

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

DRAFT WELSH STATUTORY
INSTRUMENTS

202X No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
([Registered Social Landlords])
Regulations 202X**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations specify standards in relation to the conduct of Registered Social Landlords in Wales (which are referred to in the Regulations as “bodies”).

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

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

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

In accordance with section 46 of the 2011 Measure, the compliance notice given to a body must state the imposition day, or imposition days; meaning the day or days upon which the body becomes required to comply with a standard (or comply with a standard in a specific way). Using the flexibility provided for by section 46, the Commissioner may set an early imposition day for a body to comply with a standard (provided this is at least 6 months after the date on which the body was given the related compliance notice), or set an imposition day further in the future (for example in relation to more challenging standards).

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

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

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

making the policy decision considers one or more of the following—

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

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

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

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

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

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these

Regulations. A copy can be obtained from Cymraeg 2050 Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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DRAFT WELSH STATUTORY
INSTRUMENTS

202X No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
([Registered Social Landlords])
Regulations 202X**

Made

Coming into force

The Welsh Ministers, in exercise of the powers conferred upon them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011⁽¹⁾ make the following Regulations.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 150(2) of that Measure⁽²⁾.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Welsh Language Standards ([Registered Social Landlords]) Regulations 202X

(2) These Regulations come into force on [].

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

a “body” (“*corff*”) means a person who has been included within the list of social landlords maintained by the Welsh Ministers under section 1(1) of the Housing Act 1996⁽³⁾;

⁽¹⁾ 2011 nawm 1.

⁽²⁾ The reference in section 150(2) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

⁽³⁾ 1996 (c. 52). Section 1(1) has been amended by the Housing and Regeneration Act 2008 (c. 17).

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;

a “member of staff” (“*aelod o staff*”) means an employee of a body or a natural person working for a body (and “staff” (“*staff*”) must be construed accordingly).

(5) In these Regulations—

- (a) references to any activity being carried out by a body, or to any service being provided by a body, are to be read as including a reference to that activity being carried out on the body’s behalf or to that service being provided on the body’s behalf by a third party under arrangements made between the third party and the body;
- (b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

(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.

Standards specified

2.—(1) In Schedule 1—

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

(2) In Schedule 2—

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

(3) In Schedule 3—

- (a) Part 1 specifies operational standards;
- (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;

- (c) Part 3 defines a number of words and expressions.

(4) In Schedule 4—

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

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

- (a) Part 1 specifies service delivery standards that deal with supplementary matters;
- (b) Part 2 makes provision about interpreting the supplementary standards.

Standards that are specifically applicable

3. The Welsh Ministers authorise⁽¹⁾ the Welsh Language Commissioner to give a compliance notice to a body requiring it to comply with any of the standards specified under regulation 2 and Schedules 1 to 5.

Amendment of the Welsh Language Standards (No. 2) Regulations 2016

4. In Schedule 6 to the Welsh Language Standards (No. 2) Regulations 2016⁽²⁾ at the appropriate place insert ““Community Housing Cymru”(““*Cartrefi Cymunedol Cymru*””)”.

Name

Cabinet Secretary for Finance and Welsh Language

Date

⁽¹⁾ See section 67 of the Welsh Language (Wales) Measure 2011.

⁽²⁾ S.I. 2016/182 (W. 76).

SCHEDULE 1 Regulation 2(1)
Service Delivery Standards

PART 1
THE STANDARDS

1 Standards relating to correspondence sent by a body

(1) When a body replies to correspondence

Standard 1: If you receive correspondence from a member of the public in Wales (“P”) in Welsh you must reply in Welsh (if an answer is required), unless P has indicated that there is no need to reply in Welsh.

(2) When a body initiates correspondence

(a) When a body corresponds with an individual

Standard 2: When you correspond with an individual (“A”) for the first time, you must ask A whether A wishes to receive correspondence from you in Welsh, and if A responds to say that A wishes to receive correspondence in Welsh you must—

- (a) keep a record of A’s wish, and
- (b) correspond with A in Welsh when corresponding with A from then onwards.

(b) When a body corresponds with more than one member of the same household

Standard 3: When you send correspondence addressed to two individuals who are members of the same household (for example, the parents of a child or joint contract-holders) for the first time, you must ask them whether they wish to receive

correspondence from you in Welsh;
and if —

- (a) both individuals respond to say that they wish to receive correspondence in Welsh, you must keep a record of that wish and correspond in Welsh from then onwards when sending correspondence addressed to both of those individuals;
- (b) one (but not both) of the individuals responds to say that that individual wishes to receive correspondence in Welsh, you must keep a record of that wish and provide a Welsh language version of correspondence from then onwards when sending correspondence addressed to both of those individuals.

(c) When a body corresponds with several persons (for example, when it sends a circular, or sends the same letter to a number of homes)

Standard 4: When you send the same correspondence to several persons and at least one of those persons is a member of the public in Wales you must send a Welsh language version of the correspondence at the same time as you send any English language version.

(3) General standards relating to correspondence

Standard 5: If you don't know whether a member of the public in Wales ("P") wishes to receive correspondence from you in Welsh, when you correspond with that P you must provide a Welsh language version of the correspondence.

Standard 6: If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English

language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

- Standard 7:** You must state —
- (a) in correspondence to members of the public in Wales, and
 - (b) in publications and notices that invite members of the public in Wales to respond to you or to correspond with you,
- that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.

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

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

- Standard 8:** When a member of the public in Wales ("P") contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must greet the P in Welsh.

- Standard 9:** When a member of the public in Wales ("P") contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must inform the P that a Welsh language service is available.

- Standard 10:** When a member of the public in Wales ("P") contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh in its entirety if that is the P's wish (where necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).

- Standard 11:** When a member of the public in Wales (“P”) contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if that is the P’s wish until such point as —
- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
 - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.
- Standard 12:** When you advertise telephone numbers, helpline numbers or call centre services and where the anticipated audience includes members of the public in Wales, you must not treat the Welsh language less favourably than the English language.
- Standard 13:** If you offer a Welsh language service to members of the public in Wales on your main telephone number (or numbers), on any helpline numbers or call centre numbers, the telephone number for the Welsh language service must be the same as for the corresponding English language service.
- Standard 14:** When you publish your main telephone number, or any helpline numbers or call centre service numbers and where the anticipated audience includes members of the public in Wales, you must state (in Welsh) that you welcome calls in Welsh.
- Standard 15:** If you have performance indicators for dealing with telephone calls, you must ensure that those performance indicators do not treat telephone calls made in Welsh any less favourably than calls made in English.

Standard 16: Your main telephone call answering service (or services) must inform members of the public in Wales calling, in Welsh, that they can leave a message in Welsh.

Standard 17: When there is no Welsh language service available on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must inform members of the public in Wales calling, in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

(2) Telephone calls made to departments and to members of a body's staff

Standard 18: If a member of the public in Wales ("P") contacts one of your departments on a direct line telephone number (including on staff members' direct line numbers), and that P wishes to receive a service in Welsh, you must deal with the call in Welsh in its entirety (if necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).

Standard 19: If a member of the public in Wales ("P") contacts one of your departments on a direct line telephone number (including on staff members' direct line numbers), and that P wishes to receive a service in Welsh, you must deal with the call in Welsh until such point as —

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
- (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

Standard 20: When a member of the public in Wales (“P”) contacts you on a direct line number (whether on a department’s direct line number or on the direct line number of a member of staff), you must ensure that, when greeting that P, the Welsh language is not treated less favourably than the English language.

(3) Telephone calls made by a body

Standard 21: When you telephone an individual (“A”) for the first time you must ask A whether A wishes to receive telephone calls from you in Welsh, and if A responds to say that A wishes to receive telephone calls in Welsh you must keep a record of that wish, and conduct telephone calls made to A from then onwards in Welsh.

(4) A body dealing with telephone calls using an automated system

Standard 22: Any automated telephone systems that you have must provide the complete automated service in Welsh where the anticipated audience includes members of the public in Wales.

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

(1) Meetings between a body and one invited member of the public

Standard 23: If you invite one member of the public in Wales (“P”) only to a meeting—

- (a) you must ask P whether P wishes to use the Welsh language at the meeting, and inform P that you will conduct the meeting in Welsh, or, if necessary, provide a translation service from Welsh to English for that purpose, and

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

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

Standard 24: If you invite more than one person to a meeting, you must ask each member of the public in Wales invited whether they wish to use the Welsh language at the meeting.

Standard 24A: If you have invited more than one person to a meeting, and at least 10% (but less than 100%) of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

Standard 24B: If you have invited more than one person to a meeting, and at least 20% (but less than 100%) of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

Standard 24C: If you have invited more than one person to a meeting, and at least 30% (but less than 100%) of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

**Standard
24CH:**

If you have invited more than one person to a meeting, and all of the members of the public in Wales invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting

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Standards relating to meetings arranged by a body that are open to the public

Standard 25:

If you arrange a meeting that is open to members of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.

Standard 26:

When you send invitations to a meeting that you arrange which is open to members of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must send the invitations in Welsh.

Standard 27:

If you invite persons to speak at a meeting that you arrange which is open to members of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must —

- (a) ask each person invited to speak whether that person wishes to use the Welsh language, and
- (b) if that person (or at least one of those persons) has informed you that that person wishes to use the Welsh language at the meeting, provide a simultaneous translation service from Welsh to English for that purpose

(unless you conduct the meeting in Welsh without a translation service).

- Standard 28:** If you arrange a meeting that is open to members of the public in Wales and at which public participation by a member of the public in Wales is allowed, you must ensure that a simultaneous translation service from Welsh to English is available at the meeting, and you must orally inform those present in Welsh —
- (a) that they are welcome to use the Welsh language, and
 - (b) that a simultaneous translation service is available.

- Standard 29:** If you produce and display any written material at a meeting that you arrange which is open to members of the public in Wales, you must ensure that the material is displayed in Welsh, and you must not treat any Welsh language text less favourably than the English language text.

5 Standards relating to public events organised or funded by a body

- Standard 30:** If you organise a public event, or fund at least 50% of a public event, you must ensure that, in promoting the event, the Welsh language is treated no less favourably than the English language (for example, in the way the event is advertised or publicised).

- Standard 31:** If you organise a public event, or fund at least 50% of a public event, you must ensure that the Welsh language is treated no less favourably than the English language at the event (for example, in relation to services offered to members of the public in Wales attending the event, in relation to signs displayed at the event and in relation to audio announcements made at the event).

6 **Standard relating to a body's publicity and advertising**

Standard 32: Any publicity or advertising material that you produce must be produced in Welsh where the anticipated audience includes members of the public in Wales, and if you produce the material in Welsh and in English, you must not treat the Welsh language version less favourably than you treat the English language version.

7 **Standards relating to a body displaying material in public**

Standard 33: Any material that you produce and display in public in Wales must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.

Standard 34: Any material that you produce and display at a public exhibition held in Wales organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

8 **Standards relating to a body producing and publishing documents or forms**

Standard 35: If you produce a document or form which is available to members of the public in Wales you must produce it in Welsh.

Standard 36: When you send a form to an individual ("A") for the first time, you must ask A whether A wishes to receive forms in Welsh, and if A responds to say that A wishes to receive forms in Welsh you must—

- (a) keep a record of A's wish, and
- (b) send any forms you send to A from then onwards in Welsh.

Standard 37: If you don't know whether an individual ("A") wishes to receive forms from you in Welsh, when you send a form to A you must provide a Welsh language version.

Standard 38: If you produce a document (but not a form) which is available to members of the public in Wales, and no other standard has required you to produce the document in Welsh, you must produce it in Welsh —

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

Standard 39: If you produce a document or form in Welsh and in English you must—

- (a) not treat any Welsh language version less favourably than you treat the English language version (whether separate versions or not);
- (b) not differentiate between the Welsh and English version in relation to any requirements relevant to the document or form (for example, in relation to any deadline for submitting the form, or in relation to the time allowed to respond to the content of the document or form); and
- (c) ensure that the English language version clearly states that the document or form is also available in Welsh.

9 Standards relating to a body's websites and on-line services

(1) Websites published by a body

Standard 40: You must ensure that —

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

Standard 41: You must ensure that —

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

Standard 42: You must ensure that when you publish a new page on your website or amend a page —

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

Standard 43: If you have a Welsh language web page that corresponds to an English language web page, you must state clearly on the English language web page that the page is also available in Welsh, and you must provide a direct link to the Welsh page on the corresponding English page.

Standard 44: You must provide the interface and menus on every page of your website in Welsh.

(2) Apps published by a body

Standard 45: All apps that you publish for use by members of the public in Wales must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that app.

(3) Online chat facility

Standard 46 If you have a live chat facility for use by members of the public in Wales—

- (a) you must provide it in Welsh, and
- (b) you must state (in Welsh) on your website that your live chat facility is available in Welsh and how it can be accessed.

10 Standards relating to a body's use of social media

Standard 47: When you use social media you must not treat the Welsh language less favourably than the English language.

Standard 48: If a member of the public in Wales contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

11 Standard relating to self service machines

Standard 49: You must ensure that any self service machines in Wales that you have function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine.

12 Standards relating to signs and notices displayed by a body

Standard 50: When you—

- (a) erect a new sign in Wales or renew a sign erected in

| | |
|----------------------|---|
| | <p>Wales (including temporary signs); or</p> <p>(b) publish or display a notice in Wales;</p> <p>any text displayed on the sign or notice must be displayed in Welsh (whether on the same sign or notice as you display corresponding English language text or on a separate sign or notice); and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.</p> |
| Standard 51: | <p>When you—</p> <p>(a) erect a new sign in Wales or renew a sign erected in Wales (including temporary signs); or</p> <p>(b) publish or display a notice in Wales;</p> <p>which conveys the same information in Welsh and in English, the Welsh-language text must be positioned so that it is likely to be read first.</p> |
| 13 | Standards relating to a body receiving visitors at its buildings |
| Standard 52: | <p>Any reception service you make available in English must also be available in Welsh, and any member of the public in Wales (“P”) who requires a Welsh language reception service must not be treated less favourably than a P who requires an English language reception service.</p> |
| Standard 53: | <p>If you arrange a visit or appointment in advance for a member of the public in Wales (“P”) which will mean that P will come to your reception, you must ask P whether P wishes to receive a Welsh language reception service (unless you already know whether P wishes to receive that service in Welsh).</p> |
| Standard 53A: | <p>You must provide a face to face Welsh language reception service for a member of the public in Wales</p> |

(“P”) at your reception if you have arranged a visit or appointment for P in advance and —

- (a) P has informed you in advance that P wishes to receive the service in Welsh, or
- (b) you are already aware that P wishes to receive the service in Welsh.

Standard 54: If you have no face to face Welsh language reception service available at your reception, you must ensure that a Welsh language reception service is available over a phone in your reception.

Standard 55: You must display a sign in your reception which states (in Welsh) that persons are welcome to use the Welsh language at the reception.

Standard 56: You must ensure that staff at the reception who are able to provide a Welsh language reception service wear a badge to convey that.

14 Standards relating to a body awarding grants

Standard 57: Any documents that you publish which relate to applications for a grant which members of the public in Wales may apply for, must be published in Welsh, and you must not treat a Welsh language version of such documents less favourably than an English language version.

Standard 58: When you invite applications for a grant from members of the public in Wales, you must—

- (a) state in the invitation that applications may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English; and
- (b) not treat applications for a grant submitted in Welsh less favourably than applications submitted in

English (including, amongst other matters, in relation to the closing date for receiving applications and in relation to the time-scale for informing applicants of decisions).

Standard 59: When you inform an applicant of your decision in relation to an application for a grant, you must do so in Welsh if the application was submitted in Welsh.

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

Standard 60: You must promote any Welsh language service that you provide, and advertise that service in Welsh.

Standard 61: If you provide a service in Welsh that corresponds to a service you provide in English, any publicity or document that you produce, or website that you publish, which refers to the English service must also state that a corresponding service is available in Welsh.

16 Standard relating to a body's corporate identity

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

17 Standards relating to courses offered by a body

Standard 63: If you offer an education course that is open to members of the public in Wales, you must offer it in Welsh.

Standard 64: If you offer an education course to members of the public in Wales, you must—

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

that the course needs to be offered in Welsh.

18 Standard relating to public address systems used by a body

Standard 65: When you announce a message over a public address system, you must make that announcement in Welsh and, if the announcement is made in Welsh and in English, the announcement must be made in Welsh first.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

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

TABLE 1

| | Column 1 | Column 2 |
|------------|---|----------------------------------|
| <i>Row</i> | <i>Main standard</i> | <i>Reliant standard</i> |
| (1) | Replying to correspondence Standard 1 | Standard 7 |
| (2) | Corresponding with members of the same household Standard 3 | Standard 6 |
| (3) | Corresponding with several persons Standard 4 | Standard 6 Standard 7 |

| | | |
|-----|---|---|
| (4) | General standards relating to correspondence Standard 5 | Standard 6 Standard 7 |
| (5) | Raising awareness about corresponding in Welsh Standard 7 | Standard 1 |
| (6) | Receiving telephone calls Standard 9 | One or more of the following: Standard 10 Standard 11 |
| (7) | Receiving telephone calls Standard 10 or 11 | Standard 9 Standard 14 |
| (8) | Raising awareness about telephone services in Welsh Standard 14 | One or more of the following: Standard 10 Standard 11 and also Standard 16, and Standard 17 |
| (9) | Meetings with more than one person Standard 24 | One or more of the following: Standard 24A Standard 24B Standard 24C and also the following; Standard 25CH |

| | | |
|------|---|---|
| (10) | Meetings with more than one person Standard 24A, 24B, 24C, or 24CH | Standard 24 |
| (11) | Public meetings Standard 25 | Standard 28 |
| (12) | Public meetings Standard 28 | Standard 25 |
| (13) | Documents and forms Standard 35, 36, 37, or 38 | Standard 39 |
| (14) | Websites Standard 40, 41 or 42 | Standard 43 |
| (15) | Reception Standard 52 | Standard 55 Standard 56 |
| (16) | Reception Standard 53 | Standard 53A |
| (17) | Reception Standard 54 | Standard 55 |
| (18) | Raising awareness of Welsh-language services in a reception Standard 55 | One or more of the following: Standard 52 Standard 54 |
| (19) | Grants Standard 58 | Standard 59 |

PART 3

INTERPRETING THE STANDARDS

- 20** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 21** The standards only apply to the extent that a body —
- (a) delivers services to a person, or
 - (b) deals with any other person in connection with delivering services—
 - (i) to that other person, or
 - (ii) to a third person.
- 22** 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.
- 23** 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).
- 24**
- (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 Senedd Cymru,
- (ch) section 35(1C) of the 2006 Act, or
- (d) the Senedd Commission's Official Languages Scheme.

(4) In this paragraph—

- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993⁽¹⁾;
- (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
- (c) “the 2006 Act” means the Government of Wales Act 2006⁽²⁾;
- (ch) “Standing Orders of Senedd Cymru” means standing orders made under section 31 of the 2006 Act;
- (d) “the Senedd Commission's Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

25

(1) If the conditions in paragraphs (a) to (c) are met or 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 (b)—

- (a) The first condition is that an emergency has occurred, is

(1) 1993 c.38.
(2) 2006 c.32.

occurring or is about to occur.

(b) 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.

(c) The third condition is that the need for the activity or the service referred to in paragraph (b) is urgent.

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

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

26

For the purposes of standards 2, 3, 21, and 36, a body corresponds with an individual, makes a telephone call or sends a form to an individual for the first time when it corresponds, makes a telephone call or sends a form for the first time after the date on which a compliance notice has required the body to comply with the standard.

27

In standard 22 an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options.

28

Standards 23 to 24CH (meetings) do not apply when the meeting is a repair or maintenance visit.

29

Standard 31 does not apply to—

- (a) performances of music;
- (b) artistic or dramatic productions;
- (c) seminars or oral presentations relating to the performance or production;

- (ch) any recording of the performance, production, seminar or oral presentation.

30

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 40 to 45 (websites and apps), 47 and 48 (social media)), references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

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

31

For the purposes of standards 35, 38, 57, 61 and this Part of the Schedule—

- (a) references to documents or other materials being available to the public or being produced for public use do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000⁽¹⁾;
- (b) “documents” includes a document in HTML format.

(1) 2000 c.36

- 32** (1) Standards 35, 36, 37 and 39 do not apply to the forms listed in subparagraph (2).
 (2) The forms are —
 (a) forms used by a body to recruit employees (see standards 103A, 104 and 105 in relation to recruitment);
 (b) forms used when applying for grant assistance from a body (see standards 57 to 59 in relation to applications for grants).
- 33** Standards 35 and 38 do not apply to an enactment made by a body or to a draft enactment prepared by a body.
- 34** Standards 35 and 38 do not apply to any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 35** Standards 40 to 44 (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 35 to 39 for specific provision in relation to documents, and standard 32 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);
 (c) a live chat facility (see standard 46 for specific provision in relation to live chat).
- 36** (1) For the purpose of standard 45 an “app” is a software application designed to undertake a specific task on an electronic device.

(2) Standard 45 does not apply to any advertising material on an app (see standard 32 in relation to advertising material produced by a body).

(3) Standard 45 does not apply to a live chat facility (see standard 46 in relation to live chat).

37

For the purpose of standards 40 to 45 (websites and apps) and standards 47 and 48 (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.

38

(1) For the purposes of standard 46 and paragraphs 35, 36, 37, 38 and 39, “live chat facility” means an on-line messaging application within a website or app, designed specifically to provide a real time method of communication.

(2) Standard 46 (live chat facility) does not apply to any advertising material on a live chat facility (see standard 32 in relation to advertising material produced by a body).

(3) Standard 46 (live chat facility) does not apply to documents to which a link is provided through the live chat facility, or to video and audio clips provided through the live chat facility (see standards 35 to 39 for specific provision in relation to documents).

39

(1) Standards 1 to 7 (correspondence) do not apply to correspondence sent by live chat facility or social media (see standards standard 46 in relation to live chat and 47 and 48 in relation to social media).

(2) Standards 40 to 45 (websites and apps) do not apply to social media (see standards 47 and 48 in relation to social media).

40

Standards 47 and 48 (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 35 to 39 for specific provision in relation to documents, and standard 32 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).

- 41** For the purpose of standard 49 (self service machines) reference to treating the Welsh language no less favourably than the English language includes, amongst other matters, treating the Welsh language no less favourably as regards the visual presentation of the material (for example in relation to the colour, size, font and format of any text), but it does not mean that Welsh language material must appear on screen at the same time as English language material.
- 42** For the purposes of standards 52 to 56 (receiving visitors) —
- (a) “reception” means an area in a body’s offices and service locations where staff are made available for the purpose of welcoming persons;
 - (b) “reception service” means a service for welcoming persons to the body’s offices in Wales or service locations in Wales by staff who are made available for that purpose;
 - (c) “service locations” include advice centres, community centres and drop in centres.
- 43** For the purposes of standards 7, 50 and 51 a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.
- 44**
- (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.

45

For the purposes of standards 63, and 64 (courses), an “education course” means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public in Wales; but does not include—

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

46

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 Senedd Cymru.

SCHEDULE 2 Regulation 2(2)
Policy Making Standards

PART 1
THE STANDARDS

1 **Standards relating to considering
the effects of a body's policy
decisions on the Welsh language**

Standard 66: When you formulate a new policy, or review or revise an existing policy you must consider what effects, if any (whether positive or adverse), the policy decision would have on —

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

Standard 67: When you formulate a new policy, or review or revise an existing policy you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on —

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

Standard 68: When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on —

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

Standard 69: When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration would have on —

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

Standard 70: When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on —

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

Standard 71: When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on —

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

Standard 72: You must produce and publish a policy on awarding grants (or, where appropriate, amend an existing policy) which requires you to take the following matters into account when you make decisions in relation to the awarding of a grant —

- (a) what effects, if any (and whether positive or negative), the awarding of a grant would have on—

- (i) opportunities for persons to use the Welsh language, and
 - (ii) treating the Welsh language no less favourably than the English language;
- (b) how the decision could be taken or implemented (for example, by imposing conditions of grant) so that it would have positive effects, or increased positive effects, on—
 - (i) opportunities for persons to use the Welsh language, and
 - (ii) treating the Welsh language no less favourably than the English language;
- (c) how the decision could be taken or implemented (for example, by imposing conditions of grant) so that it would not have adverse effects, or so that it would have decreased adverse effects on—
 - (i) opportunities for persons to use the Welsh language, and
 - (ii) treating the Welsh language no less favourably than the English language;
- (ch) whether you need to ask the applicant for any additional information in order to assist you in assessing the effects of awarding a grant on—
 - (i) opportunities for persons to use the Welsh language, and
 - (ii) treating the Welsh language no less favourably than the English language.

Standard 73: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers what effects, if any (and whether

positive or adverse), the policy decision under consideration would have on —

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

Standard 74: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would have a positive effects, or so that it would have increased positive effects, on —

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

Standard 75: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would not have adverse effects, or so that it would have decreased adverse effects, on —

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

PART 2

INTERPRETING THE STANDARDS

2 In Part 1 of this Schedule a “policy decision” means any decision made by a body about the exercise of its functions or about the conduct of its business or other undertaking, and it includes, amongst other things (and as appropriate to the body), decisions about —

- (a) the content of legislation;

- (b) the exercise of statutory powers;
- (c) the content of policy statements;
- (ch) strategies or strategic plans;
- (d) internal structures and office locations;
- (dd) the recruitment or use of volunteers.

3

In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect.

SCHEDULE 3 Regulation 2(3)
Operational Standards

PART 1
THE STANDARDS

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

Standard 76: You must develop a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language, and you must publish that policy on your intranet.

Standard 77: When you offer a new post to an individual, you must ask that individual whether he or she wishes for the contract of employment or contract for services to be provided in Welsh; and if that is the individual's wish you must provide the contract in Welsh.

Standard 78: You must ask each employee ("A") whether A wishes to receive any of the following in Welsh, and if A wishes to receive one or more in Welsh you must provide it (or them) to A in Welsh—

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

Standard 79: If you publish any of the following, you must publish it in Welsh—

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

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

Standard 80: You must allow and state in any document that you have that sets out your procedures for making complaints that a member of staff may —

- (a) make a complaint to you in Welsh, and
- (b) respond, in Welsh, to a complaint made about that member of staff,

and you must also inform members of staff of that right.

Standard 81: If you receive a complaint from a member of staff or a complaint about a member of staff, and a meeting is required with that member of staff, you must —

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

- Standard 82:** When you inform a member of staff of a decision you have reached in relation to a complaint made by that member of staff, or in relation to a complaint made about that member of staff, you must do so in Welsh if that member of staff—
- (a) made the complaint in Welsh,
 - (b) responded in Welsh to the complaint,
 - (c) asked for a meeting about the complaint to be conducted in Welsh, or
 - (ch) asked to use the Welsh language at a meeting about the complaint.

3 Standards relating to a body disciplining staff

- Standard 83:** You must—
- (a) allow and state in any document that you have which sets out your arrangements for disciplining staff that any member of staff may respond in Welsh to any allegations made against that member of staff, and
 - (b) if you commence a disciplinary procedure in relation to a member of staff, inform that member of staff of that right.

- Standard 84:** If you organise a meeting with a member of staff regarding a disciplinary matter that relates to that member of staff's conduct you must —
- (a) offer to conduct the meeting in Welsh or, if necessary, provide a translation service from Welsh to English for that purpose, and
 - (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh, or if necessary, with the assistance of a

simultaneous or consecutive translation service from Welsh to English.

Standard 85: When you inform a member of staff of a decision you have reached following a disciplinary procedure you must do so in Welsh if that member of staff—

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

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

Standard 86: You must provide staff with computer software for checking spelling and grammar in Welsh, and provide Welsh language interfaces for software (where an interface exists).

Standard 87: You must ensure that —

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

Standard 88: You must ensure that —

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

homepage) is fully functional, and

- (c) the Welsh language is treated no less favourably than the English language in relation to the homepage of your intranet.

- Standard 89:** You must ensure that each time you publish a new intranet page or amend a page —
- (a) the text of that page is available in Welsh,
 - (b) any Welsh language version of that page is fully functional, and
 - (c) the Welsh language is treated no less favourably than the English language in relation to the text of that page.

- Standard 90:** If you have a Welsh language page on your intranet that corresponds to an English language page, you must state clearly on the English language page that the page is also available in Welsh, and must provide a direct link to the Welsh language page on the corresponding English language page.

- Standard 91:** You must designate and maintain a page (or pages) on your intranet which provides services and support material to promote the Welsh language and to assist your staff to use the Welsh language.

- Standard 92:** You must provide the interface and menus on your intranet pages in Welsh.

5 Standards relating to a body developing Welsh language skills through planning and training its workforce

- Standard 93:** You must assess the Welsh language skills of your employees.

- Standard 94:** You must offer—
- (a) to provide training in Welsh in the following areas, if you

provide such training in English —

- (i) recruitment and interviewing;
 - (ii) performance management;
 - (iii) complaints and disciplinary procedures;
 - (iv) induction;
 - (v) dealing with the public; and
 - (vi) health and safety; and
- (b) if at least one member of staff has informed you that they wish for the training to be provided in Welsh, you must provide the training in Welsh

Standard 95: You must offer—

- (a) to provide training in Welsh to your members of staff on using Welsh effectively in—
 - (i) meetings,
 - (ii) interviews, and
 - (iii) complaints and disciplinary procedures, and
- (b) if at least one member of staff has informed you that they wish for the training to be provided in Welsh, you must provide the training in Welsh.

Standard 96: You must provide opportunities during working hours —

- (a) for your employees to receive basic Welsh language lessons, and
- (b) for employees who manage others to receive training on using the Welsh language in their role as managers.

Standard 97: You must provide opportunities for employees to receive training, free of charge, to improve their Welsh language skills.

Standard 98: You must provide training courses so that your employees can develop —

- (a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture);
- (b) an understanding of the duty to operate in accordance with the Welsh language standards;
- (c) an understanding of how the Welsh language can be used in the workplace.

Standard 99: When you provide information to new employees (for example by means of an induction process), you must provide information for the purpose of raising their awareness of the Welsh language.

Standard 100: You must provide—

- (a) wording or a logo for your staff to include in e-mail signatures which will enable them to indicate whether they speak Welsh fluently or whether they are learning the language, and
- (b) wording for your employees which will enable them to include a Welsh language version of their contact details in e-mail messages, and a Welsh language version of any message which informs others that they are unavailable to respond to e-mail messages.

Standard 101: You must—

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

6 Standards relating to a body recruiting and appointing

Standard 102: When you assess the requirements for a new or vacant post, you must

assess the need for Welsh language skills, and categorise it as a post to which one or more of the following apply —

- (a) Welsh language skills are essential,
- (b) Welsh language skills need to be learnt when appointed to the post,
- (c) Welsh language skills are desirable, or
- (ch) Welsh language skills are not necessary.

Standard 102A:

If you have categorised a post as one where Welsh language skills are essential, desirable or need to be learnt you must —

- (a) specify that when advertising the post, and
- (b) advertise the post in Welsh.

Standard 103:

When you advertise a post, you must state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English.

Standard 103A:

If you publish —

- (a) application forms for posts;
- (b) material that explains your procedure for applying for posts;
- (c) information about your interview process, or about other assessment methods when applying for posts;
- (ch) job descriptions;

you must publish them in Welsh; and you must ensure that the Welsh language versions of the documents are treated no less favourably than any English language versions of those documents.

Standard 103B:

You must not treat an application for a post made in Welsh less favourably than you treat an application made in English (including, amongst other matters, in relation to the closing date you set for receiving applications and

in relation to any timescale for informing applicants of decisions).

Standard 104: You must ensure that your application forms for posts provide a space for applicants to indicate that they wish an interview or other method of assessment in Welsh and if an applicant so wishes, you must conduct any interview or other method of assessment in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 105: You must ensure that your application forms for posts provide a space for applicants to indicate that they wish an interview or other method of assessment in Welsh and if an applicant so wishes, you must conduct any interview or other method of assessment in Welsh, or, if necessary, provide a simultaneous or consecutive translation service from Welsh to English for that purpose.

Standard 106: When you inform an applicant of your decision in relation to an application for a post, you must do so in Welsh if the application was made in Welsh.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

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

TABLE 1

| | Column 1 | Column 2 |
|------------|---|--|
| <i>Row</i> | <i>Main standard</i> | <i>Reliant standard</i> |
| (1) | Intranet Standards 87, 88 or 89 | Standard 90 |
| (2) | Recruitment and appointments Standard 102 | Standard 102A |
| (3) | Recruitment Standard 103 | Standard 103A Standard 103B Standard 106 |

PART 3

INTERPRETING THE STANDARDS

8 The standards specified in Part 1 of this Schedule must be interpreted as follows.

9 (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 Senedd Cymru,
- (ch) section 35(1C) of the 2006 Act, or

- (d) the Senedd Commission's Official Languages Scheme.

(4) In this paragraph—

- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993⁽¹⁾;
- (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
- (c) “the 2006 Act” means the Government of Wales Act 2006⁽²⁾;
- (ch) “Standing Orders of Senedd Cymru” means standing orders made under section 31 of the 2006 Act;
- (d) “the Senedd Commission's Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

10

For the purposes of standards 87, 88 and 89 (a body's intranet), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

- (a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text);
- (b) when material is published on the intranet;

⁽¹⁾ 1993 c.38.
⁽²⁾ 2006 c.32.

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.

11

For the purposes of standard 103A (recruitment), references to treating the Welsh language no less favourably than the English language includes, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

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

12

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).

13

Standards 87 to 90 (intranet) do not apply to—

- (a) documents to which a link is provided on the intranet, advertising material on the intranet, or to video and audio clips on the intranet (see standards 78 and 79 for specific provision in relation to documents);

- (b) information presented by persons on an interactive page published on a body's intranet (for example on a section for comments or on a discussion forum).

SCHEDULE 4 Regulation 2(4)
Record Keeping Standards

PART 1
THE STANDARDS

1 Standards relating to a body keeping records

Standard 107: You must keep a record, in relation to each financial year, of the number of complaints you receive relating to your compliance with standards.

Standard 108: You must keep a copy of any written complaint that you receive that relates to your compliance with the standards with which you are under a duty to comply.

Standard 109: You must keep a record (following assessments of your employees' Welsh language skills made in accordance with standard 93), of the number of employees who have Welsh language skills at the end of each financial year and, where you have that information, you must keep a record of the skill level of those employees.

Standard 110: You must keep a record, in relation to each financial year, of the number of new and vacant posts which were categorised (in accordance with standard 102) as posts where—

- (a) Welsh language skills are essential;
- (b) Welsh language skills need to be learnt when appointed to the post;
- (c) Welsh language skills are desirable; or
- (ch) Welsh language skills are not necessary.

PART 2

INTERPRETING THE STANDARDS

- 2** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 3** For the purposes of standards 107, 109 and 110 “financial year” means the body’s own financial year.

SCHEDULE 5 Regulation 2(5)

Standards which deal with Supplementary Matters

PART 1

STANDARDS

1 A body publicising standards

Standard 111: You must ensure that a document which records the standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

2 A body publishing a complaints procedure

Standard 112: You must—

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

3 A body publishing arrangements for oversight, promotion etc.

Standard 113: You must—

- (a) ensure that you have arrangements for—
 - (i) overseeing the way you comply with the standards with which you are under a duty to comply,
 - (ii) promoting the services that you offer in accordance with those standards, and
 - (iii) facilitating the use of those services,

- (b) publish a document that records those arrangements on your website.

4

A body producing an annual report regarding standards

Standard 114:

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

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

- (a) the number of complaints that you received during the year in question which related to compliance with the standards with which you were under a duty to comply (on the basis of the records you kept in accordance with standard 108);
- (b) the number of employees who have Welsh language skills at the end of the year in question (on the basis of the records you kept in accordance with standard 109);
- (c) the number (on the basis of the records you kept in accordance with standard 110) of new and vacant posts that you advertised during the year which were categorised as posts where—
 - (i) Welsh language skills were essential;
 - (ii) Welsh language skills needed to be learnt when appointed to the post;
 - (iii) Welsh language skills were desirable; or
 - (iv) Welsh language skills were not necessary.

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

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

5 A body providing information to the Welsh Language Commissioner

Standard 115: You must provide the Welsh Language Commissioner (if requested by the Commissioner) with any information which relates to your compliance with the standards with which you are under a duty to comply.

PART 2

INTERPRETING THE STANDARDS

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| 21 | The standards specified in Part 1 must be interpreted as follows. |
| 22 | For the purpose of standard 114 “financial year” means the body’s own financial year. |
| 23 | For the purpose of the standards a requirement to produce or publish any written material in Welsh does not mean that material should be produced or published in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard). |

