Table 5 – Costs of complying with operational Standards

General Chiropractic Council	Approx. £10k
General Medical Council	No cost noted
General Optical Council	£4k
Health and Care Professions Council	No cost noted
Nursing and Midwifery Council	£3k
Professional Standards Authority for Health and Social Care	No cost noted

10.34 Three of the bodies estimated that the operational standards would not result in any additional costs.

10.35 The General Chiropractic Council gave a broad estimate of £10,000, noting some costs relating to recruitment which would be recurring (translating job vacancies into Welsh), and also one-off training costs. The Nursing and Midwifery Council's costs were also for developing training resources for staff and to translate job vacancy information into Welsh.

10.36 The costs noted by the General Optical Council were for developing training resources for staff.

Record keeping standards and standards dealing with supplementary matters

10.37 Table 5 – Costs of complying with record keeping standards and standards dealing with supplementary matters

General Chiropractic Council	Small unquantified costs
General Medical Council	No costs noted
General Optical Council	£12k-£15k
Health and Care Professions Council	No costs noted
Nursing and Midwifery Council	£0.2k
Professional Standards Authority for Health and Social Care	Small nominal costs

10.38 Two of the bodies noted that these standards would not have any additional cost implications as long as the complaints process required under the standards could be integrated into the bodies existing processes.

10.39 The General Optical Council noted that any costs were dependent on whether they can cover the additional resource needed to comply with record keeping standards in their current structure, or additional resource would need to be recruited. The Health and Care Professions Council also noted that these standards will require additional staff resources, but that cost is included in their staffing costs in table 2.

Benefits

Option 1: Do Nothing

10.40 This is the baseline option and there are no additional benefits associated with this option. This option would maintain the status quo where some of the bodies comply with Welsh Language Schemes. The Commissioner would continue with his work of monitoring compliance with the schemes.

Option 2: Introduce Welsh Language Standards for the bodies listed in the Regulations

10.41 The purpose of the standards is to improve the level of service, which members of the public can expect to receive. At this stage (and until the Welsh Language Commissioner issues the compliance notices), it is only possible to outline the expected benefits in general terms.

10.42 The standards will make clear what bodies need to do in terms of the Welsh language, so that users will know what to expect with regard to Welsh language services. This clarity, both for the public and the bodies, will help ensure that the standards can be effectively enforced and should ensure that bodies are clear as to what level of service they need to provide in Welsh. The Commissioner can only set standards that are reasonable and proportionate for each individual body. The policy making standards will ensure that the bodies are under duties to consider the impact of their policies on the opportunities for persons to use the Welsh language. This

will be the first time most of these bodies will consider the Welsh language in a policy context, and it should result in Welsh language considerations being mainstreamed to all areas of their work.

10.43 Placing these bodies under the standards system will move them from the Welsh Language Scheme system, which came into force under the 1993 Welsh Language Act, to the standards system brought about by the Welsh Language (Wales) Measure 2011. It will also ensure that these bodies are under the same regulatory system as other health sector bodies, which were included in the Welsh Language Standards (No. 7) Regulations 2018.

10.44 An improved enforcement regime will provide a more effective means of dealing with alleged non-compliance and allow for early and informal resolution of complaints as appropriate.

11. Conclusion

11.1 The current uncertainty surrounding which of the Standards each body will need to comply with, and under what circumstances, means that it is not possible to produce a robust assessment of the costs and benefits associated with the Regulations at this stage.

11.2 This RIA is based upon a draft version of the Regulations, which was subject to a consultation. As with previous standards Regulations, a further round of data gathering was considered to collect data on changes made since the consultation. It was decided that the outcome would likely be similar and that it would not be possible to collect the data needed to produce a robust assessment of the cost implications until there is further information available on which standards will apply to each body and in what circumstances. The same applies to these bodies. It would only be possible for a body to accurately estimate the cost implications of standards after they have received a compliance notice from the Commissioner informing them of which standards they have to comply with. In light of this, bodies have not been asked to provide financial detail in relation to the changes made since the consultation on draft standards.

11.3 The Welsh Language Commissioner must consult with the bodies before issuing final compliance notices and factors such as reasonability and proportionality of individual standards will be considered at this stage. As part of this process, bodies could present an assessment of the relative costs and benefits associated with the Standards. This could be considered by the Commissioner as part of the process of coming to a decision on whether the standards are reasonable and proportionate.

12. Duties

Well-Being of Future Generations (Wales) Act 2015

12.1 The Regulations supports the Welsh Governments well-being goals and principles, especially a *Wales of Vibrant Culture and Thriving Welsh language - protects culture, heritage and the Welsh language*. The Welsh Government has a duty to promote and facilitate the use of Welsh and work towards the well-being goals. The Regulations will facilitate the use of Welsh when the public deals with the bodies named in the Regulations.

UN Convention on the Rights of the Child

12.2 The Welsh Government's Children's Rights Scheme has been considered, and it was concluded that these Regulations do not impact upon the rights of children and young people.

Welsh language

12.3 A Welsh language impact assessment has been undertaken and concluded that these Regulations would have a positive impact on people's opportunities to use the Welsh language, and will not result in the Welsh language being treated less favourably than English.

Equalities

12.4 An Equality Impact Assessment has been undertaken for the Regulations. They do not raise any issues with regard to equality and human rights. There are no negative impact on people in protected groups. The regulations will allow Welsh speakers to receive Welsh language services from the 9 bodies that will be made subject to the Regulations. Those services will be available to all service users irrespective of whether they are in protected groups.

13. Competition Assessment

13.1 The making of the Regulations has no impact on the competitiveness of businesses, charities or the voluntary sector.

14. Post-implementation review

14.1 The Measure provides many opportunities for the Commissioner to bring the suitability of the standards specified in the Regulations to the Welsh Ministers' attention.

14.2 The Commissioner may make recommendations or provide advice to the Welsh Ministers (Section 4 of the Measure) which could directly recommend amending the Regulations. Advice given by the Commissioner could also lead to the Welsh Ministers determining that it would be appropriate to review the standards. The Welsh Ministers must have due regard to any written recommendations or advice that the Commissioner makes or gives when exercising the function to which the recommendation or advice relates.

- 14.3 Section 18 of the Measure requires the Commissioner to produce an annual report which must include a review of issues relevant to the Welsh language (among other matters) and could also include any other matters the Commissioner think it is appropriate to include.
- 14.4 The Commissioner also has the power to undertake Standards Investigations (sections 61 and 62 of the Measure) which can consider which standards should be, or should continue to be, specifically applicable to a person, whether or not the standards are already specified by the Welsh Ministers. After a Standards investigation the Commissioner must produce a Standards Report, a copy of which must be provided to the Welsh Ministers. The Welsh Ministers must have due regard to such report in accordance with section 66 of the Measure.
- 14.5 Subject to their Compliance Notices, bodies will publish Annual Reports, which deal with how they have complied with the standards imposed on them. These Annual Reports could also raise issues regarding the suitability of the standards specified.