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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of responses

Welsh Language Standards (No. 8) Regulations 2022

A summary of the responses to the consultation on draft Welsh language standards regulations for healthcare regulators and the Professional Standards Authority.

May 2022

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Introduction

- 1.1. The Welsh Government is preparing Welsh Language Standards ('standards') under the Welsh Language (Wales) Measure 2011 ('the Measure') which give Welsh speakers rights to use the Welsh language.
- 1.2. Between July and October 2016, we held a public consultation on draft Welsh Language Standards Regulations for health sector bodies.¹ As well as specifying standards for bodies such as local health boards, NHS trusts, and community health councils, those draft Regulations proposed to amend the Welsh Language Standards (No.4) Regulations 2016 to include the following bodies:
 - General Chiropractic Council
 - General Dental Council
 - General Medical Council
 - General Optical Council
 - General Osteopathic Council
 - General Pharmaceutical Council
 - Health and Care Professions Council
 - Nursing and Midwifery Council
 - Professional Standards Authority for Health and Social Care
- 1.3. After considering the responses to the consultation the Welsh Ministers decided that they would not pursue the proposal to add the bodies to the No. 4 Regulations but would prepare separate, specific Standards for the bodies listed at paragraph 1.2 above.
- 1.4. The purpose of this consultation in 2020 was to seek views on the draft Regulations, prepared for these Regulatory bodies, and which relate to services they provide to the public and to their registrants. The draft Regulations will enable the Welsh Language Commissioner to place duties in relation to the Welsh language on these bodies.
- 1.5. The Minister for International Relations and Welsh Language issued a public consultation on 16 March 2020, which was originally due to end of 15 June 2020.² Due to the COVID-19 pandemic the consultation period was extended until 2 October 2020 so all those with an interest in the draft Regulations had an opportunity to share their views. The 9 bodies were notified of the extended consultation period by the Welsh Government and the Welsh Government's website drew wider attention to this change to the deadline.
- 1.6. References within this document to numbers of the Standard are references to the Standard in the draft Regulations, unless otherwise stated.³

¹ <https://gov.wales/welsh-language-standards-improving-services-welsh-speakers-within-health-sector>

² <https://gov.wales/welsh-language-standards-healthcare-regulators-and-professional-standards-authority>

³ <https://gov.wales/sites/default/files/consultations/2020-03/the-welsh-language-standards-no-8-regulations-20xx.pdf>

Overview of consultation responses

- 2.1 A total of 15 responses were received. 12 of the responses addressed the questions we asked, by either using the proforma questionnaire or by providing documentation setting out responses to our questions. 1 response addressed the general topics that were raised in the consultation questions. The remaining 2 responses provided more general comments.
- 2.2 Where responses did not directly reference the question, we have captured the comments under the question which we consider be most relevant. We have also done this where respondents have raised similar points in respect to several questions. We divided the responses into different categories of respondent, as shown below. The purpose of doing so is to recognise sectoral tendencies. The analysis in the 'Summary of Consultation responses' section is set out in line with these categories.
- 2.3 8 of the bodies subject to these Regulations responded to the consultation. The other 7 responses were from respondents located in Wales. We are of the view that the difference between the comments received from the health care regulators and other respondents is two-fold. Firstly, the health care regulators are the only category of respondent that will be subject to the Regulations, therefore were responding as the service provider. Secondly, their nature as UK bodies inevitably has an impact on their responses as the standards are only relevant to the services they provide in Wales. A full list of respondents is available at Annex A.

Type of Respondent	Category of Respondent
Health Care Regulators, subject to these Regulations	8
Bodies in the Health Sector, not subject to these Regulations	3
Welsh Language Commissioner	1
Welsh language stakeholders	1
Bodies in the Education Sector	1
Member of the public	1
TOTAL	15

- 2.4 This document provides a summary of the consultation responses received. The consultation did not ask closed 'tick box' questions so quantitative (numerical) data is not available. Within the analysis, we have provided a summary, which draws out the main view expressed and alternative views.

Summary of responses

Question 1: Do you have any comments on the service delivery standards proposed in the regulations?

- 3.1. 13 respondents provided comments in relation to the service delivery standards.
- 3.2. All 8 of the health care bodies who responded to the consultation provided comments in relation to these Standards. Generally, the comments supported the inclusion of the service delivery standards and many bodies saw them as being important in ensuring the development of the provision of Welsh language services within the sector. Several the bodies recognised that the service delivery standards make-up the majority (33 of the 51) of the standards proposed and they would expect these to have the biggest impact on their work in terms of potential volume and resource. However, many of the bodies also considered that they already would be compliant with a significant number of the draft standards as the standards mirror commitments already in their respective Welsh Language Schemes. Some of the bodies have also highlighted that the uptake of Welsh language services has been historically low and in some cases there has been no demand for Welsh language services.
- 3.3. Specific comments in relation to the standards and are set out below.

Correspondence (Standards 1-4)

- 3.4. Three of the bodies sought clarity as to whether Standard 2 applies to correspondence issued to addresses in Wales or to correspondence issued across the UK.
- 3.5. Some bodies consider it to be unrealistic to set out that there would be no delay when responding to correspondence or providing certain correspondence in Welsh (standards 2 and 4) as they do not have a translator but rely on external translation. Some bodies state that delaying correspondence in English to ensure parity of response time would be unreasonable. Further, some of the bodies set out that it would not be reasonable for them to employ a translator, which would allow them to prepare a Welsh version sooner as the demand for correspondence in Welsh is low.
- 3.6. In respect of Standard 4, some of the bodies highlighted there may be instances where the need to respond promptly for reasons of patient safety and public confidence means that we only respond in English in the first instance, with a translation to follow.

Telephone Calls (Standards 5-7)

- 3.7. These Standards attracted differing views from the health care bodies. Some of the bodies broadly agree with these standards and consider them to be reasonable and proportionate.

- 3.8. Some of the bodies have highlighted practical difficulties and concerns regarding the proportionality of the Standards, which largely arise as they do not have Welsh speaking members of staff. Responses set out that there is low or no demand for telephone calls to be answered in Welsh. Other bodies raise concerns that they would need to hire an external translator to deal with a call in Welsh, which would delay the response time and have implications for customer service for individuals wishing to conduct a telephone call in Welsh. Further, some of the bodies set out that, as a result of not having a Welsh speaking member of staff, they would need to invite the caller to set out their query in writing, so a Welsh speaker could return the call. This process would lead to a delay in dealing with the matter.
- 3.9. Standard 6 (requirement for an automated telephone system to be in Welsh) also attracted differing views from bodies. One body has set out that they would be able to add the Welsh language to its service, but this would be at a cost. Whilst another body states that implementing this Standard would require a new automatic telephone service and would necessitate a significant expense for the body, which in their view could not be justified given the limited use the service is likely to experience. Two of the bodies commented that they were concerned that an automated phone service presenting options in Welsh (Standard 6) and advertising the same (Standard 7) could misrepresent the body's ability to provide a Welsh language telephone service.

Standards relating to a body holding meetings that are not open to the general public (Standards 8 and 9)

- 3.10. Some bodies queried whether these Standards apply only to meetings held with individuals in Wales, or if they are intended to cover all UK-wide engagement as, in their view, Standard 8 does not make the intention clear. One body highlighted that Standard 9 refers to individuals whereas Standard 9, 9A–9C refers to persons.
- 3.11. Some bodies have expressed concern that these Standards would give rise to high financial implications should there be a requirement to apply the Standards to cover all UK-wide engagement. One body was of the view that the costs could not be justified if less than 30% of attendees wished to use Welsh at a meeting.
- 3.12. In light of the Coronavirus pandemic, a number of bodies queried whether these Standards would apply to virtual meetings, which may continue to be held in place of in person meetings.

Standards relating to meetings arranged by a body that are open to the public (Standards 10-12)

- 3.13. Respondents were broadly supportive of the draft Standards.

- 3.14. One body asked for clarity regarding the definition of 'invitation' in Standard 11, asking if the standard would require the invite and the registration process to be available in Welsh.

Standards relating to public events organised or funded by a body (Standards 13 -14)

- 3.15. One body expressed concern that the definition of advertisement should not extend to include online events management tools, which bodies would make use of for events.
- 3.16. In relation to Standard 14, one body suggested that this standard should be amended to apply only to services within their control, rather than services provided by a venue where they may use to host an event.

Standards relating to a body producing and publishing documents and forms (Standards 18-21)

- 3.17. These Standards attracted a number of comments from the health care bodies. There is general support for the standards under this heading and the intention to allow the public to use services in Welsh.
- 3.18. Some bodies have asked for clarity in relation to the application of Standards 18 and 19. They consider that translation of all forms 'that is to be completed by an individual' (Standard 18) and 'an application form that you make available for a registrant to be included on the register' (Standard 19) would not be reasonable and proportionate due to the large number of forms produced by the body. One body explains that they have interpreted these Standards to mean that a form would be required to be available in Welsh if it was requested, rather than there being a requirement for every form being available in Welsh as a matter of course. The body seeks clarification regarding this interpretation. Another body has suggested that only the most used forms captured under Standard 18 should be automatically translated. They propose that other forms captured under Standard 18, and all forms captured under Standard 19 should only be translated upon request, with the service being highlighted on the bodies' website.
- 3.19. The Professional Standards Authority has highlighted they do not hold a register of statutory regulated professionals.
- 3.20. A number of the bodies have expressed concerns about the costs of translating the forms and highlighted that there would be 'one-off' initial costs and further ongoing costs of maintaining forms in Welsh and also additional cost of translation completed forms into English, so they may be actioned by the body's staff. Queries have been raised regarding whether Standard 21 would include online registration systems. Concerns have been raised about development and ongoing maintenance costs should this be the case.

3.21. The concerns raised are not shared across all of the healthcare regulators, some of them have no concerns in relation to standards 18-21.

Standards relating to legal proceedings (Standards 22- 25)

3.22. All 8 bodies that would come under these Standards have commented on this category of standards.

3.23. A number of bodies explicitly set out that the fitness to practise hearings are held in England, one of which explained that legal proceedings could also take place in Scotland and Northern Ireland. Two of the bodies feel that standard 23A should be reworded so that it only applies to proceedings occurring in Wales, one of the two bodies gave the reason that a failure to be proficient would amount to a fitness to practise issue. Another body expressed concern that live translation of our hearings, would be disproportionate in relation to the potential costs and delays involved. They also felt that it could be argued that allowing registrants to participate in Welsh could be seen as treating Welsh speakers more favourably than speakers of other languages.

3.24. Four of the bodies body set out that if a hearing concerned a registrant practising in Wales, or if members of the public/witnesses from Wales attending a hearing, they would be offered the choice of addressing the hearing in Welsh. One body actively offers the choice whilst the other two bodies commented that appropriate interpreting arrangements will be made. One of the two bodies explained that appeal hearings in the High Court against fitness to practise decisions are held in the country of the address recorded for the registrant and if such hearings were held in Wales, they would ensure that all materials were available in the Welsh language for those that wanted them.

3.25. One body sought clarity in respect of how Standard 23A would apply to legal proceedings in England. Their governing legislation sets out that hearings must be undertaken in the United Kingdom country in which the registered address of the person concerned is situated.

3.26. The Professional Standards Authority drew attention to the error in the referencing to these standards in Regulation 1.

Standards relating to a body's websites and on-line services (Standards 26 -27)

3.27. Four bodies provided comments in relation to these Standards. The comments received were generally supportive. Two of bodies considered that they were already complying with the standards in relation to websites. The other two bodies raised concerns the one-off costs of any subsequent changes to their website and the ongoing time commitment necessary to update the pages and documents.

Standards relating to a body's use of social media (Standard 28)

3.28. Four bodies commented on this Standard, they all supported the intention behind this Standard, but three bodies raised concern about the potential volume of social media messages they may receive in Welsh and other associated costs and delays in relation to the same. Two of the bodies also expressed concern that this standard could serve to misrepresent an individual's ability to receive assistance in Welsh when contacting the bodies

Standards relating to official notices made by a body (Standards 29 -30)

3.29. Five bodies provided comments on these Standards. Four of the bodies sought clarification on the meaning of an 'official notice' and three of the bodies sought further clarification about what would be defined as a 'service provided in Wales'. Concerns were raised that almost all notices published by a body could fall within the definition. In addition, specific concerns were raised should the notice of hearings, associated with fitness to practice hearings, come within scope of the Standard. All for bodies highlighted there would be a significant cost implication.

Standards for raising awareness about Welsh language services provided by a body (Standards 31 –32)

3.30. The four bodies who commented on these standards were supportive of the standards and considered that they would be able to comply with the duties. The bodies indicated that they already complied with the standards fully or in part.

Standard relating to a body's corporate identity (Standard 33)

3.31. Five bodies commented on this standard. Three of the bodies considered that they were or would be able to comply with the standard. One body felt that as a small organisation with no physical presence in Wales, it would be disproportionate for them to comply in full as it there would be costs associated with changing their logo etc. The same body also had some concerns that presenting a bilingual corporate identity may give an inaccurate impression of the body's ability to communicate in Welsh or our physical presence in Wales.

Comments from other sectors

Bodies in the Health sector but not subject to these Regulations

3.32. The Royal College of Nursing was the only body in this category to respond to this question. They expressed their view that the same information should be provided in the Welsh language as in English. They consider there to be a sense ambiguity in relation to which standards would apply to which bodies. The RCN believe that the standards should be imposed by the Welsh Language Commissioner and measures should be put in place to assess what and when Regulatory bodies are required to adhere to them.

3.33. The RCN commented specifically in relation to the standards relating to legal proceedings (draft standards 22-35). Their view is that a Welsh speaker, whether they are a member of the public or a registrant, should be able to receive information in Welsh, and if necessary, go through the complaints and legal process as a Welsh speaker.

Welsh Language Commissioner

3.34. The Welsh Language Commissioner made a number of comments regarding this category of Standards and highlighted the following standards, which they consider should be included in the service delivery standards or have specific comments about:

- Correspondence (Standards 1-4) - the Commissioner has noted that standards relate to a body initiating correspondence with one person.
- Telephone calls (Standards 5–7) - No standards have been proposed which would require bodies to greet a person calling from Wales in Welsh. In addition, standard 5 puts the onus on the individual to ask for a Welsh service over the phone and bodies are not required to inform them that a Welsh service is available. The Commissioner also notes that there are no requirements for calls made to the direct telephone lines of the bodies, nor when they call persons themselves. The Commissioner notes that as a result, it appears that the opportunities to use the Welsh language over the telephone with these organisations are limited.
- Meetings between a body and more than one invited person – The Commissioner notes that there are no provisions in Standards 9A to 9C that would enable a body to hold meetings in Welsh without the need for a translation service in circumstances where it would be possible to do so.
- Standards for meetings open to the public (standards 10-12) – No standard has been included which would a translation service to be provided as default where a body arranges a meeting that is open to the public and where public participation is allowed.
- Standards relating to a body producing and publishing documents and forms (Standards 18-21) – The Commissioner suggests that standard 19 should be amended to include a requirement to produce forms which are available to a registered person (a) if the subject of that form suggests it should be produced in Welsh, or (b) if the anticipated audience is in Wales, and its expectations, suggests the form should be produced in Welsh. In relation to documents, the Commissioner is of the view that the standards should be amended to ensure documents that are available to individuals are available in Welsh at all times,

without the need for an assessment. The Commissioner also suggests the addition of a standard that would allow at least some documents to be used by registrants are also to be available in Welsh, as proposed for the above forms.

- Standards relating to a body's websites and on-line services (Standards 26 -27) – The Commissioner considered that these standards are limited. The Commissioner commented that there isn't a comprehensive standard that would extend to the whole website, as is included in previous sets of regulations. Whilst there was an acceptance that this could be a reasonable and proportionate starting point for many of the relevant bodies, the Commissioner would like to see a 'menu' requirement with a more comprehensive option that could gradually be imposed for some organisations. The Commissioner commented that the impact of this is that the standards ability to increase the use of Welsh is limited.
- Standards relating to a body's use of social media (Standard 28) -The Commissioner set out his view that there is a need to include a standard which imposes duties on bodies to publish messages in Welsh, especially when they are intended for a Welsh audience. He commented that as bodies make increased use of social media to share information, the same type of information published through this medium should be published in Welsh, as is required through other means under the standards relating to a body's publicity and advertising.

3.35. The Commissioner's response drew attention to the following activities that were not referenced in the Standards:

- courses
- public address systems
- reception services
- signs
- awarding applications for contracts, and
- awarding applications for grants (to the extent they have the power and function to do so).

3.36. The Commissioner recommended that additional specific standard(s) are added that would place a requirement on regulatory bodies to gather information about the Welsh language skills of their registrants. The Commissioner suggests these Standards would be suitable as service delivery standards as the intention of the requirement would be to promote or facilitate the use of the Welsh language, or work towards ensuring that the Welsh language is treated no less favourably than the English language. The Commissioner described that such a requirement would fulfil the aim of developing '*a workforce that is able to meet the health and care needs of people through the medium of Welsh*', in line with the Health and Care workforce strategy.

Welsh language stakeholders

- 3.37. Cymdeithas yr Iaith are of the opinion that the service delivery Standards are incomplete and miss the opportunity to improve the quality of services provided for Welsh speakers and improve the experiences of Welsh speakers who use those services. Cymdeithas y Iaith reference paragraph 3.3 of the consultation document, which refers to concerns expressed by some of the Regulatory bodies in their responses to the consultation in 2016, about the financial implications of having to provide Welsh language services to their registrants. They are of the view that the Welsh Government has prepared limited Standards which have been driven by the interests of the regulatory bodies rather than the rights of people to use the Welsh language.
- 3.38. Cymdeithas yr Iaith strongly believe that registrants, students, and members of the public should expect the same range of Welsh language services from the healthcare regulatory bodies, wherever their offices are located in the United Kingdom. For this reason, duties should be placed on them to include the following provisions:
- Telephone greeting in Welsh
 - Information that a Welsh language service is available
 - Information that a message can be left in Welsh
 - Invitation to declare a wish to receive correspondence or telephone call in Welsh
 - Protocol in place for answering telephone in Welsh and Welsh language service for automated telephone systems
 - Simultaneous translation provision to be provide at a meeting where >1 person, if at least 1 user wishes to use Welsh
 - All pages in Welsh on the bodies' websites
 - Reception services in Welsh
 - Main signs in Welsh
 - All directions, codes, standards, information leaflets and forms in Welsh
 - All registration arrangements and documents in Welsh
 - All fitness to practise arrangements and documents in Welsh

Bodies in the Education Sector

- 3.39. Coleg Cymraeg Cenedlaethol welcome the commitment contained in the document to strengthen the Welsh language services that the regulators provide to the public and to make it clear to the regulators what they need to do in terms of providing Welsh language services. They consider that bringing bodies that regulate health sector professionals and the Professional Standards Authority under the standards system will further strengthen and mainstream the Welsh language in the health sector.
- 3.40. The Coleg Cymraeg Cenedlaethol note that these are not bodies that people are likely to be involved in on a day-to-day basis, but consider that in the event that a member of the public wants to complain about a health professional, a person should

be able to do so in the language of their choice. They also welcome the inclusion of the standards relating to fitness to practice hearings and consider that a healthcare professionals finding themselves subject to a fitness to practise hearing may use Welsh language during that process.

- 3.41. The Coleg Cymraeg consider these rights to be crucial in the context of the Welsh Government's wider policy of creating a million Welsh speakers by 2050 and in particular, the Government's *More Than Just Words* strategy aimed at strengthening the Welsh language in health, social services and social care. The College supports the Welsh Government's position, which is outlined in the *More than Just Words* strategy, that ensuring the safety, dignity and respect of Welsh speakers is vitally important in providing health services through the medium of Welsh. They are of the view that it is more than just complying with legal requirements and maintaining professional standards; it is also about improving the quality of care and meeting people's linguistic needs, and providing person-centred public services.

Member of the public

- 3.42. A member of the public has provided comments in relation to Standard 3. Observations were made that as drafted, the requirement on a body not to treat Welsh correspondence less favourably than English correspondence subject to the need for a body to produce an English version of correspondence. The respondent considers that in a situation where a body only produces a Welsh version of correspondence, the wording of the standard suggests that there is no requirement on a body to ensure the quality of correspondence (e.g., in terms of the meaning and expression of the correspondence). It is recommended that the wording of the standard ensures that a body will continue to ensure the quality of correspondence produced in Welsh in a situation where it does not also produce English correspondence.

Welsh Government Response:

Changes made to the regulations as a result of the comments raised:

- Regulation 1 has been amended to make clear that Standard 19 of the draft Regulations do not apply to the Professional Standards Authority as they do not hold a register of regulated professionals as the other bodies subject to these Regulations.
- The heading immediately before Standard 8 has been changed from “person” to “individual” to be consistent with the standard.
- Standard 8 has been amended so that it is clear the Standard applies to a meeting held in Wales, as is the case with Standards 9-9C.
- Standards 9A to 9C have been amended to provide for meetings to be held without a translation service in circumstances where this is possible.
- A new Standard has been included to provide for a translation service to be available on public meetings held in Wales where public participation is allowed.
- A new Standard which places a duty on a body to publish social media messages in Welsh if that message relates exclusively to Wales.

- Standards 29 and 30 and the heading to these Standards now refer to ‘notices’ rather than ‘official notices’ in response to the comments received.
- New Standards relating to investigation of registrants, which may lead to legal proceedings, have been included in the Regulations. The additional duties require a health care regulator to ask a registrant whether they wish to receive forms and documents in relation to an investigation that may lead to legal proceedings in Welsh and if so, the same must be provided. A registrant may complete forms and submit written evidence in Welsh and scheduled calls and meetings are held in Welsh where the registrant wishes that. We appreciate that it may not be reasonable and proportionate for all the regulatory bodies to immediately comply with such standards. Therefore, the standards provide an option for the body to arrange for simultaneous or consecutive translation services to be available where the meeting cannot be held in Welsh. These changes were made as a result of the comments made by the RCN and a call from the fifth Senedd’s Culture, Welsh Language Committee who considered that Registrants should be able to discuss a complaint made about them in Welsh with the Regulatory body in a wider context than legal proceedings.

Further comments:

Many of the comments highlighted by the health care regulators are matters around the reasonableness and proportionality of the standards, how they would apply to a specific body, and in specific circumstances. We believe that these matters are more appropriate to discuss with the Welsh Language Commissioner as part of the process of issuing a Compliance Notice, as such we do not therefore propose to respond to each query raised in the responses.

The Welsh Language Commissioner and Cymdeithas yr Iaith have raised a number of examples of activities or particular standards omitted from these Regulations, as compared to previous sets of regulations. In preparing these regulations we have carefully considered what services the bodies provide, the nature of the bodies, and the location of their offices. This is the first time we have prepared Regulations where all the bodies subject to a set of standards are all UK bodies providing services to the public in Wales and the rest of the UK.

Standard 2

We wish to draw bodies’ attention to the interpretation in Regulation 1(4), the Standards apply in Wales as “individuals” is defined in the Regulations as “*a natural person ordinarily resident in Wales*”. We do not therefore believe that the text of standard 2 needs to be changed as it only applies to correspondence issued to individuals in Wales.

Standard 3

We do not agree with the member of the public’s suggestion that the standard is amended to place a duty on a body to ensure the quality of correspondence produced in Welsh in a situation where it does not also produce English correspondence. We consider that all bodies strive to ensure the quality of all correspondence, as such there is no need for that to be specified in regulations.

Standards 18 and 19

We have noted the concerns raised in relation to Standards 18 and 19. We conclude that these Standards do not need to be changed as not all of the health care

regulators raised concerns. We remain of the view that the policy objective behind the standard remains valid and reasonable, and that the implementation of the standard is a matter that can be dealt with by the Commissioner in compliance notices.

Standard 23 A

Section 22 of the Welsh Language Act 1993 makes provision about speaking Welsh in legal proceedings in Wales. The policy intent behind standard 23(A) was to give registrants the same right if they were subject to a fitness to practice hearing held outside of Wales. This standard relates to proceedings in England only as the Welsh Ministers' powers to make Regulations relate to Wales and England only.

We are supportive of the intentions behind the proposal put forward by the Commissioner (and the similar proposal by Cymdeithas yr Iaith in their response to the record keeping standards) to include additional standards to place duties on regulators to collect and publish information about a registrant's ability and willingness to practise in Welsh. As such, we undertook policy investigations to seek ways of fulfilling this objective, however we are of the view that there are any number of obstacles associated with this objective:

- In the first instance, the proposal does not relate to a service delivery activity of the bodies themselves and therefore cannot be specified as a service delivery standard.
- The level of information publicly displayed on the registers of some of the regulators does not lend itself to displaying data on language ability. Changing that would require a policy change on the level of data displayed and could be costly to implement.
- We are of the view that asking regulatory bodies to collect such information would have limited policy benefit as users are not always in a situation where they have a choice when accessing healthcare professionals (e.g. doctors and nurses within an NHS setting). Therefore, in practical terms the policy would only be useful when patients are choosing a practitioner.

Taking account of each of these factors, we have decided not to pursue this matter.

Question 2: Part 3 of Schedule 1 to the Regulations includes interpretations for some of the Service Delivery Standards. Paragraphs 16-37 explains how some of the standards work and in what circumstances they apply. Do you have any comments on the interpretation of standards as set out in Part 3?

3.43. 10 of the responses provided comments in relation to this question.

Health Care Regulators

3.44. 7 of the health care regulators provided comments on this question. General comments from these bodies welcomed the inclusion of an interpretation section. Two bodies have asked for further clarification or discussion with the Welsh Government about who the service delivery standards would apply to, and under

which scenarios and one body has commented in the absence of a definition of 'person'.

- 3.45. The General Medical Council has raised concerns as regards the definition of 'individual', and the inclusion of medical students within this definition. The GMC explained that they view medical students as future members of the profession, quite distinctive from members of the public. They state that their Welsh language services cover "patients and the public", therefore services for registrants, those applying to register, and medical students are not currently translated or held in Welsh. To include medical students within the definition of 'individuals' would impact all guidance and documents that would or could be of relevance to them (Standard 20). They therefore believe the inclusion of medical students under the definition of 'individual' would not only be disproportionate in terms of cost, but would also be inconsistent with how they are viewed in the medical profession and how they interact with them. The GMC consider most of their contact with medical students to be in their capacity as future members of the profession and not necessarily in relation to their personal affairs. They suggest that the appropriateness of the inclusion of medical students in the current definition of 'individuals' is reconsidered.

Comments from other sectors

Bodies in the Health sector but not subject to these Regulations

- 3.46. The Royal College of Nursing welcomes the inclusion of an interpretation section to the Regulations and in their view it will limit misinterpretation and set out clear guidelines. However, they comment that not every Standard has been addressed in this section. They also raise concerns that in certain instances the interpretations '*do not depict Welsh in a favourable light*'. For example:

- Paragraph 25 refers to the interpretation of materials displayed on the body's website. It states that the body does not need to display material on their website in Welsh. The RCN is concerned that this favours English over Welsh. They were of the view there should be an option for the website to be translated into Welsh. Alternatively, they consider that specific important information should be translated into Welsh and displayed on a webpage that is easily identifiable from the bodies home page.
- Paragraph 30 –provides an interpretation of Standard 24, (requirement on a body to ask a registrants if they wish to respond to legal proceedings and receive copies of documents in Welsh) and sets out that the requirement will apply for the first time a registrants contacts a body after the body's compliance notice requests standards to take effect. The RCN strongly believes that Regulatory Bodies should begin to offer registrants a Welsh option as soon as appropriate, irrelevant of whether they have received a compliance notice. This would ensure the body is treating Welsh no less favourably than English.

Welsh Language Commissioner

- 3.47. The Welsh Language Commissioner also submitted comments about the interpretation of the term ‘individual’. In the Commissioner’s view it has been substantially limited compared to previous regulations, as it excludes any person registered with the body and acting in their capacity as a registrant. The Commissioner draws attention to the consultation document, which suggests that the main reason for this is cost, stating that *‘some of the Regulatory bodies expressed a concern about the financial implications of having to provide Welsh language services to their registrants.’* (paragraph 3.3). The Commissioner emphasises that cost, in itself, does not make the requirement to comply with a standard unreasonable or disproportionate. Concerns are expressed that limiting the interpretation of ‘individual’ will mean losing an opportunity to extend the Welsh language provision available to workers in the healthcare sector as they deal with the bodies that regulate them – as many of the standards will only be relevant to the public.
- 3.48. The response notes that workers in other sectors, such as in the health sector have already seen their rights extend to new aspects of their work lives through the Welsh Language Standards (No.7) Regulations 2018. The Commissioner considers that it is unclear why rights of those in healthcare sector would be limited when dealing with the regulatory bodies specifically. The Commissioner does not believe it is necessary to limit the standards within the regulations as he is under a duty to consider which standards to impose in a compliance notice, to ensure those standards are reasonable and proportionate for each individual body.
- 3.49. A Member of the public has also made the following comments:
- Paragraph 26 – The respondent suggests that the regulations should confirm that there is nothing to prevent a body from producing documents in Welsh only or in Wales first.
 - Paragraph 31 –This paragraph sets out that Standards do not apply to materials shared on websites that have not been produced by the body - the respondent is of the view that the Standards should set out which Standards do apply.
 - Paragraph 33 – This paragraph sets out that Standards do not apply to materials shared on via social media that have not been produced by the body- the respondent is of the view that the Standards should set out which Standards do apply.

Welsh Government Response:

Changes made to the regulations as a result of the comments raised:

- In response to the comments raised by the General Medical Council, we have added a new interpretation provision Part 3 of Schedule 1 that says that standard 20 does not apply to a document produced wholly or mainly for registrants.

Other drafting changes to the Service delivery Standards:

- Additional paragraphs have been added which relate to new service delivery standards.

Further comments:

The interpretation section set out circumstances when certain Standards should not apply. However, this is not meant to be an exhaustive list and as such where an interpretation of a particular standard is not required none has been given. If deemed necessary, the Welsh Language Commissioner may choose to prepare a Code of Practice that will give further advice in relation to the practical application of Standards.

The definition of individual has been tailored to suit the bodies subject to these Regulations. These bodies are very different to the health boards and other bodies subject to previous Regulations. Those bodies are based in Wales and many of them employ thousands of staff in Wales, therefore it was deemed reasonable to apply standards to such bodies to give rights to their staff to receive services in Welsh. We do not think that comparing the right of a doctor for example whilst being a registrant with the GMC and an employee of a LHB is a fair comparison in relation to what is reasonable and proportionate for their employer to provide.

Including only the Standards which we consider to be reasonable and proportionate for the bodies listed in the regulations fulfils Welsh Ministers' obligations to bring forward regulations that are reasonable and proportionate. It also gives clarity to the bodies. We consider this approach to be more democratic as compared with allowing the Commissioner to choose from a broader range of standards

[Question 3: Do you have any comments on the policy making standards proposed in the regulations?](#)

3.50. 13 responses were received to this question.

Health Care Regulators

3.51. Comments were received from all 8 of the health care regulators who responded to the consultation. Each of the bodies supported the intention behind the draft policy making standards. Some of the bodies stated they were mindful of their responsibilities in ensuring that the Welsh language is treated no less favourably than English in the delivery of their public services. Many of the bodies referred to the provisions in their Welsh language schemes to consider the Welsh language when developing and implementing new policies. Comments received explain that currently, consideration of the impact on Welsh speakers is undertaken as part of the policy development process via Equality Impact Assessments. However, many of the bodies raised specific concerns about the detail of some of the Standards and considered that they were not reasonable and proportionate. This view was not unanimous amongst all of the bodies that will be subject to Standards.

3.52. With reference to draft Standards 34-39 comments from the health care regulators raise a number of implementation issues. Many regulators seek clarity about what is

required from them in terms of meeting the ambition of increasing opportunities for people to use the Welsh language and in relation to treating the Welsh language no less favourably than the English language. Concerns have been raised that, as UK wide regulators, a duty to increase opportunities for people to use Welsh in particular would be disproportionate as they do not have staff resources. Two regulators set out their view that these Standards would not be proportionate as they do not have separate policies or a policy development process for Wales.

- 3.53. Two of the health care regulators made specific comments regarding draft Standards 40, 41 and 42. Both set out that the impact on the Welsh language is unlikely to be relevant to a large amount of the research they commission. Their research is undertaken on a UK basis and tends have broader aims, for example identifying features of professionalism or establishing views on changes to particular professional standards or policies. Both bodies were of the view that dedicating specific time / cost from a research budget to Welsh language matters would be disproportionate.
- 3.54. It also appears that two of the health care regulators may have interpreted the policy making standards as requirements for the Welsh language to be incorporated into their own professional standards.

Bodies in the Health sector but not subject to these Regulations

- 3.55. The RCN welcomes the draft policy making standards and their contribution to ensuring that the Welsh language is not adversely affected in in the policy making process. However, the RCN set out its concern that there is a lack of ambition within the Regulations to increase education, specifically relating to clinical topics, in the medium of Welsh. They consider such a policy would greatly benefit the future workforce and would work towards the ambition of increasing the opportunities for Welsh to be spoken in professional settings and would also ensure Welsh is treated no less favourably than English.
- 3.56. The Welsh Language Commissioner considers the draft policy making standards are appropriate.

Welsh language stakeholders

- 3.57. Cymdeithas yr Iaith were of the view that the draft policy making standards are incomplete as they miss the opportunity to influence educational standards and the codes of practice of each of the bodies. Specifically, Cymdeithas yr Iaith consider it vital that the proposed policy making standards commit the regulatory bodies to:
- actively ensure that their education standards meet the demand for planning and providing a specific workforce in Wales that meets the linguistic and cultural needs of its population; and

- actively ensuring that their codes of practice take account of the importance of language as an integral part of care in order to ensure safety and quality of service.

3.58. Cymdeithas yr Iaith are also of the view that the regulatory bodies need more leadership in preparing codes of practice that reflect the importance of language in the health care sector as they codes reflect the significance of the ‘active offer’ (i.e. that Welsh speakers shouldn’t have to ask for a service in Welsh). They are of the view that the policy making standards should enable the Welsh Language Commissioner to monitor how the regulatory bodies set their own professional standards. This would be in terms of maintaining education and practice that meets the linguistic and cultural needs of the people of Wales; and ensuring the safety and quality of services, in accordance with the Welsh Government’s statutory and policy requirements.

Bodies in the Education Sector

3.59. Comments from Coleg Cymraeg Cenedlaethol do not explicitly express a view as regards the draft standards. However, they outline the importance of setting effective policy making standards to ensure that the context of a bilingual Health and Care Service is appreciated, particularly in the context of workforce planning and development. In addition, the Coleg Cymraeg Cenedlaethol considers that as the bodies work across the United Kingdom, it is vitally important that the public policies developed by the bodies reflect and operate within a detailed understanding of devolution and the Welsh language.

Welsh Government Response:

Changes made to the legislation as a result of the comments raised:

- No changes have been made to the Regulations as a result of these comments.

Other drafting changes to the Policy making Standards:

None

Further comments:

We consider that the implementation issues and the comments regarding that reasonableness and proportionality of the Regulations raised by health care regulators are matters best dealt with in discussions with the Welsh Language Commissioner as part of the Compliance Notice.

Paragraph 3.6 of the consultation document sets out that policy making standards require bodies to assess the effect their policy decision will have on the ability of persons to use the Welsh language and on the principle of treating Welsh no less favourably than English. We consider that some of the comments received relate to matters which go beyond the scope of these Standards.

We are clear that the draft Standards do not relate to the professional standards of health care regulators and do not require registrants to be proficient in Welsh before they can be registered as being fit to practice, as is required in relation to the English language.

In relation to codes of practice, we believe that the content of the regulators guidance and codes of practice would be caught by the policy-making standards and therefore their effect on the use of Welsh would be assessed under this category of standards.

Comments in relation to work force planning and development are addressed in the response to question 4 as they are matters best dealt with by the operational standards.

Question 4: Do you have any comments on the operational standards proposed in the regulations?

3.60. 14 responses were received to this question.

Health Care Regulators

- 3.61. All 8 of the health care bodies that responded to the consultation were supportive of the intentions to encourage bodies to increase awareness of the Welsh language amongst staff. Differences of views were expressed in relation to the reasonableness and proportionality of the draft operational standards. One body agreed that all the draft standards in this category were reasonable and proportionate. Other bodies consider that draft Standards 43 and 44 would largely be reasonable and proportionate, some of the bodies raised concerns in relation to draft Standards 43(c), as they are organisations without an office in Wales and without any staff members who are fluent Welsh speakers. One body raised queries regarding the training provision that is available.
- 3.62. Half of the bodies expressed a view that Standard 45 is not reasonable and proportionate as they are small bodies, largely based outside Wales. Those bodies who have offices based in Wales or specific posts, which deal with Wales consider Standards 45 and 45A to be reasonable in relation to those posts.

Bodies in the Health sector but not subject to these Regulations

- 3.63. The RCN raises concerns that the draft operational standards are not strong enough. They consider that a duty on bodies to increase their Welsh language capacity is needed to provide services to Welsh speakers. The RCN also set out their view that a standard should be placed on bodies requiring them to demonstrate that they have taken various steps to increase the Welsh language capacity within their body.
- 3.64. The Welsh Language Commissioner's response sets out that in his view additional operational standards should be included, which relate to the following matters:
- use of the Welsh language within a body's internal administration
 - complaints made by a body's staff members
 - a body's disciplining of staff
 - information technology and support material provided by a body, and relating to the intranet

- signs displayed in a body's workplace
- audio announcements and messages in a body's workplace.

- 3.65. The Commissioner suggests that the Regulations should provide options for standards relating to these matters based on whether a body has a presence on Wales or not.
- 3.66. Further, the Commissioner believes that there is a need to strengthen the provision for workforce training and extend the opportunities for staff to receive Welsh lessons, which is a commitment specified in many of the bodies' existing Welsh Language Schemes. The Commissioner also considers it crucial that organisations assess the Welsh language skills of their employees in order to be able to effectively plan their workforce. The Commissioner believes that this information is essential for an organisation to undertake a coherent assessment of the need for Welsh language skills for a new post or vacancy (draft Standard 45). Without this information the Commissioner does not consider it possibly for a body to assess its ability to provide services in Welsh in accordance with the other draft standards set out in these Regulations.
- 3.67. In addition, the Commissioner does not consider the draft standards for the recruitment and appointment process to be sufficient. They are limited to only two standards; one relating to assessing the need for Welsh language skills when recruiting, and one relating to acknowledging this in the advert and advertising the post in Welsh when Welsh language skills are essential, desirable or need to be learnt. The Commissioner has suggested that requirements on a body to publish any other documents relating to the recruitment process in Welsh, to enable a person to apply in Welsh, and to offer and conduct an interview or assessment in Welsh where the person being interviewed or assessed wishes to do so should be included in the Regulations.

Welsh language stakeholders

- 3.68. Cymdeithas yr Iaith believe that the draft operational standards should be strengthened to allow the bodies to be able to deliver more services in Welsh. They are of the view that each regulatory body will need to pay particular attention to their plans for establishing and developing a workforce with adequate staff who can provide a 'proactive offer' of Welsh language services to the public, professional members and trainee students.
- 3.69. Cymdeithas yr Iaith are of the view that, in light of the Commissioner's guidance on recruitment published in 2016 and the expertise and resources available to support bodies to prepare their own language skills strategy the following duties should be added to the draft operational standards:
- Assess and record the Welsh language skills of all staff of the healthcare regulatory bodies
 - Identify the strengths / gaps within the workforce that enable / hinder the delivery of Welsh language services for users
 - Assess and record the necessary Welsh language skills for each vacancy / new, starting with the posts relating to interaction with users
 - Introduce advertising and recruitment arrangements to enable staff to be appointed with the appropriate Welsh language skills, in line with the job assessments

- Raise awareness of the Welsh language and its significance among staff
- Enable staff to access Welsh language learning / checking resources.

Bodies in the Education Sector

3.70. Coleg Cymraeg Cenedlaethol are also of the view that bodies should support training for staff and encouragement to Welsh speakers so that Welsh language services can be provided.

Welsh Government Response:

Changes made to the legislation as a result of the comments raised:

- New Standards which place duties on bodies to provide Welsh language training for their employees have been added.

The Welsh Government agrees with the comments received in relation to providing Welsh language training to employees. We recognise the importance of increasing Welsh language capacity as part of the work planning and development, which will enable the bodies to provide a bilingual service to the public and to registrants in Wales.

In our view, including these Standards would not put an unreasonable burden on the bodies as such the standards would only become engaged if a member of staff would wish to learn Welsh or improve their skills. Many of the Regulatory bodies already include a commitment to provide Welsh lessons to employees in their Welsh Language Schemes, which also suggests that it is a reasonable duty. The bodies could access Welsh language training free of charge through the National Centre for Learning Welsh *Cymraeg Gwaith* scheme, which can be accessed online.

As set out previously, many of the bodies do not have staff based in Wales or roles that deal specifically with the public and registrants in Wales. However, they provide service to the public and to registrants in Wales. For new Standards to have the greatest possible impact on growing Welsh language capacity within the bodies' workforce we consider Welsh language training should be available to all employees.

- A new Standard has been added which places a duty on bodies to assess the Welsh language skills of their employees

We agree with the Welsh Language Commissioner and Cymdeithas yr Iaith that an assessment of the Welsh language skills is required for a body to know where Welsh language skills are currently located within their structures. This information will enable them to assess where skills are needed, and if skill gaps need to be filled when advertising for a new member of staff. It will also enable a body to plan for delivering services in Welsh.

New Standards have been added which require bodies to allow persons to apply for a post in Welsh, and to use Welsh in an interview if the post is either: (1) the post is based in wholly or mainly in Wales; (2) the duties of the post specifically relate wholly or mainly in Wales; or (3) or the post has been categorised has been assessed or which you have categorised as one where Welsh language skills are essential or desirable

Further comments:

We have considered the concerns expressed by some of the health care bodies about the scope of draft Standard 45 (duty to assess the need Welsh language skills needed for a new or vacant post) extending beyond posts located in Wales and posts which are referenced as being 'Wales posts'. We do not agree that there is a need to limit the draft Standards. From, our engagement with the bodies we understand that employees with roles that extend beyond these criterion provide services to the public and registrants in Wales and as such an assessment of these posts is required so that a body can plan its work force to deliver bilingual services.

We do not agree with the Welsh Language Commissioner's comments regarding adding Standards relating the matters set out in paragraph 3.18 and for there to be varying options for each of the matters listed, dependent on whether the body has an office based in Wales. We remain of the view that the focus of operational standards for these bodies should be on finding ways to increase their Welsh language capacity, this is the aim of the changes we have made to the Standards in this category.

Question 5: Do you have any comments on the record keeping standards and the standards dealing with supplementary matters proposed in the regulations?

3.71. 12 responses were received to this question.

3.72. Each of the 8 health care regulators that responded to the consultation provided comments in respect of this question. There was general support amongst this category of respondents for the record keeping standards in particular. The health care regulators commenting on this category of standards were of the view that they were reasonable and proportionate.

3.73. Some of the bodies have called for a better understanding of whether they would need to develop a separate complaints procedure to deal with the Welsh Language Standard (Standards 49). In addition, some of the bodies also sought clarifications on the scenarios and processes regarding requests for further information from the Welsh Language Commissioner, in relation to compliance with the Standards.

Bodies in the Health sector but not subject to these Regulations

3.74. The RCN welcome both the record keeping standards and the supplementary Standards. In particular, they set out that they welcome the duty on regulatory bodies to provide the Welsh Language Commissioner with information relating to the compliance with the Standards.

3.75. The Welsh Language Commissioner has suggested the following additional Standards be added to the record keeping Standards:

- In line with his calls for an operational standard to require health care regulators to assess the Welsh language skills of their employees, the Welsh Language Commissioner calls for a corresponding record keeping standard to impose a duty on bodies to keep a record of the number of employees who have Welsh language skills. The Commissioner considers that this standard

is required to ensure the success of an organisation's effective planning of its workforce – and to know which skills are needed in the workplace when recruiting more staff.

- A Standard requiring a body to keep details or copies of the complaints they receive. The Welsh Language Commissioner believes this is required in addition to draft Standard 46, which imposes a duty on a body to keep a record of the number of complaints it has received relating to its compliance with the standards.

3.76. The Welsh Language Commissioner also highlights that the term 'post' has not been interpreted in the context of the record keeping standards, although an interpretation is available for the purposes of draft standards 45 and 45A only. The Commissioner considers that a more general interpretation is required, unless there is a specific reason for it to be interpreted in the context of draft Standards 45 and 45A only. This point was also raised by the member of the public who responded to the consultation.

3.77. Cymdeithas yr Iaith also call for a Standard requiring the professional registers maintained by the health care regulators to record the Welsh language skills of their registrants. Cymdeithas yr Iaith believes this Standard is needed to facilitate arrangements for health workforce planning in Wales and to ensure the workforce is able to implement a 'proactive offer' of Welsh-medium services, in line with the Welsh Government's statutory and policy requirements.

Welsh Government Response:

Changes made to the legislation as a result of the comments raised:

Record Keeping Standards

- A new standard has been added which places a duty on bodies to keep a copy of any written complaint that you receive which relates to compliance with the standards.
- We appreciate the concerns raised by the Commissioner and consider it would be appropriate to place a duty on bodies to keep details of the complaints received. This would allow comparisons to be made between the complaints, to identify any common issues that may need to be addressed and to consider the nature and seriousness of the complaints and whether there is a cause for concern.
- A new Standard has been added which requires bodies to keep a record of the Welsh language skills of their employees.

Other drafting changes to the Record Keeping Standards:

- A time frame of three years in relation to keeping copies of complaints have been added to the Record keeping Standards.

Further comments:

The interpretation of the Standards and monitoring compliance are matters for the Welsh Language Commissioner to consider once the Regulations have been made but we would expect these matters to be set out in Codes of Practice and guidance notes.

In terms of providing a more general interpretation of the meaning of 'post', we do not consider this is required as the other Standards are limited by the meaning set out in draft Standard 45 and 45 A.

The Government's response in relation to Cymdeithas yr Iaith's suggestion for the professional registers are dealt with in the response to question 1.

Question 6: We would like to know your views on the effects that these regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

3.78. 11 bodies responded to this question.

Health Care Regulators

3.79. Each of the 8 health care regulators which submitted a response to this consultation provided comments in respect of this question. 7 of the bodies set out their commitment to providing services in Welsh and to treat the Welsh language no less favourably than English. Some of the bodies recognised that there could be positive effects associated with having a joint set of standards that apply to all professional regulators, such as improving public awareness of what Welsh language services are available. Other bodies commented that they did not have the expertise to meaningfully estimate the impact of these standards on the Welsh language and/or people's ability to use Welsh. Three of the bodies set out that it would be difficult to estimate the impact standards could have on the Welsh Language but set out that demand for services had been low despite having Welsh Language Schemes in place. One body noted that it was difficult to identify what effect these regulations will have on opportunities for employees to use Welsh as they do not currently have employees in Wales.

Bodies in the Health sector but not subject to these Regulations

3.80. Three bodies from this sector responded.

3.81. Two of the bodies were of the view that the Standards will have positive effects on opportunities for people to use the Welsh language in a healthcare regulation context.

Welsh language Stakeholders

3.82. Cymdeithas yr Iaith believe that imposing Welsh language standards on healthcare regulatory bodies should be a means of improving the quality of services provided to registrants in Wales. Furthermore, they believe that given the broad role of the regulatory bodies, such standards can contribute to public protection by improving

the quality of our healthcare services in Wales and improving the experiences of users of those services. However, Cymdeithas yr Iaith sets out that the consultation document acknowledges that the Standards are limited and primarily deal with the role of the regulatory bodies in:

- Handling complaints from members of the public about the work of health professionals; and
- dealing with health care professionals if they find themselves subject to a fitness to practise hearing

3.83. Cymdeithas yr Iaith believe that the role of the regulatory bodies in the following regards has been ignored:

- setting standards of education and training
- determine the conduct and performance of professional members
- ensure fitness to practise among professional members
- maintain professional registers.

3.84. They consider that these Regulations:

- Fail to consider the functions of the regulatory bodies as a whole.
- Fail to consider all service users of those bodies.
- Fail to ensure adequate arrangements for facilitating the use of Welsh with users, missing an opportunity to improve the quality of services provided to the public and professional members in Wales.
- Fail to influence the standards of education of the regulatory bodies to facilitate the use of Welsh and language awareness in the training of practitioners in Wales.
- Fail to influence regulatory bodies' codes of practice to ensure that practitioners in Wales will provide suitable linguistic practice, in line with statutory requirements and Welsh Government policy.
- Fail to contribute to workforce planning in Wales for public protection by improving the quality and experiences of users of our healthcare services.

Welsh Government Response:

In preparing these regulations we have carefully considered what services the bodies provide, the nature of the bodies, and the location of their offices.

With regard to the point made by some of the regulators, the Welsh Government are happy to discuss the regulations with the sector but wish to set out that the Welsh Language Commissioner is responsible for the interpretation and implementation of Standards. There will be an opportunity for the bodies to discuss with the Commissioner on an individual basis as part of the process of agreeing individual compliance notices. This process, and a further consultation will take place after these Regulations are agreed in the Senedd.

Question 7: Please also explain how you believe the regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

3.85. 6 bodies responded to this question.

Health Care Regulators

- 3.86. 4 responses were received from the health care regulators, their responses were very similar to the responses provided to question 6. Three of the bodies set out their commitments to treating the Welsh language and English languages equally. They also commented that they did not feel they had adequate insight into how the proposed standards could be adapted to have increased positive effects for people to use the Welsh language.
- 3.87. One body stated that they would welcome further discussion with the Welsh Government on how we can best balance our UK-wide remit while providing positive opportunities for people to use the Welsh language. They felt that our certain activities such as developing more learning modules and improving awareness of what language services we offer were entirely reasonable proposals. However, they set out that some of their core activities, such as our policy and standards-development work, was heavily influenced by their establishing legislation, and therefore they wish to ensure they we are not stepping outside of their statutory function.

Bodies in the Health sector but not subject to these Regulations

- 3.88. The RCN commented that there is very little within the standards about increasing the internal Welsh speaking workforce of the regulatory bodies and noted that the Standards set out measures to record job descriptions that advertise for Welsh speakers but it does not go beyond this. They consider it is important that the Regulatory Bodies embrace this record keeping method as a way to determine the demand for Welsh speakers within the bodies. This will greatly improve the opportunity for Welsh speakers to gain employment and aid the public in their ability to communicate to a Welsh speaker.

Welsh Language Stakeholders

- 3.89. Cymdeithas yr Iaith have provided the following recommendations in order to increase the positive impacts and opportunities to use the Welsh language and not treat the Welsh language less favourably than the English language:
- The standards should facilitate the experiences of all users of those services in Wales, including professional members, student trainees for those professions and members of the public.
 - Welsh language standards should address all the functions of healthcare regulatory bodies.
 - Professional members, students and members of the public should expect the same Welsh language services from the regulatory bodies wherever their offices are located in the United Kingdom.
 - In delivering Welsh-medium services to their main stakeholders, the regulatory bodies should adopt the principle of the 'proactive offer', in line with the Welsh Government's policy direction, and reflect Welsh language standards for similar public bodies.
 - The professional registers maintained by the regulatory bodies should record the Welsh language skills of their registrants to facilitate arrangements for planning a

health workforce in Wales that are competent to implement a 'proactive offer' of Welsh-medium services, in accordance with the Welsh Government's statutory and policy requirements.

- The Welsh language standards should influence the development of regulatory bodies' standards of education and training in order to prepare practitioners in Wales who are competent to meet the linguistic and cultural needs of its people, in accordance with the Welsh Government's statutory and policy requirements
- The standards should influence the development of regulatory bodies' codes of practice in order to conduct practice in Wales that meets the linguistic and cultural needs of its people, in accordance with the Welsh Government's statutory and policy requirements.
- The standards should influence the fitness to practise regime for professional members to ensure that practitioners in Wales are competent to meet the linguistic and cultural needs of its people, in accordance with the Welsh Government's statutory and policy requirements.

Welsh Government Response:

As set out above, in preparing these regulations we have carefully considered what services the bodies provide, the nature of the bodies, and the location of their offices.

We have addressed the matters raised by Cymdeithas yr Iaith under the relevant classes of standards.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

- 3.90. One of the regulatory bodies commented that it was difficult for them to fully calculate the financial impact of the standards. They noted that they would want to avoid incurring unnecessary costs that will inevitably mean having to divert resources away from other activities designed to protect patients and promote public confidence in the services provided by the sector in Wales.
- 3.91. The Welsh Language Commissioner has raised comments as regards the extent of the regulations. The response notes the regulations include fewer requirements than in other regulations and that there is an attempt to reduce the number of standards.
- 3.92. The Commissioner's response also highlighted a dissatisfaction with a situation where one set of standards regulations mean that a group of public organisations will be subject to substantially fewer requirements than other sectors who already implement standards.

Welsh Government Response:

In preparing these Regulations we have carefully considered what services the bodies provide, the nature of the bodies, and the location of their offices. We do not believe that the fact that a standard has appeared in previous regulations that have been created for other bodies/sectors is sufficient reason to include a standard in these Regulations if that standard does not apply, or is not reasonable for a body to comply with.

A full review of Welsh Language Schemes was undertaken before preparing these Regulations, and Scheme commitments have been matched with duties through standards where they are thought to be reasonable, proportionate and enforceable. However, Standards are different in their nature to Welsh Language Schemes and we need to ensure that all standards are clear, specific, and enforceable.

It must be borne in mind that these bodies, are not comparable with bodies included in previous sets of Regulations. This is the first set of standards that have been prepared where all of the bodies subject to the regulations are UK bodies.

ANNEX A – LIST OF RESPONDENTS

Healthcare Regulators

- Nursing and Midwifery Council
- Professional Standards Authority
- General Osteopathic Council
- General Chiropractic Council
- The Health and Care Professions Council
- General Optical Council
- Healthcare Inspectorate Wales
- General Medical Council
- General Dental Council

Bodies in the Health Sector (not subject to these Regulations)

- Chartered Society of Physiotherapy
- Welsh Language Commissioner
- Royal College of Nursing Wales
- Healthcare Inspectorate Wales

Welsh Language Commissioner

Welsh Language Stakeholder

- Cymdeithas yr Iaith

Bodies in the Education Sector

- Coleg Cymraeg Cenedlaethol

Member of the Public

- Anonymous