



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Code of Practice for the Welsh Language Standards (No. 7) Regulations 2018

29 April 2024

**Practical guidance on the requirements of the
Welsh language standards for bodies that
come under the Welsh language standards
regulations number 7.**

This code of practice should be read alongside the following:

- the body's compliance notice
- the Welsh Language Standards (No. 7) Regulations 2018, and
- the Welsh Language (Wales) Measure 2011.

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1 An introduction to the law

The Welsh Language (Wales) Measure 2011

- 1.1 The Welsh Language (Wales) Measure 2011 ('the Measure') gives the Welsh language official status in Wales. It also says that the Welsh Language Commissioner's ('the Commissioner') principal aim in exercising his or her functions is to promote and facilitate the use of the Welsh language. When exercising functions in accordance with this principal aim, the Commissioner must have regard to:
- the official status which the Welsh language has in Wales
 - the duties to use Welsh which are imposed by law, and the rights which arise from the enforceability of those duties
 - the principle that, in Wales, the Welsh language should be treated no less favourably than the English language, and
 - the principle that persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

Welsh Language Standards

- 1.2 The Measure gives legal effect to the official status of the Welsh language by enabling the imposition of Welsh language standards ('standards') on a body.¹
- 1.3 There are five classes of standards:
- service delivery standards
 - policy making standards
 - operational standards
 - promotion standards,² and
 - record keeping standards.³
- 1.4 Standards explain how a body should treat and use the Welsh language in different scenarios, for example, when sending correspondence, dealing with telephone calls, providing services on-line or face-to-face, formulating policies or when providing services internally to staff.

The Welsh Language Commissioner

- 1.5 The office of the Commissioner was established by the Measure. The Commissioner's principal aim is to promote and facilitate the use of the Welsh language.

¹ In the context of the standards a 'body' is an organisation which has a duty to comply with one or more standards.

² This class of standards is not included within the [Welsh Language Standards \(No.7\) Regulations 2018](#).

³ Welsh Ministers, by means of regulations, may make other provision about such standards (i.e. supplementary standards).

- 1.6 The Commissioner is responsible for imposing standards on bodies, as well as enforcing those duties arising from those standards. The Commissioner is also responsible for producing codes of practice that relate to those standards.

The Welsh Language Standards Regulations

- 1.7 Welsh Ministers specified standards⁴ for health sector bodies through the Welsh Language Standards (No. 7) Regulations 2018⁵ ('the regulations').⁶ The regulations are subordinate legislation that includes a list of standards which the Commissioner can impose on each relevant body. This code applies to these regulations.
- 1.8 Following their approval by the National Assembly for Wales (now known as Senedd Cymru)⁷ the Commissioner was able to impose specific standards on the relevant bodies, by issuing them with a compliance notice.

Compliance notice

- 1.9 A compliance notice is a document that notes the following:
- which standards from the regulations a body must comply with, and
 - the 'imposition day' for each standard - the day from which a body is required to comply with a standard (or comply with a standard in a particular respect).⁸
- 1.10 The Commissioner has given a compliance notice to each relevant body. Their Welsh language schemes also came to an end on the date the standards became operational.

Legal changes which can affect the code

- 1.11 The guidance included in this code of practice may be affected if:
- Welsh Ministers amend the regulations in the future⁹
 - relevant enactments, referred to in the code, are amended or replaced, or
 - a determination by the Welsh Language Tribunal or a court provides an authoritative interpretation of the requirements or meaning of a standard.¹⁰
- 1.12 Therefore, readers of the code will need to be aware of any developments which affect the provisions included in it. The Commissioner's office is able to provide the latest information.

⁴ Section 26 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/26/enacted/english>

⁵ The Welsh Language Standards (No. 7) Regulations 2018
https://www.legislation.gov.uk/wsi/2018/441/pdfs/wsi_20180441_mi.pdf
No. 441 (W.77). They came into force on 29 June 2018.

⁶ A list of the relevant bodies can be found in Schedule 6 of the regulations.

⁷ On 6 May 2020 the National Assembly for Wales became Senedd Cymru

⁸ Section 44 of the Welsh Language (Wales) Measure 2011
<https://www.legislation.gov.uk/mwa/2011/1/part/4/chapter/6/crossheading/compliance-notices/enacted>

⁹The [Welsh Language Standards \(No. 7\) Regulations 2018](#) have already been amended. See Appendix 1 of this code for further information.

¹⁰ Determinations made by the Welsh Language Tribunal are available at
<http://www.welshlanguagetribunal.gov.wales>

The status of the code

1.13 The Measure states:

“(1) The Commissioner may issue codes of practice for the purpose of providing practical guidance with respect to the requirements of any standards specified by the Welsh Ministers under section 26(1) (“standards codes of practice”).”¹¹

- 1.14 This code is a statutory document. Welsh Ministers gave their consent to this code on 15 March 2024 following consultation on a draft code from 14 June 2022 to 6 September 2022. This code comes into force on 29 April 2024.
- 1.15 The Commissioner may review or withdraw this code (and introduce a new or revised code in its place) if deemed appropriate in the future.¹²
- 1.16 A body's failure to comply with a provision within this code does not render that body liable to any enforcement action.¹³ This code should not be considered a complete nor authoritative declaration of the law. Only the Welsh Language Tribunal and courts may provide an authoritative declaration of legislation and subsequent judicial decisions may affect the content of this code.
- 1.17 However, should the Commissioner wish so, he or she may rely upon a failure by a body to comply with guidelines within this code as something which tends to establish that the body has failed to comply with a standard.
- 1.18 Likewise, a body may rely upon the fact that it complied with guidelines within this code as something which tends to establish that it has complied with a standard.

¹¹ Section 68 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/cy/mwa/2011/1/section/68/enacted>

¹² [See section 68 of the Welsh Language \(Wales\) Measure 2011](http://www.legislation.gov.uk/mwa/2011/1/section/68/enacted)
<http://www.legislation.gov.uk/mwa/2011/1/section/68/enacted>
for details on the steps which must be taken before a revised code of practice comes into force.

¹³ Section 69 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/69/enacted>

2 Introduction to the code of practice

The purpose of the code

- 2.1 The purpose of this code is to provide practical guidance to relevant bodies on the requirements of the standards specified in the Welsh Language Standards (N^o: 7) Regulations 2018.¹⁴
- 2.2 The code provides further clarification on the requirements of each of the standards within the regulations.
- 2.3 Amongst other things, the code provides practical guidance by:
 - responding to frequently asked questions posed by bodies in the past
 - interpreting terms and phrases not already interpreted in the regulations or in the Measure
 - referring to any relevant terms or phrases already interpreted in other regulations or legislation
 - providing examples of the meaning of terms, specific phrases or how a body can implement certain requirements
 - highlighting issues for a body to consider when seeking compliance, and
 - explaining any relevant clauses found in the regulations or Measure which make the duties to comply in specific situations exempt.

How to use this code

- 2.4 **Section 3** provides general guidance on the content of the regulations. It further clarifies issues affecting the regulations as a whole or affecting a number of standards across more than one activity or class of standards.
- 2.5 **Sections 4–8** provide practical guidance on the requirements of the standards based on each class of standards:
 - **section 4:** Service delivery standards [1–68]
 - **section 5:** Policy making standards [69–78A]
 - **section 6:** Operational standards [79–114]
 - **section 7:** Record keeping standards [115–117]
 - **section 8:** Standards which deal with supplementary matters [118–121].
- 2.6 **Appendix 1** contains information on the changes made to the regulations since they came into force. **Appendix 2** contains templates which can be used by a body as they comply with specific standards.
- 2.7 The guidance found within the code has been produced with the assumption that the standards referred to have been imposed on the body. Reference should be made to a body's compliance notice to ascertain which specific standards have been imposed on it.

¹⁴ Section 68 of the Welsh Language (Wales) Measure 2011

<https://www.legislation.gov.uk/mwa/2011/1/section/68/enacted>

- 2.8 If a relevant interpretation has been provided within the regulations, the Measure or other enactment, the code usually refers to these interpretations and specifically states that they come from that enactment. Otherwise, the code includes the Commissioner's own interpretations of the requirements of the standards or specific terms.
- 2.9 Unless otherwise stated, any reference to a 'body' in this code usually includes the staff of that body as well as any third party operating on behalf of, or in the name of that body (please see paragraphs 3.31—3.38 of this code).

Variations in compliance notices

- 2.10 The code deals with the requirements of the standards as specified in the regulations only. The code does not provide any guidance regarding the specific circumstances where the Commissioner has provided in a compliance notice in which circumstances (or areas) that a body must comply.
- 2.11 Therefore, this code should be read alongside the body's compliance notice as well as the regulations in order to examine the body's duties in full.

Duties, guidance, lists and examples

- 2.12 The term 'must/have to' (or similar terms) in the code denote statutory duties which come directly from the law.¹⁵
- 2.13 The term 'does not have to' (or similar terms) denotes that there is no statutory duty in accordance with the standard in question.¹⁶
- 2.14 The terms 'may/can', 'expected' and 'not expected' (or similar terms) denote the Commissioner's practical guidance relating to the requirements of the standards or examples of how they could be implemented. Although this guidance does not necessarily represent statutory requirements, paragraphs 1.16—1.18 of this code should be considered.
- 2.15 References to the term 'includes' (or any other similar terms) should not be construed to suggest that there is any limitation in terms of the requirements or interpretation (unless that is noted specifically).
- 2.16 This code includes examples of how to implement the requirements of the standards. The purpose of these examples is to show how the requirements of the standards may impact the body's operation in practice. These examples should not be construed to mean:
- that the requirements must only be implemented in that particular way
 - that compliance may not be achieved by another way, nor
 - that the requirements must only be met in accordance with the examples provided.

¹⁵ Whether this is from the compliance notice, regulations, Measure or any other enactment.

¹⁶ A reference to this term in relation to a specific standard does not mean that there is no statutory duty on a body in relation to another standard.

3 General guidance on the content of the regulations

What is meant by the term 'public'?

- 3.1 The term 'public' means any persons who are not undertaking the functions of a public authority at the time.
- 3.2 The term includes the public in its entirety, or a proportion of the public, as well as individual members of the public.
- 3.3 It includes individuals, legal persons and corporate bodies. It also includes voluntary organisations and charities, as well as directors and those representing limited companies.
- 3.4 The term 'public' does not include the Crown,¹⁷ Government nor the State.
- 3.5 It does not include persons undertaking official functions of a public nature whilst undertaking such functions. For example, the term does not include persons acting as public authority representatives.¹⁸

What is meant by the term 'individual'?

- 3.6 The regulations state:

“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.”¹⁹

- 3.7 This means that a natural person ordinarily resident outside Wales acting in a person capacity is not included within the meaning of the term 'individual'. For example, this may include a private individual who normally lives outside Wales but receives a service from the body in Wales.
- 3.8 The interpretation applies only in the context of the term 'individual'. This means that a natural person ordinarily resident outside Wales acting in their personal capacity, may fall within the meaning of other terms (e.g. 'public' or 'person'), or a standard, or part of a standard, where there is no reference to a particular term.
- 3.9 The regulations also confirm that an individual acting at the time in their capacity as a volunteer is not included within the meaning of the term 'individual'. However, the

¹⁷ This may include the armed forces, civil servants, Crown servants, or Crown agencies.

¹⁸ A 'public authority' includes any person with functions of a public nature. It includes any person who comes within the meaning of "public authority" in section 6(3) of the Human Rights Act 1998 <https://www.legislation.gov.uk/ukpga/1998/42/section/6> (e.g. Local Authority or Local Health Board).

¹⁹ Regulation 1(4), Welsh Language Standards (No.7) Regulations 2018 https://www.legislation.gov.uk/wsi/2018/441/pdfs/wsi_20180441_mi.pdf

same individual may fall within the meaning of the term 'individual' when not acting in their capacity as a volunteer (e.g. when acting in their personal capacity).

- 3.10 The exception for an individual acting in their capacity as a volunteer applies only in the context of the term 'individual'. This means that an individual acting in their capacity as a volunteer may fall within the meaning of other terms '(e.g. 'public' or 'person'), or a standard, or part of a standard, where there is no reference to a particular term.
- 3.11 The context of each standard specifies who exactly comes within the term in specific circumstances.

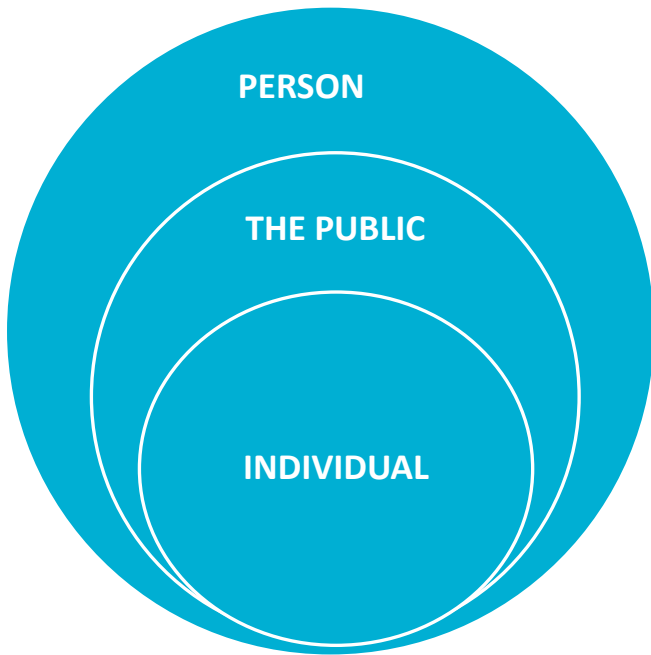
What is meant by the term 'person'?

- 3.12 The Interpretation Act 1978 states that:

““person” includes a body of persons corporate or unincorporate.”²⁰

- 3.13 Therefore, the term includes persons corporate and unincorporate. It includes any entity that may have legal rights or duties.
- 3.14 The term 'person' may include entities such as corporate bodies, associations, companies, partnerships, trusts, individuals (including a natural person not ordinarily resident in Wales acting in their personal capacity and an individual acting in their capacity as a volunteer) and any combination of one or more of these.
- 3.15 In relation to the service delivery standards, the term 'person' does not include the body itself.
- 3.16 The term 'person' has a broader meaning than the terms 'individual' and 'public'. As well as including those who come within the meaning of the terms 'individual' and 'public', the term 'person' also includes persons representing the Crown, Government, or State.
- 3.17 This means that the term 'person' also includes a person (excluding the body itself) undertaking public authority functions. For example, the term may include a member of staff from a county council, a health board, university or college staff, Welsh Government staff, or another public body.
- 3.18 The following diagram shows how the above terms relate to each other in its simplest form:

²⁰ Schedule 1 of the Interpretation Act 1978
http://www.legislation.gov.uk/ukpga/1978/30/pdfs/ukpga_19780030_en.pdf



What is meant by the terms 'member of staff', 'employee of a body' and 'natural person working for a body'?

3.19 The regulations state:

“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 (and "staff" ("staff") must be construed accordingly).”²¹

3.20 The term 'employee of a body' is not interpreted further in the regulations. However, the interpretation of 'employee' found in the Employment Rights Act 1996 may be viewed for assistance, which notes:

- “(1) In this Act 'employee' means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment.
- (2) In this Act 'contract of employment' means a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing.”²²

3.21 Also, the term 'natural person working for a body' is not interpreted further in the regulations. However, the interpretation of 'worker' found in the Employment Rights Act 1996 may be viewed for assistance, which notes:

²¹ Regulation 1(4), Welsh Language Standards (No. 7) Regulations 2018
<https://www.legislation.gov.uk/wsi/2018/441/regulation/1/made>

²² Section 230, Employment Rights Act 1996
<https://www.legislation.gov.uk/ukpga/1996/18/section/230>

“(3) In this Act 'worker' [...] means an individual who has entered into or works under (or, where the employment has ceased, worked under) –

- (a) a contract of employment, or
- (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;

and any reference to a worker's contract shall be construed accordingly.”²³

- 3.22 The term 'natural person working for a body' has a broader meaning than the term 'employee of a body'.
- 3.23 The term 'member of staff' includes persons who come within the interpretation of the terms 'employee' and 'natural person working for a body'. The term does not include the genuinely self-employed.
- 3.24 The regulations confirm that a person appointed to a body by a county or county borough council, the Welsh Ministers, a Minister of the Crown, Secretary of State or a voluntary organisation is not included within the meaning of the term 'member of staff'. For example, this means that a board member of a body or a member of Llais appointed by a county or county borough council, the Welsh Ministers, a Minister of the Crown, Secretary of State or a voluntary organisation is not considered to be a 'member of staff' of the body for the purposes of the regulations.

How do the standards affect and apply to a body's member (e.g. a member appointed to a health board, trust or Llais)?

- 3.25 The way in which the standards affect and apply to a member of a body can vary. The degree to which they are affected also depends on the capacity in which the member is acting at the time.
- 3.26 If a member appointed to a body carries out an activity or provides a service²⁴ by virtue of their appointment to a body, the member must act in accordance with the standards imposed on that body when providing that service.
- 3.27 A member may also be an 'individual', 'member of the public' or 'person' for the purposes of the standards if they are operating separately from the body itself, for example, in a private capacity. In such a situation, the member may have the right to receive services from the body in Welsh under the service delivery standards.

²³ Section 230, Employment Rights Act 1996
<https://www.legislation.gov.uk/ukpga/1996/18/section/230>

²⁴ For ease of reference in the code, references to a body or third party carrying out an activity or providing a service are conveyed by indicating that a body or third party 'provides a service'. Similarly, references to the term 'service' refer to an activity or service.

- 3.28 A person appointed to a body by the Welsh Ministers, a Minister of the Crown, Secretary of State, a county or county borough council or a voluntary organisation is not considered a 'member of staff' for the purpose of the standards. This means that there is no duty on the body to operate in accordance with the operational standards when dealing with those members as they are not considered a 'member of staff' for the purpose of the standards.
- 3.29 This does not prevent a body from acting in accordance with the operational standards when dealing with those members.
- 3.30 However, depending on which body is responsible for appointing the member, the operational standards, together with associated record keeping and supplementary standards imposed on the appointing body (e.g. Welsh Ministers or county council) may apply.

Do the standards apply to third party providers?

- 3.31 Regulation 1(5) of the regulations states:

"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."

- 3.32 In a number of circumstances, if a third party carries out an activity or provides a service, which is:

- on behalf of the body which is under a duty to comply with the standards, and
- under arrangements made between the body and the third party

the body must ensure that the third party complies with the standards applicable to that service²⁵. See paragraphs 3.34–3.68 for exceptions.

- 3.33 However, if the third party does not comply with the relevant standards when providing the service on behalf of the body, the body would be liable for failing to

²⁵ For ease of reference in the code, references to a body or third party carrying out an activity or providing a service are conveyed by indicating that a body or third party 'provides a service'. Similarly, references to the term 'service' refer to an activity or service.

comply with those standards. That may lead to action against the body under the Commissioner's enforcement powers.

3.34 However, the regulations confirm that, if a body carries out an activity or provides a service, which is:

- on behalf of a third party, and
- under arrangements made between the body and the third party

nothing in the regulations requires the body to comply with the standards applicable to that activity or service, except in certain circumstances.

3.35 Regulation 1(6) and regulation 1(7) of the regulations state:

“(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).

3.36 This means that if a body (e.g. health board A) makes arrangements for another body (e.g. health board B) to provide a service in relation to a clinical consultation, case conference, or inpatient (when the inpatient is not attending a clinical consultation), it would be the standards imposed on the other body (e.g. health board B) that apply to that service and not the standards imposed on the body (health board A).

3.37 To the contrary, if a body (e.g. health board A) provides a service on behalf of another body (e.g. health board B) in relation to a clinical consultation, case conference, or inpatient (when the inpatient is not attending a clinical consultation), standards imposed on the body (e.g. health board A) would apply to that service and not the standards imposed on the other body (e.g. health board health B).

3.38 Here is a practical example from the explanatory note for the regulations:

“... 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.”

What does the term ‘clinical consultation’ mean?

3.39 The regulations state:

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

3.40 The regulations further state:

“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;”

“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);”

What does the term ‘case conference’ mean?

3.41 The regulations state:

“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;”

3.42 The regulations further state:

“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;”

“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;”

“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;”

“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);”

What does the term ‘in-patient’ mean?

3.43 The regulations state:

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

3.44 Furthermore, the regulations state:

“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;”²⁶

“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;”

Do the standards apply in a private hospital or clinic, or on a private ward in Wales?

²⁶ See also paragraphs 3.6-3.11 of the code of practice for the meaning of the term ‘individual’.

3.45 Regulation 1(8) of the regulations states:

“(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...”

3.46 In relation to ‘private hospital’, the regulations state:

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

“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;”

3.47 In relation to ‘private clinic’, the regulations state:

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

“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;”

3.48 The regulations further state:

“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” (“ymgyngghoriad 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;”

“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 “private clinical consultation” (“ymgyngghoriad 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;”

- 3.49 The regulations therefore confirm that a body's standards do not apply when a service is provided on its behalf in a private hospital or private clinic in Wales. A body's standards will usually continue to apply if it directly provides a service within a private hospital or private clinic in Wales.
- 3.50 Similarly, the body's standards continue to apply to services provided on its behalf within a hospital or clinic (not a private hospital or clinic) in Wales, with a few exceptions. See paragraphs 3.33–3.46 regarding those circumstances.
- 3.51 Also, the location of the third party does not affect the requirement to comply with the standards when providing services within a hospital or a clinic in Wales. This means that when a body makes an arrangement for a third party (whether the third party is located within or outside Wales) to provide a service on its behalf the standards imposed on it will usually apply. For example, if a body arranges for a consultant from a health board outside Wales, or a consultant from a private hospital to run a clinic (which is not a private clinic) within a hospital (which is not a private hospital) in Wales, the standards that have been imposed on the body may apply when providing material in or as part of that clinic.
- 3.52 With regards to a ‘private ward in a hospital in Wales’, the regulations themselves do not provide an interpretation of the term ‘private ward’. However, the regulations state the following in relation to ‘hospital’:

“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;”

- 3.53 The regulations therefore confirm that a body’s standards do not apply when the service provided on its behalf is on a private ward in a hospital in Wales. For example, this may include services provided on its behalf in a Private Patient Unit within a hospital in Wales. A body’s standards would usually continue to apply if it directly provides a service on a private ward.

Do the standards apply to a service in a hospital or clinic located outside of Wales?

- 3.54 Regulation 1(8)(c) of the regulations states:

“(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—...
... (c) in a hospital or clinic located outside of Wales.”

- 3.55 This means that a body's standards do not apply when a service is being provided on behalf of the body in a hospital or clinic (whether private or not) when it is located outside Wales. For example, if a patient is referred to a specialist service which is provided on behalf of a body in a hospital outside Wales (e.g. because only that hospital is able to provide that specialist service) a body’s standards would not apply to the service or services provided on its behalf in that hospital. However, a body’s standards would usually apply to any service that is provided directly by the body (e.g. correspondence or material provided to a patient about that specialist service).

- 3.56 In relation to ‘hospital’, the regulations state:

“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;”

- 3.57 In relation to ‘clinic’, the regulations state:

“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” (“ymgyngghoriad 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;”

“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 private clinical consultation” (“ymgyngghoriad 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;”

Do the standards apply to primary care providers?

3.58 Regulation 1(9) of the regulations states:

“(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.”

3.59 The regulations further state:

“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);
- (f) section 81 (additional pharmaceutical services);
- (ff) section 92 (pilot schemes);
- (g) section 102 (local pharmaceutical services schemes);”

- 3.60 This means that the standards (with the exception of standard 19²⁷) apply to the extent that a body has direct responsibility for the provision of a primary care service. That is, if a body directly delivers primary care all the standards imposed on the body (with the exception of standard 19, telephone calls made by the body) also apply to the primary care services they deliver.
- 3.61 This means that primary care services that are directly managed by a body need to comply with the standards imposed on it when producing material, forms or documents, and when publishing a website, for example.
- 3.62 The standards do not apply to independent primary care providers.
- 3.63 However, six common duties, relating to the Welsh language, have been placed upon independent primary care providers through their respective terms of agreement, contract and/or service with Local Health Boards.²⁸ Responsibility for ensuring that the primary care provider meets these duties lies with the relevant body.

Do the standards apply to a care home service?

- 3.64 Regulation 1(10) of the regulations states:

²⁷ See paragraphs 4.2.44–4.2.49 for standard 19

²⁸ [The National Health Service \(Welsh in Primary Care Services\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019](#) amended five sets of regulations involving primary care providers' services.

“(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.”

3.65 The regulations therefore confirm that the standards do not apply to a care home service provided on behalf of a body.

3.66 In relation to a ‘care home service’, the regulations state:

“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 and Inspection of Social Care (Wales) Act 2016(2)²⁹.”

3.67 Furthermore, Paragraph 1, Schedule 1 of Regulation and Inspection of Social Care (Wales) Act 2016³⁰ states:

²⁹ (2) 2016 anaw 2

³⁰ Paragraph 1, Schedule 1 of Regulation and Inspection of Social Care (Wales) Act 2016
<https://www.legislation.gov.uk/anaw/2016/2/schedule/1/enacted>

- “1(1) A “care home service” is the provision of accommodation, together with nursing or care at a place in Wales, to persons because of their vulnerability or need.
- (2) But accommodation together with nursing or care provided at the following places does not constitute a care home service—
- (a) a hospital;
 - (b) a school (but see sub-paragraph (3));
 - (c) a residential family centre;
 - (d) a place providing a secure accommodation service;
 - (e) a place providing accommodation for an adult arranged as part of an adult placement service.
- (3) Accommodation together with nursing or care provided at a school does constitute a care home service if, at the time accommodation is provided for children at the school—
- (a) accommodation has been provided at the school or under arrangements made by the school’s proprietor for at least one child for more than 295 days in any period of 12 months falling within the previous 24 months, or
 - (b) such accommodation is intended to be provided for at least one child for more than 295 days in any period of 12 months falling within the following 24 months.
- (4) The provision of accommodation and care to a child by a parent, relative or foster parent does not constitute a care home service.
- (5) In sub-paragraph (2)(b), “school” has the meaning given by section 4 of the Education Act 1996 (c.56).
- (6) In sub-paragraph (4), “parent” means a person who has parental responsibility for a child (within the meaning given by section 3 of the Children Act 1989 (c.41)).
- (7) For the purposes of sub-paragraph (4) a person is a foster parent in relation to a child if the person—
- (a) is a local authority foster parent, or
 - (b) fosters the child privately.”

Does a body have to ensure that the third party complies with all of the standards in its compliance notice?

- 3.68 No. A body does not have to ensure that third party providers comply with all of the standards imposed on the body. Instead, the body must only ensure that the third-party provider complies with the standards applicable to the service provided by it on behalf of the body, and to the extent that the service provided by it on behalf of the body isn’t exempt. See paragraphs 3.33–3.69 for exceptions noted within the regulations.

If a body does not provide some services directly, what models may be relevant to the standards?

- 3.69 There are a number of possible different models for a body providing a service indirectly. Such models may include the following:
- outsourcing services via a contract, where the provider receives payment from the body
 - providing services via a concession, where the provider has the right to charge for services
 - providing services via a separate entity, wholly owned by the body
 - providing services via a separate entity, jointly owned by the body and other persons, or
 - providing services via a separate entity, jointly owned by the body and a commercial partner or third sector partner.
- 3.70 The third party must provide a service *on behalf* of the body for the standards to apply. If the body is no longer responsible for the service at all, the standards do not usually apply to that service.
- 3.71 It is the body's responsibility to consider to what extent the third party provides a service on behalf of the body. A body may do so by assessing any arrangements it has with third parties.
- 3.72 Arrangements may include any arrangements made between a body and third party. Arrangements do not have to be in writing nor have a specific title. What is important is the effect of the arrangement and that it means that there is an intention for the third party to provide the service on behalf of the body.

What if arrangements to provide the service on behalf of the body were made before the imposition day?

- 3.73 The standards also apply to a service provided by a third party if the arrangements made between them were made before the imposition day of any relevant standard. Therefore, a body must take any steps necessary to ensure that any arrangements made before the imposition day mean that the body complies with the requirements of the standards from the imposition day onwards.
- 3.74 It may be necessary to consider the body's current arrangements for ensuring compliance with the standards. That may include considering the following:
- modifying an existing arrangement between the body and third party
 - making a new arrangement between the body and third party
 - making a new arrangement with a new third party, or
 - ensuring that the body's staff take responsibility for providing the service.
- 3.75 If the body has made the arrangement via a contract, the contract in question may allow a body to make changes to it as a result of being subject to new legal requirements. A body's duty to comply with the standards is a legal requirement and may therefore allow for any necessary changes to be made.

Do the standards only apply to services that persons receive in Wales?

- 3.76 The Measure provides that the standards apply in relation to Wales. That is not necessarily limited to services provided geographically in Wales as 'in relation to Wales' has a wider meaning which may include services provided outside Wales, as long as they have a connection to Wales. If the service being provided has the necessary connection to Wales, then the standards could apply to this service. As a result, whether a standard applies only to services provided in Wales will depend on the context of the services being provided, the activity undertaken as well as the wording of the standard. The compliance notice or regulations could also limit the application.

Do the standards apply to research?

- 3.77 Schedule 1, Part 3, Paragraph 25 of the regulations specifically states in relation to the service delivery standards³¹:

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

- 3.78 The regulations do not interpret the term 'research'. However, interpretations by others can be looked at when considering the term.

- 3.79 The Oxford Dictionary states that 'research' means:

“a careful study of a subject, especially in order to discover new facts or information about it”³²

- 3.80 Paragraph 3.1 of the UK Policy Framework for Health and Social Care Research³³ also states:

³¹ Standards 1–68

³² Geiriadur Prifysgol Cymru, A Dictionary of the Welsh Language, interprets the term in a similar way

³³ UK Policy Framework for Health and Social Care Research

https://s3.eu-west-2.amazonaws.com/www.hra.nhs.uk/media/documents/Final_Accessibility_uk-policy-framework-health-social-care-research_.pdf

“For the purpose of this policy framework, research is defined as the attempt to derive generalisable or transferable (NB This definition involves an attempt at generalisability or transferability, i.e. the project deliberately uses methods intended to achieve quantitative or qualitative findings that can be applied to settings or contexts other than those in which they were tested. The actual generalisability or transferability of some research findings may only become apparent once the project has been completed) new (Including new knowledge about existing treatments or care) knowledge to answer or refine relevant questions with scientifically sound methods (Projects that are not designed well enough to meet this definition are not exempt from this policy framework – paragraph 9.10.a.) This excludes audits of practice and service evaluations. It includes activities that are carried out in preparation for or as a consequence of the interventional part (This means the part of the research where a change in treatment, care or other services is made for the purpose of the research. It does not refer to other methodological ‘interventions’, e.g. issuing a postal survey) of the research, such as screening potential participants for eligibility, obtaining participants’ consent and publishing results. It also includes noninterventional health and social care research (i.e. projects that do not involve any change in standard treatment, care or other services), projects that aim to generate hypotheses, methodological research and descriptive research. Projects whose primary purpose is educational to the researcher, either in obtaining an educational qualification or in otherwise acquiring research skills, but which also fall into the definition of research, are in scope of this policy framework. Activities that are not research according to this definition should not be presented as research and need not be conducted or managed in accordance with this framework. A decision tool that provides a definitive answer about whether a project counts as research under this policy framework is available at HRA Decisions Tool.”

- 3.81 Resources such as the 'decision tool'³⁴ referred to within the UK Policy Framework for Health and Social Care Research and the Health Research Authority’s 'defining research table'³⁵ may also be of assistance when considering whether or not something constitutes research.
- 3.82 Research usually involves investigating the understanding, testing or production of new, previously undisclosed, knowledge, techniques or facts about a topic or phenomenon. Research is also usually carried out on a methodological basis or a recognised process.

³⁴ Health Research Authority Decision Tool

<http://www.hra-decisiontools.org.uk/research/>

³⁵ Defining research table

http://www.hra-decisiontools.org.uk/research/docs/DefiningResearchTable_Oct2017-1.pdf

- 3.83 A body will need to consider the meaning of the term 'research' under these regulations from one case to another. In considering whether a service or activity constitutes 'research' or 'relates to research', a body is expected to consider its purpose and effect.
- 3.84 The term 'relates to' requires a firm (but not necessarily a direct) connection with 'research'. The phrase 'relates to' has received a great deal of attention in the House of Lords and in the Supreme Court, due to its appearance in the Scotland Act 1998 and the Government of Wales Act 2006. Lord Walker in *Martin v Miller* notes that the term "relates to" denotes "more than a loose or consequential connection" while Lord Kerr in *Martin v Her Majesty's Advocate* and *Miller v Her Majesty's Advocate* states that "... the question of whether a provision in an Act of the Scottish Parliament relates to... matter to be decided... by reference to the purpose... having regard to... to its effect in all the circumstances".
- 3.85 This means the service delivery standards remain applicable if there is no firm connection with research, or it has no research purpose or effect. For example, a website page providing general information about research that the body does or grants available for research would not be exempt as there is no clear connection in those cases between the activity and the research itself.
- 3.86 Similarly investigating current issues, services, quantum demographics, for example, would not normally constitute research in general.
- 3.87 Furthermore, an administrative activity or task, which is not part of the methodology that contributes to research findings would not usually constitute research. Examples may include holding focus groups, surveys, correspondence, forms etc if they are of an administrative nature only.
- 3.88 A body is not required to act in accordance with service delivery standards when carrying out an activity or providing a service which constitutes research or relates to research. However, a body would continue to comply with the duties imposed on it if it decided to carry out an activity or provide a service which constituted research or related to research in accordance with the service delivery standards (e.g. to meet the expectations of persons involved in the research).
- 3.89 It should also be noted that standards within other classes of standards (e.g. policy making³⁶) remain applicable to research. For example, a body's policy making standards would apply to research or a policy which 'relates to research'. This includes standards 75-77 when undertaking or commissioning research undertaken to inform a policy decision, except where the research undertaken or commissioned is medical research or relates to medical research.³⁷

If a standard states that a service must be provided or that material must be produced 'in Welsh', does that mean it must be provided in Welsh only and that material must be produced in Welsh first?

³⁶ Standards 75-77 do not apply to the extent that the research commissioned or undertaken is or relates to medical research.

³⁷ See standards 75-77 of this code.

3.90 No, but the standards do not prevent that either. The requirements of the standards only impose duties in relation to providing services *in Welsh*. They do not impose duties in relation to providing services in other languages and, this is therefore, a matter for the body.

3.91 The regulations' explanatory notes state:

“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).”

3.92 Schedule 1, Part 3, Paragraph 27 of the regulations states explicitly, in relation to the service delivery standards:

“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).”

3.93 Schedule 3, Part 3, Paragraph 15 of the regulations states explicitly, in relation to the operational standards:

“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).”

3.94 Schedule 5, Part 2, Paragraph 7 of the regulations states explicitly, in relation to the standards which deal with supplementary matters:

“For the purposes 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).”

What about text that has been produced by others?

3.95 Schedule 1, Part 3, Paragraph 28 and Schedule 3, Part 3, Paragraph 12 of the regulations states the following in relation to the service delivery and operational standards:

“(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)³⁸;

(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)³⁹;

(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.”

3.96 Therefore, if, for example, a body displayed an English only poster produced by another person in its reception area, there would be no requirement on the body to translate the poster into Welsh in order to display it. However, if there was a requirement on the other person to produce the poster in accordance with one of the requirements noted in paragraph (3) (a) to (d) above, then the body must use the Welsh language version of that poster.

³⁸ (1) 1993 c.38

³⁹ (2) 2006 c.32

3.97 This exception does not apply in a situation where another person has produced the text 'on behalf' of the body and reference should be made to paragraphs 3.33–3.69 of this code in relation to that situation.

If a standard states that a service must be provided 'in Welsh', does that mean that a body can provide the service bilingually?

3.98 The standards do not prevent a body from providing a service 'in Welsh' by doing so bilingually. A body may provide a bilingual service by providing the service:

- in Welsh and in English separately (if the specific standard allows that), or
- do so, so that the Welsh language and the English language are used together within the same service.

Is there still a duty to comply with standards during an emergency?

3.99 Schedule 1, Part 3, Paragraph 29 of the regulations states specifically in relation to the service delivery standards:

“(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(1)⁴⁰ (“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 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 subparagraph (2) is met, then the reference to “an emergency” in subparagraph (1)(ii) is to be read as “the simulated emergency situation”.

⁴⁰ (1) 2004 c.36

3.100 Schedule 1 to the Civil Contingencies Act 2004⁴¹ sets out the following persons and bodies in relation to health:

- “(5) A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990 (c. 19) if, and in so far as, it has the function of providing—
- (a) ambulance services,
 - (b) hospital accommodation and services in relation to accidents and emergencies, or
 - (c) services in relation to public health in Wales.
- (6) An NHS foundation trust (within the meaning of section 1 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43)) if, and in so far as, it has the function of providing hospital accommodation and services in relation to accidents and emergencies.
- (7) A Primary Care Trust established under section 16A of the National Health Service Act 1977 (c. 49).
- (8) A Local Health Board established under section 16BA of the National Health Service Act 1977.
- (9) (1) The Health Protection Agency established by section 1 of the Health Protection Agency Act 2004 (c. 17).
- (2) Until its dissolution consequent upon the coming into force of section 1 of that Act, the Special Health Authority established under section 11 of the National Health Service Act 1977 and known as the Health Protection Agency.
- (10) A port health authority constituted under section 2(4) of the Public Health (Control of Disease) Act 1984 (c. 22).”

3.101 Section 1 of the Civil Contingencies Act 2004⁴² states that the term ‘emergency’ means:

⁴¹ Schedule 1 of the Civil Contingencies Act 2004
<https://www.legislation.gov.uk/ukpga/2004/36/schedules/enacted>

⁴² Section 1 of the Civil Contingencies Act 2004
<https://www.legislation.gov.uk/ukpga/2004/36/section/1>

- “(1) In this Part “emergency” means—
- (a) an event or situation which threatens serious damage to human welfare in the United Kingdom or in a Part or region,
 - (b) an event or situation which threatens serious damage to the environment of the United Kingdom or of a Part or region, or
 - (c) war, or terrorism, which threatens serious damage to the security of the United Kingdom.
- (2) For the purposes of subsection (1)(a) an event or situation threatens damage to human welfare only if it involved, causes or may cause—
- (a) loss of human life,
 - (b) human illness or injury,
 - (c) homelessness,
 - (d) damage to property,
 - (e) disruption of a supply of money, food, water, energy or fuel,
 - (f) disruption of a system of communication,
 - (g) disruption of facilities for transport, or
 - (h) disruption of services relating to health.
- (3) For the purpose of subsection (1)(b) an event or situation threatens damage to the environment only if it involved, causes or may cause—
- (a) contamination of land, water or air with biological, chemical or radio-active matter, or
 - (b) disruption or destruction of plant life or animal life.
- (4) The Secretary of State may by order amend subsection (2) so as to provide that in so far as an event or situation involves or causes disruption of a specified supply, system, facility or service—
- (a) it is to be treated as threatening damage to human welfare, or
 - (b) it is no longer to be treated as threatening damage to human welfare.
- (5) An order under subsection (4)—
- (a) may make consequential amendment of this Part, and
 - (b) may not be made unless in subsection (1) may occur or be inside or outside of the United Kingdom.”

3.102 Furthermore, Schedule 1, Part 3, Paragraph 30 of the regulations state specifically in relation to the service delivery standards:

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

3.103 Paragraph 30 does not refer to a specific meaning of 'emergency' as in paragraph 29. However, sub-paragraph (iii) states that the emergency must be occurring in a specific location, namely outside a hospital building.

3.104 The term 'emergency' may include the same meaning given to it in section 1 of the Emergency Workers (Obstruction) Act 2006⁴³, namely:

“(4) For the purposes of this Act, circumstances are “emergency” circumstances if they are present or imminent and—

- (a) are causing or are likely to cause—
 - (i) serious injury to or the serious illness (including mental illness) of a person;
 - (ii) serious harm to the environment (including the life and health of plants and animals);
 - (iii) serious harm to any building or other property; or
 - (iv) a worsening of any such injury, illness or harm; or
- (b) are likely to cause the death of a person.”

3.105 A body will need to consider the meaning of the term 'emergency' under these regulations from one case to another. In considering the meaning of 'emergency', a body is expected to consider whether there is an enactment or statutory guidance that applies to it and which gives guidance of its meaning in the case in question.

3.106 There will be no requirement on a body to comply with the service delivery standards if conditions (i) to (iii) of sub-paragraph 1 or the condition in sub-paragraph 2, as noted above in paragraphs 29 and 30 of Schedule 1, Part 3, are

⁴³ Section 1 of the Emergency Workers (Obstruction) Act 2006
<http://www.legislation.gov.uk/ukpga/2006/39/section/1>

met. That does not mean that there is a general exemption relating to the requirement to comply with all of the service delivery standards in an emergency situation. There must also be a direct connection between the service or the activity in question and the necessity to prevent, control or mitigate an aspect or effect of an emergency. The need for the service or activity in question must also be urgent.

3.107 For example, if a body publishes a message on its social media account to inform of an ongoing fire in one of its buildings, there will be no requirement on that body to comply with the social media standards in relation to that message as the purpose of the message will be to prevent the loss of human life or human injury by informing persons of the need to leave or prevent them from entering the building. The need to publish the message would also be urgent under the circumstances.

3.108 However, if the body were to publish another message on its social media account during the emergency which was totally unconnected with the fire in question, such as a message relating to a recruiting exercise, there would still be a requirement on the body to comply with the standards in this context because the message would not have a direct connection with the necessity to prevent, control or mitigate an aspect or effect of the emergency. Also, the need to publish the message would not be urgent in the circumstances either.

Is there still a duty to comply with standards when responding to a notification of a suspected disease, infection, causative agent or contamination?

3.109 Schedule 1, Part 3, Paragraph 31 of the regulations states specifically in relation to the service delivery standards:

“(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 1984⁴⁴ (“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 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 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.

(3) If the condition in sub-paragraph (2) is met, then the reference to “a disease, infection, contamination or causative agent” in sub-

⁴⁴ (1) 1984 c.22

paragraph (1)(ii) is to be read as “the simulated disease, infection, contamination or causative agent”.

3.110 Section 74, of the Public Health (Control of Diseases) Act 1984⁴⁵ states:

““proper officer” means, in relation to a purpose and to an authority, an officer appointed for that purpose by that authority;”

3.111 In relation to ‘infection’ and ‘contamination’, Section 45A of the Public Health (Control of Diseases) Act 1984⁴⁶ states:

“(1) The following provisions have effect for the interpretation of this Part.

(2) “Contamination ” includes radiation.

(3) Any reference to infection or contamination is a reference to infection or contamination which presents or could present significant harm to human health.

(4) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.

(5) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.

(6) Related expressions are to be read accordingly”

3.112 Furthermore, the Health Protection (Notification) (Wales) Regulations 2010⁴⁷ state:

" (7) In this regulation—...
...notifiable disease" ("clefyd hysbysadwy") means a disease or syndrome listed in Schedule 1;”

3.113 ‘Notifiable disease’ in Schedule 1, the Health Protection (Notification) (Wales) Regulations 2010⁴⁸ means:

“Anthrax
Botulism
Brucellosis
Cholera

⁴⁵ Section 74, Public Health (Control of Diseases) Act 1984

<https://www.legislation.gov.uk/ukpga/1984/22/section/74/enacted>

⁴⁶ Section 45A, Public Health (Control of Diseases) Act 1984

<https://www.legislation.gov.uk/ukpga/1984/22/section/45A>

⁴⁷ Health Protection (Notification) (Wales) Regulations 2010

https://www.legislation.gov.uk/wsi/2010/1546/pdfs/wsi_20101546_mi.pdf

⁴⁸ Schedule 1, the Health Protection (Notification) (Wales) Regulations 2010

<https://www.legislation.gov.uk/cy/wsi/2010/1546/schedule/1/made>

Diphtheria
Encephalitis (acute)
Enteric fever (typhoid or paratyphoid fever)
Food poisoning
Haemolytic uraemic syndrome (HUS)
Infectious bloody diarrhoea
Infectious hepatitis (acute)
Invasive group A streptococcal disease and scarlet fever
Legionnaires' Disease
Leprosy
Malaria
Measles
Meningitis (acute)
Meningococcal septicaemia
Mumps
Plague
Poliomyelitis (acute)
Rabies
Rubella
SARS
Smallpox
Tetanus
Tuberculosis
Typhus
Viral haemorrhagic fever (VHF)
Whooping cough
Yellow fever”

3.114 In relation to ‘causative agent, the Health Protection (Notification) (Wales) Regulations 2010⁴⁹ state:

“(11) In this regulation–
"causative agent" ("cyfrwng achosol") means–
(a) a causative agent listed in Schedule 2, or
(b) evidence of an infection caused by such an agent;”

⁴⁹ The Health Protection (Notification) (Wales) Regulations 2010

https://www.legislation.gov.uk/wsi/2010/1546/pdfs/wsi_20101546_mi.pdf

3.115 'Causative agent' within Schedule 2, the Health Protection (Notification) (Wales) Regulations 2010⁵⁰ means:

"Bacillus anthracis
Bacillus cereus (only if associated with food poisoning)
Bordetella pertussis
Borrelia spp
Brucella spp
Burkholderia mallei
Burkholderia pseudomallei
Campylobacter spp
Chikungunya virus
Chlamydomydia psittaci
Clostridium botulinum
Clostridium perfringens (only if associated with food poisoning)
Clostridium tetani
Corynebacterium diphtheriae
Corynebacterium ulcerans
Coxiella burnetii
Crimean-Congo haemorrhagic fever virus
Cryptosporidium spp
Dengue virus
Ebola virus
Entamoeba histolytica
Francisella tularensis
Giardia lamblia
Guanarito virus
Haemophilus influenzae (invasive)
Hanta virus
Hepatitis A, B, C, delta, and E viruses
Influenza virus
Junin virus
Kyasanur Forest disease virus
Lassa virus
Legionella spp
Leptospira interrogans

⁵⁰ Schedule 2, the Health Protection (Notification) (Wales) Regulations 2010
<https://www.legislation.gov.uk/wsi/2010/1546/schedule/2/made>

Listeria monocytogenes
Machupo virus
Marburg virus
Measles virus
Mumps virus
Mycobacterium tuberculosis complex
Neisseria meningitidis
Omsk haemorrhagic fever virus
Plasmodium falciparum, vivax, ovale, malariae, knowlesi
Polio virus (wild or vaccine types)
Rabies virus (classical rabies) and rabies-related lyssaviruses
Rickettsia spp
Rift Valley fever virus
Rubella virus
Sabia virus
Salmonella spp
SARS coronavirus
Shigella spp
Streptococcus pneumoniae (invasive)
Streptococcus pyogenes (invasive)
Varicella zoster virus
Variola virus
Verocytotoxigenic Escherichia coli (including E.coli O157)
Vibrio cholerae
West Nile Virus
Yellow fever virus
Yersinia pestis”

3.116 The terms 'disease', 'infection' 'causative agent' and 'contamination' are not necessarily limited to the above only. However, the health protection legislation (Wales) guidance 2010⁵¹ states:

“Notification of cases of infection not included in Schedule 1 and of contamination are expected to be exceptional occurrences.”

⁵¹ Page 13, Health Protection Legislation (Wales) Guidance 2010
<https://lyw.cymru/sites/default/files/publications/2019-04/health-protection-guidance-2010.pdf>

- 3.117 A body will need to consider the terms under the 1984 Act and these regulations from one case to another. In addition, a body should consider whether there are other regulations made under the 1984 Act or statutory guidance that apply and give it guidance as to the meaning of the terms in the case in question.
- 3.118 There will be no requirement on a body to comply with the service delivery standards if conditions (i) to (ii) of sub-paragraph 1 or the condition in sub-paragraph 2, as noted above in paragraph 31 of Schedule 1, Part 3, are met. That does not mean that there is a general exemption relating to the requirement to comply with all of the service delivery standards when a body is responding to a notification of a suspected disease, infection, causative agent or contamination. There must also be a direct connection between the service or the activity in question and the necessity to prevent, control or mitigate an aspect or effect of a disease, infection, causative agent or contamination. The proper officer within the meaning of the 1984 Act must also determine that the case is be urgent.
- 3.119 For example, if a body erects a sign, or publishes or displays a notice in order to inform persons of the need to leave or refrain from entering a building, or an area of a building, for the purpose of preventing loss of human life or human injury due to an ongoing (or suspected) contamination situation in one of its buildings, and immediate action is required, the body will not be required to comply with the standards in relation to that sign or notice. The proper officer (within the meaning of the 1984 Act) must also have determined that the case was urgent under the circumstances.
- 3.120 However, if the body erected a sign, or published or displayed a notice that is completely unrelated to the contamination in question, such as a sign in a building directing persons to a specific department, or a notice informing persons of a change to the opening times of a body or a body's building, there would still be a requirement on the body to comply with the standards in this context as the sign or notice would not have a direct connection with the need to prevent, control or mitigate an aspect or effect of a disease, infection, causative agent or contamination. Also, the need to erect the sign, or publish or display a notice would not be urgent under the circumstances either.

4 Service delivery standards [1–68]

4.1 Correspondence sent by a body [standards 1–7]

What are the requirements?

4.1.1. Standards 1–7 relate to the way in which a body sends correspondence. The standards deal with:

- a body replying to correspondence from another person (standard 1)
- a body corresponding with an individual (standard 2), with one or more individuals from the same household (standard 3), with several persons (standard 4) or a person (standard 5), and
- general matters relating to correspondence (standards 6 and 7).

Standard 1

4.1.2. If a body receives correspondence from a person in Welsh, it must reply in Welsh unless:

- the person has indicated that there is no need to reply *in Welsh*, or
- if no answer is required at all in any language, e.g. if the correspondence only makes representations or if the person has confirmed to the body that it does not need to reply to the correspondence.

4.1.3. If a body must reply in Welsh, *every* response that deals with the person's correspondence must be in Welsh, including correspondence acknowledging it and any subsequent correspondence.

4.1.4. If a body sends supplementary material (e.g. a form or pamphlet) along with its correspondence, it must send that material in Welsh, if the material has been produced in Welsh in accordance with another standard.

4.1.5. If a person sends supplementary material in Welsh along with their correspondence (e.g. a form, document or other material), the body may have to consider it in order to be able to fully deal with their correspondence in Welsh. That may include the consideration of material sent in Welsh only.

Standard 2

4.1.6. When a body corresponds with an individual for the first time, it must ask the individual whether they wish to receive correspondence from it in Welsh.

4.1.7. If the individual:

- responds to say that they do wish to receive correspondence from the body in Welsh, the body must keep a record of their wish, and correspond with the individual, and send any forms that the individual is to complete, in Welsh from then onwards.
- responds to say that they do not wish to receive correspondence from the body in Welsh – the body will not have to correspond with that

- individual, nor send the individual any forms, in Welsh from then onwards.
- does not respond to the body's offer – the body must not interpret the lack of response to mean that they do not wish to receive correspondence in Welsh.
- 4.1.8. The requirements of standard 5 to correspond with an individual in Welsh will apply if the body does not know whether or not an individual wishes to receive correspondence in Welsh. If standards 2 and 5 have been imposed on a body, unless the body knows that the individual does not wish to receive correspondence from the body in Welsh, the body must provide the individual with a Welsh language version of the correspondence when it corresponds with that individual for the first time, in accordance with the requirement of standard 5.
- 4.1.9. Standard 2 relates to correspondence which is addressed specifically to a single individual. This standard would usually apply to correspondence which includes information that is specifically tailored for the individual beyond general details such as their name or address.
- 4.1.10. A body must refer to standard 3 if correspondence is addressed to one or more individuals who are members of the same household or standard 4 if the same correspondence is being sent to several persons.
- 4.1.11. A body is not required to send a Welsh language version of some forms to an individual when implementing standard 2. However, a body would continue to comply should it choose to send Welsh language versions of these forms to them.
- 4.1.12. The list of forms that a body is not required to send in Welsh can be found in Schedule 1, Part 3, Paragraph 45 of the regulations:

“ ...

(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).”

- 4.1.13. Only the forms listed in sub-paragraph (3) above are exempt from the requirements of standard 2. This means that a body is still required to send a Welsh language version of all other forms to complete when implementing the standard. This includes any forms where there is no requirement in

accordance with another standard to produce a Welsh language version of that form.

4.1.14. Furthermore, Schedule 1, Part 3, paragraph 33 of the regulations state:

“Standards 1 to 5 do not apply to correspondence which contains the report of a clinical consultation (including, for example, test results).”

Standard 3

- 4.1.15. If a body sends correspondence addressed to one or more individuals who are members of the same household for the first time, it must ask those individuals whether they wish to receive correspondence from the body in Welsh. For example, such correspondence may include correspondence addressed to the parents of a child, or one or more individuals living in the same address.
- 4.1.16. If all individuals respond to say that they wish to receive correspondence (addressed to all of them) in Welsh from the body, the body must keep a record of that wish and correspond with them in Welsh from then onwards (when sending correspondence addressed to all of those individuals).
- 4.1.17. If one (but not all) of the individuals responds to say that they wish to receive correspondence in Welsh from the body, the body must keep a record of that wish. If a body sends correspondence addressed to all of those individuals from then onwards, it must also provide a Welsh language version of the correspondence.
- 4.1.18. If all of those individuals respond to say that they do not wish to receive correspondence (addressed to all of them) in Welsh from the body, the body does not have to correspond with them in Welsh from then onwards (when sending correspondence addressed to all of those individuals). If the individuals do not respond, a body should not interpret the lack of response to mean that they do not wish to receive correspondence (addressed to all those individuals) in Welsh. Standard 5 will apply if the body does not know whether one or more of those individuals want to receive correspondence in Welsh.
- 4.1.19. If standards 3 and 5 have been imposed on a body, unless the body knows that both individuals do not wish to receive correspondence from the body in Welsh, the body must provide a Welsh version of the correspondence when it sends correspondence addressed to both the individuals for the first time, in accordance with the requirement of standard 5.

Standard 4

- 4.1.20. If a body sends the same correspondence to several persons, it must send a Welsh language version of that correspondence to every person. The body must also ensure that it sends a Welsh language version of the correspondence at the same time as any English language version.

- 4.1.21. This standard applies to situations where the same correspondence is sent to several persons. This may include a body sending the same circular, e-circular, e-bulletin, newsletter, email, text message or letter to several homes or persons.
- 4.1.22. Unlike standards 2 and 3, which deal with correspondence addressed to an individual or one or more specific individuals only, standard 4 deals with standard correspondence which applies to several persons. This standard does not apply to correspondence which includes individually personalised or tailored information (beyond generic details such as name or address). A body must treat this kind of correspondence separately to the kind of correspondence sent in accordance with standards 2 and 3.
- 4.1.23. Therefore, if a body sends the same correspondence to several persons, an individual's reply regarding their wish to receive correspondence in Welsh in accordance with standards 2 and 3 does not affect a body's duty to send correspondence to that individual in Welsh in accordance with standard 4.

Standard 5

- 4.1.24. If a body does not know whether a person wishes to receive correspondence in Welsh, it must provide a Welsh language version of the correspondence when corresponding with that person.
- 4.1.25. That means that a body must send a Welsh language version of correspondence to a person at all times, until such time that it knows that the person does not wish to receive correspondence from it in Welsh.
- 4.1.26. A body may 'know' whether a person wishes to receive correspondence in Welsh or not based on:
- information given to the body in accordance with standards 2 and 3
 - information regarding language choice already gathered by the body
 - the person informing the body proactively that they wish to receive correspondence in Welsh, or
 - a body's previous engagement with a person where they had expressed their wish (e.g. in a meeting or during a telephone call).⁵²
- 4.1.27. Although a body does not have to ask whether a person wishes to receive correspondence in Welsh nor keep a record of that wish (as is the case of standards 2 and 3), a body may do so in order to facilitate compliance with the standard and ensure that Welsh language versions of correspondence are sent to persons who wish to receive them.
- 4.1.28. If a body chooses to ask whether a person wishes to receive correspondence from it in Welsh, but the person does not respond to the body's offer, a body should not interpret the lack of response to mean that the person does not wish to receive correspondence in Welsh.

⁵² A body should be aware of data protection legislation if it chooses to apply one or more of these approaches.

4.1.29. It should be emphasised that this standard applies to correspondence sent by a body to a 'person'. That includes correspondence sent to limited companies, charities and other public authorities. The requirements are therefore not limited to correspondence sent to individuals or members of the public only.

Standard 6

4.1.30. If a body produces a Welsh language version and a corresponding English language version of correspondence (whether separate versions or not), it must not treat the Welsh language version of the correspondence less favourably than the English language version.

4.1.31. For example, if the English version of correspondence is signed, or if contact details are provided on the English language version, then the Welsh language version must be treated in the same way.

4.1.32. The following interpretation of the term 'treating a Welsh language version no less favourably than an English language version' is provided in Schedule 1, Part 3, Paragraph 43 of the regulations:

“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.”

4.1.33. 'Other matters' may include treating the Welsh language no less favourably as regards:


- the material's language order
- the standard and quality of the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text)
- the content of the material (for example in terms of the detail and quality of the information it contains), and
- when the material is sent by the body and received by the person.

Standard 7

- 4.1.34. A body must state how it will treat Welsh language correspondence and must include this statement in:
- correspondence
 - publications that invite persons to respond to or correspond with the body, and
 - notices that invite persons to respond to or correspond with the body.
- 4.1.35. The statement must note:
- that the body welcomes receiving correspondence in Welsh
 - that the body will respond to correspondence in Welsh, and
 - that corresponding in Welsh will not lead to delay.
- 4.1.36. The statement does not have to follow the wording of the standard word for word. However, that statement should be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to ensuring that the Welsh language is treated no less favourably than the English language when receiving and responding to correspondence from persons in Welsh.
- 4.1.37. The Commissioner's Iaith Gwaith logo may be displayed by the body as part of any written statement to further show that the body welcomes receiving correspondence in Welsh and that it will respond to correspondence in Welsh.
- 4.1.38. Displaying the Iaith Gwaith logo would not constitute conveying that corresponding in Welsh will not lead to a delay. A body is therefore expected to convey this by stating it specifically in writing.
- 4.1.39. The Iaith Gwaith logo is available as a free download from the Commissioner's website.⁵³ The logo looks like this:



- 4.1.40. Here is an example of a statement that may be used by a body for the purposes of the standard:

	<p>Croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, ac ni fydd hynny'n arwain at oedi.</p> <p>You are welcome to contact us in Welsh. We will respond in Welsh, without this causing delay.</p>
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⁵³ Iaith Gwaith

- 4.1.41. Corresponding in Welsh is not expected to have led to a delay if a body responds to the person in Welsh:
- within its organisational target time(s) for responding to correspondence (e.g. the organisation's target for acknowledging and responding to correspondence with an interim/full response within a specific period(s)), and
 - within the same period as it would take to respond to a person in English.

What is meant by the term 'correspondence'?

- 4.1.42. The term includes any written communication or contact exchanged between two or more parties. Correspondence may include letters, emails, text messages, faxes, live online chat facilities⁵⁴, forms⁵⁵ or circulars.
- 4.1.43. The term includes written correspondence presented in electronic form as well as in paper form. For example, it includes correspondence in the form of an email, PDF or a document produced using a word processor such as Microsoft Word.
- 4.1.44. The term also includes any correspondence generated automatically by a system or machine, such as reminders or automated email responses.
- 4.1.45. The term does not only include correspondence to which a person needs to respond. It may also include correspondence sent to a person to share information only.

Are there any exceptions?

- 4.1.46. Yes, Schedule 1, Part 3, Paragraph 33 of the regulations states:

“Standards 1 to 5 do not apply to correspondence which contains the report of a clinical consultation. This includes, for example, test results.”

- 4.1.47. Furthermore, schedule 1, Part 3, Paragraph 34 of the regulations states:

“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.

- 4.1.48. This means that standards 4 and 5 do not apply to correspondence from a body to only another organisation about one or more individuals. An

⁵⁴ An application designed specifically to provide immediate online assistance to users of a website.

⁵⁵ Reference should be made to standard 36 and standard 38 when a body produces and publishes forms

example may include a body corresponding with a member of local authority staff about a patient or patients (when the patient or patients are not included as part of that correspondence).

- 4.1.49. Standards 4 and 5 continue to apply in every other circumstance, to the extent that there is no relevant exception, including:
- when the body corresponds with a person or persons who are not individuals (e.g. member of local authority staff) about one or more individuals (e.g. patient or patients) and the individual or individuals are also included as part of the correspondence
 - when the body corresponds with a person or persons who are individuals (e.g. a child's parent or parents) about one or more individuals (e.g. a child), or
 - when the body corresponds with a person or persons (whether they are an individual or not) and the correspondence is not about one or more individuals.

- 4.1.50. Schedule 1, Part 3, Paragraph 50 of the regulations also states:

“Standards 1 to 7 do not apply to correspondence sent via social media.”⁵⁶

- 4.1.51. However, a body would continue to comply should it choose to send correspondence that is exempt in Welsh.

What must be in Welsh when sending correspondence via email?

- 4.1.52. If a body must ensure that correspondence via e-mail is sent in Welsh in accordance with the standards, that may include ensuring that:
- the body of the email is in Welsh
 - automated emails are in Welsh
 - email disclaimers and signatures are in Welsh
 - email subject lines are in Welsh
 - Welsh or bilingual attachments have Welsh or bilingual titles, and
 - the changes made by a body to another person's subject line are in Welsh.

Do these standards apply to correspondence sent internally between a body's staff members only?

- 4.1.53. No. If correspondence is sent internally between a body's staff members only, these standards would not be relevant to that correspondence.
- 4.1.54. These standards only apply if the body sends correspondence to another person who is separate to the body. If a member of staff sends correspondence to another member of staff within the body only, that

⁵⁶ See standards 45 and 46 for requirements in relation to social media.

correspondence does not have to be sent in Welsh in accordance with these standards.

- 4.1.55. However, if that correspondence is also sent to another person outside the body, it must ensure that the correspondence is sent in Welsh to that person in accordance with the standards.
- 4.1.56. In addition, staff must send internal correspondence in Welsh if that is required by the operational standards. Reference should be made to the operational standards for the specific types of internal correspondence that come within the scope of the standards (e.g. standards which relate to the use of Welsh within a body's internal administration).⁵⁷

What is meant by the term 'corresponding for the first time'?

- 4.1.57. Schedule 1, Part 3, Paragraph 32 of the regulations states:

“For the purposes of standards 2, 3 [...] a body corresponds with an individual [...] for the first time when it corresponds [...] for the first time after the date on which a compliance notice has required the body to comply with the standard.”

- 4.1.58. The term 'corresponding for the first time' therefore means the first time a body corresponds with an individual from the imposition day onwards. This means that an individual's wish to receive correspondence from the body in Welsh must be established after the imposition day.

How can a body know whether it is corresponding with an individual for the first time or not, and therefore, when to ask about their wish to receive correspondence in Welsh?

- 4.1.59. A body must keep a record of individuals' wishes to receive correspondence in Welsh, in accordance with standards 2 and 3. A body may check that record in order to identify whether or not it has corresponded with the individual in question since the imposition day or if the body is corresponding with the individual for the first time.
- 4.1.60. If there is a record, and that record has been updated since the imposition day of the standard, it is likely that the body is not corresponding with that individual for the first time and that the body has already corresponded with that individual since the imposition day.
- 4.1.61. If there is no record or a record has not been updated since the imposition day of the standard, it is likely that the body has not been in contact with that individual since the imposition day, and therefore, that they need to be asked about their wish to receive correspondence in Welsh.

⁵⁷ See Section 6 of this code of practice

What if a body is aware of an individual's wish to receive correspondence in Welsh before the imposition day?

- 4.1.62. Establishing an individual's wish to receive correspondence in Welsh, by using information gathered before the imposition day, would not comply with the requirements of standards 2 and 3. However, such information may be used by a body to comply with the requirements of standard 5.
- 4.1.63. In order to comply with standards 2 and 3, an individual must be asked about their wish from the imposition day onwards.
- 4.1.64. If a body has historical information on an individual's wish, it must find out or confirm whether they wish to receive correspondence in Welsh again from the imposition day onwards.

How should a body ask individuals whether or not they wish to receive correspondence in Welsh, in accordance with standards 2 and 3?

- 4.1.65. The way in which a body asks an individual whether or not they wish to receive correspondence may vary depending on the type of correspondence in question. For example, where a body sends correspondence to which the individual is expected to reply, it may be appropriate for the body to include a specific question within the body of the correspondence.
- 4.1.66. In another situation where a body sends correspondence which does not necessarily ask for a reply, it may be appropriate for the body to ask the individual specifically to get in touch in order to express their wish.

How should a body keep a record of an individual's wish in relation to whether or not they wish to receive correspondence from a body in Welsh, in accordance with standards 2 and 3?

- 4.1.67. The body is expected to have sufficient arrangements in place to allow it to know if this is the first time it is corresponding with the individual (or individuals) and, if not, to know if that individual (or those individuals) wish to receive correspondence in Welsh.
- 4.1.68. That record is expected to be available to all of the body's staff members (or a third party acting on behalf of the body) who are corresponding with that individual (or those individuals).
- 4.1.69. A body can keep a record of an individual's wish in the following ways:
 - a customer contact management system implemented, and available, across the body
 - another kind of database implemented, and available, across the body
 - a note on the individual's file or personal record which may be transferred, or
 - departmental databases or systems which ensure that information regarding individuals' wishes is updated and available on every

database or system across the body, by exchanging relevant information.

- 4.1.70. Subject to data protection legislation⁵⁸, any information received from individuals regarding their wish to receive correspondence in Welsh may be shared and recorded on an organisational level, so that the body can send all correspondence to those individuals in Welsh from then onwards.
- 4.1.71. For example, if an individual confirms with a specific department within the body that they wish to receive correspondence in Welsh from then onwards, the body can ensure, as long as it complies with data protection legislation, that all of their other departments are aware of the individual's wishes, so that those departments send correspondence to the individual in Welsh from then onwards.

Does data protection legislation allow bodies to collect, store and use personal data on an individual's wish to receive correspondence in Welsh?

- 4.1.72. Yes. Data protection legislation does not prevent a body from complying with the requirements of standards 2 and 3.
- 4.1.73. However, information on an individual's wish to receive correspondence from a body in Welsh is considered to be 'personal data'. In terms of data protection, collecting, storing and using data on an individual's wish would constitute 'processing' data. Therefore, a body must comply with the requirements of data protection legislation, whenever it processes that data.
- 4.1.74. Under the GDPR, a body will need to ensure that its processing activities meet at least one of six conditions for processing, set out in Article 6(1) of the GDPR.
- 4.1.75. For any body subject to the Welsh language standards, compliance with the standards is a legal requirement. Therefore, it will be necessary for the body to collect and store data on an individual's wish to receive correspondence in Welsh in order to meet the legal requirement. Under the GDPR, each body should be able to rely on condition 'c' in Article 6(1)⁵⁹ in order to collect and store this data.
- 4.1.76. As well as having a valid condition for processing data, each body will also need to consider whether its processing of data in relation to an individual's wish is fair. Individuals must be told why the body is collecting data in relation to their wish and how it will be used. Information confirming whether the data will be shared internally or externally should be included, and that should occur when the data is collected. There are additional rules under the

⁵⁸ Any reference to 'Data Protection Legislation' in this code means the General Data Protection Regulation ("GDPR") (EU) 2016/679 and the Data Protection Act 2018 and any applicable law or regulation which involves the processing of personal data and privacy as revised, reviewed or amended.

⁵⁹ 'Processing is necessary for compliance with a legal obligation to which the controller is subject.'

GDPR which relate to what information needs to be provided to individuals, as well as how their data will be used.

- 4.1.77. If a body provides adequate information at the time it collects data on an individual's wish, and only uses that data in accordance with the individual's expectations, collection and storage of such data should comply with data protection legislation.

Is it possible to share data on an individual's wish to receive correspondence in Welsh internally between different departments?

- 4.1.78. Yes. As long as data in relation to an individual's wish has been collected appropriately, then it is possible to use the data to ensure that the individual receives correspondence in Welsh in accordance with their wish.
- 4.1.79. An individual's wish will have been collected appropriately as long as the body has made it clear to the individual, when asking about their wish, that the data will be shared with different departments.
- 4.1.80. Assuming that the data in relation to an individual's wish has been collected appropriately, it will be possible to use it to ensure the individual receives communication in Welsh in accordance with their wish. Each body will need to decide whether to develop one record for the entire organisation or separate departmental records.
- 4.1.81. Sharing personal data between different departments is itself a form of processing, so it needs to comply with data protection legislation. The standards apply to the organisation as a whole, so some bodies will choose to use one wish across the organisation. If the body chooses to take this approach, it will need to make this very clear to individuals when the original data is collected.
- 4.1.82. Each body will need to decide its own approach to the sharing of data in relation to an individual's wish between departments. It is considered that a body should make it as easy as possible for individuals to express their wish and to have that choice respected. Providing clear processing information to individuals explaining how their data will be used is likely to be a key element of ensuring compliance with both the standards and data protection legislation. All data in relation to an individual's wish is ultimately based on a choice made by the individual. If a body shares a record of the individual's wish between different departments, those individual departments must ensure that they use that data for the purpose originally intended, rather than any new purpose which the individual would not expect.

What if an individual's wish to receive correspondence in Welsh varies in different situations?

- 4.1.83. It is possible that an individual's wish to receive correspondence in Welsh will vary in different situations. An individual's wish may depend on which

service or department within the body is sending the correspondence or the correspondence's subject matter.

- 4.1.84. For example, an individual may wish to receive responses to general queries or appointment letters from a body in Welsh but not receive correspondence in relation to a specific complaint in Welsh. An individual could wish to receive emails in Welsh but not letters on a specific subject matter. That is, it is possible that an individual's wish to receive correspondence in Welsh may vary in different situations.
- 4.1.85. The requirement in accordance with standards 2 and 3 is for a body to ask an individual whether they wish to receive correspondence in Welsh. However, the standards do not prevent a body from asking a more precise question regarding in which context an individual would wish to receive correspondence in Welsh. A body would comply with the requirements of the standards if it corresponded with an individual (or individuals) in Welsh in some contexts only and not others, should that wish have been identified.

Must a body ensure that Welsh language versions of postal addresses are used when sending Welsh language versions of correspondence?

- 4.1.86. A body is expected to use Welsh language versions of postal addresses when sending Welsh language version of correspondence (if there is a Welsh language version of postal address which is different from English language version e.g. Caerdydd/Cardiff). This may include using the Welsh language postal address on an envelope or at the top of a letter written in Welsh.
- 4.1.87. The Commissioner is responsible for providing advice on standard forms of place names in Wales. The Commissioner can advise bodies on the standard form of names of settlements (namely villages, towns and cities) in Wales. The Commissioner has published these recommendations in an online database and the lists are available to download under open licence: List of Standardised Welsh Place-names.⁶⁰
- 4.1.88. The Commissioner follows specific standardisation guidelines when producing her recommendations: Guidelines for Standardising Place-names in Wales.⁶¹ These guidelines deal specifically with the names of settlements. They do not necessarily apply to house names nor other landscape features. However, they contain several valuable principles which could be applied when dealing with these names.
- 4.1.89. As long as there is no other enactment which requires the use of another Welsh language form of a place-name in Wales, a body may use this

⁶⁰ See the List of Standardised Welsh Place-names on the Commissioner's website. <https://www.welshlanguagecommissioner.wales/standardised-welsh-place-names>

⁶¹ See Guidelines for Standardising Place-names in Wales on the Commissioner's website. <https://www.welshlanguagecommissioner.wales/standardised-welsh-place-names>

consultation service to ensure that it uses the standardised Welsh language form of a place-name when it uses that name in Welsh language versions of correspondence.

4.2 Telephone calls made and received by a body [standards 8–20]

What are the requirements?

4.2.1. These standards relate to:

- telephone calls made to a body's main contact number and to any helplines or call centres (standards 8 –16)
- telephone calls made to departments and to members of a body's staff (standards 17–18)
- telephone calls made by a body (standard 19), and
- a body dealing with telephone calls using an automated system (standard 20).

Standard 8

4.2.2. A body must greet a person in Welsh when that person contacts the body on one of its relevant telephone numbers.⁶²

4.2.3. The term 'greet' may include phrases which acknowledge and welcome the caller before the body starts to deal with the call. For example, a body may greet a person by saying 'Bore Da/Prynhawn Da/Noswaith Dda', followed by the Welsh language version of the body's name (if it exists). The term 'greet' does not include dealing with the call itself.

4.2.4. A body may greet persons in Welsh via a pre-recorded automated message or through a member of staff greeting that person in Welsh when answering the call.

4.2.5. The requirements of this standard apply only to the initial greeting given during the call. The language of the remainder of the call (including any subsequent greeting) will depend on the extent to which the person wishes for the body to deal with it in Welsh or not, in accordance with standard 10.

4.2.6. The requirements of standard 18 apply to the initial greeting given to a person who makes contact via a direct line telephone number belonging to a body's department or a member of staff.

Standard 9

4.2.7. If a person contacts the body on one of its relevant telephone numbers, the body must inform that person that a Welsh language telephone service is available.

⁶² Unless noted otherwise, reference to 'relevant telephone numbers', in the context of standards 8–16 means the body's main telephone number (or one of its main telephone numbers), or any one of its helpline numbers or call centre numbers.

- 4.2.8. A body is expected to be proactive when informing persons about the Welsh language telephone service. This is expected to happen at the first available opportunity.
- 4.2.9. Greeting a person in Welsh alone does not constitute informing a person that a Welsh language telephone service is available. A body is expected to take further steps in order to make it explicit that a Welsh language service is available.
- 4.2.10. Examples of a body 'informing' a person that a Welsh language telephone service is available may include:
- giving persons the option to choose a Welsh language telephone service (or an English language service) by pressing a specific button on the keypad
 - ensuring that staff members answering the call inform the person in a proactive manner as they start conversing with that person, and
 - ensuring that the body informs the person that a Welsh language service is available (or will continue to be available) when a member of staff transfers the call to another member of staff who is able to deal with the call in Welsh.
- 4.2.11. A body may comply with standard 9 by starting a conversation in Welsh first in order to highlight, in a natural way, that a Welsh language service is available over the phone, without having to make that explicit to the person. For example, a body would not be expected to inform a caller that a Welsh language service is available if the call is already taking place in Welsh and the call is transferred naturally to someone who can deal with the call (and starts dealing with the call) in Welsh as a matter of course.
- 4.2.12. The standard does not state that a body must inform the person *in Welsh*. However, a body is expected to consider doing so in Welsh if it can and that the person is likely to want to be told in Welsh.

Standard 10

- 4.2.13. If a person contacts the body on one of its relevant telephone numbers, the body must deal with the call in Welsh once it is aware that the person wishes to receive a Welsh language service over the telephone, transferring the call to a member of staff who is able to deal with the specific subject matter in Welsh if required.
- 4.2.14. A person would be likely to wish to receive a service in Welsh over the telephone should they start a conversation with the body in Welsh first. Should a person start a conversation in English first, a body must not interpret that to mean that the person does not wish to receive a telephone service in Welsh.
- 4.2.15. If the person's wish to receive a Welsh language service is not already clear (e.g. if they do not start the conversation in Welsh or if they do not ask for a Welsh language service before the body does so), a body is expected to establish that wish more proactively, by asking about the person's wish

- specifically. A body is expected to establish a person's wish to receive a Welsh language telephone service at the earliest possible opportunity.
- 4.2.16. If there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, a body may transfer the call to a member of staff who cannot deal with the call in Welsh, but who can provide a service on the specific subject matter.
- 4.2.17. It should be emphasised that a body must ensure that there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, before transferring the call to a member of staff who cannot deal with the call in Welsh. In order to facilitate this, a body may choose to keep a record of those members of staff who are able to deal with calls in Welsh (e.g. a staff directory based on department, service or subject matter).
- 4.2.18. It should be noted that the phrase 'specific subject matter' does not include general contact or a general enquiry. A body is expected to provide a Welsh language service when dealing with general enquiries, up to a point where a body needs to transfer a call to a non-Welsh speaking member of staff who can deal with a subject which needs a level of expertise or specific knowledge in order to deal with the enquiry. Such examples may include a specific matter or a specific case where only that non-Welsh speaking member of staff has the relevant knowledge that is needed to deal with the call.

Standard 11

- 4.2.19. A body must not treat the Welsh language less favourably than the English language when advertising its telephone numbers, helpline numbers or call centre services.
- 4.2.20. The term 'must not treat the Welsh language less favourably than the English language', in relation to this standard, includes, amongst other matters, treating the Welsh language no less favourably than the English in terms of:
- the visual presentation of the advertisement (for example in relation to the colour or font of any text)
 - the size of the advertisement
 - the position and prominence of the advertisement in any public place
 - when and how the advertisement is published, provided or exhibited
 - the publication format of any advertisement
 - the language of the advertisement
 - the advertisement's language order
 - the standard and quality of the advertisement
 - the clarity and accuracy of the advertisement (for example in terms of the meaning and expression of any text), and
 - the content of the advertisement (for example in terms of the detail and quality of the information it contains).

- 4.2.21. This may include a body ensuring, amongst other matters, that any advertisement containing those numbers is published in Welsh.
- 4.2.22. If the telephone number for the Welsh language service is different from the telephone number for the corresponding English language service (for example, if standard 12 has not been imposed), the term may mean, when advertising those numbers, treating the telephone number for the Welsh language service no less favourably than the telephone number for the corresponding English language service. For example, this may include ensuring that the telephone number for the Welsh language service is at least as prominent as the telephone number for the corresponding English language service. This may include ensuring that the telephone number for the Welsh language service is advertised on English language versions of material, as well as the corresponding Welsh language versions (e.g. advertising the telephone number on Welsh and English language versions of a web page).

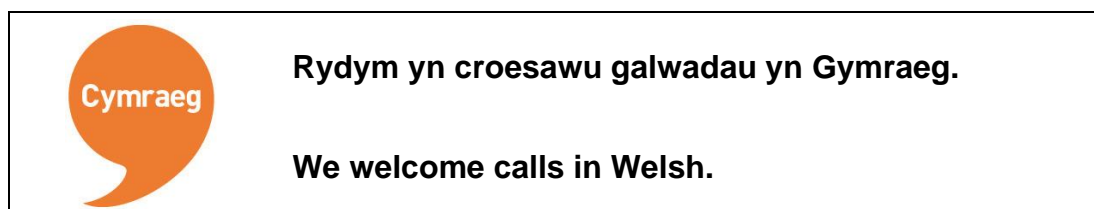
Standard 12

- 4.2.23. If a body provides a Welsh language service on one of its relevant telephone numbers, it must ensure that the telephone number for that Welsh language service is the same as for the corresponding English language service. This means that having a separate telephone number for a Welsh language service (which corresponds to the English language service) is not permitted.

Standard 13

- 4.2.24. If a body publishes its relevant telephone numbers, it must state (in Welsh) that it welcomes calls in Welsh.
- 4.2.25. The text must appear on any material which publishes the telephone numbers in question. Such material could include:
- websites
 - publications
 - letters
 - forms
 - exhibition material
 - publicity material
 - advertising material, and
 - signs.
- 4.2.26. A body does not have to include a statement which follows the wording of the standard word for word in order to highlight the fact that the body welcomes calls in Welsh. However, that statement is expected to be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to welcoming calls in Welsh.
- 4.2.27. The Commissioner's Iaith Gwaith logo may be displayed by a body as part of a statement to show that the body welcomes calls in Welsh.

4.2.28. The following statement is an example of what a body may use for the purposes of the standard:



Standard 14

4.2.29. A body must ensure that any performance indicators for dealing with telephone calls do not treat telephone calls made by persons in Welsh less favourably than calls made in English.

4.2.30. A body may ensure this by setting indicators for telephone calls made in Welsh so that they are to reach at least the same standard as any corresponding calls made in English.

4.2.31. 'Performance indicators' may include indicators which involve the following:

- **Initial call solution** - % of calls solved without having to transfer the call
- **Percentage of engaged calls when there isn't a free line** - % of callers who have dialled and heard the engaged tone
- **Average time in a queue** - Average time that a caller must wait in a queue before being answered
- **Service level** - % of calls answered within a specific period
- **Abandoned calls** - % of callers abandoning the call before someone answers, and
- **Length of call** - Average time that a caller is on the telephone, including the time spent on hold.

4.2.32. For example, a body is expected not to set performance indicators which would allow a person to have to wait longer on the telephone for a Welsh language service than a person having to wait to receive a corresponding service in English.

Standard 15

4.2.33. A body's main telephone call answering service (or services) must inform persons calling, in Welsh, that they can leave a message in Welsh. A 'main telephone call answering service' may include answering machines.

4.2.34. In order to highlight the fact that it is possible to leave a message in Welsh, any statement is expected to be clear and explicit enough for persons to be fully aware that they can leave a message in Welsh on the body's main telephone call answering service (or services). For example, it could be noted "Mae croeso i chi adael neges yn Gymraeg ar ôl y tôn" ["You are welcome to leave a message in Welsh after the tone"].

Standard 16

4.2.35. When there is no Welsh language service available on one of the body's relevant telephone numbers, it must inform the person calling, in Welsh,

when a Welsh language service will be available. Examples are provided below of possible situations where a Welsh language service would not be available and the information a body could explain to the caller in order to inform them of when the Welsh language service will be available:

Welsh language service not available:	Body to inform the caller:
When the office is closed and there is therefore no telephone service available at all in any language during those hours.	What are the office's core opening hours.
When a caller is in a queue and waiting for a member of staff to answer the phone.	How long is left in the queue before the Welsh language service is next available.
When there is no Welsh speaking member of staff available to deal with a specific subject matter at the time of the call (in accordance with the requirements of standard 10). For example, if a specific member of staff isn't working on that day or is on another call.	When a member of staff who can provide a Welsh language service will be next available. The body is expected to do so <i>before</i> transferring the call to a member of staff who does not speak Welsh. By doing so, a body can offer the caller the choice of being transferred to a member of staff who does not speak Welsh or wait for the next available Welsh speaking member of staff.
When there is no member of staff available at all to deal with a specific subject matter in Welsh (in accordance with the requirements of standard 10).	Explaining that there is no member of staff available at all to deal with the specific subject matter in Welsh would mean that the body is complying with the requirements of the standard in this type of situation. The body should be aware that there is still a requirement to deal with the call in Welsh until that point.
When there is not yet a duty on the body to provide a Welsh language telephone service (in accordance with standard 10).	When the duty to provide a Welsh language service comes into force.

4.2.36. A body may explain the information through:

- an automated message in Welsh, or

- a member of staff verbally informing the caller in Welsh over the phone.
- 4.2.37. The relevance of this standard varies from one case to the next, depending on the availability of the Welsh language telephone service, the duty imposed to provide a service (e.g. in accordance with standard 10) and the nature of the telephone services offered by a body.
- 4.2.38. The requirement of this standard does not apply in a situation where there is no Welsh language service available on one of the relevant telephone numbers because of a body's failure to do so in accordance with the requirement imposed on it under standard 10.

Standard 17

- 4.2.39. The requirements of standard 17 correspond to the requirements of standard 10, but they relate to the direct line telephone numbers of departments and members of staff, rather than main telephone numbers, helpline numbers and call centre numbers.

Standard 18

- 4.2.40. If a person contacts a body on a direct line number (whether on a direct line number of a department or member of staff), the body must ensure that the Welsh language is treated no less favourably than the English language when greeting that person.
- 4.2.41. The requirements of this standard apply only to the initial greeting given during the call. The language of the remainder of the call (including any subsequent greeting) will depend on the extent to which the person wishes for the body to deal with it in Welsh or not, in accordance with standard 17.
- 4.2.42. The term '[ensuring that the] Welsh language is not treated less favourably than the English language' includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of:
- when and how the greeting is made
 - the language of the greeting
 - the greeting's language order
 - the standard and quality of the greeting
 - the clarity and accuracy of the greeting (for example in terms of the meaning and expression of any greeting), and
 - the content of the greeting (for example in terms of the detail and quality of the information it contains).
- 4.2.43. This can mean that a body, amongst other matters, greets persons on the relevant telephone numbers in Welsh if also greeting a person in English.

Standard 19

- 4.2.44. When a body telephones an individual for the first time, it must ask the individual whether they wish to receive telephone calls in Welsh. If that is the individual's wish, the body must conduct telephone calls with that individual in Welsh from then onwards.
- 4.2.45. Schedule 1, Part 3, Paragraph 32 of the regulations states:

“For the purposes of standards [...] 19, a body [...] makes a telephone call to an individual for the first time when it [...] 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.”

- 4.2.46. The term 'makes a telephone call to an individual for the first time' therefore means the first time a body telephones an individual from the imposition day onwards. This means that the individual's wish to receive telephone calls from the body in Welsh must be established after the imposition day.
- 4.2.47. Furthermore schedule 1, Part 3, Paragraph 36 of the regulations states:

“Standard 19 does not apply to the extent that the activity carried out or the service provided relates to primary care services.”

- 4.2.48. The regulations also state:

“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 2006⁶³—

- (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);
- (a) 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);
- (f) section 81 (additional pharmaceutical services);
- (ff) section 92 (pilot schemes);
- (g) section 102 (local pharmaceutical services schemes);”

- 4.2.49. This means that a body is not under a duty to operate in accordance with standard 19 when providing services relating to primary care services. However, a body would continue to comply if it operated in accordance with the standard when providing services relating to a primary care service.

⁶³ 2006 c.42,

Standard 20

4.2.50. A body must ensure that any automated telephone systems that it has provides the complete automated service in Welsh.

4.2.51. Schedule 1, Part 3, Paragraph 37 of the regulations states:

“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.”

4.2.52. Other examples may include systems that asks a person to choose options by speaking.

Are there any exceptions?

4.2.53. Yes, Schedule 1, Part 3, Paragraph 35 of the regulations states:

“Standards 8 to 10 and 13 to 16 do not apply to calls made to the following telephone numbers—
(a) 999;
(b) 112.”

4.2.54. Furthermore, Schedule 1, Part 3, Paragraph 38 of the regulations states:

“(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)...”

4.2.55. The regulations also state:

“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;”

“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;”

4.2.56. This means that the standards listed in sub-paragraph 2 do not apply to a meeting between a body and another person or persons (e.g. a health board

or county council) to discuss the assessment, diagnosis or treatment of a named individual (e.g. a patient) or individuals (e.g. patients), and when none of those individuals are present.

4.2.57. These standards continue to apply if at least one of the named individuals (e.g. patient or patients) is present at that meeting. These standards may also apply if an individual who has not been named (e.g. a parent, guardian, family member) is also present at the meeting. However, please note some further exceptions below.

4.2.58. Schedule 1, Part 3, Paragraph 39 of the regulations states:

"(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);...

4.2.59. The regulations state:

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

" 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;"

4.2.60. This means that the standards listed in sub-paragraph 2 do not apply to a clinical consultation or case conference. Instead, a body is required to act in accordance with the duties of:

- standards 23 to 24 when dealing with in-patients, and
- standard 25 in the case of a case conference.

4.2.61. Furthermore, standards 110–110A place a requirement on a body to publish a plan for each 5 year period on the extent to which it is able to offer clinical consultations in Welsh, setting out steps and timescales for increasing its ability to offer clinical consultations in Welsh. There is also a requirement on a body to assess how it has complied with the scheme in year three and at the end of the 5 year period and to publish those assessments.

4.2.62. The requirement for a body to comply with other standards not listed in sub-paragraph 2 of paragraphs 38 and 39 continues to 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 is present at that meeting
- clinical consultation
- case conference

4.2.63. For example, there would be a requirement on a body to correspond (e.g. send an appointment letter) in accordance with the correspondence standards or to ensure that a document (e.g. information leaflet) or form (e.g. consent form) is available in Welsh in accordance with the document and form standards when carrying out these activities.

How can a body know whether it is telephoning an individual for the first time or not, and therefore, when to ask about their wish to receive telephone calls in Welsh?

4.2.64. In most circumstances, a body must keep a record of individuals' wishes to receive telephone calls in Welsh, in accordance with standard 19. A body may check that record in order to identify whether or not it has telephoned the individual in question since the imposition day or if the body is telephoning the individual for the first time.

4.2.65. If there is a record, and that record has been updated since the imposition day of the standard, it is likely that the body is not telephoning that individual for the first time and that the body has already telephoned that individual since the imposition day.

4.2.66. If there is no record or a record has not been updated since the imposition day of the standard, it is likely that the body has not telephoned that individual since the imposition day, and therefore, that they need to be asked about their wish to receive telephone calls in Welsh.

What if a body is aware of an individual's wishes before the imposition day?

4.2.67. Information gathered before the imposition day cannot be used for the purposes of this standard.

4.2.68. Standard 19 requires a body to ask an individual whether they wish to receive telephone calls in Welsh, from the imposition day onwards. In situations where a body has historical information about an individual's wish, a body must find out whether they wish to receive telephone calls in Welsh again.

Does the first call made to an individual have to be conducted in Welsh in accordance with the requirements of standard 19?

4.2.69. No. A body does not have to conduct the first call made to an individual in Welsh. What is required is to conduct telephone calls to the individual in Welsh in all instances *after* the individual has noted that they wish to receive telephone calls from the body in Welsh.

How should a body keep a record of an individual's wishes to receive telephone calls from the body in Welsh or not, in accordance with standard 19?

- 4.2.70. A body is expected to have sufficient arrangements in place to allow it to know whether this is the first time it is telephoning the individual and, if not, whether or not that individual wishes to receive telephone calls in Welsh.
- 4.2.71. The body is expected to be able to use that information to implement the standard. For example, by asking about their wish (if this is the first time the body is telephoning the individual) or by conducting the telephone call in accordance with that wish (if there has been prior contact and their wish has already been established).
- 4.2.72. That record is expected to be available to all of the body's staff members (or a third party acting on behalf of the body) who telephone individuals so that it can use it to ensure compliance.
- 4.2.73. A body can keep a record of an individual's wish in the following ways:
- a customer contact management system implemented, and available, across the body
 - another kind of database implemented, and available, across the body
 - a note on the individual's file or personal record which may be transferred, or
 - departmental databases or systems which ensure that information regarding individuals' wishes is updated and available on every database or system across the body, by exchanging relevant information.
- 4.2.74. Subject to data protection legislation, any information received from an individual regarding their wish to receive telephone calls in Welsh may be shared and recorded on an organisational level, so that the body can conduct all calls in Welsh from then onwards at all times.
- 4.2.75. For example, if an individual confirms with a specific department within the body that they wish to receive telephone calls in Welsh from then onwards, the body can ensure, as long as it complies with data protection legislation, that all of its other departments are aware of the individual's wishes, so that those departments can contact the individual over the telephone in Welsh from then onwards.

Does data protection legislation allow bodies to collect, store and use personal data on an individual's wish to receive telephone calls in Welsh?

- 4.2.76. Yes. Data protection law does not prevent a body from complying with the requirements of standard 19.
- 4.2.77. However, information on an individual's wish to receive telephone calls from a body in Welsh is considered to be 'personal data'. In terms of data

- protection, collecting, storing and using data on an individual's wish would constitute 'processing' data. Therefore, a body must comply with the requirements of data protection legislation, whenever it processes that data.
- 4.2.78. Under the GDPR, bodies will need to ensure that its processing activities meet at least one of six conditions for processing, set out in Article 6(1) of the GDPR.
- 4.2.79. For any body subject to the Welsh language standards, compliance with the standards is a legal requirement. Therefore, the body will be required to collect and store on an individual's wish to receive telephone calls in Welsh in order to meet the legal requirement. Under the GDPR, each body should be able to rely on condition c in Article 6(1) in order to collect and store this data.⁶⁴
- 4.2.80. As well as having a valid condition for processing, each body will also need to consider whether its processing of data in relation to an individual's wish is fair. Individuals must be told why the body is collecting data in relation to their wish and how it will be used. Information confirming whether the data will be shared internally or externally should be included, and that should occur when the data is collected. There are additional rules under the GDPR which relate to what information needs to be provided to individuals, as well as how their data will be used.
- 4.2.81. If a body provides adequate information at the time it collects data on an individual's wish, and only uses that data in accordance with the individual's expectations, collection and storage of such data should comply with data protection legislation.

Is it possible to share data on an individual's wish to receive telephone calls in Welsh internally between different departments?

- 4.2.82. Yes. As long as data in relation to an individual's wish has been collected appropriately, then it is possible to use the data to ensure that the individual receives telephone calls in Welsh in accordance with their wish.
- 4.2.83. An individual's wish will have been collected appropriately as long as the body has made it clear to the individual, when asking about their wish, that the data will be shared with different departments.
- 4.2.84. Assuming that the data in relation to an individual's wish has been collected appropriately, it will be possible to use it to ensure the individual receives telephone calls in Welsh in accordance with their wishes. Each body will need to decide whether to develop one record for the entire organisation or separate departmental records.
- 4.2.85. Sharing personal data between different departments is itself a form of processing, so it needs to comply with data protection legislation. The standards apply to the organisation as a whole, so some bodies will choose

⁶⁴ Processing is necessary for compliance with a legal obligation to which the controller is subject.

to use one wish across the organisation. If the body chooses to take this approach, it will need to make this very clear to individuals when the original data is collected.

- 4.2.86. Each body will need to decide its own approach to the sharing of data in relation to an individual's wish between departments. It is considered that bodies should make it as easy as possible for individuals to express their wishes and to have that choice respected. Providing clear processing information to individuals explaining how their data will be used is likely to be a key element of ensuring compliance with both the standards and data protection legislation. All data in relation to an individual's wishes is ultimately based on a choice made by the individual. If a body shares a record of the individual's wish between different departments, those individual departments must ensure that they use that data for the purpose originally intended, rather than any new purpose which the individual would not expect.

4.3 Standards relating to a body holding meetings that are not open to the public [standards 21–22CH]

What are the requirements?

- 4.3.1. These standards relate to meetings held by a body which are not open to the public, namely:
- meetings between a body and one other invited person (standard 21); and
 - meetings between a body and more than one invited person (standards 22–22CH).

Standard 21

- 4.3.2. If a body invites one person only to a meeting, it must ask the person whether they wish to use the Welsh language at the meeting.
- 4.3.3. When asking about the person's wish to use the Welsh language at the meeting, the body must also inform the person that it will conduct the meeting in Welsh or, if necessary, provide a translation service from Welsh to English for that purpose.
- 4.3.4. If the body knows with certainty, when asking a person about their wish to use Welsh at the meeting, that it will not be able to conduct the meeting through the medium of Welsh without the assistance of a translation service, the body can specifically indicate to the person that the offer is to enable the person to use Welsh at the meeting through a translation service.
- 4.3.5. Similarly, if the body knows with certainty that it will enable the person to use Welsh at the meeting by conducting the meeting through the medium of Welsh, the body may specifically indicate this to the person when it makes the offer.

- 4.3.6. A body is expected to allow sufficient time after asking about a person's wish to be able to take any necessary steps to be able to allow the person to use the Welsh language at the meeting. This may include allowing sufficient time:
- to identify staff with the relevant Welsh language skills to be able to conduct the meeting in question in Welsh, and to ensure they are available, or if that is not possible,
 - to arrange for a simultaneous or consecutive translator and translation equipment to be available.
- 4.3.7. If the person informs the body (in response to the offer made or otherwise) that they wish to use the Welsh language at the meeting, it must conduct the meeting in Welsh or, if necessary, arrange for:
- a simultaneous translation service from Welsh to English to be available at the meeting, or
 - a consecutive translation service from Welsh to English to be available at the meeting.
- 4.3.8. If a body is able to conduct the meeting through the medium of Welsh without a translation service, it would not have to arrange for a translation service from Welsh to English to be available at the meeting in order to comply with the requirements of the standards.

Standard 22

- 4.3.9. If a body invites more than one person to a meeting, it must ask each person whether they wish to use the Welsh language at the meeting.
- 4.3.10. A body is expected to allow sufficient time after asking about each person's wish to be able to take any necessary steps to be able to allow those persons to use the Welsh language at the meeting.

Standards 22A–22CH

- 4.3.11. If a body has invited more than one person to a meeting, it must consider and calculate the percentage of the persons invited who have informed the body (in response to the offer made in accordance with standard 22 or otherwise) that they wish to use the Welsh language at the meeting.
- 4.3.12. A body should not consider nor include the wishes of staff members of the body itself when calculating those percentages. The standards' requirement is to calculate the percentage of the wishes of external invited persons only, and to provide the service in Welsh or not depending on that percentage.
- 4.3.13. If a body has invited more than one person that represent the same organisation to a meeting, it should consider each one of them as a separate 'person' when calculating the percentage in question. That is, more than one representative from the same organisation should not be considered as one 'person' for the purposes of these standards.

- 4.3.14. In relation to standards 22A–22C, if at least the percentage of invited persons noted in the standard⁶⁵ (but less than 100% of them) have informed the body that they wish to use the Welsh language at the meeting, it must arrange for:
- a simultaneous translation service from Welsh to English to be available at the meeting, or
 - a consecutive translation service from Welsh to English to be available at the meeting.
- 4.3.15. In relation to standards 22CH, if 100% of persons invited wish to use the Welsh language at the meeting, the body must conduct the meeting in Welsh or, if necessary, arrange for:
- a simultaneous translation service from Welsh to English to be available at the meeting, or
 - a consecutive translation service from Welsh to English to be available at the meeting.
- 4.3.16. If a body is able to conduct the meeting through the medium of Welsh without the assistance of a translation service it would not have to arrange for a translation service from Welsh to English to be available at the meeting in order to comply with the requirements of the standard.

What meetings do these standards apply to?

- 4.3.17. These standards apply to meetings that are:
- not open to the public,
 - at any place, location or site, and
 - conducted by the body.
- 4.3.18. These standards do not apply if the meeting:
- is open to the public, or
 - the body is not responsible for conducting the meeting.
- 4.3.19. These standards relate only to meetings with an 'invited' person or persons. This means that these standards apply to the extent that the meeting is one where the body has invited a specific person or specific persons and is only open to that person or those persons to attend. For example, these standards may apply where the body invites a person or persons from another body to a meeting to discuss an aspect of the body's work, or to an interview for a grant application or as part of an assessment for a tender.
- 4.3.20. Reference should be made to standards 26–30 in terms of provision for meetings that are open to the public.
- 4.3.21. These standards are not limited to meetings held on the body's premises only. For example, if a body has invited a person to a meeting and that the

⁶⁵ 10% of invited persons for standard 22A, 20% for standard 22B a 30% for standard 22C.

meeting is being held in that person's home, or in another body's office, the standard would still apply.

Are there any exceptions?

4.3.22. Yes. Schedule 1, Part 3, Paragraph 38 of the regulations states:

“(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—
(b) standards 21 to 22CH (meetings);...”

4.3.23. The regulations also state:

“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;”

“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;”

4.3.24. This means that the standards listed in sub-paragraph 2 do not apply to a meeting between a body and another person or persons (e.g. a health board or county council) to discuss the assessment, diagnosis or treatment of a named individual (e.g. a patient) or individuals (e.g. patients), and when none of those individuals are present.

4.3.25. These standards continue to apply if at least one of the named individuals (e.g. patient or patients) is present at that meeting. These standards may also apply if an individual who has not been named (e.g. a parent, guardian, family member) is also present at the meeting. However, please note some further exceptions below.

4.3.26. Schedule 1, Part 3, Paragraph 39 of the regulations states:

“(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—
(b) standards 21 to 22CH (meetings);...”

4.3.27. The regulations state:

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

" 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;"

4.3.28. This means that the standards listed in sub-paragraph 2 do not apply to a clinical consultation or case conference. Instead, there is a duty on the body to act in accordance with the requirements of:

- o standards 23 to 24 in dealing with in-patients, and
- o standard 25 in the case of a case conference.

4.3.29. Furthermore, standards 110–110A place a requirement on a body to publish a plan for each 5-year period on the extent to which it is able to offer clinical consultations in Welsh, setting out steps and timescales for increasing its ability to offer clinical consultations in Welsh. There is also a requirement on a body to assess how it has complied with the scheme in year three and at the end of the 5-year period and to publish those assessments.

4.3.30. The requirement for a body to comply with other standards not listed in sub-paragraph 2 of paragraphs 38 and 39 continues to apply to:

- o 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 is present at that meeting
- o clinical consultation
- o case conference

4.3.31. For example, there would be a duty on a body to correspond (e.g. send an appointment letter) in accordance with the correspondence standards or to ensure that a document (e.g. information leaflet) or form (e.g. consent form) is available in Welsh in accordance with the document and form standards when carrying out these activities.

Do these standards apply to internal meetings between a body's staff members only?

4.3.32. No. If a meeting is being held between a body's staff members only, these standards would not apply to that meeting.

- 4.3.33. However, if a body has also invited another 'person' to the meeting (e.g. staff from another organisation), these standards would usually apply to that meeting.
- 4.3.34. The operational standards refer to specific types of internal meetings which need to be held in Welsh.⁶⁶

4.4 Standards relating to in-patients [standards 23–24]

What are the requirements?

- 4.4.1. These standards relate to identifying whether an in-patient wishes to communicate with a body in Welsh during an in-patient admission, and to identify that wish to staff who are likely to communicate with the in-patient.

Standard 23

- 4.4.2. A body must ask an in-patient on the first day of their in-patient admission if they wish to use the Welsh language to communicate with the body during that admission.
- 4.4.3. An organisation can 'ask' an in-patient about their wish to communicate with the body in Welsh by verbally asking when the patient is admitted to the ward or hospital, or by including a specific question or questions on a form that the in-patient needs to complete on the first day of their admission, for example.
- 4.4.4. It should be noted that an in-patient's wish to use Welsh can vary from one situation to another. For example, an in-patient may wish to communicate with the body orally in Welsh, but in English when communicating in writing (e.g. when completing a form), or vice versa. A body should not therefore assume that an in-patient's wish is the same for all methods of communicating with the body, and a body should not assume that an in-patient does not wish to use Welsh to communicate with the body if they complete a form or initiate a conversation in English, for example.
- 4.4.5. Furthermore, an in-patient should not have to declare to a body about their wish to use Welsh with the body during their in-patient admission. A body must therefore proactively ask about an in-patient's wish to use Welsh with the body during their inpatient admission.
- 4.4.6. A body is expected to ask about an in-patient's wish to use Welsh with the body at the first opportunity on the first day they are admitted as an in-patient.

Standard 23A

- 4.4.7. If the in-patient informs you (in response to the offer made in accordance with standard 23 or otherwise) that they wish to use Welsh to communicate with the body during an in-patient admission you must identify to staff likely

⁶⁶ See Section 6 of this code of practice

to communicate with that in-patient that they wish to communicate with the body in Welsh during that in-patient admission.

- 4.4.8. A body can 'identify' to staff who are likely to communicate with an in-patient about their wish to use Welsh by:
- including a note to that effect at the top of the patient's medical file or notes
 - recording information to that effect on any IT systems that staff use
 - including information to that effect in a prominent place near the patient's bedside (e.g. by placing a laith Gwaith magnet / badge above or at the bottom of an in-patient's bed)
 - explaining verbally to staff (e.g. during a handover meeting at the beginning / end of a shift).
- 4.4.9. A body may also decide to implement more than one of the above to ensure that information about an in-patient's wish to use Welsh during their in-patient admission is available to staff. A body should ensure that information about an in-patient's wish to use Welsh is readily available to staff likely to communicate with that in-patient.
- 4.4.10. A body is expected to on that information to identify and increase opportunities for in-patients and staff who can speak Welsh to interact with each other through the medium of Welsh. For example, a body can actively match Welsh-speaking staff with in-patients who wish to use Welsh, and provide appropriate resources (e.g. if the in-patient has speech problems) to enable them to use Welsh when communicating with the body. The body can also use laith Gwaith⁶⁷ resources (e.g. badges, lanyards) so that staff and inpatients who can speak Welsh are able to identify one another.

Standard 24

- 4.4.11. A body must produce a policy on how to establish whether an in-patient wishes to use the Welsh language during their in-patient admission when that in-patient cannot inform the body that they wish to use the Welsh language to communicate with the body during an in-patient admission. The body must also publish the policy.
- 4.4.12. A body does not necessarily have to produce and publish a separate policy in order to comply with the standard. A body can therefore revise an existing policy to include information on how to confirm an in-patient's wish to use Welsh with the body if they cannot inform the body.
- 4.4.13. There may be various reasons why an in-patient cannot inform a body that they wish to use Welsh to communicate with the body. For example, an in-patient may be unconscious, deaf and/or mute, not developed or lost speech, suffering from an illness, mental illness or disability that affects their speech or understanding. The age of the in-patient can also be a factor.

⁶⁷ laith Gwaith

<https://www.welshlanguagecommissioner.wales/your-rights/laith-gwaith>

- 4.4.14. The body is expected to ensure that the policy ensures that an in-patient who wishes to use the Welsh language during an in-patient admission, but is unable to inform the body of that wish, is not under any disadvantage.

What do the terms 'in-patient' and 'in-patient admission' mean?

- 4.4.15. The regulations state:

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

“an “in-patient admission” (“derbyniad fel claf mewnl”) begins on the day the in-patient is admitted to hospital and ends on the day the in-patient ceases to be in hospital;”

- 4.4.16. Furthermore, the regulations state:

“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;”

4.5 Standards relating to case conferences [standard 25]

What are the requirements?

- 4.5.1. The standard relates to case conferences which will be held 5 or more working days after the invitation is sent.
- 4.5.2. If a body invites an individual to a case conference which will be held 5 or more working days after the invitation is sent, it must ask the individual whether they wish to use the Welsh language at the case conference.
- 4.5.3. When asking about the individual’s wish to use the Welsh language at the case conference, the body must also inform the individual that it will conduct the case conference in Welsh or, if necessary, provide a translation service from Welsh to English and from English to Welsh for that purpose.
- 4.5.4. If the body knows with certainty, when asking an individual about their wish to use Welsh at the case conference, that it will not be able to conduct the conference through the medium of Welsh without the assistance of a translation service, the body can specifically indicate to the individual that the offer is to enable them to use Welsh at the conference through a simultaneous or consecutive translation service.

- 4.5.5. Similarly, if the body knows with certainty that it will enable the individual to use Welsh at the case conference by conducting the conference through the medium of Welsh, the body may specifically indicate this to the individual when it makes the offer.
- 4.5.6. If the individual informs the body (in response to the offer made or otherwise) that they wish to use the Welsh language at the case conference, the body must conduct the conference in Welsh or, if necessary, arrange for:
- a simultaneous translation service from Welsh to English, and from English to Welsh to be available at the conference, or
 - a consecutive translation service from Welsh to English, and from English to Welsh to be available at the conference.
- 4.5.7. If a body is able to conduct the case conference through the medium of Welsh without a translation service, it would not have to arrange for a translation service from Welsh to English or English to Welsh to be available at the conference in order to comply with the requirements of the standard.

What does the term 'case conference' mean?

- 4.5.8. The regulations state:

“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;”

- 4.5.9. Furthermore, the regulations state:

““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;”

“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;”

“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;”

- 4.5.10. This means that this standard only applies to case conferences where the individual themselves is present at the case conference. An example may

include a case conference to discuss how an individual can be supported to move back home following treatment.

- 4.5.11. To the contrary, the standard would not apply when only professional workers are present at the conference. This may include where professionals only hold a case conference to discuss treatment of an individual but the individual themselves is not present.

What does the term 'working day' mean in the context of this standard?

- 4.5.12. Schedule 1, Part 3, Paragraph 40 of the regulations state:

“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.”

- 4.5.13. Section 1 of the Banking and Financial Dealings Act 1971⁶⁸ states:

⁶⁸ <https://www.legislation.gov.uk/ukpga/1971/80/section/1>

- “(1) Subject to subsection (2) below, the days specified in Schedule 1 to this Act shall be bank holidays in England and Wales, in Scotland and in Northern Ireland as indicated in the Schedule.
- (2) If it appears to Her Majesty that, in the special circumstances of any year, it is inexpedient that a day specified in Schedule 1 to this Act should be a bank holiday, Her Majesty may by proclamation declare that that day shall not in that year be a bank holiday and appoint another day in place of it; and the day appointed by the proclamation shall, in that year, be a bank holiday under this Act instead of the day specified in Schedule 1.
- (3) Her Majesty may from time to time by proclamation appoint a special day to be, either throughout the United Kingdom or in any place or locality in the United Kingdom, a bank holiday under this Act.
- (4) No person shall be compellable to make any payment or to do any act on a bank holiday under this Act which he would not be compellable to make or do on Christmas Day or Good Friday; and where a person would, apart from this subsection, be compellable to make any payment or to do any act on a bank holiday under this Act, his obligation to make the payment or to do the act shall be deemed to be complied with if he makes or does it on the next following day on which he is compellable to make or do it...”

4.5.14. Furthermore, Schedule 1 of the Banking and Financial Dealings Act 1971⁶⁹ states:

- “(1) The following are to be bank holidays in England and Wales:—
- Easter Monday
- The last Monday in May.
- The last Monday in August.
- 26th December, if it be not a Sunday.
- 27th December in a year in which 25th or 26th December is a Sunday...”

⁶⁹ <https://www.legislation.gov.uk/ukpga/1971/80/schedule/1>

4.6 Meetings arranged by a body that are open to the public [standards 26–30]

What are the requirements?

- 4.6.1. These standards relate to meetings arranged by a body that are open to the general public. Standards 26–29 also only apply to meetings at which public participation is allowed.

Standard 26

- 4.6.2. If a body arranges a meeting that is open to the public, and at which public participation is allowed, it must state that anyone attending is welcome to use the Welsh language at the meeting. A body must state this on any invitation to the meeting and any material advertising the meeting. That may include advertisements, forms, documents, correspondence or any other material advertising the meeting.
- 4.6.3. As well as noting that they are welcome to use the Welsh language at the meeting, the body may also provide details on provision available at the meeting to use the Welsh language (e.g. a translation service or that the meeting will be held in Welsh without a translation service).
- 4.6.4. The requirement applies to meetings arranged by a body which are open to the public and at which public participation is allowed. A body is expected to actively inform persons that they are welcome to use the Welsh language in meetings in order to give them the confidence to use the language.

Standard 27

- 4.6.5. If a body sends invitations to a meeting that it arranges which is open to the public, and at which public participation is allowed, it must send the invitations in Welsh.
- 4.6.6. The term 'invitations' in relation to this standard includes any invitations which are sent:
- inviting the public to the meeting, or
 - inviting a person or persons to speak at the meeting.

Standard 28

- 4.6.7. If a body invites persons to speak at a meeting that it arranges which is open to the public, and at which public participation is allowed, the body must ask each person invited to speak whether they wish to use the Welsh language at the meeting.
- 4.6.8. If at least one of those persons informs the body that they wish to use the Welsh language at the meeting, the body must provide a simultaneous or consecutive translation service from Welsh to English at the meeting (unless the meeting is held in Welsh without a translation service).
- 4.6.9. If a meeting is conducted in Welsh without a translation service, such as a meeting where the body knows that all attendees will understand Welsh, the

body is not required to provide a simultaneous or consecutive translation service from Welsh to English in order to comply with the requirements of the standard.

- 4.6.10. The requirement to provide a simultaneous or consecutive translation service in accordance with the requirement of this standard is a separate duty to the requirement to do so in accordance with standard 29. The duty to provide simultaneous translation in accordance with the requirements of standard 29 continues if no person invited to speak at the meeting has informed the body that they wish to use the Welsh language in accordance with the requirements of standard 28.
- 4.6.11. Standard 28 does not relate to the wishes of a person who have been generally invited to the meeting. Rather, it relates to the wishes of those invited to speak at the meeting only. Those kinds of persons may include:
- guest speakers from external organisations
 - representatives from external organisations
 - persons giving a presentation to the audience at the meeting, or
 - members of the public permitted to make contributions from the floor during the meeting.

Standard 29

- 4.6.12. If a body arranges a meeting which is open to the public, and at which public participation is allowed, it must provide a simultaneous translation service from Welsh to English for that meeting. Unless a body's compliance notice states to the contrary, the duty to provide simultaneous interpretation from Welsh to English in accordance with this standard is not dependent on whether or not persons invited to speak have notified the body that they wish to use the Welsh language at the meeting in question.
- 4.6.13. A body must orally inform those present at the meeting, in Welsh:
- that they are welcome to use the Welsh language, and
 - that a simultaneous translation service (from Welsh to English) is available.
- 4.6.14. In order to inform those present that they are welcome to use the Welsh language, the body may choose to do so by announcing:
- that those present can contribute to the meeting in Welsh
 - that the body encourages contributions in Welsh, and
 - that comments and questions made in English may be answered in Welsh, as well as those made in Welsh.
- 4.6.15. The chair of the meeting or those leading or facilitating the meeting would usually make the announcement.
- 4.6.16. A body is expected to make this announcement at the beginning of the meeting, so that those persons in attendance are aware of the provision available as soon as possible.

4.6.17. A body may also repeat this announcement during the meeting in order to remind those in attendance that they are able to contribute in Welsh at the meeting. A body may choose to do this to turn the language of the meeting back into Welsh if the language of the meeting has a tendency to remain in English following an English language question or contribution. A body could also do this in order to remind attendees again that they can contribute in Welsh before a question and answer session.

Standard 30

4.6.18. If a body produces and displays any written material at a meeting that it arranges which is open to the public, it must ensure that the material is displayed in Welsh. A body must also not treat any Welsh language text less favourably than the English language text.

4.6.19. The term 'must not treat any Welsh language text less favourably than the English language text' in relation to this standard, includes, amongst other matters, treating the Welsh language text no less favourably than the English language text in regards of:

- the visual presentation of the text (for example in relation to the colour or font of any text)
- the size of the text
- the position and prominence of the text in any public place
- when and how the text is published, provided or exhibited
- the publication format of any text
- the text's language order
- the standard and quality of the text
- the clarity and accuracy of the text (for example in terms of the meaning and expression of any text), and
- the content of the text (for example in terms of the detail and quality of the information it contains).

4.6.20. This standard may apply to material such as presentation slides, notice boards, banners and posters displayed at meetings. 'Display' in this context may include material displayed in *any format* including on paper, on a wall, on screen or other electronic equipment.

4.6.21. Standard 30 applies to meeting arranged by a body that are open to the general public to attend. This may include meetings open to the public to observe only as well as those where they can contribute.

What kind of meetings relate to these standards compared with the standards for other meetings?

4.6.22. These standards apply to meetings arranged by a body that are open to the general public to attend. Standards 26–29 also only apply to meetings at which public participation is allowed.

4.6.23. This may include meetings where a general invite is extended to the public to attend and participate. Examples of such a meeting may include a public meeting at which public participation is allowed in order to consult with them

on a proposed change to a service or a policy decision under consideration. It may also include meetings like drop-in sessions or surgeries.

- 4.6.24. The standards are not relevant to meetings which are only open to certain invited persons. Reference should be made to standards 21–22CH for meetings where persons have been invited and they are only open to those persons.
- 4.6.25. Standards 26–29 do not apply to meetings open to the public, and at which public participation is not allowed. Examples of meetings that would not apply to standards 26–29 include a meeting where the public is only allowed to observe. Other standards may continue to apply to those meetings. For example, standards relating to correspondence, documents and / or the standard relating to publicity and advertising material may apply to an invitation to a meeting that is open to the public, and where they are not allowed to participate.

Are there any exceptions?

- 4.6.26. Schedule 1, Part 3, Paragraph 38 of the regulations states:

“(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—

(c) standards 26 to 30 (meetings open to the public);...”

- 4.6.27. The regulations also state:

“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;”

“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;”

- 4.6.28. This means that the standards listed in sub-paragraph 2 do not apply to a meeting between a body and another person or persons (e.g. a health board or county council) to discuss the assessment, diagnosis or treatment of a named individual (e.g. a patient) or individuals (e.g. patients), and when none of those individuals are present.

4.6.29. These standards continue to apply if at least one of the named individuals (e.g. patient or patients) is present at that meeting. These standards may also apply if an individual who has not been named (e.g. a parent, guardian, family member) is also present at the meeting. However, please note some further exceptions below.

4.6.30. Schedule 1, Part 3, Paragraph 39 of the regulations states:

"(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—

(c) standards 26 to 30 (meetings open to the public);..."

4.6.31. The regulations state:

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

" 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;"

4.6.32. This means means that the standards listed in sub-paragraph 2 do not apply to a meeting a clinical consultation or case conference. Instead, a body is required to act in accordance with the requirements of:

- standards 23 to 24 in dealing with in-patients, and
- standard 25 in the case of a case conference.

4.6.33. Furthermore, standards 110–110A place a requirement on a body to publish a plan for each 5-year period on the extent to which it is able to offer clinical consultations in Welsh, setting out steps and timescales for increasing its ability to offer clinical consultations in Welsh. There is also a requirement on a body to assess how it has complied with the scheme in year three and at the end of the 5-year period and to publish those assessments.

4.6.34. The requirement for a body to comply with other standards not listed in sub-paragraph 2 of paragraphs 38 and 39 continues to 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 is present at that meeting
- clinical consultation
- case conference

- 4.6.35. For example, there would be a requirement on a body to correspond (e.g. send an appointment letter) in accordance with the correspondence standards or to ensure that a document (e.g. information leaflet) or form (e.g. consent form) is available in Welsh in accordance with the document and form standards when carrying out these activities.

4.7 Public events organised or funded by a body [standards 31–32]

What are the requirements?

- 4.7.1. If a body organises a public event, or funds at least 50% of a public event, it must ensure that the Welsh language is treated no less favourably than the English language in promoting that event and at the event.

Standard 31

- 4.7.2. A body must ensure that the Welsh language is treated no less favourably than the English language in promoting the event.
- 4.7.3. 'Promoting the event' includes advertising and publicising the event, as well as promoting and raising awareness of the event in question.
- 4.7.4. The term '[ensure that] the Welsh language is treated no less favourably than the English language' when promoting the event includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of:
- the way in which the event is advertised or promoted
 - the way in which the event is publicised
 - the way in which a body raises awareness of the event
 - the visual presentation of relevant material (for example in relation to the colour or font of any material)
 - the size of any relevant material
 - the position and prominence of any relevant material in any public place
 - when and how the relevant material is published, provided or exhibited
 - the publication format of any relevant material
 - the language of any relevant material
 - any relevant material's language order
 - the standard and quality of any relevant material
 - the clarity and accuracy of any relevant material (for example in terms of the meaning and expression of any text), and
 - the content of any relevant material (for example in terms of the detail and quality of the information it contains).
- 4.7.5. This may include a body ensuring, amongst other matters, that any material promoting the event is produced and published in Welsh.

- 4.7.6. The requirements of this standard go further than ensuring that the Welsh language is treated no less favourably than the English language in relation to material to be produced to promote an event. A body must ensure this in relation to any aspect of its promotional activity when complying with this standard.
- 4.7.7. For example, if a body undertakes a marketing campaign to promote a specific public event, it is expected to ensure that the Welsh language is treated no less favourably than the English language in all aspects of that campaign.

Standard 32

- 4.7.8. A body must ensure that the Welsh language is treated no less favourably than the English language at the event.
- 4.7.9. Ensuring this includes the body treating the Welsh language no less favourably than the English language in relation to the following matters referred to in the standard:

“[...] 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.”

- 4.7.10. In relation to these specific examples, a body may ensure that the Welsh language is treated no less favourably than the English language, when producing and displaying signs and making audio announcements at the event, by complying with the requirements of the standards below:
- standards relating to signs displayed by a body (standards 47–49), and
 - the standard relating to public address systems used by a body (standard 64).
- 4.7.11. The term 'ensure that the Welsh language is treated no less favourably than the English language' at the event includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of:
- the visual presentation of material (for example in relation to the colour or font of any text)
 - the size of any material
 - the position and prominence of any material in any public place
 - when and how the material is published, provided or exhibited
 - the publication format of material
 - the language of any material
 - any material's language order
 - the standard and quality of any material
 - the clarity and accuracy of any material (for example in terms of the meaning and expression of any text), and
 - the content of any material (for example in terms of the detail and quality of the information it contains).

- 4.7.12. This may include a body ensuring, amongst other matters, that any material to be produced for the event is produced and published in Welsh.
- 4.7.13. However, the requirements of this standard go further than just ensuring that the Welsh language is treated no less favourably than the English language in relation to the material to be produced for the event. A body must consider all aspects of an event when complying with this standard.
- 4.7.14. A body must ensure that the Welsh language services and activities offered at the event are not treated less favourably than the corresponding English language services or activities. In order to do so, a body must consider all of the services it is offering at the event.
- 4.7.15. This may include a body ensuring access to a face-to-face Welsh language service by a member of staff at the event, providing written material in Welsh during the event as well as ensuring that those services and materials are just as accessible as the corresponding English ones.

What is meant by the term 'public event'?

- 4.7.16. The term 'public event' means any event that is open to the public arranged by a body or funded by it, by at least 50%.
- 4.7.17. A public event may include:
- ticketed events as well as those open to the public who are attending without a ticket
 - public events open to a proportion of the public only e.g. an event organised for voluntary organisations and charities, or for students
 - an open day open to the public
 - a conference open to the public
 - a cultural or social festival open to the public
 - an entertainment or musical event open to the public
 - engagement event open to the public
 - networking events open to the public
 - recruiting events or careers fair open to the public
 - ceremonies open to the public
 - lectures open to the public
 - master classes or workshops open to the public
 - a stall at a festival or at a location (e.g. supermarket) that is open to the public
 - a recreational or sports event open to the public, or
 - an exhibition open to the public

Are there any exceptions to the standard?

- 4.7.18. Yes. Schedule 1, Part 3, Paragraph 41 of the regulations states:

“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.”

4.7.19. For example, the standard would not apply to a piece of music that would be played at a public event.

4.7.20. Also, Schedule 1, Part 3, Paragraph 42 of the regulations notes:

“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.”

4.7.21. Furthermore, Schedule 1, Part 3, Paragraph 38 of the regulations states:

- “(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—
 - (ch) standard 32 (public events);”

4.7.22. The regulations also state:

“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;”

“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;”

4.7.23. This means that the standards listed in sub-paragraph 2 do not apply to a meeting between a body and another person or persons (e.g. a health board or county council) to discuss the assessment, diagnosis or treatment of a named individual (e.g. a patient) or individuals (e.g. patients), and when none of those individuals are present.

4.7.24. These standards continue to apply if at least one of the individuals (e.g. patient or patients) is present at that meeting. These standards may also apply if an individual who has not been named (e.g. a parent, guardian, family member) is also present at the meeting. However, please note some further exceptions below.

4.7.25. Schedule 1, Part 3, Paragraph 39 of the regulations states:

"(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—

(ch) standard 32 (public events);..."

4.7.26. The regulations state:

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

"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;"

4.7.27. This means that standards listed in sub-paragraph 2 do not apply a clinical consultation or case conference. Instead, a body is required to act in accordance with the requirements of:

- standards 23 to 24 in dealing with in-patients, and
- standard 25 in the case of a case conference.

4.7.28. Furthermore, standards 110–110A place a requirement on a body to publish a plan for each 5-year period on the extent to which it is able to offer clinical consultations in Welsh, setting out steps and timescales for increasing its ability to offer clinical consultations in Welsh. There is also a requirement on a body to assess how it has complied with the scheme in year three and at the end of the 5-year period and to publish those assessments.

4.7.29. The requirement for a body to comply with other standards not listed in sub-paragraph 2 of paragraphs 38 and 39 continues to 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 is present at that meeting
- clinical consultation

- case conference
- 4.7.30. For example, there would be a requirement on a body to correspond (e.g. send an appointment letter) in accordance with the correspondence standards or to ensure that a document (e.g. information leaflet) or form (e.g. consent form) is available in Welsh in accordance with the document and form standards when carrying out these activities.

Can a body use translation services in order to ensure that the Welsh language is treated no less favourably than the English language at the event?

- 4.7.31. Yes, in certain circumstances. However, the body is expected to try and ensure that Welsh language services can be offered directly in the first instance (without the assistance of a translation service).
- 4.7.32. When it is not possible to offer services in Welsh directly (for example because there are no Welsh speaking staff available), a body may use translation services for that purpose in some contexts.
- 4.7.33. The extent to which a body can use translation services will also depend on the nature and structure of the event and services offered at that event. For example, translation services could be used in situations where those in attendance will be called upon to participate or in terms of offering a Q&A session.
- 4.7.34. However, it is possible that it would not be appropriate to offer a translation service in certain situations e.g. for practical reasons or health and safety reasons. In such situations, a body is expected to provide Welsh language services directly (without a translation service).

4.8 A body's publicity and advertising [standard 33]

What are the requirements?

- 4.8.1. A body must produce any publicity or advertising material in Welsh. If the body produces the material in Welsh and in English, it must not treat the Welsh language version less favourably than the English language version.
- 4.8.2. The requirements of this standard also apply to the following material:
- the advertising material contained in a document (and not standards 36 to 38)
 - the advertising material and video and audio clips on a website (and not standards 39 to 43)
 - any advertising material found on an app (and not standard 44), and
 - the advertising material and video and audio clips provided on social media (and not standards 45 and 46).

What is meant by the term 'must not treat the Welsh language version less favourably than ... the English language version' in the context of this standard?

4.8.3. Schedule 1, Part 3, Paragraph 43 states:

“Where a standard refers to material that is to be produced in Welsh [...] 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 material.”

4.8.4. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the material's language order
- the standard and quality of the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Is a video clip that contains Welsh subtitles or a voice over treating the Welsh language less favourably than the English language?

4.8.5. This depends on the nature and content of the clip in question. Two possible examples have been noted below.

Video clips which contains a voice over, where words are narrated over images

4.8.6. In such a clip, the words are spoken by a person whilst images of something else can be seen (i.e. the person cannot be seen).

4.8.7. A body may be treating the Welsh language less favourably than the English language if the Welsh language version of the video clip is:

- using Welsh language subtitles when another person could have made an equivalent contribution in Welsh

- using Welsh language subtitles where it would be possible to include a Welsh language voiceover, or
- using Welsh subtitles on an English contribution on the clip - if there is no Welsh contribution on the equivalent English clip subtitled

Video clips which show a person who can be seen speaking

- 4.8.8. In such a clip, a person can be seen speaking and expressing their thoughts or opinions on their personal experiences.
- 4.8.9. A body may be treating the Welsh language less favourably than the English language if the Welsh language version of the video clip:
- includes a person speaking English when that person or another person, could have made an equivalent contribution in Welsh
 - uses Welsh language subtitles rather than a Welsh language voice over, or
 - uses an English language voiceover rather than a Welsh language voice over

What is meant by the terms 'publicity material' and 'advertising material'?

- 4.8.10. The term 'advertising material' may include material which promotes and facilitates the body's services. The term 'publicity material' may include material that explains or provides more information about the body's schemes, policies, procedures, legislation, activities or services.
- 4.8.11. 'Publicity material' and 'advertising material' may include:
- pamphlets, brochures, leaflets, posters, magazines, billboards, films, slogans, videos, and audio clips (live or pre-recorded) which promote, publicise or explain an element of the body's work
 - materials produced for exhibitions, conferences or seminars in relation to the body's work
 - advertisements via electronic messages, public address systems, posters or noticeboards and the press, and
 - material related to promotional and recruitment campaigns and information services, including direct mailing.

4.9 A body displaying material in public [standards 34–35]

What are the requirements?

- 4.9.1. These standards relate to material a body produces and displays in public.
- 4.9.2. The term 'produce' in the context of these standards includes a body creating or forming material.
- 4.9.3. The term 'display in public' means that material is displayed to the public to see and/or read. Therefore, if material that a body produces is displayed to

the body's staff members only, then these standards will not apply, as they are not considered to be within the term 'public'.⁷⁰

- 4.9.4. The term 'display' in relation to these standards usually means that the material in question is being placed in a position so that it can be viewed. The term 'display' does not usually mean sharing a document in a meeting (e.g. sharing discussion papers in a meeting).
- 4.9.5. Relevant material may include presentation slides, noticeboards, banners and posters. 'Display' in this context includes material displayed in any format such as on paper, on a wall, on screen or other electronic equipment.

Standard 34

- 4.9.6. A body must ensure that any material it produces and displays in public is displayed in Welsh. If an English language version of that material is displayed, the body must not treat any Welsh language version of the material less favourably than the English language version. See Section 3 of this code for exemptions to the material.

Standard 35

- 4.9.7. A body must ensure that any material it produces and displays at a public exhibition arranged by it is displayed in Welsh. If an English language version of that material is displayed, the body must not treat any Welsh language version of the material less favourably than the English language version.
- 4.9.8. If a body displays material in a public exhibition arranged by another body, the body is not usually required to display material in Welsh in that exhibition. However, apart from that which is exempt, a body will be required to do so if standard 34 has also been imposed on it.

What is meant by the term "must not treat the Welsh language version less favourably than the English language version" in the context of these standards?

- 4.9.9. The term 'must not treat the Welsh language version less favourably than the English language version' in the context of these standards includes, amongst other matters:
- the visual presentation of material (for example in relation to the colour or font of any text)
 - the size of the material
 - the position and prominence of the material in any public place
 - when and how the material is published, provided or exhibited
 - the publication format of material
 - the material's language order
 - the standard and quality of the material

⁷⁰ Reference should be made to the interpretation of the term 'public' in section 3 of this code.

- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

4.10 A body producing and publishing documents and forms [standards 36–38]

What are the requirements?

4.10.1. These standards state that a body must ensure that certain documents and forms are available in Welsh. The standards also state that any Welsh language version of a document or form must be treated no less favourably than an English language version, and the body must clearly state on an English language version of a document or form that a Welsh language version is also available. That includes any form of documents or forms, whether they are in paper form, electronic form or otherwise.

Standard 36

4.10.2. If a body produces a form that is to be completed by an individual, it must ensure that the form is produced in Welsh.

4.10.3. Relevant forms may include:

- a consent form
- self-referral form
- feedback form
- survey, and
- registration form.

Standard 37

4.10.4. If a body produces a document (but not a form) which is available to one or more individuals, it must assess:

- whether the subject matter of the document suggests that it should be produced in Welsh, or
- whether the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.

4.10.5. Following this, the body must produce the document in Welsh (or otherwise) in accordance with the outcome of that assessment.

4.10.6. That assessment may include consideration of the following:

- Does the subject matter of the document relate to an issue relevant to a large number of individuals?
- Does the subject matter of the document relate to an issue which impacts on, or is of importance to, a large number of individuals?
- Does the subject matter of the document deal with issues relating to the Welsh language (e.g. a Welsh medium service)?

- Does the subject matter of the document relate to an area of special interest in terms of the Welsh language (e.g. health care /policy decisions / funding)?
- Will the document be displayed publicly?
- Is the subject matter of the document likely to be of general interest to Welsh speakers?
- Do you know if a large percentage or number of the anticipated audience speaks Welsh?
- Has one or more individuals asked for the document to be available in Welsh?
- Is the document likely to draw public interest and a public response (e.g. on social media)?
- Does the document require a response from one or more individuals?
- Does the target audience include one or more individuals (e.g. patient or patients) for whom the Welsh language is an important consideration?
- Is the target audience located in an area with a large percentage or number of Welsh speakers?

4.10.7. Relevant documents may include:

- agenda, minutes, and papers for meetings
- licence
- certificate
- brochure
- leaflet
- ticket
- cards
- receipts
- invoices
- guidance notes
- maps
- posters
- codes of practice
- statistical bulletins
- consultation documents
- policies
- strategies
- annual reports
- corporate plans
- guidelines and codes of practice
- rules, and
- press releases

4.10.8. The requirement of the standard applies to each document individually. A body will therefore need to carry out a separate assessment on an individual basis of each document made available to one or more individuals. This means that a body is not necessarily required to provide all the papers for a

committee or board meeting in Welsh for example, only those that the assessment has concluded that they need to be provided in Welsh.

- 4.10.9. It should also be remembered that standard 121 states that it is a requirement for a body to provide the Welsh Language Commissioner (if requested) with any information relating to its compliance with the standards. It is therefore reasonable that the body has a way of showing how it decided whether or not a document needs to be produced in Welsh.

Standard 38

- 4.10.10. If a body produces a document or a form in Welsh and in English (whether separate versions or not), it must not treat any Welsh language version of the document or form less favourably than an English language version of that document or form. It must not differentiate between them in relation to any requirements that are relevant to the document or form.

- 4.10.11. The standard itself contains specific examples:

“[...] 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.”

- 4.10.12. Furthermore, Schedule 1, Part 3, Paragraph 43 of the regulations states:

“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 material.”

- 4.10.13. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the material's language order
- the standard and quality of the material

- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

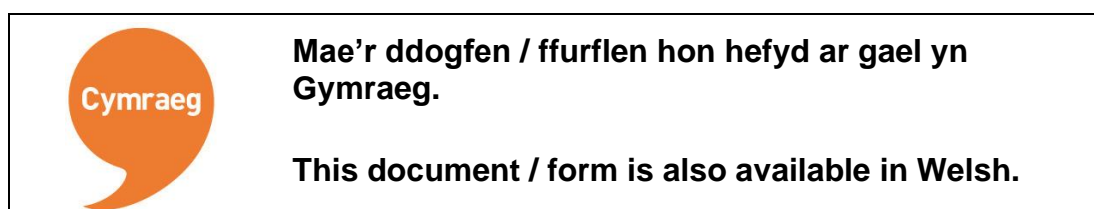
4.10.14. Also, if a body pre-enters information on a Welsh language version of a form (for example, before sending it to an individual in order for him or her to check the content or to fill in the remainder of the form), the body may ensure that it treats the Welsh language version no less favourably than the English language version by ensuring that the information that it pre-enters is in Welsh.

4.10.15. A body would usually be pre-entering if it has completed the form (or part of the form) instead of the individual themselves. The type of information being pre-entered by a body on a form may include personal details such as name, address, title, marital status, job title etc.

4.10.16. On an electronic form, it may include the information which is automatically pre-entered on a form after an individual has completed another part of that form. For example, that may include a Welsh language version of a postal address being pre-entered after an individual has entered their postcode on the Welsh language version of the form. It may also include ensuring that any drop-down options are available in Welsh.

4.10.17. If a body produces a Welsh language version and an English language version of a document or form, it must ensure that the English language version clearly states that the document or form is also available in Welsh.

4.10.18. A body may include a statement such as the following in order to comply with the standard:



4.10.19. Stating 'clearly' may include ensuring that the statement is easy to see on the document or form. That may include ensuring that the statement is included on the front, and at the top of the document or form.

4.10.20. A body may decide to facilitate access to the Welsh language document or form concerned, by including a direct link to the Welsh language document, or by providing information on how to source the Welsh language document as part of the statement.

What is meant by the term 'available to one or more individuals'?

4.10.21. Schedule 1, Part 3, Paragraph 44 of the regulations states:

“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).⁷¹”

4.10.22. A document would be 'available to one or more individuals' if it is available to the public without requesting it under the Freedom of Information Act 2000 only. For example, publishing a document on a website would be consistent with that document being available to one or more individuals if they have access to it.

Are there any other exceptions to these standards?

4.10.23. Yes. Schedule 1, Part 3, Paragraph 45 of the regulations states:

“(1) Standards 36 and 38 do not apply to the forms listed in subparagraph (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);
- (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).”

4.10.24. Furthermore, Schedule 1, Part 3, Paragraph 46 of the regulations states:

“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.”

⁷¹ (1) 2000 c.36

4.10.25. Paragraphs 26 and 57 of the regulations further state:

“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.”

“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.”

4.10.26. The exemptions in part (a) and (c) of paragraph 46 of the regulations acknowledge the principle that if an enactment specifies the wording, that wording has to be used whether that wording is in Welsh only, English only or in Welsh and English. The regulations do not affect that principle.

4.10.27. The exemption in part (b) of paragraph 46 means that if a body produces a document and there is advertising material contained within that material, standards 36 to 38 will not apply to that advertising material. For example, if an advertisement is contained within a document produced in accordance with standard 37 (whether that advertisement is produced by the body itself or by another person), the requirements of standard 37 will not apply to that advertisement.

4.10.28. However, the requirements of standards 36 to 38 continue to apply to any *publicity* material produced by the body contained in a document produced in accordance with standards 36 to 38, and this paragraph does not exempt that requirement.

4.10.29. See paragraph 4.8.1–4.8.11 for further clarification on the term ‘publicity material’.

4.10.30. The exemption in part (ch) of paragraph 46 means that standards 36 to 38 do not apply to forms and documents produced by the body that provide information ‘in relation to a named individual’. This may include details or information about an individual but which is not necessarily information for an individual for example. This may include labels that are transported on test tubes or similar e.g. a label that is provided when an individual receives a screening or testing package by post where a sample is required and the individual needs to attach a label provided on a bottle or package. Standards 36 to 38 may apply if an individual is expected to check or complete any information.

4.11 A body's websites and on-line services [standards 39–44]

What are the requirements?

4.11.1. These standards relate to a body ensuring that the pages of its websites, its on-line services and apps are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on those pages, services and apps.

Standard 39

4.11.2. A body must ensure that:

- the text of each page of its website is available in Welsh
- every Welsh language page on its website is fully functional, and
- the Welsh language is not treated less favourably than the English language on its website.

4.11.3. A body must ensure the above in terms of the entire website. This also includes the pages noted in standards 40 and 41, namely:

- the homepage (or where relevant, the Welsh language homepage),
- any new pages published on the website, and
- any amended pages on the website.

Standard 40

4.11.4. A body must ensure that:

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

4.11.5. 'Homepage' refers to the page on the website which usually acts as the main page (and appears after the splash page). The homepage usually operates as a navigation page and contains links to other sections of the website.

Standard 41

4.11.6. If a body publishes a new page on its website, or amends a page on its website, it must ensure that:

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

4.11.7. A web page would be considered a 'new' page if the body first publishes that page after the imposition day of the standard.

4.11.8. A page would be 'amended' if a body makes revisions to that page. That may include situations where a body updates, removes, adds or corrects the content of that page.

Standard 42

- 4.11.9. If a body has a Welsh language web page that corresponds to an English language web page, it must state clearly on the English language web page that the page is also available in Welsh. It must also provide a direct link to the Welsh page on the corresponding English page.
- 4.11.10. For example, a body may include a 'Cymraeg' button in a prominent position (such as the top of the page for example) on the English language page, which would include a link to the corresponding Welsh language page. Displaying a flag (e.g. the Welsh flag) would not be sufficient to show that an English language page is also available in Welsh.

Standard 43

- 4.11.11. A body must ensure that it provides the interface and menus on every page of its website in Welsh.
- 4.11.12. A body does not have to ensure this for English language pages if it does so for its corresponding Welsh language pages. However, if a page operates as a Welsh and English page together (e.g. a bilingual homepage), a body must ensure that the interface and menus are in Welsh on that page.
- 4.11.13. Interfaces and menus may include the parts of the website that allow the user to communicate and engage with it.
- 4.11.14. Menus can include a list of options, items, or commands for the user to choose from (e.g. a drop-down menu which shows a list of possible options).

Standard 44

- 4.11.15. A body must ensure that any app it publishes functions fully in Welsh and that the Welsh language is treated no less favourably than the English language in relation to that app.
- 4.11.16. Schedule 1, Part 3, Paragraph 48 of the regulations states:

“(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).”

- 4.11.17. Such an app may include those which allows persons, via an electronic device:
- to record and monitor symptoms or to record a test result
 - to view and revise medical records or notes
 - have access or share resources, sessions, or videos (relating to general wellbeing or a specific condition for example),
 - to pay for parking, or

- to make a complaint.

What is meant by the term 'treating the Welsh language no less favourably than the English language'?

4.11.18. Schedule 1, Part 3, Paragraph 49 of the regulations states:

“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..”

4.11.19. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the material's language order
- the standard and quality of the material
- the position and prominence of the material
- when and how the material is published
- the publication format of the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text),and
- the content of the material (for example in terms of the detail or quality of the information it contains).

4.11.20. The term does not mean that a body must ensure that Welsh language material appears on the same page or app as the English language material. This means that a body may include Welsh language material on a Welsh version of a web page or app and include English language material on an English version of a web page or app, to the extent that doing so does not mean that the body treats the Welsh language version less favourably than the English language version. Also, a body is not prevented from being able to include Welsh and English language material on the same web page or app either such as on a bilingual page or app alongside each other.

4.11.21. However, making English the default language of an app or a website may mean the body is treating the Welsh language less favourably than the English. To avoid this, a body may offer a language choice to the user from

the outset to allow for material after language choice is established to appear in Welsh or English only.

4.11.22. Welsh language material does not have to appear on a page that a person is likely to find before the English language page when searching. This means that if a person is searching for Welsh language material, for example through the 'Google' search engine, and that a person finds an English language page before finding the corresponding Welsh language page, that would not necessarily mean that the body is treating the Welsh language version less favourably than the English language version.

4.11.23. However, a body is expected to take steps to ensure that it is at least as easy to find Welsh language material as it is English material on its website or app. Standards 60–61 specifically require a body to raise awareness about Welsh language services it provides.

Do the requirements of standards 39–43 mean that all the content on a website needs to be in Welsh?

4.11.24. No, not necessarily. Schedule 1, Part 3, Paragraph 47 of the regulations states:

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

- (a) documents to which a link is provided on a website, advertising material on a website, or to video and audio clips on a website (see standards 36 to 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 a report of a clinical consultation (including, for example, test results)”

4.11.25. If a body provides links to other resources from a web page on its website, the links are expected to be consistent with the language of that web page in order to ensure that the Welsh language is not treated less favourably than the English language. For example, a link provided on a Welsh language version of a webpage is expected to lead to a Welsh language version of the resource, if a Welsh language version is available. However, a body does not have to translate the resource into Welsh in order to comply with the requirements of these standards. However, it is possible that another standard makes it a requirement for a body to ensure that resource is available in Welsh.

- 4.11.26. Therefore, if a body provides a link to a document on its website, it will be standards 36 to 38 that will be apply to the language of those documents, and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that a link leads to a Welsh language version of a document, if a Welsh language version exists in accordance with the requirements of standards 36 to 38.
- 4.11.27. Similarly, if a body provides advertising material such as video and audio clips on its website, it will be standard 33 that will apply to the language of that material and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that Welsh language versions of those materials are provided, if Welsh language versions exist in accordance with standard 33.
- 4.11.28. If a person, and not the body itself, presents information on an interactive page published on a body's website, the body does not have to translate that information into Welsh in order to comply with the requirements of these standards. That may include information presented by a person:
- in chat rooms
 - in a section for comments, or
 - a discussion forum.

Are there any further exceptions?

- 4.11.29. Yes. Schedule 1, Part 3, Paragraph 38 of the regulations states:

“(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—

(d) standards 39 to 44 (websites and online services)...”

- 4.11.30. The regulations also state:

“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;”

“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;”

4.11.31. This means that the standards listed in sub-paragraph 2 do not apply to a meeting between a body and another person or persons (e.g. a health board or county council) to discuss the assessment, diagnosis or treatment of a named individual (e.g. a patient) or individuals (e.g. patients), and when none of those individuals are present.

4.11.32. These standards continue to apply if at least one of the individuals (e.g. patient or patients) is present at that meeting. These standards may also apply if an individual who has not been named (e.g. a parent, guardian, family member) is also present at the meeting. Please note, however, some further exceptions below.

4.11.33. Schedule 1, Part 3, Paragraph 39 of the regulations states:

"(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—
(d) standards 39 to 44 (websites and online services);..."

4.11.34. The regulations state:

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

4.11.35. This means that the standards listed in sub-paragraph 2 do not apply to a clinical consultation or case conference. Instead, a body is required to act in accordance with the requirements of:

- standards 23 to 24 in dealing with in-patients, and
- standard 25 in the case of a case conference.

4.11.36. Furthermore, standards 110–110A place a requirement on a body to publish a plan for each 5-year period on the extent to which it is able to offer clinical consultations in Welsh, setting out steps and timescales for increasing its ability to offer clinical consultations in Welsh. There is also a requirement on a body to assess how it has complied with the scheme in year three and at the end of the 5-year period and to publish those assessments.

4.11.37. The requirement for a body to comply with other standards not listed in subparagraph 2 of paragraphs 38 and 39 continues to 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 is present at that meeting
- clinical consultation
- case conference

4.11.38. For example, there would be a requirement on a body to correspond (e.g. send an appointment letter) in accordance with the correspondence standards or to ensure that a document (e.g. information leaflet) or form (e.g. consent form) is available in Welsh in accordance with the document and form standards when carrying out these activities.

What is meant by the term 'fully functional'?

4.11.39. The term means that a body ensures that the Welsh language page, the Welsh language text, the Welsh language homepage or app in question functions in at least the same way or as well as the English language version, and without any restrictions or errors.

4.11.40. This may include ensuring:

- that the content of Welsh language versions is updated and is not out of date compared with the English language version of the content
- that the Welsh language version of the content is not subject to delay compared with the corresponding English language version
- that search functions operate fully in Welsh
- that any technological functions operate fully in Welsh (e.g. text-to-speech)
- that the Welsh language versions include the same information as the English language versions of any web page or app
- that links are not broken, and
- that there are no faults on Welsh language pages.

4.12 A body's use of social media [standards 45–46]

What are the requirements?

4.12.1. The following standards relates to a body's use of social media. This may include the way in which a body appears, publishes material, sends and responds to messages and communicates with persons on social media.

Standard 45

4.12.2. A body must not treat the Welsh language less favourably than the English language when it uses social media.

Standard 46

- 4.12.3. A body must reply to a person in Welsh (if an answer is required) if the person has contacted it by social media in Welsh. That may include replying to contact made with a body through a private message or to contact made in public (e.g. when a person contacts the body by replying to a message posted by the body on its account).
- 4.12.4. A body does not have to reply to a person in Welsh if no answer is required at all (in any language). For example, a reply may not be needed if the person only makes representations or if the person has confirmed to the body that no reply is needed.

How are the standards apply to 'social media'?

- 4.12.5. The term 'social media' includes websites and applications which allow users to create and share content or to participate in social networking on the internet. Examples may include Facebook, Twitter, LinkedIn, Snapchat, Instagram, TikTok and YouTube.
- 4.12.6. These standards apply to public and private elements (e.g. a closed group that is open to a specific cohort of persons) of a social media account, including direct messages.
- 4.12.7. The standards apply to a body's entire use of social media. This includes the use made of it via a corporate account or via staff and individual department accounts (if they operate on behalf of the body or in its name). The standards aren't relevant to employees' personal accounts as long as messages are not produced directly from those accounts for the body's purposes as an employer. Sharing or re-posting messages produced by the body would be acceptable, as would including the body's name as their employer should they wish. Another indicator of a personal account would be whether the individual continued to use the account when they were no longer employed by the body.
- 4.12.8. A body may operate separate Welsh and English accounts or a bilingual account. Either way it must ensure that the Welsh language is treated no less favourably than the English language.
- 4.12.9. If a body decides to operate separate Welsh and English accounts, it must raise awareness of the Welsh language account on its corresponding English language account in accordance with standards 60 and 61. This may include a body providing a direct link to the Welsh language account from its corresponding English language account.

What is meant by the term 'treating the Welsh language no less favourably than the English language'?

- 4.12.10. Schedule 1, Part 3, Paragraph 49 of the regulations states:

“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.”

4.12.11. Other ‘matters’ may include treating the Welsh language no less favourably as regards:

- the language of material
- the material's language order
- the standard and quality of the material
- the position and prominence of the material
- when and how the material is published
- the publication format of the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Are there any exceptions?

4.12.12. Yes. Schedule 1, Part 3, Paragraph 38 of the regulations states:

“(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—
(dd) standards 45 and 46 (social media);...”

4.12.13. The regulations further state:

“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;”

“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;”

4.12.14. This means that the standards listed in sub-paragraph 2 do not apply to a meeting between a body and another person or persons (e.g. a health board or county council) to discuss the assessment, diagnosis or treatment of a named individual (e.g. a patient) or individuals (e.g. patients), and when none of those individuals are present.

4.12.15. These standards continue to apply if at least one of the individuals (e.g. patient or patients) is present at that meeting. These standards may also apply if an individual who has not been named (e.g. a parent, guardian, family member) is also present at the meeting. Please note, however, some further exceptions below.

4.12.16. Schedule 1, Part 3, Paragraph 39 of the regulations states:

"(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—
(dd) standards 45 and 46 (social media);...”

4.12.17. The regulations state:

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

“ 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;”

4.12.18. This means that the standards listed in sub-paragraph 2 do not apply to a clinical consultation or case conference. Instead, a body is required to act in accordance with the requirements of:

- standards 23 to 24 in dealing with in-patients, and
 - standard 25 in the case of a case conference.
- 4.12.19. Furthermore, standards 110–110A place a requirement on a body to publish a plan for each 5-year period on the extent to which it is able to offer clinical consultations in Welsh, setting out steps and timescales for increasing its ability to offer clinical consultations in Welsh. There is also a requirement on a body to assess how it has complied with the scheme in year three and at the end of the 5-year period and to publish those assessments.
- 4.12.20. The requirement for a body to comply with other standards not listed in subparagraph 2 of paragraphs 38 and 39 continues to 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 is present at that meeting
 - clinical consultation
 - case conference
- 4.12.21. For example, there would be a requirement on a body to correspond (e.g. send an appointment letter) in accordance with the correspondence standards or to ensure that a document (e.g. information leaflet) or form (e.g. consent form) is available in Welsh in accordance with the document and form standards when carrying out these activities.
- 4.12.22. Furthermore, Schedule 1, Part 3, Paragraph 51 of the regulations states:

“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).”

- 4.12.23. If a body provides links to other resources through social media, they are expected to be consistent with the language of that message or account in order to ensure that the Welsh language is treated no less favourably than the English language. For example, a link provided in a Welsh language post is expected to direct persons to a Welsh language version of the material, if a Welsh language version is available. However, a body does not have to translate the resource into Welsh in order to comply with the requirements of these standards. However, it is possible that another standard makes it a requirement for a body to ensure that material is available in Welsh.

4.12.24. Therefore, if a body provides a link to a document through social media, it will be standards 36 to 38 that will apply to the language of those documents and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that a link leads to a Welsh language version of a document, if a Welsh language version exists in accordance with the requirements of standards 36 to 38.

4.12.25. Similarly, if a body provides advertising material such as video and audio clips through social media, it will be standard 33 that will apply to the language of those clips and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that Welsh language versions of the video and audio clips are provided, if Welsh language versions exist in accordance with standard 33.

4.12.26. Standards 45 and 46 do not apply if a body uses social media to send information which contains the report of a clinical consultation. This may include sending test results.

4.12.27. The regulations state:

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;”

Do the standards apply to messages from other persons which appears on the body's accounts?

4.12.28. No. The body does not have to translate any messages from other persons which appear on its accounts into Welsh. Such messages may include information presented by a person:

- in chat rooms
- in a section for comments, or
- in a discussion forum.

4.12.29. Also, the body does not have to translate into Welsh any information provided by other persons which is shared by the body on its own accounts. For example, a body does not have to translate English language messages which it retweets on Twitter or shares on Facebook.

4.12.30. However, if a body shares information from other persons on its accounts (such as by retweeting messages), only sharing an English language version of that information, where a Welsh language version exists, may mean that it is treating the Welsh language less favourably than the English language.

- 4.12.31. For example, on a body's bilingual account, where Welsh and English language content is published on the same account, if a body shares an English-only publication from a person, the body must also share the Welsh language version of the publication too (if it is available) in order to comply with the requirements of the standards.
- 4.12.32. When a body has separate Welsh and English accounts, if a body shares an English-only publication from a person on its English account, the body must also share the Welsh version of the publication on its Welsh language account (if it is available). If it does this on its Welsh language account, the body would not have to share the Welsh language version of the publication on its English account too.
- 4.12.33. If no Welsh language version of the publication is available at all, a body may share the English-only publication on the Welsh language account, in order to ensure that the Welsh language account contains the same level of information on it as the corresponding English version. In this situation, a body may wish to share a link to the English only publication, and adding a brief summary of the content in Welsh.

Do the standards apply to static content and temporary content published on a body's accounts?

- 4.12.34. Yes. The standards apply to any content published by a body on its accounts, and therefore apply to static and temporary content too
- 4.12.35. Examples of static content may include the text on a Twitter or Instagram account's 'bio' or the text regarding the account that is published in the 'Information' section of a body's Facebook.
- 4.12.36. Examples of temporary content may include posts published through Instagram Story or Facebook Story where those posts disappear after a limited period of time.
- 4.12.37. Any video and audio clips provided through social media would apply to the requirements of standard 33.

The Welsh language part of bilingual messages can sometimes be hidden. How can it be ensured that this does not mean that the body treats the Welsh language less favourably than the English language?

- 4.12.38. In some cases, text within posts on social media platforms appears in windows which are restricted in size. This may mean that it is not possible for a person to see the last part of the post until they have clicked on an additional link.
- 4.12.39. A body may ensure that it treats the Welsh language no less favourably than the English language by ensuring that it is no more difficult to see a Welsh language version of a post compared with an English version of that same post. For example, a body may ensure that a reader is not required to take any additional steps, such as scrolling down for longer, or clicking on an

additional link, in order to find the Welsh language version. A body may choose to place Welsh language posts above or to the left of English language posts to avoid this.

Do these standards apply to 'tags' and 'hashtags'?

- 4.12.40. Yes. They can be a consideration to ensure that a body does not treat the Welsh language less favourably than the English language when using social media.
- 4.12.41. If a body tags or mentions another person in a message, it may ensure that the Welsh language is treated no less favourably than the English language by ensuring that the Welsh language version of that message tags or mentions that person's Welsh language account (if there is one). For example, if the body posts a message on Twitter in Welsh about a person and mentions that person by tagging the handle of that person's Welsh language account rather than their corresponding English language account (if they operate separate Welsh and English language accounts).
- 4.12.42. If a body creates hashtags for a post, it may ensure that the Welsh language is treated no less favourably than the English language by using Welsh language or bilingual hashtags for Welsh language posts.
- 4.12.43. If a body uses hashtags created by other persons in a post, it may ensure that the Welsh language is treated no less favourably than the English language by using Welsh language or bilingual versions of those hashtags (if they exist) for Welsh language posts.

Different messages appear on a body's accounts depending on the audience. How can it be ensured that the body complies with the requirements in this situation?

- 4.12.44. Some social media platforms allow a body to tailor messages so that different messages appear on the accounts of different persons. That may be based on the interface language chosen by the person for that platform (e.g. by a body using the 'post in multiple languages' tool on Facebook).
- 4.12.45. In this situation, a body may ensure that it does not treat the Welsh language less favourably than the English language by ensuring that posts that appear on a person's account appear in Welsh, regardless of their interface language.

Does a body have to ensure that the user name and its account name are in Welsh?

- 4.12.46. Yes. A body may ensure that it does not treat the Welsh language less favourably than the English language when using social media by ensuring

that its usernames (e.g. 'handle' in relation to Twitter) and its account names (e.g. 'display name' in relation to Twitter) are available in Welsh.

4.12.47. This may be done by using one of the following:

- a Welsh only username and account name on a bilingual account
- a bilingual username and account name on a bilingual account, or by
- operating separate Welsh language and English language accounts as noted in paragraph 4.12.9 with a Welsh only or bilingual username and account name.

4.13 Signs and notices displayed or published by a body [standards 47–49]

What are the requirements?

4.13.1. A body must ensure that it displays Welsh language text:

- on new signs erected by it,
- on signs renewed by it, and
- when it publishes or displays a notice.

4.13.2. It must also ensure that the Welsh language text is not treated less favourably than the English language text on those signs and notices. The standards also impose requirements in relation to the accuracy and position of the Welsh language on signs and notices.

4.13.3. These standards do not usually apply to a sign or notice within the workplace, where that sign or notice is not visible to persons outside the body. Reference should be made to the standards relating to signs and notices displayed or published in a body's workplace (standards 111–113) for such signs and notices.

4.13.4. A body would usually 'erect a new sign' when it is placed where there was no such sign before. A body would 'renew a sign' if it makes any change to a sign or erects a new sign instead of an old one in the same position.

4.13.5. The standard also applies when the body erects a sign in a new place or location.

4.13.6. In terms of electronic signs, a body would 'erect a new sign' each time text is displayed anew on an electronic sign.

Standard 47

4.13.7. A body must display Welsh language text:

- when erecting a new sign (including temporary signs),
- when renewing a sign (including temporary signs), and
- when publishing or displaying a notice

- 4.13.8. A body may display the Welsh language text either on the same sign or notice as it displays the corresponding English language text or on a separate sign or notice.
- 4.13.9. A body must ensure that it does not treat the Welsh language text less favourably than the English language text on such signs or notices.
- 4.13.10. The term 'must not treat the Welsh language text less favourably than the English language text' in relation to this standard, includes, amongst other matters, treating the Welsh language no less favourably than the English language as regards:
- the text's language order
 - the visual presentation of the text (for example in relation to the colour or font of any text)
 - the size of the text
 - the position and prominence of the text in any public place
 - when and how the text is published, provided or exhibited
 - the publication format of any text
 - the standard and quality of the text
 - the clarity and accuracy of the text (for example in terms of the meaning and expression of any text), and
 - the content of the text (for example in terms of the detail and quality of the information it contains).

Standard 48

- 4.13.11. If a body erects a new sign or renews a sign (including temporary signs), or publishes or displays a notice, and that sign or notice conveys the same information in Welsh and in English, it must ensure that the Welsh language text is positioned so that it is likely to be read first.
- 4.13.12. If a body displays the Welsh language text and corresponding English language text on the same sign or notice, the Welsh language text would be likely to be read first usually if it is positioned above or to the left of any corresponding English language text, based on the standard practice of reading text from top to bottom and from left to right.
- 4.13.13. If a body displays the Welsh language text and corresponding English language text on separate signs or notice, the Welsh language text would be likely to be read first usually if the sign or notice displaying the Welsh language text is:
- above or on the left of the sign or notice displaying the corresponding English language text, and
 - in front of the sign or notice displaying the corresponding English language text.
- 4.13.14. For example, erecting a Welsh language sign, or publishing or displaying a notice in front of an English language sign or notice on the side of the road would be likely to lead to a person arriving at the Welsh language sign or

notice and reading it first usually, based on the practice of reading individual signs or notice in order.

Standard 49

4.13.15. A body must ensure that the Welsh language text on signs and notices (whether they be signs erected or renewed, or notices published or displayed before or after the imposition day) is accurate in terms of meaning and expression. That may involve:

- the content of the sign or notice
- the text's spelling
- the text's syntax, or
- words and phrases used.

What is a 'temporary sign'?

4.13.16. These standards also apply to any temporary signs that are erected or renewed. Where a body is required to comply with standard 47 therefore, any text displayed on a temporary sign that is erected anew or that is renewed must be displayed in Welsh. In the same way as those signs which are intended to be permanent, where a body is required to comply with standard 48 standard 48, it must ensure that the Welsh language text displayed on the temporary sign in question is positioned so that it is likely to be read first (before the corresponding English language text).

4.13.17. A 'temporary sign' includes any sign not intended to stay permanently in the place it is erected. Such examples may include:

- a temporary sign to direct people along a certain direction within a building due to renovation work
- a temporary sign erected to advise of building works or to advise persons that a car park is closed for a period
- a temporary sign informing people that a machine (e.g. machine to pay for parking, vending machine) is temporarily out-of-order, or
- a sign erected to give directions to the location of an event held over a specific period of time, or the temporary location of a service or clinic that has been relocated or set up for a period.

What is a 'notice'?

4.13.18. Schedule 1, Part 3, Paragraphs 53 and 57 of the regulations state:

“For the purposes of standards 7, 47 to 49 a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.”

“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.”

4.13.19. A ‘notice’ may include a notice which informs persons:

- about service delivery activities or changes to service delivery activities
- of a body's hospital or office opening hours or a change to a body's clinic hours
- that a course or seminar which is taking place or is coming to an end
- about the start of a new service such as an alternative treatment is being offered or is available to persons
- that a new or revised policy is coming into force, or
- about an increase or change in service charges such as parking fees.

What is meant by the term ‘...prescribed by an enactment’?

4.13.20. The term refers to notices that are also statutory notices. For example, announcements in the press which inform persons about activities or changes to the body’s service delivery activities. That means that these kinds of notices do not come within the requirements of standard 47–49.

What about proper nouns displayed on a sign or notice? Does a body have to ensure that those names are displayed in Welsh?

4.13.21. Yes. A body must display the proper noun in Welsh if it displays Welsh language text which refers to that name, to the extent that:

- a Welsh name exists and has been established for that which the sign or notice is intended to refer to
- there is no other enactment preventing a body from using a Welsh proper noun on a sign or notice, and
- there is no enactment preventing a body from using the intended spelling of the proper noun on the sign or notice.

4.13.22. This may include displaying information on:

- settlements (villages, towns and cities)
- streets and estates
- buildings or other built features (e.g. hospital or unit)
- organisations

- areas (e.g. coastal areas or conservation areas)
- topographical features (e.g. islands, mountains, hills, headlands, rocks, beaches, forests or rivers), or
- other place-names.

4.13.23. The Commissioner is responsible for providing advice on standard forms of place-names in Wales. The Commissioner can advise bodies on the standard form of names of settlements (namely villages, towns and cities) in Wales. The Commissioner has published these recommendations in an online searchable database and the lists are available to download under open licence: List of Standardised Welsh Place-names.⁷²

4.13.24. The Commissioner follows specific standardisation guidelines when producing her recommendations: Guidelines for Standardising Place-names in Wales.⁷³ These guidelines deal specifically with the names of settlements. They do not necessarily apply to house names or other topographical features. However, they contain several valuable principles which could be applied when dealing with these names or when naming new developments, for example.

4.13.25. As long as no other enactment requires the use of another Welsh language form of a proper noun on a sign or notice in Wales, a body may use this consultation service to ensure that it uses the standardised Welsh language form of the proper noun on the Welsh language version of the sign or notice.

Are there any exceptions?

4.13.26. Yes. Schedule 1, Part 3, Paragraphs 26 and 45 of the regulations state:

“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. “

“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.”

4.13.27. This exemption acknowledges the principle that if an enactment specifies the wording of a sign, that wording has to be used whether that wording is in

⁷² See the List of Standardised Welsh Place-names on the Commissioner's website <https://www.welshlanguagecommissioner.wales/media/n21dbsxk/20200501-list-of-standardised-welsh-place-names0.xlsx>

⁷³ See the Guidelines for Standardising Place-names in Wales on the Commissioner's website <https://www.welshlanguagecommissioner.wales/media/wx2gkgct/20160222-dg-s-guidelines-for-standardising-place-names-in-wales.pdf>

Welsh only, English only or in Welsh and English. The regulations do not affect that principle.

Does a body's corporate identity that appears on signs and notices apply to standards 47–49?

4.13.28. Yes. Where a body's corporate identity appears on a sign or notice, it must comply (subject to the compliance notice) with standard 62 as well as standards 47–49. However, that does not mean that Welsh language text on corporate identity needs to be positioned so that it is likely to be read first.

4.14 A body receiving visitors at its buildings [standards 50–53]

4.14.1. The following standards impose requirements regarding how a body must make available a reception service in Welsh to a person in its reception or receptions.

Standard 50

4.14.2. A body must ensure that any reception service it makes available at its reception in English is also available in Welsh.

4.14.3. It must also ensure that any person who requires a Welsh language reception service at its reception is not treated less favourably than a person who requires an English language reception service.

4.14.4. This may mean, amongst other things, ensuring that the person who requires a Welsh language reception service at a reception is not treated less favourably as regards:

- the active offer given to the person
- the accessibility of the service given to the person
- the availability of the service given to the person
- the steps which the person must take in order to receive the service
- the standard, quality and consistency of the service given to the person
- the kinds of reception services given to the person
- the location and prominence of the service given to the person, and
- when and how the service is offered, provided or made available to the person.

4.14.5. In ensuring that a reception service is available in Welsh at a body's reception, a body has a responsibility to actively offer a Welsh language reception service rather than expect the visitor to request it. It is also expected that the Welsh language service is freely available and that there is no need to switch to the English language in order to receive the reception service in Welsh.

Standard 51

4.14.6. If a body does not have a face-to-face Welsh language reception service available at its reception, it must ensure that a Welsh language reception

service is available over a phone in its reception. That may include providing a service via a traditional phone call or video conferencing.

- 4.14.7. To facilitate this, a body may choose to have a record of members of staff who may be contacted that would be able to provide a Welsh language reception service by telephone (e.g. staff directory by department, service or specific subject matter).

Standard 52

- 4.14.8. A body must display a sign in its reception which states that persons are welcome to use the Welsh language at the reception. A body must display that sign in Welsh.
- 4.14.9. A body does not have to include a statement expressing the above, by following the wording of the standard word for word. However, that statement should be clear and explicit enough for persons to be fully aware that they are welcome to use the Welsh language in the body's reception. A sign with wording such as “Mae croeso i chi siarad Cymraeg yma”⁷⁴ or “Mae croeso i chi ddefnyddio'r Gymraeg yn y dderbynfa”⁷⁵ could be used to comply with the standard.
- 4.14.10. Also, the Commissioner's Iaith Gwaith logo may be used to show that the body welcomes persons to use the Welsh language in reception. The Commissioner has a poster which includes the logo which is available as a free download from the Commissioner's website.⁷⁶

Standard 53

- 4.14.11. A body must ensure that reception staff who are able to provide a Welsh language reception service wear a badge to convey that.
- 4.14.12. The badge must make it clear that the member of staff wearing it can provide a Welsh language reception service. The Commissioner's Iaith Gwaith badges are an example of a badge which can be worn by reception staff in order to comply with the standard.⁷⁷ Also, a badge may include a lanyard or one woven into an uniform.

What is a 'reception'?

- 4.14.13. Schedule 1, Part 3, Paragraph 52 of the regulations states:

⁷⁴ Welsh for “You are welcome to speak Welsh here”.

⁷⁵ Welsh for “You are welcome to use the Welsh language in the reception”.

⁷⁶ The Welsh Language Commissioner's Iaith Gwaith poster
<https://www.welshlanguagecommissioner.wales/media/iuin0lor/20130327-gc-posteriaithgwaith-workingwelshposter-1.pdf>

⁷⁷ <https://www.welshlanguagecommissioner.wales/your-rights/iaith-gwaith>

“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.”

4.14.14. Therefore, any area within a body's hospitals, offices or premises where staff’s main role is to welcome persons may come within the interpretation of 'reception'. It is therefore not limited to a reception in the traditional sense in the form of a front desk. It can also include temporary receptions as well as permanent ones that are available to welcome persons at any time of the day. That is, it is not limited to specific times (e.g. 9am to 5pm).

4.14.15. 'Welcoming persons' is considered to mean more than just greeting them and ascertaining their preferred language. Persons visiting reception areas are expected to be able to receive a reception service to a level where they can engage in a conversation and have their enquiries answered through the medium of Welsh, unhindered, and without having to switch to English.

4.14.16. ‘Service locations’ can include GP surgeries, health centres, community centres, advice centres, and drop-in centres, amongst others.

4.15 Standards relating to a body awarding grants [standards 54–56]

What are the requirements?

4.15.1. These standards relate to a body awarding grants to persons and imposing requirements in relation to that process.

4.15.2. The term ‘applicant’ in relation to these standards includes any person who is applying for the grant in question.

Standard 54

4.15.3. A body must publish any documents which relate to applications for a grant in Welsh and not treat a Welsh language version of those documents less favourably than an English language version. This may include:

- the application form
- an expression of interest form
- guidance notes
- documents which include the grant terms and conditions, or
- documents containing FAQs or information on the application process.

4.15.4. The term 'must not treat a Welsh language version of those documents less favourably than the English language version', in relation to this standard, includes, amongst other matters, not treating the Welsh language less favourably than the English language in terms of:

- the visual presentation of the document (for example in relation to the colour or font of any text)
- the size of the document
- the position and prominence of the document in any public place
- when and how the document is published, provided or exhibited
- the publication format of any document
- the document's language order
- the standard and quality of the document
- the clarity and accuracy of the document (for example in terms of the meaning and expression of any text), and
- the content of the document (for example in terms of the detail and quality of the information it contains).

4.15.5. The standard does not prevent a body from giving particular consideration to the Welsh language within these documents. For example, a body may:

- include specific questions within the application form about how the grant would contribute to ensuring opportunities for persons to use the Welsh language, and that the Welsh language is treated no less favourably than the English language, and
- impose grant conditions or criteria to ensure that there are opportunities for persons to use the Welsh language, and that the Welsh language is treated no less favourably than the English language.

Standard 55

4.15.6. If a body invites applications for a grant, it must 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.

4.15.7. A body does not have to include a statement expressing the above, following the wording of the standard word for word. However, that statement is expected to be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to receiving applications in Welsh and to ensuring that the Welsh language is treated no less favourably than the English language with regards to applications.

4.15.8. Here is an example of a statement a body may use for the purpose of the standard:

Rydym yn croesawu ceisiadau am grant yn Gymraeg. Ni fydd cais a gyflwynir yn Gymraeg yn cael ei drin yn llai ffafriol na chais a gyflwynir yn Saesneg.



We welcome grant applications in Welsh. An application submitted in Welsh will not be treated less favourably than an application submitted in Welsh.

4.15.9. A body must not treat applications submitted for a grant in Welsh less favourably than an application submitted in English. The standard itself contains specific examples of some contexts which apply to the standard:

“[...] (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).”

4.15.10. Therefore, the closing date must be the same for Welsh and English applications and it must be ensured that there is no delay in informing Welsh language applicants of decisions compared with English language applicants.

4.15.11. The term 'must not treat applications submitted for a grant in Welsh less favourably than an application submitted in English' in the context of this standard includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of the body's consideration of the application.

4.15.12. The standard does not prevent a body from considering matters such as:

- the extent to which the grant application would ensure more opportunities for persons to use the Welsh language, and that the Welsh language is treated no less favourably than the English language
- the extent to which the grant application ensures positive or more positive effects on opportunities for persons to use the Welsh language, and that the Welsh language is treated no less favourably than the English language, and
- the extent to which the grant application ensures that there will be no adverse effects or that there will be decreased adverse effects on opportunities for persons to use the Welsh language, and that the Welsh language is treated no less favourably than the English language.

Standard 56

4.15.13. If a body informs an applicant of its decision in relation to an application for a grant, it must do so in Welsh if the application was submitted in Welsh.

4.15.14. A body must do so in relation to any decision made at any point in the process relating to a grant application. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made such as:

- that the application is valid or invalid

- that the applicant has been successful or unsuccessful
- that the application has been successful or has failed to reach the shortlist
- that the applicant has been invited to an interview, or
- any other decision made during the process.

4.15.15. The requirements of this standard cover all the ways in which a body informs an applicant of its decision. This may include informing applicants orally, face-to-face or in writing.

What is a 'grant'?

4.15.16. A 'grant' is usually a permanent transfer of money to a person where it does not need to be repaid nor returned.

4.15.17. The term 'grant' includes any support which a body provides to a person for a specific project or purpose. A grant will usually only cover part of the total costs. They are usually used in accordance with specific terms and conditions.

4.15.18. The term may include financial support or a benefit but it does not include a sum of money given to a person via a procurement process.

Is there a threshold or minimum level of grant before the standards apply?

4.15.19. No. The regulations do not provide a threshold or minimum level of grant to which the application relates. The standards apply to all applications for a grant that a body publishes.

4.16 A body awarding contracts [standards 57–59]

What are the requirements?

4.16.1. These standards relate to a body awarding contracts to persons and impose requirements in relation to that process.

Standard 57

4.16.2. A body must publish invitations to tender for a contract in Welsh if the subject matter of the contract suggests that it should be produced in Welsh. A body must also not treat a Welsh language version of any invitation less favourably than an English language version.

4.16.3. The standard suggests that a body needs to carry out an assessment to ascertain whether the subject matter of the contract suggests that it should produce an invitation to tender in Welsh or not. That assessment may include consideration of the following issues:

- does the subject matter of the contract relate to an issue of wide importance and affects a large number of people (e.g. patients)?

- does the subject matter of the contract deal with issues relating to the Welsh language or a Welsh language service?
- does the subject matter of the contract relate to, or is it likely to include requirements to provide or operate in accordance with Welsh language duties?
- does the subject matter of the contract relate to an area of particular interest in relation to the Welsh language?
- is the subject matter of the contract of great importance to Welsh speakers?
- does the subject matter of the contract affect, or is it likely to affect a large number of Welsh speakers?
- is the subject matter of the contract similar to the subject matter of a previous tender where tenders were received in Welsh?
- is the subject matter of the contract one where it is likely that the persons submitting the tender will be Welsh speakers?

4.16.4. The requirements of the standard do not prevent a body from publishing all tenders in Welsh as default. A body would therefore continue to comply with the standards if it chose to do so.

4.16.5. Schedule 1, Part 3, Paragraph 54 of the regulations also provides further guidance on this standard, and states:

“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.”


4.16.6. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the material's language order
- the standard and quality of the material

- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), or
- the content of the material (for example in terms of the detail and quality of the information it contains).

Standard 58

- 4.16.7. A body must state in an invitation to tender for a contract 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. It should be noted that this may include an invitation to tender for a contract in the Official Journal of the European Union.
- 4.16.8. A body does not have to include a statement expressing the above, following the wording of the standard word for word. However, that statement is expected to be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to receiving tenders for a contract in Welsh and to ensuring that the Welsh language is treated no less favourably than the English language with regards to tenders.
- 4.16.9. Here is an example of a statement a body may use for the purpose of the standard:



Rydym yn croesawu tendrau yn Gymraeg. Ni fydd tendr a gyflwynir yn Gymraeg yn cael ei drin yn llai ffafriol na thendr a gyflwynir yn Saesneg.

We welcome tenders in Welsh. A tender submitted in Welsh will not be treated less favourably than a tender submitted in Welsh.

- 4.16.10. A body must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English. The standard itself contains specific examples of some contexts which apply to the standard:

“[...] (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).”

- 4.16.11. The closing date must be the same for Welsh and English tenders and it must be ensured that there is no delay in informing persons of the decision for a tender submitted in Welsh compared to the timing of informing persons of the decision for a tender submitted in English.
- 4.16.12. The term 'must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English' in the context of this standard also includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of the body's consideration of that tender.

Standard 59

- 4.16.13. A body must inform a tenderer who submitted their tender in Welsh of its decision in Welsh.
- 4.16.14. A body must do so in relation to any decision made at any point in the process relating to tenders. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made such as:
- that the application is valid or invalid
 - that the applicant has been successful or unsuccessful
 - that the application has been successful or has failed to reach the shortlist
 - that the applicant has been invited to an interview, or
 - any other decision made during the process.
- 4.16.15. The requirements of this standard cover all the ways in which a body informs a tenderer of its decision. This may include informing tenderers orally, face-to-face or in writing.

What is meant by the term an "invitation to tender"?

- 4.16.16. The term 'invitation to tender' includes all the documents in the pack inviting applicants to tender for a contract. This includes, amongst other things:
- a link to the procurement documents
 - the procurement documents themselves
 - the tendering process timeframe and relevant contact information, and
 - information on the criteria used by the awarding body.
- 4.16.17. 'Procurement documents' include any document produced or referred to by the contracting authority in order to describe or decide on elements of the procurement or procedure, including:
- the contract notice
 - the prior information notice used as a call for competition
 - the technical specification
 - the descriptive document
 - the proposed contract conditions
 - formats for submitting documentation by applicants and tenderers, and
 - information on generally applicable liabilities and any additional documentation.⁷⁸

Is there a threshold or minimum contract sum before the standards apply?

⁷⁸ The Commissioner's interpretation is in line with the term "procurement document" found in the Public Contracts Regulations 2015
<http://www.legislation.gov.uk/mwa/2011/1/section/29/enacted>

4.16.18. No. The regulations do not provide a threshold nor minimum sum for the contract to which the tender relates. The standards apply to all invitations to tender published by the body.

Do the requirements of standards 58—59 apply to invitations to tender for a contract that it publishes in the Official Journal of the European Union?

4.16.19. Yes. The provision in Schedule 1, Part 3, Paragraph 54 of the regulations applies only to standard 57. The regulations do not therefore exclude the requirement for a body to comply with the requirements of standards 58—59 in relation to an invitation published in the Official Journal of the European Union.

Do the requirements of standards 58–59 apply to all tenders for a contract?

4.16.20. Yes. It is only the requirements of standard 57 that have been limited to if the subject matter of the contract suggests it should be produced in Welsh. The requirements of standards 58—59 are not dependent on the subject matter. The requirement for a body to comply with standards 58–59 therefore applies in relation to every tender for contract.

What are the requirements?

4.17 Raising awareness about Welsh language services provided by a body [standards 60–61]

4.17.1. These standards relate to raising awareness about Welsh language services provided by a body.

Standard 60

4.17.2. A body must promote any Welsh language service that it provides, and it must advertise that service in Welsh.

Standard 61

4.17.3. If a body provides a service in Welsh that corresponds to a service it provides in English, any publicity or document that it produces, or website, which refers to the English service, must also state that a corresponding service is available in Welsh.

4.17.4. If a body produces separate Welsh and English versions of any publicity or document, or if a body publishes a website which means that there is a separate Welsh and English version of a page, the body must also state that the corresponding Welsh language service in question is available on the English and Welsh versions of the publicity, document or website.

What is meant by the term 'service in Welsh'?

- 4.17.5. The term 'Welsh language service' extends to any service which a body provides in Welsh.
- 4.17.6. Examples of 'Welsh language service' may include a service provided in Welsh:
- in accordance with a duty to comply with a service delivery standard under section 25 of the Measure
 - in accordance with a duty prescribed in another enactment, or
 - voluntarily or in accordance with the body's own policy or procedures.
- 4.17.7. A 'Welsh language service' includes a service provided in Welsh only and a service provided in Welsh and English together (i.e. bilingually service).

What is meant by the terms 'promote' and 'advertise'?

- 4.17.8. With regards to standard 60 to 'promote' and 'advertise' include a body actively promoting and raising awareness of every Welsh language service provided by the body by highlighting the fact that a Welsh language service is available and by encouraging use of that service.
- 4.17.9. The following are possible examples of compliance:
- a body actively informing that a service it provides is available in Welsh, where it is not required to do so under another standard, and where that person has not asked for the service in Welsh
 - a body encouraging persons via methods such as social media or advertising material to use the Welsh language when receiving or using its services
 - a body using laith Gwaith material to highlight the availability of a Welsh language service
 - publishing and sharing information on some or all of the services offered by the body in Welsh via a leaflet, web page, social media, signs, advertisements etc.
 - where a body has a Welsh social media account which corresponds to an English account, stating clearly on the English account that a Welsh account is also available and providing a direct link to the Welsh account on the corresponding English account
 - using a splash welcome screen for the purpose of offering a clear language choice, in order to ensure that the body makes an active offer to users to use the Welsh language before accessing the website's services or online service
 - if there is a public staff directory available (e.g. online), highlight which staff are able to provide a service in Welsh, by noting that via the laith Gwaith logo or relevant statement

- using the Welsh language as the default language when providing services in order to promote and highlight the Welsh language service, where it is not required to do so under another standard, and where the person has not asked for the service in Welsh (e.g. begin every conversation in Welsh over the telephone or face-to-face)
- ensuring that the users' journey to using services in Welsh is of the same standard and quality as the service in English, or
- ensuring that Welsh language services are given prominence, are easily accessible, are actively promoted and are available constantly.

4.18 A body's corporate identity [standard 62]

What are the requirements?

- 4.18.1. This standard requires a body to ensure that it does not treat the Welsh language less favourably than the English language when forming, revising or presenting its corporate identity.

What is meant by the term 'corporate identity'?

- 4.18.2. Schedule 1, Part 3, Paragraphs 55 and 57 of the regulations state:

- “(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.”
- “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.”

- 4.18.3. ‘Corporate identity’ includes the name, address, logo, brand, corporate slogan, visual identity and any other standard information belonging to the body used on its material and products (such as on headed paper, writing paper, electronic address, social media account profile, business cards, ID badge, in exhibitions and on publications and documents), and in other circumstances such as a sign, a vehicle and a building. It can also include acronyms of a name or names used by a body. It can also include a mnemonic.

How is this standard affected if an enactment states that the body's legal name must be used?

- 4.18.4. The body does not have to comply with this standard to the extent that an enactment requires a body to use a legal name. This means that a body must ensure that it does not treat the Welsh language less favourably than the English language when forming, revising or presenting its corporate identity, except where an enactment notes:
- that the body must use a legal name that is not Welsh or bilingual, and
 - that the body cannot use another name (in Welsh) as well as the legal name.

What is meant by the terms 'form', 'revise' and 'present'?

- 4.18.5. The term 'form' includes a body creating or producing its corporate identity.
- 4.18.6. A body would 'revise' its corporate identity if it makes any change to that identity from the imposition day onwards.
- 4.18.7. A body would 'present' its corporate identity if it appears, it is published, or is made available or is included on or within any material.
- 4.18.8. The standard applies to corporate identity formed, revised or presented in any other medium too, such as a sign, website or document. All other aspects of these media are subject to their relevant standards.

What is meant by the term 'must not treat any Welsh language version less favourably than the English language version'?

4.18.9. Schedule 1, Part 3, Paragraph 43 of the regulations states:

“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 material.”

4.18.10. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the language of the material
- the material's language order
- the standard and quality of the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail and quality of the information it contains).

4.18.11. This may include a body ensuring, amongst other matters, that it produces, revises or presents its corporate identity in Welsh.

4.18.12. However, the standard does not prevent a body from being able to provide separate Welsh and English versions of its corporate identity to the extent that the Welsh language version is treated no less favourably than the English language version.

4.18.13. Where a body presents its corporate identity on bilingual material (that is where Welsh and English versions are included in the same material) a body would not treat the Welsh language less favourably than the English language by presenting a Welsh language identity only on a Welsh language

version of that material and an English language identity only on an English language version of the material.

- 4.18.14. Where a body presents its corporate identity on separate Welsh and/or English material (that is where Welsh and English versions are included on different materials), a body must present its corporate identity in Welsh on the English language version as well as the Welsh language version in order to ensure that the Welsh language is treated no less favourably than the English language.

4.19 Courses offered by a body [standard 63]

What are the requirements?

- 4.19.1. The standard relates to courses offered by a body.

Standard 63

- 4.19.2. If a body offers an education course to one or more individuals, it must assess the need for that course to be offered in Welsh.
- 4.19.3. If the assessment indicated a need to offer a course to one or more individuals in Welsh, a body must ensure that the education course is offered in Welsh.
- 4.19.4. The standard applies to an education course offered to one or more individuals. For example, this may include an education course:
- aimed at a child or children only
 - aimed at an adult or adults only
 - aimed at children and adults, whether delivered at the same time or in separate or tailored sessions, and
 - aimed at one individual or a specific cohort of people (e.g. primary or secondary pupils, students, women, men, individuals who have children, individuals with a specific condition, individuals under, over or within a specific age range)

What is meant by the term 'education course'?

- 4.19.5. Schedule 1, Part 3, Paragraph 56 of the regulations state:

“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 members of individuals; but does not include—

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

4.19.6. Reference is made to the words 'seminar', 'training', 'workshop' and 'similar provision' in their singular form in the regulations suggesting that one lesson may be enough to correspond to the interpretation of a course. However, a 'course' may also be a series of events.

4.19.7. Examples of an 'education course' may include:

- antenatal classes for pregnant individuals
- workshop for school children on how to clean teeth or eat healthily
- workshop on how to live well (e.g. in terms of eating, drinking, smoking, drugs, physical and mental wellbeing, sleep)
- seminar or webinar aimed at prospective students or students within the healthcare sector
- self-help course available to one or more individuals
- mindfulness session available to one or more individual
- self-management course for a specific condition (e.g. diabetes)
- informational session for one or more individuals (e.g. parent or parents) about how to deal with an individual or individuals who have a specific condition or conditions (e.g. diabetes or epilepsy)
- seminar or webinar available to one or more individuals attend to understand and learn more about a specific subject or condition

4.19.8. The standard applies to an education course in any form, for example, face-to-face, online, app-based, or whatever other form a body offers an education course.

What is meant by the term 'offer it in Welsh'?

4.19.9. To 'offer' an education course includes a body making it known (for example, orally, in a leaflet, in a prospectus or on a website) that an education course is available and will be delivered in Welsh, and that one or more individuals can attend or apply for a place or enrol on that education course if they so wish.

4.19.10. If one or more individuals accept the offer, the body is expected to act on that offer by delivering the course in Welsh or taking steps to ensure that this

happens. In other words, the Commissioner does not necessarily expect a body to deliver a course in Welsh if no individual accepts the offer for the course to be delivered in Welsh but ensuring that a course is available in Welsh is not only dependent on one or more individuals accepting that offer either. Furthermore, the standard does not prevent a body from offering a course in Welsh and English at the same time.

- 4.19.11. Some courses may be ones where it would not be appropriate for them to be delivered in Welsh via translation services for example. Such an example could include the provision of simultaneous translation during practical activities where it would not be safe to use translation equipment on health and safety grounds. However, some other courses, such as a course delivered in a traditional classroom setting, may be ones which could be delivered with the use of translation services.

Would delivery of a course in Welsh in a different setting to the corresponding course in English comply with the standards in question?

- 4.19.12. A body does not have to deliver a course in Welsh in the same setting as a course delivered in English. However, the Commissioner does not consider that a person should have to travel further in order to attend a course in Welsh compared with the distance travelled for the course in English. A body may refer to its own performance targets, which may identify the maximum distance deemed acceptable, in the body's opinion and based on statutory requirements, for a person to have to travel in order to attend a specific course.

Would delivery of a course in Welsh at different times and on different dates to the corresponding course in English comply with the standards in question?

- 4.19.13. A body does not have to deliver a course in Welsh on the same dates and at the same times as a course delivered in English. However, a body is expected to deliver courses in Welsh on days and at times which would not disadvantage those enrolled on the course delivered in Welsh.
- 4.19.14. A body may ensure that the timetable for courses in Welsh are equally accessible and convenient as the equivalent English courses. For example, it could be ensured that Welsh language courses are delivered when public transport is available to travel to them, or that Welsh language courses are delivered across a wide range of days and times such as before and after working hours, on weekends and during the week.

Does a body have to deliver a course in Welsh the same number of times as a corresponding course in English in order to comply with the standards in question?

4.19.15. No. However, a body is expected to ensure that there are a sufficient number of Welsh language courses available which would ensure that no individual is at a disadvantage if they choose to attend a course in Welsh rather than a course in English.

Some courses are delivered at different levels. Would delivery of a course in Welsh at certain levels only, but not for other levels, comply with the standards in question?

4.19.16. No. If the assessment indicated that the course needs to be offered in Welsh, a body must deliver a course in Welsh at all levels if that is done in English. The requirements of the standard mean that any course offered by a body must be offered in Welsh.

Does the standard apply to a course developed before the imposition day?

4.19.17. The standard applies to a course offered to one or more individuals after the imposition day. This includes offering an education course developed before or after the imposition day.

What is meant by the term 'need'? Does it mean the same as demand?

4.19.18. The term 'need' includes the level of demand for a course. However, the concept of 'need' is broader, and the demand is more likely to fluctuate over time than the need. As a result, a body is expected to consider other factors, apart from demand, when assessing need.

4.19.19. Amongst those other factors, a body may consider:

- the level of existing Welsh language provision
- the body's responsibility to promote and facilitate the use of Welsh
- the body's own corporate objectives and targets in relation to the activity, and
- the demographic and geographic nature of the area.

What must a body do when 'undertak[ing] an assessment of the need' and when should the assessment take place?

4.19.20. A body may conduct an assessment of a course either during the process of developing the course, or shortly before or after that. It is a matter for the body to undertake the assessment at the point where it has information on the need, and when it is possible to adapt provision to correspond with the outcome of the assessment (whatever that may be).

4.19.21. A body should keep a written record of the assessment. The assessment is expected to:

- be user-friendly
- explain the reasoning for deciding to offer a course in Welsh or not

- identify the factors considered
- include clear and specific evidence to support the finding, and
- note the outcome of the assessment (which includes noting which courses are offered and which are not in Welsh).

4.20 Public address systems used by a body [standard 64]

What are the requirements?

- 4.20.1. A body must ensure that all recorded messages announced over a public address system are made in Welsh and, if the message is also announced in English, the announcement must be made in Welsh first.

What is meant by the term 'announce a recorded message over a public address system'?

- 4.20.2. The term includes any recorded message over a public announcement made by the body using audio equipment.
- 4.20.3. Any recorded announcements made in the workplace are subject to standard 114. There may be occasions when the two standards will apply, for example, a recorded message aimed at the public and staff in the workplace (e.g. in a hospital).
- 4.20.4. Examples of announcements that relate to this standard may include:
- announcements in lifts that are open to the public in the body's buildings
 - announcements on vehicles (such as a warning on a reversing vehicle)
 - recorded announcement over a public address system (e.g. an announcement reminding people that smoking is not allowed on hospital premises or that people should not park in a way that causes any obstruction), or
 - public address system announcements in the body's buildings (e.g. instructing members of the public that the visiting period has, or is about to come to an end).
- 4.20.5. However, Schedule 1, Part 3, Paragraph 42 provides that standard 64 does "...not apply when the message that you announce over a public address system is made during an emergency or an emergency drill."⁷⁹

4.21 Primary care [standards 65–58]

What are the requirements?

⁷⁹ See section 3 of this code of practice regarding the definition of 'emergency' or 'emergency drill'.

- 4.21.1. These standards relate to a body providing information to persons about which primary care providers are willing to provide a primary care service or part of a primary care service through the medium of Welsh.
- 4.21.2. They also require a body to provide support to primary care providers.

Standard 65

- 4.21.3. When a body knows 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, the body must:
 - designate and maintain a page on its website containing that information, and
 - publish that page in Welsh.
- 4.21.4. The information should be provided in a form which enables a person to identify which primary care provider is willing to provide them with a primary care service or part of a primary care service in Welsh.
- 4.21.5. The information published on the relevant page on the body's website may contain information on:
 - who the primary care provider willing to provide a primary care service or part of a primary care service through the medium of Welsh is, and
 - what the primary care services each of those providers are willing to provide in Welsh are.
- 4.21.6. When a body publishes information on its website identifying who the primary care providers willing to provide primary care services in Welsh are, it may denote:
 - which primary care settings in particular (e.g. which specific medical or dental practice) have primary care providers willing to provide primary care services in Welsh, and
 - which individual providers in particular (e.g. which GP or dentist) in each of those settings are willing to provide primary care services in Welsh.
- 4.21.7. If a provider can only provide primary care services in Welsh in part (instead of being able to provide a service in Welsh in full), when containing information on the provider on its website, the body is expected to specify which parts of the primary care service in particular can be provided in Welsh.

How can a body know that a primary care provider is willing to provide a primary care service in Welsh?

- 4.21.8. The requirement for a body to contain information on its website about primary care providers willing to provide primary care services in Welsh only applies insofar as the body 'know[s]' that information. A body would 'know'

that a primary care provider was willing to do so if it possesses information attesting to that. The type of information in question may include:

- the information recorded by the body (in accordance with standard 116) having assessed the Welsh language skills of its employees⁸⁰ (in accordance with the requirements of standard 96)⁸¹
- the information which independent primary care providers must provide to the body, in accordance with the duty that is imposed on them to inform the body whether they provide primary care services in Welsh⁸²
- any other relevant information which the body has collected in carrying out its functions, and
- any other relevant information which another person (e.g. Welsh Ministers or a health organisation) has collected and provided in carrying out its functions.

4.21.9. If a body does not already 'know' whether a primary care provider is willing to provide primary care services in Welsh—because it does not already possess that relevant information—a body may proactively seek to collate that information, so that it can provide users with complete information on the Welsh language services available in the area, and publish that information on its website in accordance with the requirements of standard 65.

What is meant by the term 'willing' in the context of this standard?

4.21.10. There is a difference between a provider who can provide primary care services in Welsh and a provider who is willing to provide primary care services in Welsh. A primary care provider would be 'willing' to provide primary care services in Welsh if they are prepared to provide such services, or agree to do so, in Welsh (when a person wishes to receive the service in question in Welsh).

⁸⁰ If a primary care provider works in a primary care setting managed by a body directly (e.g. a managed GP surgery), the provider may be an 'employee' to a body for the purposes of standard 96. If the provider is an employee of a body, standard 96 means that the provider's Welsh language skills must be assessed. The meaning of the term "employee" as it relates to the Employment Rights Act 1996 could be considered in determining whether a provider is an 'employee' of a body in relation to standard 96. See section 3 of this code of practice.

⁸¹ The main type of information collected in accordance with standard 96 is information identifying what the Welsh language skills of employees are. This type of information would not always be relevant nor appropriate in identifying and confirming (in accordance with the requirements of standard 65) which primary care providers are willing to provide primary care services in Welsh.

⁸² The [National Health Service \(Welsh in Primary Care Services\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019](#) amended five sets of regulations involving primary care providers' services. The amendments placed six common duties, relating to the Welsh language, upon primary care providers through their respective terms of agreement, contract and/or service with Local Health Boards. One duty involves providers notifying the health board in writing whether they provide primary care services through the medium of Welsh. Responsibility for ensuring that the primary care provider meets this duty lies with the relevant health board.

What is meant by the term 'maintain' in the context of this standard?

4.21.11. In terms of this standard, to 'maintain' a page (which contains information on primary care providers willing to provide primary care services in Welsh) includes a body ensuring that it:

- regularly checks the accuracy of the information found on the page
- regularly identifies any gaps in information found on the page, and
- regularly updates the information found on the page, by removing irrelevant information and adding relevant information as and when required.

4.21.12. The body must publish the relevant page (and information) on the body's own website. The body would not ordinarily comply should it seek to do so by relying on another person (organisation) to publish a page (containing the relevant information) on its own website.⁸³ For example, a body would not ordinarily comply if it provides a link on its own website to another person's webpage containing information on primary care providers' willingness to provide primary care services in Welsh).

Standard 66

4.21.13. A body must provide an English to Welsh translation service for use by a primary care provider to enable it to obtain Welsh language translations of signs and notices displayed in connection with a primary care service.

4.21.14. The body must also encourage the primary care provider to use the translation service for the purpose of obtaining Welsh language translations of signs and notices displayed in connection with a primary care service.

4.21.15. To 'provide' a translation service to a primary care provider may include:

- arranging a translation service as required, by individual provider or for more than one primary care provider at the same time, and
- putting arrangements in place so that one or more primary care providers have access to ready-made translations that they can use (e.g. bank of translations, translation memory).

4.21.16. Only providing details to a primary care provider about which translators for example can provide a translation service would not comply with the standard. The body must also *provide* the service which enables the primary care provider to obtain Welsh translations of signs and notices displayed in connection with its primary care service.

4.21.17. The term 'encourage' implies that a body needs to take proactive steps to support, persuade and promote a primary care provider to use the

⁸³ An exception to that would be if the 'third party condition' in regulation 1(5) of the regulations means that a person publishes a page on their website (containing the relevant information) on the body's behalf, under arrangements (e.g. agreement) made between the body and the person. See section 3 of this code of practice for information on third party providers.

translation service that a body provides and for signs and notices displayed in connection with its primary care service.

4.21.18. A body can 'encourage' a primary care provider to do so, by:

- regularly advertising and reminding primary care providers that a translation service is available
- raising primary care provider's awareness regarding the purpose of the translation service and how to use it
- sharing information with a primary care provider on how to obtain more details about the translation service (e.g. sharing contact officer details within the organisation)
- prepare a guide for a primary care provider and its staff on how to obtain Welsh language translations
- provide training for primary care provider staff on how to use the service (e.g. in the case of a translation bank or translation memory)
- highlight to a primary care provider the importance of ensuring that signs and notices are available in Welsh, and referring to duties imposed on primary care providers in terms of the Welsh language⁸⁴
- a body conducting an audit of primary care provider locations, and agreeing an action plan with the primary care provider to ensure that signs and notices are available in Welsh, and
- a body discussing and identifying any potential solutions to barriers highlighted by primary care providers with regards to the translation service provided by the body.

Standard 67

4.21.19. A body must make available to a primary care provider or to its staff who are able to speak Welsh a badge for them to wear to convey that.

4.21.20. A body may do so by:

- distributing or giving badges as a matter of course to primary care providers, or
- informing primary care providers proactively how they are able to get a badge (e.g. by contacting a specific officer).

4.21.21. This standard does not affect the duty of standard 53 to ensure that staff in the body's receptions who are able to provide a Welsh language reception service wear a badge that conveys that. It should be emphasised that the

⁸⁴ The [National Health Service \(Welsh in Primary Care Services\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2019](#) amended five sets of regulations involving primary care providers' services. The amendments placed six common duties, relating to the Welsh language, upon primary care providers through their respective terms of agreement, contract and/or service with Local Health Boards. One duty involves providers ensuring that new signs and notices in connection with its primary care service are in both Welsh and English, and the provider may use the translation service offered by the Local Health Board for this purpose. Responsibility for ensuring that the primary care provider meets this duty lies with the relevant health board.

requirements of standard 53 are not conditional on the wish of the reception staff to wear such a badge or not, and the requirements of standard 105 do not make that requirement conditional either.

4.21.22. A body must promote to a primary care provider the wearing of a badge that conveys that they, or a member of their staff is able to speak Welsh.

4.21.23. To 'promote' in the context of this standard may include:

- encouraging and supporting the use of the badge amongst a primary care provider
- raising awareness of the badge by explaining to the primary care provider and its staff of its purpose, how to use it and how the body makes the badge available to those who can speak Welsh
- encouraging a primary care provider, or its staff who are able to speak Welsh to inform the body of that in order to be able to make available a badge for that member of staff
- regularly reminding a primary care provider and its staff that there are badges available, and ensuring that staff who have developed proficiency in the Welsh language (in accordance with standard 100 or otherwise) are encouraged to wear a badge
- considering what type of badge would be most convenient or easy to use for a primary care provider or its member of staff (e.g. it's possible that sewing a badge would be more convenient for some with a work uniform whilst others may prefer a badge which can be transferred and reused)
- making available to a primary care provider and its staff who can speak Welsh more than one, or different forms of badges, and
- keeping a stock of badges in service areas (e.g. reception areas) so that primary care providers and its staff have ease of access.

Is there a specific badge that should be made available to a primary care provider and its staff?

4.21.24. No. These standards do not make it a requirement for a body to make available a specific badge.

4.21.25. Nor is the badge required to be in the form of a 'traditional' badge (e.g. pin badge to attach to clothes). This means that the body may decide to use more convenient options (e.g. badge on a lanyard) should it so wish.

4.21.26. However, any badge a body makes available to staff should make completely clear that that the primary care provider or member of its staff is able to speak Welsh.

4.21.27. Iaith Gwaith badges and lanyards are available to order on the Commissioner's website.⁸⁵

4.21.28. A body can also use the Commissioner's Iaith Gwaith logo on its own badge to imply that a member of staff can speak Welsh. The logo can be found on the Commissioner's website.⁶⁷ Likewise, a body can also include a

⁸⁵ <https://www.welshlanguagecommissioner.wales/your-rights/iaith-gwaith>

statement such as ‘Rwy’n siarad Cymraeg’, or ‘Dwi’n siarad Cymraeg’⁸⁶ to further identify that the member of staff speaks Welsh.

Standard 68

4.21.29. A body must provide training courses, information or hold events so that a primary care provider can develop:

- awareness of the Welsh language (including awareness of its history and its role in Welsh culture), and
- an understanding of how the Welsh language can be used in the workplace.

4.21.30. The standard applies to a training course, information or event provided in any form, (e.g. orally, in written form, face-to-face, online or otherwise). The body may also provide the information using a combination of these methods in order to provide in a form and at a time that is convenient for the primary care provider (e.g. by providing an online course, an informational pack and giving an oral or PowerPoint presentation at a live event).

4.21.31. Examples of what a body can be provided may include:

- **awareness of the Welsh language** - this may include information or a presentation on the history of the language, the origin of the Welsh language, facts about the Welsh language (such as census information), the benefits of using the Welsh language or information on the Welsh Language Commissioner, and
- **an understanding of how the Welsh language can be used in the workplace** - this may include information on how the body is promoting and facilitating a primary care provider to use of Welsh in the workplace and what support is available to enable it to do that.

What is meant by the terms ‘primary care provider’ and ‘primary care service’?

4.21.32. The regulations state:

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

⁸⁶ Welsh for “I speak Welsh”.

4.21.33. The regulations further state:

“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);
- (e) 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);
- (f) section 81 (additional pharmaceutical services);
- (ff) section 92 (pilot schemes);
- (g) section 102 (local pharmaceutical services schemes);”

4.21.34. The requirements of standards 65–86 apply in respect of all primary care providers and services that satisfy the above interpretations. This includes primary care providers the body is directly responsible for and independent primary care providers, together with the primary care services they provide.

5 Policy making standards [69–78A]

5.1 Standards relating to considering the effects of a body’s policy decisions on the Welsh language [standards 69–78A]

What are the requirements?

- 5.1.1. The policy making standards deal with the way in which a body considers the effects of its policy decisions on the Welsh language.
- 5.1.2. The 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 body 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 other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language
 - (b) how the decision could be made so that it has positive effects, or increased positive effects, on opportunities for other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language, and
 - (c) how the decision could be made so that it does not have adverse effects, or has decreased adverse effects, on opportunities for other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language.⁸⁷
- 5.1.3. The policy making standards include requirements for a body to secure, or to contribute to securing, that the person making the policy decision considers what is listed in a-c above when undertaking the following activities:
 - when formulating a new policy, or reviewing or revising an existing policy (standards 69–71)
 - when publishing a consultation document which relates to a policy decision under consideration (standards 72–74)
 - when commissioning or undertaking research intended to assist a body to make policy decisions (standards 75–77), and
 - when making decisions in relation to providing a primary care service (standards 78).
- 5.1.4. The policy making standards (standard 78A) also includes a requirement for a body to:

⁸⁷ Section 29 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/29/enacted/welsh>

- assess, after the expiry of 5 years after publishing a policy on providing a primary care service (in accordance with standard 78), and the expiry of each subsequent period of 5 years, to what extent it has complied with that policy, and
- publish the assessment on its website within 6 months of the end of the (5 year) period.

Standard 69

- 5.1.5. If a body formulates a new policy, or reviews or revises an existing policy, the body must consider what effects, if any (whether positive or adverse), the policy decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language, whether those effects are positive or adverse.

How should any effect on the Welsh language be assessed?

- 5.1.6. A body will need to consider and identify all the possible effects a policy decision may have on opportunities for persons to use the Welsh language, or treating the Welsh language no less favourably than the English language. In order to do that, a body must consider relevant evidence in order to understand the likely or actual effect of policy decisions on the Welsh language.
- 5.1.7. The first step in facilitating an effective assessment would be to gather information on the proposed policy decision. The information which could be gathered at this stage includes:
- project aims and objectives
 - the nature of the activity
 - who will benefit from the initiative / target groups
 - results / outcomes
 - partners
 - the scheme's life expectancy / when will it be revised
 - responsibility for the policy
 - relevant data or research on the subject
 - consultation arrangements, and
 - monitoring and assessment arrangements.
- 5.1.8. Furthermore, the following factors may be ones to consider when assessing the effect of policy decisions and the body will have a duty to decide which matters to consider when examining the nature of the policy in question:
- Will the policy decision impact on the number or percentage of people able to speak Welsh (or any other skill)?
 - Will the policy decision impact on the number or percentage of people who use the Welsh language?
 - Will the service, policy, strategy or project that the policy decision relates to be undertaken in Welsh?
 - Will the policy decision protect, promote and enrich heritage and culture within the area in question in relation to the Welsh language?

5.1.9. This also includes:

- considering and identifying any positive effects that the policy decision will have on the Welsh language
- considering and identifying any adverse effects that the policy decision will have on the Welsh language
- considering and noting how the policy decision will affect and / or promote opportunities for persons to use the Welsh language, and
- considering and noting how the policy decision will have an effect on treating the Welsh language no less favourably than the English language.

5.1.10. Below are examples of relevant questions which could be considered when examining any positive or adverse effects the policy decision will have on the Welsh language. It must be emphasised that the below are examples only.

Would the policy decision increase the number of Welsh speakers moving from / to a certain area?	Would the policy decision decrease the number of Welsh speakers moving from / to a certain area?
Would the policy decision be likely to make the Welsh language more visible?	Is there a risk that the policy decision would discriminate against Welsh language users?
Would the policy decision propose steps likely to protect the Welsh language in a certain area?	Would the policy decision lead to a fall in the number of positions requiring Welsh language skills?
Would the policy decision lead to an increase in the number of positions requiring Welsh language skills?	Would the policy decision lead to closing specific Welsh language services or risk those services?
Would the policy decision lead to an increase in specific Welsh language services or ensure that those services have successful futures?	Would the policy decision make it harder to recruit Welsh speakers?
Would the policy decision encourage / facilitate the recruitment of Welsh speakers?	Would the policy decision threaten the sustainability of areas where the Welsh language is part of the fabric of those communities?
Would the policy decision ensure the sustainability of areas where the Welsh language is part of the fabric of those communities?	Would the policy decision make it harder to travel to access Welsh language services?
Would the policy decision facilitate travel in order to access Welsh language services?	Would the policy decision lead to a reduction in the number of Welsh learners?
Would the policy decision provide users with the active offer of a service in Welsh?	Would the policy decision limit the accessibility of and access to Welsh language services?
Would the policy decision lead to an increase in the number of Welsh learners?	
Would the policy decision take steps to promote and facilitate the Welsh language?	
Would the policy decision contribute to national Welsh language strategies and in specific policy areas (e.g. the Cymraeg 2050 strategy; More Than Just Words; A Healthier Wales)?	
Would the policy decision contribute to ensuring the continuation and growth of	

the Welsh language as a family, community, or workplace language?	
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Standards 70 and 71

- 5.1.11. Having considered all of the effects identified in accordance with standard 69, a body must give due consideration to the outcome of such effects on the Welsh language.
- 5.1.12. Standard 70 requires a body to consider, when it formulates a new policy, or reviews or revises an existing policy, how it could formulate the policy (or how it could change an existing policy) so that the policy decision would have positive effects, or increased positive effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.
- 5.1.13. Standard 71 requires a body to consider, when it formulates a new policy, or reviews or revises an existing policy, how it could formulate the policy (or how it could change an existing policy) so that the policy decision would not have adverse effects, or decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.
- 5.1.14. A body must consider any options to mitigate or prevent adverse effects which a policy decision may have on the Welsh language. Consideration must also be given to the options in terms of ensuring positive effects, or increased positive effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. This will vary in line with the nature of the policy decision. Below are examples of some factors which a body may consider in order to do so:
- **need and demand** - is the measure necessary? Would it be possible to meet demand without any new developments? Would it be possible to use other existing provision?
 - **approach and process** - how should it happen? Have Welsh language benefits been planned as part of the process? Is it possible to employ different/ less damaging approaches? Factors such as technology and planning should be considered in order to ensure that processes support bilingualism rather than prevent it.
 - **location** - where should the development be situated/what is the geographic influence of the policy? Such considerations are crucial to the future of Welsh language communities. Developments should be sensitive to the needs of such communities and there should be an understanding of the linguistic profile of communities and areas. The location of other relevant services should also be considered – e.g. the location of premises and buildings etc.

- o **timing** - when and in what order should developments take place? The scale of development is also important in some areas and negative effects can be reduced, for example by extending the development work over a period of time.

Standards 72–74

- 5.1.15. Standard 72 requires a body to ensure that any of the body's consultation documents which relate to a policy decision considers and seeks views on the potential effects that the policy decision under consideration will have on the opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language.
- 5.1.16. In accordance with standard 73, the document must also 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 opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.
- 5.1.17. In accordance with standard 74, the document must also consider, and seek persons' views on, how the policy under consideration could be formulated or revised so that so that it would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.
- 5.1.18. A body must include specific questions in the consultation document which ask for a response. A body is expected to give due consideration to any information gathered during this process when making the policy decision, so that the body acts on any outcomes from the consultation.
- 5.1.19. A body may use information gathered in accordance with these standards to help it comply with standards 69–71.

Standards 75–77

- 5.1.20. Standard 75 requires a body to ensure that any research it commissions or undertakes, that is intended to assist the body to make a policy decision, considers what effects, if any (and whether positive or adverse), the policy decision under consideration would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.
- 5.1.21. In accordance with standard 76, the research must also consider 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 opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.
- 5.1.22. In accordance with standard 77, the research must also consider 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

opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.

- 5.1.23. A body is expected to give due consideration to any information gathered during this process when making the policy decision, so that the body acts on any outcomes.
- 5.1.24. A body may use information gathered in accordance with these standards to assist it to comply with standards 69–71.
- 5.1.25. Schedule 2, Part 3, Paragraph 5 of the regulations state:

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

What does the term 'medical research' mean in the context of standards 75–77?

- 5.1.26. The regulations do not interpret the meaning of the term 'medical research'.
- 5.1.27. However, the Commissioner considers that medical research usually means research relating to unknown medicine or medical intervention. It may include research that is for a medical purpose and which actually affects medication or clinical processes in order to develop new medicines or medical interventions.
- 5.1.28. When considering whether research is medical research or relates to medical research the body should consider whether it has a medical purpose and impact.
- 5.1.29. Standards 75–77 do not exempt any other type of research. This means that standards 75–77 would usually continue to apply if a body conducted research in order to assist a policy decision on how to offer services in a particular field in order to be able to formulate a communication strategy, for example.

Standard 78

- 5.1.30. This standard makes it compulsory for a body to publish a policy on providing primary care that takes into account the following when making a decision in relation to providing primary care:
- what effects, if any (and whether positive or negative), the decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language
 - how the decision could be taken or implemented so that it would have positive effects or increased positive effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language

- how the decision could be taken or implemented so that it would not have adverse effects, or that it would have less adverse effects on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language

What is meant by the term 'primary care service'?

5.1.31. The regulations also state:

“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);
- (f) 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);
- (f) section 81 (additional pharmaceutical services);
- (ff) section 92 (pilot schemes);
- (g) section 102 (local pharmaceutical services schemes);”

What is a 'policy decision'?

5.1.32. Schedule 2, Part 3, Paragraph 3 of the regulations states:

“[...] 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.”

5.1.33. Other examples of policy decisions may include decisions on:

- education provision
- programme of events
- campaigns to raise awareness
- funding or financial support
- the content of criteria
- events
- governance arrangements
- partnerships
- the naming of services or buildings
- the language(s) used for internal administration
- activities undertaken, or
- services provided.

5.1.34. The policy making standards apply to decisions affecting the body's members of staff as well as other persons.

When should consideration be given to the effects of a policy decision on the Welsh language and opportunities to use it?

5.1.35. A number of the policy making standards state that compliance with the standards is required when a body produces a new policy, or reviews or revises an existing one. Bearing that in mind, consideration of the effect of policy decisions on the Welsh language is expected to be a fundamental part of producing, reviewing or revising policies from the outset. This should be undertaken before the final policy decision is made.

5.1.36. When reviewing or revising existing policies, the associated effects must be considered anew. In such a situation, a body should not rely on an assessment undertaken in the past regarding the same policy decision or similar policy decision.

Can a body consider the effects of a policy decision on the Welsh language and opportunities to use it when considering other effects such as an equality impact assessment process?

5.1.37. The Welsh language is not a protected characteristic under the Equality Act 2010. However, the regulations do not prevent a body from complying with the policy making standards by including consideration of the effects of a policy decision on the Welsh language within other considerations. A body may include this assessment within an equality impact assessment process as long as all aspects of the standards are considered and met in the process.

5.1.38. However, there may be examples of areas where a specific and detailed Welsh language impact assessment would be more suitable than an integrated impact assessment (e.g. clinical consultations).

What is meant by the terms 'positive effect' or 'adverse effect'?

5.1.39. Schedule 2, Part 3, Paragraph 4 of the regulations states:

“[...] a reference to positive or adverse effects is a reference to such effects whether direct or indirect.”

What form should the assessment take?

5.1.40. The regulations do not stipulate what form an assessment should take where a standard refers to the need to consider the effects of policy decisions.

5.1.41. The body should be able to provide sufficient evidence that it has considered the effects of policy decisions in accordance with the policy making standards. That may happen in different ways such as discussions in meetings, a written assessment or by commissioning research. See paragraph 7.1.35 for further information on the associated records that should be kept.

6 Operational standards [79–114]

6.1 Standards relating to the use of the Welsh language within a body's internal administration [standard 79]

What are the requirements?

- 6.1.1. A body must develop a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language. The body must also publish that policy on its intranet.

What should the policy include?

- 6.1.2. The policy is expected to:
- reflect the size of the body
 - be suited to each of the body's services/departments/units/teams and nature of the work
 - be understood by the entire workforce
 - provide details on the review period
 - consider the need to consult on the content, and
 - include an action plan which notes how the policy will be implemented.
- 6.1.3. In addition, in order to reach the aim of promoting and facilitating the use of the Welsh language internally, the policy is not expected to lead to a reduction in the current use of Welsh internally within the workplace.
- 6.1.4. The policy should not be limited to the operational standards with which a body must comply.
- 6.1.5. The policy may deal with the following matters:
- a statement on the body's administrative language(s) (either on an organisational level or based on department or location) and a statement on any steps the body intends to take to move increasingly towards administrating through the medium of Welsh
 - a statement on identifying Welsh language champions and coordinators within the body
 - a statement on the language used with persons who have a duty to provide services to the body in Welsh
 - a statement which recognises the law as stipulated in the Measure which provides the workforce with the freedom to use Welsh amongst themselves and gives the Welsh language official status in Wales
 - statements on the kinds of activities or services undertaken in Welsh only and those undertaken bilingually
 - a policy statement on the order of languages in bilingual items e.g. documents and emails)

- a description of the support (such as software, apps, officers or training) available to non-Welsh speaking members of the workforce in order to allow them to understand some Welsh messages or phrases and how they can respond to Welsh language correspondence or produce their own Welsh language correspondence
- an explanation of the kinds of activities and services which a body's workforce may receive in Welsh (in accordance with the standards and in accordance with the body's policy)
- a description of the plans and activities which a body will provide or plan to provide in order to promote and facilitate the use of Welsh by and amongst the workforce (e.g. mentoring scheme)
- description of the plans in place to facilitate the means of identifying Welsh speakers easily in the workplace (e.g. distributing laith Gwaith badges and lanyards or noting the linguistic ability of everyone in the workforce on MailTips in Outlook)
- an explanation of how the body plans to increase opportunities for the workforce to use the Welsh language in the workplace
- a description of any commitments which go beyond what a body is already under a duty to comply with in accordance with the operational standards (e.g. use of Welsh in internal meetings; on internal systems; in internal correspondence or calls), and
- a statement on how the body will comply with the operational standards with which it is under a duty to comply.

6.2 Standards relating to the use of the Welsh language within a body's internal administration [standards 80–81]

What are the requirements?

- 6.2.1. These standards require a body to ask each individual or employee whether they wish to receive certain kinds of documents in Welsh and, if so, for it to provide them in Welsh.

Standard 80

- 6.2.2. When a body offers a post to an individual, the body must ask that individual whether they wish for the contract of employment or contract for services to be provided in Welsh. If that is the individual's wish, the body must provide the contract in Welsh.
- 6.2.3. This standard applies to any individual offered a new post from the imposition day onwards. That may include individuals already working for the body but who are offered a different position or a post on a different basis. The body must ask the individual what their wishes are before the contract is provided.

Standard 81

- 6.2.4. A body must ask each employee⁸⁸ whether they wish to receive the following in Welsh:
- any paper correspondence that relates to their employment, and which is addressed to them
 - any documents that outline their training needs or requirements
 - any documents that outline their performance objectives
 - any documents that outline or record their career plan
 - any forms which record and authorise annual leave
 - any forms which record and authorise absences from work, and
 - any forms which record and authorise flexible working hours.
- 6.2.5. If that employee so wishes, the body must provide any such correspondence, documents or forms to the employee in Welsh. The body must actively ask each employee, from the imposition day onwards, about their wishes in relation to the above.
- 6.2.6. The types of correspondence may include:
- employee pay slips
 - correspondence relating to employee expenses (e.g. remittance advice)
 - correspondence relating to the employee's pay
 - correspondence relating to the employee's contract, working terms or conditions (e.g. change of work location, change of hours, confirming new duties or different duties)
 - correspondence relating to maternity, paternity and shared parenting leave and pay
 - correspondence relating to workplace benefits (e.g. pension contribution statement or statement on any changes to those benefits), and
 - correspondence from another member of staff (such as HR staff) which relates specifically to his or her post (e.g. letter of termination).
- 6.2.7. The type of documents that outline training needs or requirements may include documents such as:
- training handbooks
 - training questionnaires
 - documents on providing feedback on any training attended
 - documents which record the training attended
 - documents which record training requests, and
 - documents which outline the training areas prioritised by the body.
- 6.2.8. The type of documents that outline performance objectives may include documents such as:
- documents which outline employee performance

⁸⁸ See section 3 of this code for an interpretation of the term 'employee'.

- performance improvement plan documents
 - staff appraisal schemes
 - performance framework, and
 - progress report.
- 6.2.9. The type of documents that outline or record career plan may include documents such as:
- personal development plans
 - documents allowing expressions of interest in, or applications for, work experience/secondment/mentor, and
 - self-evaluation questionnaires.
- 6.2.10. The type of forms that record and authorise annual leave, absences from work and flexible working hours may include:
- forms for recording or authorising annual leave, special leave, flexi-leave or time in lieu leave, and
 - forms for recording or authorising work absence due to training, courses, medical appointments, outside duties or illness.
- 6.2.11. The body may provide the documents or forms in any format, either as a hard copy or electronically. Similarly, a body may present them as part of a pack or as individual documents or forms. They do not have to be in the same format as a corresponding English language version.

6.3 Standards relating to the use of the Welsh language within a body's internal administration [standard 82]

What are the requirements?

- 6.3.1. If a body publishes a policy relating to the following, it must publish that policy in Welsh:
- behaviour in the workplace
 - health and well-being at work
 - salaries or workplace benefits
 - performance management
 - absence from work
 - working conditions, and
 - working patterns.
- 6.3.2. The term 'policy' in the context of standard 82 includes any document which outlines the way in which the body will operate in the context of the above. This may include a specific policy document or any guidance or procedures which are related to that policy.
- 6.3.3. Unlike the requirements outlined in standard 81, the expectation is that everyone in the workplace will have access to a Welsh language version of the policy as default. The requirement isn't therefore dependent on a body having to ask about a preference to receive these policies in Welsh before they are published in Welsh.

- 6.3.4. These standards are also not limited to publishing these policies to a body's workforce only. For example the requirement applies if these policies are published more widely (such as on a body's website).

What is the meaning of the term 'publish' in this context?

- 6.3.5. The term 'publish' in the context of these standards is considered to mean that the body ensures that the relevant policies are made available to everyone in the workplace.
- 6.3.6. The requirement for these policies to be published in Welsh is applicable wherever or in whichever form they are published.

What if a body has a policy already in force before the imposition day?

- 6.3.7. Where a body has already published such a policy before the imposition day, and that policy continues to be 'live' and 'current', it must ensure that a Welsh language version of that policy is available to everyone in the workplace from the imposition day onwards.

Does the body have to publish the policies individually?

- 6.3.8. The regulations do not prevent a body from publishing these policies separately, nor as a combined document, for example in a staff handbook or employment procedure.

6.4 Standards relating to complaints made by a member of a body's staff [standards 83-85]

What are the requirements?

- 6.4.1. The above standards require a body to allow each member of staff to engage with the body in Welsh in relation to the complaints process. These standards also apply to each element relating to a complaint, such as any related appeal.

Standard 83

- 6.4.2. A body must allow and state in any document that it has that sets out its procedures for making complaints that each member of staff may:
- make complaints to it in Welsh, and
 - respond in Welsh to any complaint made about them.
- 6.4.3. To 'allow' staff to make a complaint in Welsh includes allowing staff to:
- complain orally or in writing in Welsh, and

- complain by presenting written material relevant to the complaint in Welsh (e.g. evidence), without the need for the member of staff to translate it to English.
- 6.4.4. To 'allow' staff to respond in Welsh to a complaint made about them includes allowing staff to do so:
- orally or in writing in Welsh, and
 - by presenting written material relevant to the complaint in Welsh (e.g. evidence), without the need for the member of staff to translate it to English.
- 6.4.5. It is possible that a body may already have a policy or procedure which outlines the internal complaints process. A body may comply with this element of the standard by:
- revising that policy to include a statement which highlights the rights of members of staff; or
 - including a statement to that effect in a new policy or procedure.
- 6.4.6. A body must also inform each member of staff of that right. To 'inform' is not limited to stating that in any document which the body has which notes its procedures for making complaints. A body may also 'inform' more proactively by:
- corresponding with each member of staff about that right
 - stating so to a member of staff when initiating the complaints process in relation to them, or by
 - stating so if the member of staff makes enquiries about the process of complaining to the body.

Standard 84

- 6.4.7. If a meeting is required with a member of staff relating to a complaint received by them or a complaint made about them, the body must:
- offer to conduct that meeting in Welsh or, if necessary, provide a translation service from Welsh to English for that purpose, and
 - 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 consecutive or simultaneous translation service from Welsh to English.

Standard 85

- 6.4.8. A body must inform a member of staff of a decision it has reached in relation to a complaint by the member of staff or a complaint about the member of staff in Welsh if one or more of the following applies:
- if the member of staff made the complaint in Welsh
 - if the member of staff responded in Welsh to a complaint about him or about her
 - if the member of staff asked for a meeting about the complaint to be conducted in Welsh, or
 - if the member of staff asked to use Welsh in a meeting about the complaint.

- 6.4.9. The body must also inform in Welsh in relation to any decision made at any point in the process relating to the complaint. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made at the end of the process only. It may also include a decision made at any point of the process regarding the complaint and could include a decision made regarding:
- that the complaint is valid or invalid
 - that the complaint has been escalated (e.g. formal review/appeal)
 - that any process in relation to the complaint has come to an end, or
 - any other decision in relation to the complaint.
- 6.4.10. The requirements of this standard include any method in which a body informs a member of staff of its decision. This may include informing a member of staff orally, face-to-face or in writing.

To whom do these standards apply?

- 6.4.11. Standards 83–85 apply to every 'member of staff'. See section 3 of this code for an interpretation of that term.
- 6.4.12. Standards 83–85 only apply to members of staff who make a complaint or whom are the subject of a complaint. If there are others involved in the process - for example a union representative, HR officer, line manager or witness - the offer to conduct a meeting in Welsh does not have to be offered to them under these standards (but other standards may apply).

6.5 Standards relating to a body disciplining staff [standards 86–88]

What are the requirements?

- 6.5.1. These standards require a body to allow all members of staff to engage with the body in Welsh in relation to the internal disciplinary process. These standards also apply to every element relating to disciplinary procedures, such as any related appeal.

Standard 86

- 6.5.2. A body must:
- allow and state in any document that it has which sets out its arrangements for disciplining staff that all members of staff may respond in Welsh to any allegations made against them, and
 - Inform the member of staff of that right, if it starts any internal disciplinary procedures against them
- 6.5.3. To 'allow' staff to respond in Welsh includes allowing staff to:
- respond in Welsh orally or in writing; and

- respond by presenting written material relevant to the allegations in Welsh (e.g. evidence), without the need for the member of staff to translate it into English.
- 6.5.4. It is possible that a body may already have a policy or procedure which outlines the arrangements for disciplining staff. A body may comply with this element of the standard by:
- revising that policy or procedure to include a statement which highlights the rights of members of staff, or
 - including a statement to that effect in a new policy or procedure

Standard 87

- 6.5.5. If a body organises a meeting with a member of staff regarding a disciplinary matter relating to his or her conduct, the body must:
- offer to conduct that meeting in Welsh, or if necessary, provide a translation service from Welsh to English for that purpose, and
 - conduct the meeting in Welsh, if that is the member of staff's wish, or if necessary, with the assistance of a consecutive or simultaneous translation service from Welsh to English.

Standard 88

- 6.5.6. Where a body informs a member of staff of a decision it has reached following a disciplinary procedure, it must do so in Welsh if one or more of the following applies:
- if the member of staff responded to allegations made against him or her in Welsh
 - if a member of staff asked for a meeting regarding the disciplinary procedure to be conducted in Welsh, or
 - if the member of staff asked to use Welsh in a meeting regarding the disciplinary procedure.
- 6.5.7. The requirements of this standard include any method in which a body informs a member of staff of its decision. This may include informing a member of staff orally, face-to-face or in writing.

To whom do these standards apply?

- 6.5.8. Standards 86–88 apply to all 'members of staff.' See section 3 of this code for an interpretation of the meaning of that term.
- 6.5.9. Standards 86–88 only apply to members of staff who have allegations made against them. If there are others involved in the process - for example a union representative, HR officer, line manager or witness – the offer to conduct a meeting in Welsh does not have to be offered to them under these standards (but other standards may apply).

6.6 Standards relating to a body's information technology and about support material provided by a body [standard 89]

What are the requirements?

6.6.1. A body must provide staff with:

- computer software for checking spelling and grammar in Welsh, and
- Welsh language interfaces for software (where a Welsh language interface exists).

Does a body have to provide every member of staff with the Welsh language software and interfaces?

6.6.2. The standard does not apply to a specific cohort of staff, such as Welsh-speakers, only. The body must offer to provide the Welsh language software and interfaces in question to all members of staff. It is expected to do so proactively.

6.6.3. This standard does not mean that staff have to use the Welsh language software and interfaces in question. The requirement is for a body to provide staff with the software and interfaces for the members of staff to use if they wish.

6.6.4. To 'provide' staff with Welsh language software and interfaces may include:

- installing the Welsh language software or interface on every computer as a matter of course (so that staff can choose to use it or not)
- installing the software on their behalf if they wish (if the software has not already been installed on the computer), or
- provide instructions and allow them to install it themselves.

What is meant by the term 'software for checking spelling and grammar'?

6.6.5. These kinds of software usually allow the user to check spelling and grammar when typing or at the end of a piece of work by clicking a button. The software will usually suggest alternative words or advice when a grammatical or typographical error is highlighted.

6.6.6. Spelling and grammar checking software is available as part of some popular computer packages as default or by downloading it as an attachment. Software is also available to buy commercially in the form of a licence or free download.

6.6.7. The kinds of software may include:

- the Cysgliad pack (which includes Cysill)
- a Microsoft Word or LibreOffice spell checker, and
- The Hunspell spellchecker

What is meant by the term 'Welsh language interfaces'?

- 6.6.8. The nature of interfaces changes according to any software, but an interface includes every way used by the user to communicate with a programme or software. The Welsh language programme or software will look and work exactly the same as if it had an English language interface but that Welsh text appears on each button, toolbar etc.
- 6.6.9. A number of popular computer programmes offer Welsh language interfaces which are available as free downloads and there are links to a number of them on the Commissioner's website. Software interfaces available (in full or in part) in Welsh include:
- Microsoft, Ubuntu, Fedora and Linux Mint operating systems
 - Microsoft Office; Libre Office; Office 365
 - Firefox; Microsoft Internet Explorer
 - Outlook.com; Gmail; Mozilla Thunderbird
 - Wordpress
 - VLC-VideoLAN, and
 - Skype.
- 6.6.10. If there is no Welsh language interface available for a software or a programme, the body is not expected to create its own in order to comply with this standard.

6.7 Standards relating to the intranet [standards 90–95]

What are the requirements?

- 6.7.1. These standards relate to a body ensuring that the pages of its intranet are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language.
- 6.7.2. The regulations do not offer a definition for the term 'Intranet'. The Commissioner, however, considers that 'intranet' usually means an internal computer network which:
- is not available to the public
 - is based on web technology, and
 - is available so that everyone in the workplace can communicate or share information.

Standard 90

- 6.7.3. A body must ensure that:
- the text of each page of its intranet is available in Welsh
 - every Welsh language page on its intranet is fully functional, and
 - the Welsh language is treated no less favourably than the English language on its intranet.

- 6.7.4. A body must ensure that all the text on its pages is available in Welsh. This includes the pages identified in standards 91 and 92, namely:
- the intranet homepage (or, when relevant, the intranet's Welsh homepage)
 - new pages that are published on the intranet, and
 - pages that are revised and published on the intranet..

Standard 91

- 6.7.5. A body must ensure that:
- the text of the homepage of its intranet is available in Welsh
 - any Welsh language text on its intranet's homepage (or, where relevant, its Welsh language intranet homepage) is fully functional, and
 - the Welsh language is treated no less favourably than the English language in relation to the homepage of its intranet.
- 6.7.6. An intranet's 'homepage' is considered to mean the page on the intranet which usually acts as the main page. The homepage usually operates as a navigation page and contains links to other sections of the intranet.

Standard 92

- 6.7.7. If a body publishes a new intranet page or amends a page, it must ensure that:
- the text of that page is available in Welsh
 - any Welsh language version of that page is fully functional, and
 - the Welsh language is treated no less favourably than the English language in relation to text on that page.
- 6.7.8. An intranet page would be considered a 'new' page if the body first publishes that page after the imposition day of the standard.
- 6.7.9. A page would be 'amended' if a body makes revisions to that page after the imposition day of the standard. That may include situations where a body updates, removes, adds or corrects the content of that page.

Standard 93

- 6.7.10. If a body has a Welsh language intranet page that corresponds to an English language page, it must state clearly on the English language page that the page is also available in Welsh. It must also provide a direct link to the Welsh language page on the corresponding English language page.
- 6.7.11. A body does not have to provide a statement on all relevant English language pages which follows the above word for word on all relevant pages in English. A body may make it clear that an English language page is also available in Welsh by including a button on the English page which navigates the user to the corresponding page in Welsh.
- 6.7.12. For example, a body may include a "Cymraeg" button in a prominent position (such as the top of the page) on the English language page, which would

include a link to the corresponding Welsh language page. Displaying a flag (e.g. the Welsh flag) would not be sufficient to show that an English language page is also available in Welsh.

Standard 94

6.7.13. A body must designate and maintain a page (or pages) on its intranet which:

- provides services and support material to promote the Welsh language, and which
- assists staff to use the Welsh language.

6.7.14. The body is expected to consider the following matters when designating and maintaining the relevant page(s):

- do the contents and range of services and materials reflect the size of the body, and
- is the content relevant and applicable to all of its services, departments, units or teams and the nature of its work.

6.7.15. The page (or pages) may include:

- instructions on how to use or access a spelling and grammar checker (e.g. Cysill, the Welsh language spelling and grammar checker, and the Microsoft Word spell checker)
- instructions on how to use or access dictionaries, vocabularies and technical terminology dictionaries, either offline (e.g. Cysgeir, the Geiriadur app for iOS and Android) or online (e.g. Porth Termau Cenedlaethol, Byd Term Cymru, Geiriadur yr Academi, Geiriadur Prifysgol Cymru y Drindod Dewi Sant, Geiriadur Prifysgol Cymru, Geiriadur Prifysgol Bangor, Termiadur Addysg, Gweiadur or Coleg Cymraeg Cenedlaethol's Academic Terms Resource)
- instructions on how to use or access translation memory software or machine translation software
- instructions on how to install or change software interfaces or apps to Welsh as well as how to insert Welsh circumflexes
- a directory of Welsh speakers who can provide a service in Welsh
- a directory of internal and/or external translation services and how to arrange them
- a description of the training available for staff to learn Welsh/improve their Welsh language skills and how to enrol on courses, and
- details of informal opportunities to use Welsh in the workplace (e.g. informal practice sessions).

Standard 95

6.7.16. A body must provide the interface and menus on its intranet pages in Welsh.

6.7.17. A body does not have to ensure that for English language pages if it does so for its corresponding Welsh language pages. However, if a page operates as a Welsh and English page together (e.g. a bilingual homepage on the intranet), a body must ensure that the interface and menus are in Welsh on that page.

What is meant by the term 'interface' and 'menus'?

- 6.7.18. An interface and menu may include those parts of the intranet that users use to communicate and interact with the intranet.
- 6.7.19. Menus may include a list of options, items, or commands for the user to choose from (e.g. a drop down menu which shows a list of possible options).

What is meant by the term 'treating the Welsh language no less favourably than the English language'?

- 6.7.20. Schedule 3, Part 3, Paragraph 13 of the regulations states:

“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.”

- 6.7.21. 'Other matters' may include treating the Welsh language no less favourably as regards:
- the language of material
 - the material's language order
 - the standard and quality of the material
 - the position and prominence of the material
 - when the material is provided or exhibited
 - how the material is published, provided or exhibited
 - the publication format of the material
 - the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
 - the content of the material (for example in terms of the detail or quality of the information it contains).
- 6.7.22. The term does not mean that a body must ensure that Welsh language material appears on the same page as the English language material. This may mean:
- that a body does not have to ensure that Welsh language material (or documents) are published on an English language version of an

intranet page (if that Welsh language material is published on a Welsh language or bilingual version), and

- o that a body is not prevented from displaying Welsh and English language material on the same page (i.e. a bilingual page) if it wishes to do so.

6.7.23. However, publishing an intranet in a way which makes English the default language may treat the Welsh language less favourably than the English (e.g. the intranet address which takes a user directly to the English version of the intranet). This means that only after a user has selected a language can Welsh and English language material appear on separate pages. To avoid this, a body may offer the user a language choice in the first instance in order to allow for material, once a language choice has been established, to appear in English or Welsh only.

6.7.24. The term does not mean that the body must ensure that Welsh language material must appear on a page that is likely to open before the corresponding English language version of a page.

Do the requirements of standards 90 to 95 mean that all the content on the intranet must be in Welsh?

6.7.25. No, not necessarily. Schedule 3, Part 3, Paragraph 16 of the regulations states:

“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).”

6.7.26. If a body provides links to other resources on the intranet, the links are expected to be consistent with the language of that page in order to ensure that the Welsh language is treated no less favourably than the English language. For example, a link provided on a Welsh language page of the intranet is expected to direct persons to a Welsh language version of the resource, if a Welsh language version is available. However, a body does not have to translate the resource into Welsh unless another standard requires a body to ensure that the resource is available in Welsh.

6.7.27. Therefore, if a body provides a link to a document on the intranet, it will be standards 36 to 38 or standards 81 to 82 that will apply to the language of that document and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that a link leads to a Welsh language version of a document, if a Welsh language version exists in accordance with the requirements of

standards 36 to 38 or standards 81 to 82. If a person (and not the body itself) presents information on an interactive page published on the body's intranet, the body does not have to translate that information into Welsh in order to comply with the requirements of these standards. That may include information presented a person:

- in chat rooms
- in a section for comments, or
- in a discussion forum.

What is meant by the term 'fully functional'?

6.7.28. The term means that the body ensures that the Welsh language page, the Welsh language text on the intranet's homepage or the Welsh language intranet homepage functions in at least the same way as the corresponding English language version and without any restrictions or errors.

6.7.29. This may include ensuring:

- that the Welsh language version of a page is updated and is not out of date nor subject to delay compared with the English language version of the page
- that search functions operate fully in Welsh
- that any technological functions operate fully in Welsh (e.g. text-to-speech)
- that Welsh language versions contain the same information as the English language versions
- that links are not broken, and
- that there are no faults on Welsh language pages.

6.8 A body developing Welsh language skills through planning and training its workforce [standards 96–105]

What are the requirements?

6.8.1. These standards relate to a body increasing the Welsh language skills of its workforce through planning and training.

Standard 96

6.8.2. A body must assess the Welsh language skills of its employees.

6.8.3. The outcomes of the assessment may enable a body to plan its workforce so that there are sufficient levels of Welsh language skills to respond to any needs by:

- identifying the current Welsh language skills of employees, and through this, identifying who can provide services in Welsh

- o identifying the body's needs in terms of Welsh language skills, including assessing the need for Welsh language skills for a new or vacant post in accordance with standard 106, and
- o planning to maintain and increase the Welsh language skills of employees in order to meet those needs.

What kind of Welsh language skills need to be assessed?

6.8.4. A body may assess the following Welsh language skills:

- o speaking
- o listening
- o reading
- o writing, and
- o understanding.

6.8.5. A body is expected to assess the Welsh language skills of its employees according to each kind of skill being assessed. This can ensure that a body has a complete picture of employee capabilities.

6.8.6. Usually, Welsh language skills are recorded in accordance with a recognised framework. The Commissioner wishes to see greater consistency in terms of recording employees' Welsh language skills, in order to facilitate the collection of data on the bilingual workforce. In order to ensure consistency on a national level in terms of the way in which bodies assess the Welsh language skills of employees, a body may choose to conduct the assessment based on the Common European Framework of Reference for Languages (CEFR) in future.

6.8.7. The National Centre for Learning Welsh's (NCLW) Learn Welsh Level Checker may also be used to contribute to determining the Welsh language skills of employees and identifying further training needs. This is an online diagnostic tool which identifies Welsh language capabilities when reading, writing, listening and speaking⁸⁹. The outcome of the checker will correspond to the levels determined in the National Curriculum for Welsh for Adults: Entry, Foundation, Intermediate or Advanced or Proficiency⁹⁰. These levels compare with the levels found in the CEFR framework and the Association of Language Testers in Europe (ALTE) framework as follows:

Entry	A1	Entry
Foundation	A2	1

⁸⁹ <https://learnwelsh.cymru/>

⁹⁰ National Curriculum for Welsh for Adults—an overview of ability level statements are provided in this document
<https://learnwelsh.cymru/media/1646/saesneg-final.pdf>

Intermediate	B1	2
Advanced	B2	3
Proficiency	C1	4
-	C2	5

According to which indicators should the body assess the Welsh language skills of employees?

- 6.8.8. A body may conduct the assessment in a way which would allow it to record employees' Welsh language skills according to specific indicators.
- 6.8.9. A body must ensure that the assessment allows it to record the number of employees who have Welsh language skills in accordance with standard 116.
- 6.8.10. However, a body may also conduct an assessment in a way which would allow it to record employees' Welsh language skills:
- on an organisational level
 - according to percentage
 - according to skill
 - according to level
 - according to job grade
 - according to workplace
 - according to service, and
 - according to directorate, department, or team.

Who should conduct the assessment?

- 6.8.11. It is a matter for the body itself to decide who should conduct the assessment. This may include:
- employees self-evaluating their Welsh language skills
 - employees undertaking exercises or tests to assess their Welsh language skills, and
 - managers identifying the Welsh language skills of employees as part of the appraisal process.

How often should an assessment take place?

- 6.8.12. In order to comply with standard 116 (record keeping), a body must keep a record of the number of employees who have Welsh language skills at the end of each financial year.

- 6.8.13. Therefore, in order to comply with the requirements of standard 116, as well as keeping updated records, a body must undertake such an assessment at least once a year. However, the Welsh Language Commissioner may ask a body to provide the above information at any time from the imposition day onwards, in accordance with the requirements of standard 121.
- 6.8.14. The information should be kept up-to-date, ensuring that any changes to Welsh language skill data are updated as required. Such changes may include a situation whereby:
 - an employee's language skills level changes (e.g. following Welsh lessons in accordance with standards 99 or 100)
 - an employee leaves the body
 - a new employee joins the body, or
 - an employee moves to another location, directorate, department, or team (and those changes affect the body's record).

Standard 97

- 6.8.15. A body must provide opportunities for training in Welsh in all of the following areas, if it provides such training in English:
 - recruitment and interviewing
 - performance management
 - complaints and disciplinary procedures
 - induction
 - dealing with the public, and
 - health and safety.
- 6.8.16. If a body does not provide opportunities for training in any of these specific areas in English, it does not have to provide the training in that specific area in Welsh in order to comply with the standard.
- 6.8.17. The kind of training provided in these areas depends on the nature and functions of the body. Therefore, it can vary from one body to the next. However, examples may include:

Recruitment and interviewing	Training on: <ul style="list-style-type: none"> ○ recruitment or interviewing techniques ○ assessing and selecting candidates ○ communication skills when recruiting or interviewing, or ○ creating job descriptions or person specifications.
Performance management	Training on: <ul style="list-style-type: none"> ○ understanding and implementing performance management processes ○ how to deliver effective feedback, or ○ how to set aims and expectations.

Complaints and disciplinary procedures	<p>Training:</p> <ul style="list-style-type: none"> ○ provided to those who are responsible for managing the complaints and disciplinary process at work, or ○ which clarifies how to establish and implement procedures appropriately and in accordance with the law.
Induction	<p>Training which:</p> <ul style="list-style-type: none"> ○ gives a formal introduction to the body or new post ○ provides generally useful information on the body or new post (such as staffing structure, facilities, brief history of the organisation, along with its functions and aims) ○ provides information on organisational procedures and policies ○ provides information on administrative issues (e.g. use of the web, telephone, email or how to authorise annual leave) ○ summarises the terms and conditions of the post (e.g. probation periods).
Dealing with the public	<p>Training which:</p> <ul style="list-style-type: none"> ○ relates to the way in which staff are expected to behave when dealing with the public ○ provides information on procedures, processes or guidance which should be followed by staff when dealing with the public ○ information on how to ensure that staff deal with the public effectively ○ provides or includes exercises on potential scenarios in order to increase confidence when dealing with the public.
Health and safety	<p>Training:</p> <ul style="list-style-type: none"> ○ provided in accordance with health and safety legislation (e.g. the Health and Safety at Work etc Act 1974) ○ in fire safety ○ in mental health ○ in first aid ○ in manual handling ○ in child protection and safeguarding

Standard 98

6.8.18. A body must provide opportunities for training in Welsh on using Welsh effectively in:

- meetings
- interviews, and

- complaints and disciplinary procedures.
- 6.8.19. This standard does not rely on the extent to which similar opportunities for training is provided in English by a body.
- 6.8.20. The National Centre for Learning Welsh provides this kind of training through its Work Welsh scheme.

Who should receive the training in accordance with standards 97 and 98 ?

- 6.8.21. These standards are not aimed at anyone in particular within a body. However, a body must ensure that the relevant training is available to the workforce in Welsh based on need.

What is meant by the term 'using Welsh effectively'?

- 6.8.22. The term refers to increasing the ability and confidence of its workforce to undertake the activities identified in the standard effectively in Welsh.
- 6.8.23. The term applies to various aspects of a body's activities and could apply to anyone in the workplace that undertakes various functions. It could include activities such as leading or chairing a meeting (internal or external) or contributing to meetings. It could also apply to anyone in the workplace who may wish to become more confident in their use of Welsh when conducting interviews or in relation to complaints and disciplinary matters.
- 6.8.24. The training opportunities could include the following:
- consider which common Welsh terms to use as part of the activities identified in the standard in order to ensure that Welsh is used effectively for the purpose of these activities, and to develop the confidence to use the language effectively in them
 - provide guidance on any Welsh language documents or forms used by the body for the purpose of the activities identified in the standard in order to develop the confidence to use these documents and forms effectively, and
 - raise awareness of the internal policies and guidance which exist for using Welsh, as well as awareness of the relevant standards in relation to meetings, interviews and complaints and disciplinary procedures.

What is meant by the term 'provide opportunities for training'?

- 6.8.25. The term means that the body educates everyone in the workplace in a specific area in order to increase their knowledge in that area.
- 6.8.26. The nature of any training and the resources required to provide that training will change according to the nature of each body. The requirement in standards 97 and 98 is for the training to be provided in Welsh in accordance with the body's arrangements.

- 6.8.27. A body does not have to deliver a course in Welsh if no-one wishes to take that course. Furthermore, standard 97 does not prevent a body from offering a course in Welsh and English at the same time.
- 6.8.28. Some courses would not be appropriate for translation services. However, some other courses, such as a course delivered in a traditional classroom setting, may be ones which could be delivered with the use of translation services for example, if it is not possible to do so without a translation service.

Does the requirement extend to training provided by external trainers?

- 6.8.29. Yes, to the extent that the third party provides the training on behalf of the body through an arrangement.

Standard 99

- 6.8.30. A body must provide opportunities during working hours:
- for its employees to receive basic Welsh language lessons, and
 - for employees who manage others to receive training on using the Welsh language in their role as managers.

What is meant by the term 'basic Welsh language lessons'?

- 6.8.31. The term means lessons for learning Welsh language skills, such as listening, understanding, reading, speaking and writing. The aim of these lessons would be to allow an employee to undertake basic functions through the medium of Welsh.
- 6.8.32. This may include the ability to undertake the following:
- pronounce words (e.g. names of people, titles and places relevant to the workplace) correctly
 - introducing oneself
 - using common everyday phrases (e.g. greetings, thank you and directing someone to a room)
 - providing basic personal details (e.g. name, organisation's name, address)
 - identifying a person's language choice
 - starting a written message and ending it appropriately
 - understanding greetings
 - understanding any phrases which are commonly used in the workplace, and
 - understanding basic personal details (e.g. name and address).
- 6.8.33. 'Basic Welsh language lessons' may include training on a 'pre-entry' level. This may mean the training provided before an employee undertakes 'Entry (A1)' level training.

Does a body have to provide a certain number of hours of lessons or training?

6.8.34. There is no limit in terms of the number of hours that must be offered under standards 99 and 100.

What is meant by the term 'using the Welsh language in their role as managers'?

6.8.35. The term refers specifically to increasing managers' ability and confidence to undertake daily activities through the medium of Welsh.

6.8.36. Examples of what can be offered as part of the training may include the following:

- raising awareness of how the Welsh language can be used in matters such as discussing performance objectives with employees, conducting meetings with employees through the medium of Welsh
- providing guidance on any Welsh language documents or forms which employees will be expected to complete in their role as managers, in order to facilitate the use of these forms and ensure that the documents and forms are used effectively, or
- raising awareness of the internal policies and guidance which exist for using Welsh, as well as awareness of the relevant standards in their role as managers.

Standard 100

6.8.37. A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills.

6.8.38. This may include training at the following levels:

- Entry (A1)
- Foundation (A2)
- Intermediate (B1)
- Advanced (B2)
- Proficiency (C1)
- or any other level which develops the employee's Welsh language skills further beyond the level reached following the 'basic Welsh language lessons' provided in accordance with standard 99.

6.8.39. The kind of training may also include training to develop the language skills of employees already fluent in Welsh but that want to:

- refine their Welsh language skills; or
- develop confidence to use their language skills to draft bilingual documents and correspondence.

6.8.40. The body may ensure that the training is provided during normal working hours, but that is not required in order to comply with the standard. However,

the body is expected to ensure that the hours offered to the employee would not place them at a disadvantage.

Standard 101

6.8.41. A body must provide training opportunities for employees, at no cost, to improve their Welsh language skills.

Standard 102

6.8.42. A body must provide employees with training courses in the following areas:

- awareness of the Welsh language (including awareness of its history and its role in Welsh culture)
- an understanding of the duty to operate in accordance with the Welsh language standards, and
- an understanding of how the Welsh language can be used in the workplace.

6.8.43. This training does not have to be provided in Welsh in accordance with this standard, but a body is expected to consider the requirements on the body in accordance with standard 97 to provide training in Welsh if it provides it in the relevant training areas.

6.8.44. Examples of what can be offered as part of the training may include:

- **awareness of the Welsh language** -this may include information on the history of the language, the origin of the Welsh language, facts about the Welsh language (such as census information), the benefits of using the Welsh language or information on the Welsh Language Commissioner
- **an understanding of the duty to operate in accordance with the Welsh language standards** - this may include information on the exact standards with which the body must comply and also information on the Measure and its objectives, and
- **an understanding of how the Welsh language can be used in the workplace** - this may include information on how the body is promoting and facilitating use of Welsh in the workplace or information on the operational standards in the regulations and the rights resulting from those.

Standard 103

6.8.45. If a body provides information to new employees (for example by means of an induction process), it must provide information for the purpose of raising their awareness of the Welsh language.

6.8.46. The information could be provided as part of training or in the form of a document. This information does not have to be provided in Welsh in accordance with this standard, but the body is expected to consider what is required of it under standard 97, to provide the information in Welsh if provided in the relevant training areas.

6.8.47. A body may provide information which includes:

- information on the language's history
- information on the role of the Welsh language in Welsh culture
- information on the origin of the Welsh language
- facts about the Welsh language (such as census information)
- information on the Welsh language in the area served by the body
- the benefits and importance of using the Welsh language
- information on the Welsh Language Commissioner, the standards and language duties.

Standard 104

6.8.48. A body must provide wording or a logo for its staff to include in e-mail signatures which will enable them to indicate whether they speak Welsh fluently or are learning the language. A body does not have to provide wording or a logo to staff expressing the above word for word. However, the wording or logo is expected to be clear and explicit enough to indicate that a member of staff is fluent in Welsh or is learning the language.

6.8.49. The Commissioner's Iaith Gwaith logo can be used to show that a member of staff has Welsh language skills, but the logo in itself would not necessarily convey their level of proficiency.

6.8.50. The way in which a body identifies the extent in which its staff are 'fluent' Welsh speakers or 'learning the language' will depend on how it assesses their language skills.

6.8.51. If a body assesses the language skills of its staff in accordance with the CEFR framework, a 'fluent' Welsh speaker may include a member of staff that has reached level C1 or above. Usually, level C1 or above is the most appropriate level in terms of being able to use the Welsh language effectively in the workplace. A member of staff that is 'learning the language' may include a member of staff who has reached level A1-B2 in accordance with the CEFR Framework.⁹¹.

6.8.52. A body must provide wording for its employees which will enable them to include a Welsh language version of their contact details in e-mail messages. It must also provide a Welsh language version of any message which informs others that they are unavailable to respond to e-mail messages.

6.8.53. Contact details in e-mail messages include:

- job title
- the employee's work address, and
- the name of the body (to the extent that the body has a Welsh name), and
- any notes which are included regarding the employee's working hours.

⁹¹ It is recognised that persons that have Welsh language skills which correspond to level B2 can provide services in Welsh confidently in some contexts.

Standard 105

6.8.54. A body must:

- provide staff members who can speak Welsh with a badge to wear that conveys that, and
- encourage staff members to wear the badge

6.9 Standards relating to recruiting and appointing [standards 106–109]

What are the requirements?

6.9.1. These standards relate to a body recruiting and appointing and include requirements regarding that process.

Standard 106

6.9.2. If a body assesses the requirements for a new or vacant post, it must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply:

- Welsh language skills are essential
- Welsh language skills need to be learnt when appointed to the post
- Welsh language skills are desirable, or
- Welsh language skills are not necessary.

6.9.3. In order to assess the linguistic requirements of a post, a body is expected to consider linguistic needs as a matter of course when a new post is created or when a vacancy arises, looking at the body's ability to meet the requirements of the standards alongside that.

6.9.4. It should be noted that a body must keep a record of each assessment held in relation to standard 106 in accordance with standard 117 .

6.9.5. The following may be considered as part of the criteria when considering how to determine the need for Welsh language skills for the post:

- the function of the role—is there any external contact there is an expectation to be able to communicate in both Welsh and English;
- does or will the post holder work in a certain geographical area where there is a high number or percentage of Welsh speakers
- the local considerations of an organisation's language policy e.g. the need for internal administration or more internal administration through the medium of Welsh, or that a minimum level of Welsh language skills is set for specific roles within a policy
- the current numbers of staff available to provide a service in Welsh—a body is expected to refer to its skills assessment in accordance with standard 96, referring to any gaps in language skills to provide services in Welsh, and

- the need to deal with other organisations whose internal administration is undertaken through the medium of Welsh or bilingually.
- 6.9.6. Welsh language skills are usually 'essential' in a situation where no-one is available to provide a service through the medium of Welsh or if more Welsh speakers are required to provide a service in Welsh.
- 6.9.7. If Welsh language skills are not essential, a body may come to the conclusion that Welsh language skills are 'desirable'. This may include a situation where the organisation already has capacity to be able to provide a specific service in Welsh, but that it would be desirable to reinforce that Welsh language provision by recruiting more people with Welsh language skills to provide the service in Welsh. Generally, if Welsh language skills are desirable for a post, a body may assume that an applicant that has Welsh language skills has an advantage over another applicant when being considered for a post but it would not be necessary for the successful applicant to have those skills.
- 6.9.8. A body may determine that a post requires learning Welsh language skills when someone is appointed to the role. Usually, those appointed to a role would need to reach a particular level of fluency as a condition of their appointment. That condition is usually noted in the job advertisement. An example of a situation where posts are categorised like this may include:
- if a body has identified a post where Welsh language skills are essential, but there have been difficulties appointing a candidate with Welsh language skills to that role and it is decided to re-advertise that role, and
 - if a body knows for certain that there is a significant shortage of persons with Welsh language skills who can undertake the role in question, and that it is likely that a non-Welsh speaker will have to be appointed (e.g. a highly specialised role).

Standard 106A

- 6.9.9. If a body has categorised a post (in accordance with standard 106) as one where Welsh language skills are essential, desirable or need to be learnt it must:
- specify that when advertising the post, and
 - advertise the post in Welsh.
- 6.9.10. This may include identifying the category of the post in the job description, the person specification and the advertisement itself (in the press, in adverts or on the body's website).
- 6.9.11. A body may decide to advertise posts where the Welsh language is essential in Welsh only if it wishes. For example, a body may decide to advertise in Welsh only in Welsh language publications or do so with a short explanation in English in advertisements published in English language publications.

What is meant by the term 'post'?

6.9.12. For the purposes of standards 106 and 106A only, "post" is interpreted in Schedule 3, Part 3, Paragraph 17 of the regulations as follows:

- “(a) "post" includes a public appointment;
- (b) “public appointment” means any appointment to a public body or public office.”

6.9.13. This includes any new post within the body or any vacancy after the imposition day, whether the post is a permanent or temporary post, or a post which is advertised internally only or externally.

Standard 107

6.9.14. When advertising a post, a body 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.

6.9.15. The regulations do not elaborate on what the exact wording of the statement should be in order to comply with the standard. However, the standard notes that the body must state:

- that applications may be submitted in Welsh, and
- that applications made in Welsh will not be treated less favourably than those made in English.

6.9.16. A body is not required to include a statement expressing the above word for word. However, that statement is expected to be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to receiving applications in Welsh, and ensuring that an application made in Welsh is not treated less favourably than an application made in English.

Standard 107A

6.9.17. If a body published the following, it must publish them in Welsh:

- application forms for posts
- material that explains its procedure for applying for posts
- information about the interview process, or about other assessment methods when applying for posts, or
- job descriptions.

6.9.18. It must also ensure that no Welsh language versions of the documents are treated less favourably than the English language versions of those documents.

6.9.19. Schedule 3, Part 3, Paragraph 14 of the regulations states:

“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 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 the material is published, provided or exhibited;
- (d) the publication format of the material.”

6.9.20. 'Other matters' may include treating the Welsh language no less favourably as regards:

- o the material's language order
- o the standard and quality of the material
- o the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- o the content of the material (for example in terms of the detail or quality of the information it contains).

Standard 107B

6.9.21. A body must not treat an application for a post made in Welsh less favourably than an application made in English. The standard itself contains specific examples of some contexts where a job application made in Welsh should not be treated less favourably than one 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.”

6.9.22. Therefore, the closing date must be the same for Welsh and English applications and it must be ensured that there is no delay in informing Welsh language applicants of decisions compared with English language applicants.

6.9.23. The term 'must not treat an application for a post made in Welsh less favourably than an application made in English' in the context of this standard includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of the body's consideration of that application.

Standard 108

6.9.24. A body must ensure that its application forms for posts:

- provide a space for applicants to indicate that they wish to use the Welsh language at an interview or at any other method of assessment, and
- explain that the body will provide a simultaneous or consecutive translation service from Welsh to English for that purpose if it is required.

6.9.25. If the applicant wishes to use the Welsh language at the interview or assessment, the body must provide a simultaneous or consecutive translation service at the interview or assessment (unless the body conducts the interview or assessment in Welsh without a translation service).

What is meant by the term 'other method of assessment'?

6.9.26. The term includes any method used by the body to assess candidates' skills or suitability for posts. Such examples may include:

- specific tasks or activities to prove suitability or ability in the role e.g. a written task responding to a specific scenario; standard letter writing task
- role play
- an oral or written exam
- psychometric tests
- any multiple choice questions which candidates must answer
- any presentation which candidates are required to give as part of the interview.

Would it be possible for a body to assess an individual's proficiency in English as well through an interview or other means of assessment?

6.9.27. Yes. These standards do not prevent a body from doing so.

Standard 109

6.9.28. If a body informs an applicant of its decision in relation to an application for a post, it must do so in Welsh if the application was made in Welsh.

6.9.29. A body must do so in relation to any decision made at any point in the process relating to a job application. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made such as:

- the outcome of an assessment conducted as part of the recruitment process
- that the applicant has been successful or unsuccessful
- that the application has succeeded or failed to reach the shortlist, or
- any other decision made during the process.

6.9.30. The requirements of this standard include any method in which a body informs an applicant of its decision. This may include informing an applicant orally, face-to-face or in writing.

What is meant by the term 'post' in the context of standard 107 to 109?

6.9.31. Schedule 3, Part 3, Paragraph 18 of the regulations states:

“For the purposes of standards 107 to 109 only ”post” includes a voluntary post”

6.10 A plan dealing with offering to carry out clinical consultations in Welsh [standards 110–110A]

What are the requirements?

Standard 110

6.10.1. A body must publish a plan dealing with offering to carry out clinical consultations in Welsh for each period of 5 years. The plan must set out:

- the extent to which the body are able to offer to carry out a clinical consultation in Welsh
- the actions it intends to take to increase its ability to offer to carry out a clinical consultation in Welsh, and
- a timetable for the actions that it intends to take to increase its ability to offer to carry out a clinical consultation in Welsh

What is meant by a 'period of 5 years'?

6.10.2. Schedule 3, part 3, paragraph 19 of the regulations states:

“In standard 110 the “5 year period” means—
(a) 5 years beginning with the imposition date, and
(b) each subsequent 5 year period.”

What is meant by 'imposition date'?

6.10.3. Schedule 3, part 3, paragraph 20 of the regulations states:

“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.”

Standard 110A

- 6.10.4. Three years after publishing a plan in accordance with standard 110, and at the end of a plan's 5 year period you must—
- o assess the extent to which you have complied with the plan; and
 - o publish that assessment within 6 months.

6.11 Signs and notices displayed or published in a body's workplace [standards 111–113]

What are the requirements?

- 6.11.1. When erecting a new sign, renewing a sign (including temporary signs) or publishing or displaying a notice in its workplace, a body must ensure that any text displayed on the signs or notices is displayed in Welsh. It must also ensure that the Welsh language text is not treated less favourably than the English language text on those signs or notices. The standards also impose requirements in relation to the accuracy and position of the Welsh language on signs and notices.
- 6.11.2. These standards usually apply to signs and notices displayed or published in the body's workplace which aren't usually visible to the public.
- 6.11.3. A body would usually 'erect a new sign or notice' when it is placed where there was no such sign or notice before. A body would 'renew a sign or notice' if it makes any change to a sign or notice, or erects a new sign or notice instead of an old one in the same position.
- 6.11.4. The standard also applies when the body erects a sign or notice in a new place or location.
- 6.11.5. In terms of electronic signs or notices, a body would 'erect a new sign or notice' each time text is displayed anew appears on an electronic sign or notice.

Standard 111

- 6.11.6. If a body erects a new sign or renews a sign in the workplace (including temporary signs), or publishes or displays a notice in the workplace, it must ensure that any text on that sign or notice is displayed in Welsh. A body may display the Welsh language text on the same sign or notice as it displays the corresponding English language text or on a separate sign or notice. A body must ensure that it does not treat the Welsh language text less favourably than the English language text on such signs or notices.
- 6.11.7. Schedule 3, Part 3, Paragraph 14 of the regulations states:

“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 the material is published, provided or exhibited; or
- (d) the publication format of material.”

6.11.8. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the text's language order
- the standard and quality of the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Standard 112

6.11.9. If a body erects a new sign or renews a sign (including temporary signs), or publishes or displays a notice in the workplace which conveys the same information in Welsh and in English, it must ensure that the Welsh language text is positioned so that it is likely to be read first.

6.11.10. If a body displays the Welsh language text and corresponding English language text on the same sign or notice, the Welsh language text would be likely to be read first usually if it is positioned above or to the left any corresponding English language text, based on the standard practice of reading text from top to bottom and from left to right.

6.11.11. If a body displays the Welsh language text and corresponding English language text on separate signs or notices, the Welsh language text would be likely to be read first usually if the sign or notice displaying the Welsh language text is erected:

- above and to the left of the sign or notice displaying the corresponding English language text, and
- in front of the sign or notice displaying the corresponding English language text.

6.11.12. For example, erecting a Welsh language sign in front of an English language sign on the side of the road would be likely to lead to a person arriving at the Welsh language sign and reading it first usually, based on the practice of reading individual signs in order.

Standard 113

6.11.13. A body must ensure that Welsh language text on signs and notices displayed in its workplace (whether they be signs or notices that were erected before or after the imposition day) are accurate in terms of meaning and expression. That may relate to:

- the content of the sign
- the text's spelling
- the text's syntax, or
- words and phrases used.

What is meant by the term 'temporary sign'?

6.11.14. These standards also apply to any temporary signs that are erected or renewed. Where a body is required to comply with standard 111 therefore, any text displayed on a temporary sign that is erected anew, or that is renewed, must be displayed in Welsh. In the same way as those signs which are intended to be permanent, where a body is required to comply with standard 112, it must ensure that the Welsh language displayed on the temporary sign in question is positioned so that it is likely to be read first (before the corresponding English language text).

6.11.15. A 'temporary sign' includes any sign not intended to stay permanently in the place it is erected. Such examples may include:

- a temporary sign or notice informing that the machine or equipment is out-of-order
- a temporary sign telling people that an area is off limits due to repair work, or
- a temporary sign telling people what the body's temporary opening hours of the body's internal canteen are.

Does a body's corporate identity which appears on signs apply to standards 111–113?

6.11.16. Yes. Where a body's corporate identity appears on a sign, it must comply (subject to the compliance notice) with standard 62 as well as standards 111–113. However, that does not mean that Welsh language text on corporate identity needs to be positioned so that it is likely to be read first.

What if other proper nouns are displayed on a sign? Does a body have to ensure that those names are displayed in Welsh?

6.11.17. Yes. A body must display the proper noun in Welsh to the extent that:

- a Welsh name exists and has been established for that to which the sign is intended to refer, and
- there is no other enactment preventing a body from using a Welsh proper noun on a sign

6.11.18. This may include displaying information on:

- settlements (villages, towns and cities)
- streets and estates
- buildings or other built features (e.g. bridge)
- organisations
- areas (e.g. coastal areas or conservation areas)
- topographical features (e.g. islands, mountains, hills, headlands, rocks, beaches, forests or rivers), or
- other place-names.

6.11.19. The Commissioner is responsible for providing advice on standard forms of place-names in Wales. The Commissioner can advise bodies on the standard form of names of settlements (i.e. villages, towns and cities) in Wales. The Commissioner has published these recommendations in an online searchable database and the lists are available to download under open licence: List of Standardised Welsh Place-names⁹².

6.11.20. The Commissioner follows specific standardisation guidelines when producing her recommendations: Guidelines for Standardising Place-names in Wales⁹³. These Guidelines deal specifically with the names of settlements. They do not necessarily apply to house names nor other landscape features. However, they contain several valuable principles which could be applied when dealing with these names or when naming new developments, for example.

6.11.21. A body may use this consultation service to ensure that it uses the standardised Welsh language form of that noun on the Welsh language version of the sign.

6.12 Audio announcements and messages in a body's workplace [standard 114]

What are the requirements?

6.12.1. If a body makes any recorded announcements in the workplace using audio equipment, that announcement must be made in Welsh. If the

⁹² See the List of Standardised Welsh Place-names on the Commissioner's website.
<https://www.welshlanguagecommissioner.wales/standardised-welsh-place-names>

⁹³ See Guidelines for Standardising Place-names in Wales on the Commissioner's website.
<https://www.welshlanguagecommissioner.wales/media/d0fbot5r/20230616-dg-s-guidelines-for-standardising.pdf>

announcement is made in Welsh and in English, the announcement must be made in Welsh first.

What is meant by the term 'audio announcements'?

- 6.12.2. The term includes any recorded announcements made by using the body's audio equipment for the attention of the workplace.
- 6.12.3. Examples of announcements which would apply to this standard may include:
- announcements for the attention of the workforce in lifts within the body's buildings, or
 - loudspeaker messages within the buildings for the attention of the workforce, such as instructing a member of staff to go to a specific area.

Are there any exceptions?

- 6.12.4. Yes. Schedule 3, Part 3, Paragraph 21 of the regulations state:

“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.”

- 6.12.5. This means that there is no requirement on a body to ensure that a message announced over a public address system is the body's workplace during an emergency or an emergency drill is announced in Welsh. For example, there requirement of the standard would not apply should a body announce a message over a public address system informing persons that they need to leave a building because of a fire, or a message over a public address system during a fire drill.

7 Record keeping standards

[115–117]

7.1 A body keeping records [standards 115–117]

What are the requirements?

- 7.1.1. The following standards require a body to keep records of specific information which is related to or involves the way in which it complies with the standards.

Standard 115

- 7.1.2. A body must keep a record, in relation to each financial year, of the number of complaints it receives relating to its compliance with the standards.

Standard 116

- 7.1.3. A body must keep a record, following assessments made in accordance with standard 96, of the number of employees who have Welsh language skills at the end of each financial year.

- 7.1.4. A body must keep a record of the skill levels of those employees if known. However, a body is expected to keep a record of the skill levels of employees as a matter of course when assessing their Welsh language skills.

- 7.1.5. As well as the number of employees, a body may keep a record of the percentage of employees who have Welsh language skills.

- 7.1.6. A body may keep an organisational record of the number and percentage of employees who have Welsh language skills.

- 7.1.7. A body may keep a record of the number and percentage of employees who have Welsh language skills:

- on an organisational level
- according to percentage
- according to skill
- according to level
- according to job grade
- according to workplace
- according to service, or
- according to directorate, department, or team.

- 7.1.8. As noted in paragraph 6.8.4 of this code, a body may assess the following skills as part of the assessment required in standard 96:

- oral
- listening
- reading

- writing, and
- understanding.

7.1.9. Therefore, if a body assesses the above, the records in terms of standard 116 are expected to include information on the above matters.

Standard 117

7.1.10. A body 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:

- Welsh language skills are essential
- Welsh language skills need to be learnt when appointed to the post
- Welsh language skills are desirable, or
- Welsh language skills are not necessary.

What is meant by the term 'keep a record'?

7.1.11. A 'record keeping standard' is interpreted in section 32(1) of the Measure, as:

“[...] a standard relating to the keeping of —

- (a) records about other specified standards, and
- (b) records about—
 - (i) complaints concerning a person's compliance with other specified standards, or
 - (ii) other complaints concerning the Welsh language.”

7.1.12. In addition, the British Standards Institution interprets 'records' as:

“information created, received and maintained as evidence and as an asset by an organization or person, in pursuit of legal obligations or in the transaction of business.”⁹⁴

7.1.13. The term therefore means that a body should keep *written* records in relation to relevant standards and complaints. Those records may be records that the body has created itself, has received or has maintained as evidence.

What is meant by the term 'financial year'?

7.1.14. Schedule 4, Part 2, Paragraph 3 of the regulations states:

“For the purposes of standards 115, 116 and 117, “financial year”

⁹⁴ BS ISO 15489-1:2016 Information and documentation—Records management—Part 1: Concepts and Principles.

means the body's own financial year."

8 Standards which deal with supplementary matters [118–121]

What are the requirements?

8.1 Standards which deal with supplementary matters

- 8.1.1. The standards dealing with supplementary matters establish a procedure for reporting on compliance. They require a body to ensure that they have specific documents which relate to the way it complies with other standards with which it is under a duty to comply. These standards also provide for submitting information to the Commissioner, when the Commissioner requests it.

8.2 A body publicising standards [standard 118]

Standard 118

- 8.2.1. A body must ensure that a document which records all the standards with which it is under a duty to comply, and the extent to which it is under a duty to comply with those standards, is available on its website.
- 8.2.2. The current compliance notice is considered to be such a document.
- 8.2.3. The requirement for a body to record the extent to which it is under a duty to comply with standards includes recording:
- if the requirement to comply with a standard has been postponed in accordance with section 60(2) of the Measure
 - if a body is required to comply with a standard in some circumstances, but not in other circumstances, and
 - if a body is required to comply with a standard in some area or areas, but not in other areas.

8.3 A body publishing a complaints procedure [standard 119]

Standard 119

- 8.3.1. A body must ensure that it has a complaints procedure that deals with how it intends to deal with complaints relating to its compliance with the standards with which it is under a duty to comply.
- 8.3.2. The body must also publish a document that records that procedure on its website.
- 8.3.3. A body does not have to ensure that it has separate complaints procedures for each class of standards. The regulations allow it to do so by including the information in one document.

- 8.3.4. A body may also revise an existing complaints procedure in order to include information which deals with the necessary matters identified in the standards. For example, a body may revise its corporate complaints procedure to ensure that it complies with the requirements rather than having a completely separate complaints procedure.
- 8.3.5. The requirements of part (a) of this standard means that a body can include information on the following in a complaints procedure:
- those responsible for dealing with the complaint
 - the way in which a body deals with complaints
 - the timetable for dealing with complaints
 - the way in which the body deals with complaints involving compliance with the standards is different from the way in which it deals with other complaints
 - the ways in which persons can make a complaint to the body
 - the addresses persons should use to make a complaint, and
 - the information persons should provide so that the body can deal effectively with the complaint.

8.4 A body producing an annual report regarding standards [standard 120]

Standard 120

- 8.4.1. A body must produce an annual report, in Welsh, in relation to each financial year which deals with the way it has complied with each of the standards with which it has a duty to comply with during that year.
- 8.4.2. The standard also imposes requirements to include the following information:
- the number of complaints received during the year in question relating to its compliance with standards with which it was under a duty to comply
 - the number of employees who have Welsh language skills at the end of the year in question, and
 - the number of new and vacant posts that the body 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, and
 - iv. Welsh language skills were not necessary.
- 8.4.3. Standard 120 requires a body to include this information, on the basis of records kept in accordance with standard 115, 116 and 117, in the report. It may consider publishing the information in a way which follows open data principles. A body may report the number of complaints received per relevant class of standards separately from each other.
- 8.4.4. A body must produce the annual report in Welsh, and publish it no later than 6 months following the financial year to which the report relates.

- 8.4.5. A body must ensure that a current copy of its annual report is available on its website.
- 8.4.6. A body may include the information in one annual report entitled "Welsh Language Standards Annual Report". For clarity, the title of the report may also refer to the name of the body and the financial year that the report relates to (e.g. "[Body's name]'s Welsh Language Standards Annual Report for [the financial year in question]").
- 8.4.7. A body is not required to present the annual report to the Commissioner in the same way as for Welsh language schemes. However, the Commissioner may access the report via the body's website or via provision made in standard 121.

What is meant by the term 'financial year'?

- 8.4.8. Schedule 5, Part 2, Paragraph 6 of the regulations states:

"For the purposes of standard 120, "Financial year" means the body's own financial year."

8.5 A body publicising the way it intends to comply with standards [standard 121]

Standard 121

- 8.5.1. A body must provide the Commissioner with any information requested which relates to its compliance with the service delivery, the policy making, or the operational standards with which it is under a duty to comply.
- 8.5.2. Such information may include information on issues such as the following (to the extent that relevant standards are included in an organisation's compliance notice):
- the quality of Welsh language services
 - the Welsh language skills of employees
 - the number of Welsh speakers in the body's area
 - the development of employees' Welsh language skills
 - policy decisions
 - the Welsh language as part of the body's internal administration
 - awareness of linguistic needs
 - complaints
 - compliance oversight arrangements
 - promoting and facilitating the use of services, and
 - the promotion of the Welsh language (where relevant).
- 8.5.3. The Commissioner will ask for the information within a reasonable time-frame, set by the Commissioner. The information submitted is expected to be relevant, current and in an electronic format, when specified in the

request. In this context, the Commissioner's requests for information are not made under the Freedom of Information Act. Therefore, an organisation cannot use the exceptions of this Act to refuse to provide the information, unless allowed by legal limitations.

Appendix 1

Changes to the regulations

Health and Social Care (Quality and Engagement) (Wales) Act 2020⁹⁵ amend the Welsh Language Standards (No. 7) Regulations 2018.

The act states:

- 16 (1) The Welsh Language Standards (No. 7) Regulations 2018 are amended as follows.
- (2) In regulation 3(2)(b) for “Community Health Councils and the Board of Community Health Councils in Wales requiring them” substitute “the Citizen Voice Body requiring it”.
- (3) In Schedule 6—
- (a) omit the entry for the Board of Community Health Councils in Wales;
 - (b) omit the entry for Community Health Councils;
 - (c) at the appropriate place insert—
“the Citizen Voice Body for Health and Social Care, Wales (“Corff Llais y Dinesydd ar gyfer Iechyd a Gofal Cymdeithasol, Cymru”)”.

Schedule 3, Part 1, Paragraph 16, Health and Social Care (Quality and Engagement) (Wales) Act 2020

<https://www.legislation.gov.uk/asc/2020/1/schedule/3/enacted/welsh>

Appendix 2

Templates to facilitate compliance

Below are a series of templates to facilitate compliance with the standards. Please note that they are for guidance only and that a body is not required to use them in order to comply with the relevant standards. They include the following:

Template 1	A guide for formulating a new policy, or reviewing or revising an existing one	69–71	Policy making
Template 2	A guide for publishing a consultation document which relates to a policy decision under consideration	72–74	Policy making
Template 3	A guide for commissioning or undertaking research to assist the body to make policy decisions	75–77	Policy making
Template 4	A guide for producing a ‘Welsh Language Standards Annual Report’	120	Supplementary matters

Template 1: Standards 69–71

1	Name of policy	
2	New (i) policy, reviewed (ii) policy or revised (iii) policy	
3	The decision(s) under consideration during the formative period	
4	Record of possible effects of the decision(s) on opportunities for persons to use the Welsh language: Positive / Adverse / No effects	
5	Record of possible effects of the decision(s) on treating the Welsh language no less favourably than the English language: Positive / Adverse / No effects	
6	Record of mitigation in order to secure positive or more positive effects (based on the outcomes of rows 4 and 5 above)	
7	Record of mitigation in order to avoid adverse effects or secure less adverse effects (based on the outcomes of rows 4 and 5 above)	
8	Record of recommendations in relation to the Welsh language for policy decision makers	
9	Record of decision in relation to the Welsh language	
10	Record of all of the information and evidence which forms the basis of the decision	

Template 2: Standards 72–74

1	Name of consultation	
2	The policy decision(s) under consideration during the consultation	
3	Record of the way in which the consultation document considered and sought views on the possible effects of the proposed policy decision on opportunities for persons to use the Welsh language in accordance with the requirements of standards 72–74	
4	Record of the way in which the consultation document considered and sought views on the possible effects of the proposed policy decision on treating the Welsh language no less favourably than the English language in accordance with the requirements of standards 72–74.	
5	Record of the way in which the consultation document considered and sought views on how the proposed policy could be formulated or changed so that it: <ul style="list-style-type: none"> ○ ensures positive or more positive effects on the Welsh language, and ○ avoids adverse or secures less adverse effects on the Welsh language. 	
6	Record the number of responses commenting on effects on the Welsh language.	
7	Record of mitigation following examination of responses during the consultation in relation to the Welsh language	
8	Record of reasons for non-mitigation following responses in relation to the Welsh language	
9	Following the consultation, a record of recommendations in relation to the Welsh language presented for policy decision makers	

10	Record of the decision made in relation to the Welsh language	
11	Record of all of the information and evidence which forms the basis of the decision	

Template 3: Standards 75–77

1	Name of research to be conducted	
2	Record of possible effects of policy on opportunities for persons to use the Welsh language: Positive / Adverse / No effects	
3	Record of possible effects of policy on treating the Welsh language no less favourably than the English language: Positive / Adverse / No effects	
4	Record of aspects which should be researched and included in the research specification before commencement in order to secure positive or more positive effects (based on the outcomes of rows 3 and 4)	
5	Record of aspects which should be researched and included in the research specification before commencement in order to avoid adverse effects or secure less adverse effects (based on the outcomes of rows 3 and 4)	
6	Record of the content of the research specification in relation to the Welsh language	
7	Record of the person(s) making the decision in relation to the research specification	
8	Record of all of the information and evidence which forms the basis of this assessment	

Template 4: Welsh Language Standards Annual Report

1.	Foreword	
1.1	Purpose of the report	
1.2	Self-assessment statement	
1.3	Publication date	
1.4	Contact details for enquiries	
2.	Compliance Oversight Arrangements	
2.1	Details of responsible senior officer	
2.2	Deputising arrangements for operational arrangements	

2.3	Report approval	
2.4	Adopting and publishing compliance oversight arrangements	
2.5	Compliance oversight arrangements	
3.	Compliance Assessment	
3.1	Quality of Welsh language services	
3.2	Policy Decisions	
3.3	The use of the Welsh language as part of the body's internal administration	

3.4	Employees' Welsh Language Skills	
3.5	Welsh Language Training for Employees	
3.6	Awareness of linguistic needs	
3.7	Filling new posts and vacancies	
3.8	Promoting the Welsh language	
3.9	Complaints	

3.10	Compliance oversight arrangements	
4.	Securing Compliance	
4.1	Self-assessment of risk levels and likelihood of failing to comply with the standards (where the imposition day has not passed).	
4.2	Special measures implemented by the body as a result of enforcement action. ⁹⁶	
4.3	Progress made to achieve the action plan and/or take steps to ensure compliance as a result of a settlement agreement. ⁹⁷	
5.	Applicable Duties	
5.1	Change in compliance requirements.	

⁹⁶ in accordance with section 79 of the Welsh Language (Wales) Measure 2011 and as interpreted in sections 110 (a)—(e)

⁹⁷ in accordance with section 91 of the Welsh Language (Wales) Measure 2011



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