

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

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2016 No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
(No. [Health sector]) Regulations
2016**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations specify standards in relation to the conduct of Local Health Boards, National Health Service Trusts in Wales, Community Health Councils, the Board of Community Health Councils in Wales and the NHS Business Services Authority (which are referred to in the Regulations as “bodies”).

The Regulations also authorise (subject to certain exceptions set out in regulation 3(2)) the Commissioner to give a compliance notice to those bodies, in relation to standards specified by the Regulations. In relation to the Care Council for Wales, the General Chiropractic Council, the General Dental Council, the General Medical Council, the General Optical Council, the General Osteopathic Council, the General Pharmaceutical Council, the Health and Care Professions Council, the Professional Standards

Authority for Health and Social Care and the Nursing and Midwifery Council the Regulations authorise the Commissioner to give those bodies a compliance notice in relation to standards specified in the Welsh Language Standards (No. 4) Regulations 2016 (S.I. 2016/405 (W. 125)).

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

Using the flexibility provided by section 44 of the 2011 Measure the Commissioner may (if it is reasonable and proportionate, and the Commissioner wishes to do so) require a body to comply with one standard in some circumstances and another standard in other circumstances. For example, if a standard is specifically applicable to a body the Commissioner may require the body to comply with the standard in some circumstances but not others, or require it to comply with the standard only in some areas. Similarly if two or more standards relate to a specific conduct (for example, standards 8 to 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).

The Regulations require a body to comply with the standards—

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

However, in the case of an individual invited to or attending a clinical consultation or a case conference the third party carrying out the activity or providing the service on behalf of the body's standards apply. This means, for example, that if Cardiff and the Vale University Health Board carries out or provides a clinical consultation or case conference on behalf of Betsi Cadwaladr University Health Board, then Cardiff and the Vale University Health Board's standards would apply, not Betsi Cadwaladr University Health Board's standards.

Where the third party is a primary care provider, a private hospital in Wales or a hospital outside of Wales, then no standards apply.

Where the body is providing primary care services, only some standards will apply (see standards 83 to 97).

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 the Welsh Language Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.]

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I N S T R U M E N T S

2016 No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
(No. [Health sector]) Regulations
2016**

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), having received the approval of the National Assembly for Wales in accordance with section 150(2) of that Measure, make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Welsh Language Standards (No. [Health sector]) Regulations 2016.

(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 listed in Schedule 6;

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

(i) A,

(ii) one or more bodies, and

(1) 2011 nawm 1.

(iii) one or more persons where at least one of those persons is a county council or a county borough council in Wales;

a “clinical consultation” (*“ymgyngoriad clinigol”*) means a health provision interaction between an individual and a body;

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

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

an “individual” (*“unigolyn”*) means a member of the public ordinarily resident in Wales but, for the avoidance of doubt, does not include—

- (a) a member of the public acting in their capacity as an employee of a person; or
- (b) a member of the public in so far as they are working for a person;

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

a “primary care provider” (*“darparwr gofal sylfaenol”*) means a person providing a primary care service on behalf of the body and in standards 83 to 97 specified in Schedule 1 includes a body providing a primary care service itself, and

“primary care service” (*“gwasanaeth gofal sylfaenol”*) means—

- (i) a primary medical service provided under section 41 of the National Health Service (Wales) Act 2006⁽²⁾ (‘the 2006 Act’) and which is included in a contract made under section 42 of the 2006 Act whether provided under the contract or by the body under section 41(2)(a) of the 2006 Act;
- (ii) a primary dental service provided under section 56 of the 2006 Act and which is included in a contract made under section 57 of the 2006 Act whether provided

(1) See S.I. 2010/288 (W. 37).

(2) 2006 c. 42.

under the contract or by the body under section 56(1) of the 2006 Act;

- (iii) ophthalmic service; and
- (iv) pharmaceutical service.

(5) In these Regulations, where the context requires, references to a person should be read as a person ordinarily resident in Wales.

(6) Subject to paragraphs (7), (9) and (10), in these Regulations—

- (a) references to any activity being carried out by a body, or to any service being provided by a body, are to be read as including a reference to that activity being carried out on the body's behalf or to that service being provided on the body's behalf by a third party under arrangements made between the third party and the body but see paragraph (8);
- (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.

(7) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where it is carrying out that activity or providing that service on behalf of a third party under arrangements made between it and the third party, except in relation to—

- (a) an individual invited to or attending a clinical consultation or a case conference; or
- (b) an activity carried out or service provided in relation to a clinical consultation or a case conference.

(8) In these Regulations when an individual is invited to or attends a clinical consultation or case conference references to any activity being carried out by a body, or to any service being provided by a body, are not to be read as including a reference to—

- (a) a clinical consultation or a case conference being carried out or provided on behalf of the body; or
- (b) an activity carried out or a service provided in relation to a clinical consultation or a case conference.

(9) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where that activity is carried out or that service is provided on its behalf by a private hospital in Wales or in a hospital located outside of Wales.

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

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 specifies policy making standards that deal with supplementary matters;
- (c) Part 3 specifies operational standards that deal with supplementary matters;
- (ch) Part 4 specifies record keeping standards that deal with supplementary matters;
- (d) Part 5 makes provision about interpreting the supplementary standards;
- (dd) Part 6 makes supplementary provision.

Standards that are specifically applicable

3.—(1) The Welsh Ministers authorise the Welsh Language Commissioner to give a compliance notice to the persons listed in Schedule 6 requiring them to comply with any of the standards specified under regulation 2 and Schedules 1 to 5.

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

- (a) National Health Service Trusts in Wales, Community Health Councils and the Board of Community Health Councils in Wales requiring them to comply with the following standards—
 - (i) 83 to 97,
 - (ii) 107 to 107A;
- (b) Community Health Councils and the Board of Community Health Councils in Wales requiring them to comply with the following standards—
 - (i) 25 to 26B,
 - (ii) 82,
 - (iii) 140;
- (c) the NHS Business Services Authority requiring it to comply with the following standards—
 - (i) 8 to 10,
 - (ii) 13 and 14,
 - (iii) 16 to 20,
 - (iv) 22,
 - (v) 25 to 26B,
 - (vi) 37,
 - (vii) 41,
 - (viii) 54 and 55,
 - (ix) 57 to 63,
 - (x) 82 to 97,
 - (xi) 107 to 142,
 - (xii) 146 and 147A,
 - (xiii) 149 to 156,
 - (xiv) 161 to 163.

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

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

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

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

(a) the Agricultural Land Tribunal (Wales), the Mental Health Review Tribunal for Wales, the Residential Property Tribunal Wales and the Special Educational Needs Tribunal for Wales requiring them to comply with the following standards—

- (i) 92 to 139,
- (ii) 144 to 148,
- (iii) 161 to 168;

(b) the General Chiropractic Council, the General Dental Council, the General Optical Council, the General Osteopathic Council, the General Pharmaceutical Council, the Professional Standards Authority for Health and Social Care, the Health and Care Professions Council, the Nursing and Midwifery Council requiring them to comply with the following standards—

- (i) 8 to 10,
- (ii) 13 and 14,
- (iii) 16 to 21,
- (iv) 23,
- (v) 36,
- (vi) 47,
- (vii) 57 and 58,
- (viii) 60 to 68,
- (ix) 82,
- (x) 92 to 125,
- (xi) 129 to 130A,
- (xii) 132 to 139,
- (xiii) 144 to 146.”

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

“The Care Council for Wales (“*Cyngor Gofal Cymru*”)”;

“The General Chiropractic Council (“*Y Cyngor Ceiropractig Cyffredinol*”)”;

“The General Dental Council (“*Y Cyngor Deintyddol Cyffredinol*”)”;

“The General Medical Council (“*Y Cyngor Meddygol Cyffredinol*”)”;

“The General Optical Council (“*Y Cyngor Optegol Cyffredinol*”)”;

“The General Osteopathic Council (“Y Cyngor Osteopathig Cyffredinol”);

“The General Pharmaceutical Council (“Y Cyngor Fferyllol Cyffredinol”);

“The Health and Care Professions Council (“Y Cyngor Proffesiynau Iechyd a Gofal”);

“The Professional Standards Authority for Health and Social Care (“Yr Awdurdod Safonau Proffesiynol ar gyfer Iechyd a Gofal Cymdeithasol”); and

“The Nursing and Midwifery Council (“Y Cyngor Nyrsio a Bydwreigiaeth”)

Name

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

Date

SCHEDULE 1 Regulation 2(1)
Service Delivery Standards

PART 1
THE STANDARDS

1 Standards relating to correspondence sent by a body

(1) When a body replies to correspondence

Standard 1: If you receive correspondence from a person in Welsh you must reply in Welsh (if an answer is required), unless the person has indicated that there is no need to reply in Welsh.

(2) When a body initiates correspondence

(a) When a body corresponds with an individual

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

- (a) keep a record of A’s wish,
- (b) correspond with A in Welsh when corresponding with A from then onwards, and
- (c) send any forms that A is to complete from then onwards in Welsh.

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

Standard 3: When you send correspondence addressed to one or more individuals who are members of the same household (for example,

the parents of a child) for the first time, you must ask them whether they wish to receive correspondence from you in Welsh; and if—

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

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

Standard 4: When you send the same correspondence to several individuals, you must send a Welsh language version of the correspondence at the same time as you send any English language version.

(3) General standards relating to correspondence

Standard 5: If you don't know whether a person wishes to receive correspondence from you in Welsh, when you correspond with that person you must provide a Welsh language version of the correspondence.

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

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

Standard 7: You must state—

- (a) in correspondence, and
- (b) in publications and notices that invite persons to respond to you or to correspond with you,

that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.

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

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

Standard 8: When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must greet the person in Welsh.

Standard 9: When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must inform the person that a Welsh language service is available.

Standard 10: When a person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh in its entirety if that is the person'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 person contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, you must deal with the call in Welsh if that is the person's wish until such point as—
- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
 - (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.
- Standard 12:** When you advertise telephone numbers, helpline numbers or call centre services, you must not treat the Welsh language less favourably than the English language.
- Standard 13:** If you offer a Welsh language service on your main telephone number (or numbers), on any helpline numbers or call centre numbers, the telephone number for the Welsh language service must be the same as for the corresponding English language service.
- Standard 14:** When you publish your main telephone number, or any helpline numbers or call centre service numbers, you must state (in Welsh) that you welcome calls in Welsh.
- Standard 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 persons 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 persons calling, in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

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

Standard 18: If a person contacts one of your departments on a direct line telephone number (including on staff members' direct line numbers), and that person wishes to receive a service in Welsh, you must deal with the call in Welsh until such point as—

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

Standard 19: When a person contacts you on a direct line number (whether on a department's direct line number or on the direct line number of a member of staff), you must ensure that, when greeting the person, the Welsh language is not treated less favourably than the English language.

(3) Telephone calls made by a body

Standard 20: 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 21: Any automated telephone systems that you have must provide the complete automated service in Welsh.

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

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

Standard 22: If you invite one person only (“P”) to a meeting, you must offer to conduct the meeting in Welsh; and if P informs you that P wishes for the meeting to be conducted in Welsh, you must conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 23: If you invite one person only (“P”) to a meeting you must ask P whether P wishes to use the Welsh language at the meeting, and inform P that you will, if necessary, provide a translation service from Welsh to English for that purpose.

Standard 23A: If you have invited one person only (“P”) to a meeting and P has informed you that P wishes to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

Standard 23B: If you have invited one person only (“P”) to a meeting and P has informed you that P wishes to use the Welsh language at the meeting, you must arrange for a consecutive translation service from Welsh to English to be available at the

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

(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 person 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 persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous 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 persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous 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 persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous 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 persons invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 24D: If you have invited more than one

person to a meeting, and all of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

4 Standard relating to clinical consultations

Standard 25: When an individual (“A”) attends a clinical consultation carried out or provided by you for the first time you must—

- (a) ask A whether A wishes to receive Welsh language support at the clinical consultation,
- (b) if A informs you that A wishes to receive Welsh language support at the clinical consultation, keep a record of that wish, and
- (c) provide Welsh language support to A at clinical consultations from then onwards (unless you carry out or provide the clinical consultation in Welsh).

5 Standards relating to case conferences

Standard 26: If you invite an individual (“A”), to a case conference you must—

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

Standard 26A: You must provide a simultaneous translation service from Welsh to English and from English to Welsh at a case conference if you have invited an individual (“A”) to a

case conference and A has informed you that A wishes to use the Welsh language at the conference (unless you conduct the conference in Welsh without the assistance of a translation service).

Standard 26B: You must provide a consecutive translation service from Welsh to English and from English to Welsh at a case conference if you have invited an individual (“A”) to a case conference and A has informed you that A wishes to use the Welsh language at the conference (unless you conduct the conference in Welsh without the assistance of a translation service).

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

Standard 27: If you arrange a meeting that is open to the public 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 28: When you send invitations to a meeting that you arrange which is open to the public, you must send the invitations in Welsh.

Standard 29: If you invite persons to speak at a meeting that you arrange which is open to the public you must—

- (a) ask each person invited to speak whether he or she wishes to use the Welsh language, and
- (b) if that person (or at least one of those persons) has informed you that he or she wishes to use the Welsh language at the meeting, provide a simultaneous translation service from Welsh to English for that purpose (unless you conduct the meeting in Welsh without a translation service).

Standard 30: If you arrange a meeting that is

open to the public, 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 31: If you display any written material at a meeting that you arrange which is open to the public, you must ensure that the material is displayed in Welsh, and you must not treat any Welsh language text less favourably than the English language text.

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

Standard 32: 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 33: If you organise a public event, or fund at least 50% of a public event, you must ensure that the Welsh language is treated no less favourably than the English language at the event (for example, in relation to services offered to persons attending the event, in relation to signs displayed at the event and in relation to audio announcements made at the event).

8 Standard relating to a body's publicity and advertising

Standard 34: Any publicity or advertising material that you produce must be produced in Welsh, and if you produce the material in Welsh and in English, you must not treat the Welsh language version less

favourably than you treat the English language version.

9 Standards relating to a body displaying material in public

Standard 35: Any material that you display in public must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.

Standard 36: Any material that you display at a public exhibition organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

10 Standards relating to a body producing and publishing documents

Standard 37: Any agendas and minutes you produce that are available to the public, which relate to Board, Trust, Authority or Council meetings must be produced in Welsh.

Standard 38: Any agendas and minutes you produce for meetings, conferences or seminars that are open to the public must be produced in Welsh.

Standard 39: Any certificate or card you produce must be produced in Welsh.

Standard 40: Any brochure, leaflet, pamphlet or card that you produce in order to provide information to the public must be produced in Welsh.

Standard 41: If you produce the following documents, and they are available to the public, you must produce them in Welsh—

- (a) policies, strategies, annual reports, and corporate plans;
- (b) consultation papers.

Standard 42: If you produce guidelines and codes of practice for public use, you must produce them in Welsh.

Standard 43: Any rules that you publish that apply to the public must be published in Welsh.

Standard 44: When you issue any statement to the press you must issue it in Welsh and, if there is a Welsh language version and an English language version of a statement, you must issue both versions at the same time.

Standard 45: If you produce a document which is available to the public, 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 46: If you produce a document in Welsh and in English (whether separate versions or not), you must not treat any Welsh language version less favourably than you treat the English language version.

Standard 47: If you produce a Welsh language version and a separate English language version of a document, you must ensure that the English language version clearly states that the document is also available in Welsh.

11 Standards relating to a body producing and publishing forms

Standard 48: Any form that is to be completed by an individual must be produced in Welsh.

Standard 48A: If you produce a Welsh language version and a separate English

language version of a form, you must ensure that the English language version clearly states that the form is also available in Welsh.

Standard 48B: If you produce a form in Welsh and in English (whether separate versions or not), you must ensure that the Welsh language version is treated no less favourably than the English language version, and you must not differentiate between the Welsh and English versions in relation to any requirements that are relevant to the 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 form).

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

(1) Websites published by a body

Standard 49: 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 50: 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 51: 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 52: 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 53: You must provide the interface and menus on every page of your website in Welsh.

(2) Apps published by a body

Standard 54: All apps that you publish must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that app.

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

Standard 55: When you use social media you must not treat the Welsh language less favourably than the English language.

Standard 56: If a person contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

14 Standards relating to signs displayed by a body

Standard 57: When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you

display corresponding English language text or on a separate sign); and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

Standard 58: When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh-language text must be positioned so that it is likely to be read first.

Standard 59: You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

15 Standards relating to a body receiving visitors at its buildings

Standard 60: Any reception service you make available in English at your reception must also be available in Welsh, and any person who requires a Welsh language reception service at your reception must not be treated less favourably than a person who requires an English language reception service.

Standard 61: 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 62: 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 63: You must ensure that staff at the reception who are able to provide a Welsh language reception service wear a badge to convey that.

16 Standards relating to notices made by a body

Standard 64: Any notice that you publish or display must be published or displayed in Welsh, and you must not treat any Welsh language version of a notice less favourably than an English language version.

Standard 65: When you publish or display a notice that contains Welsh language text as well as English language text, the Welsh language text must be positioned so that it is likely to be read first.

17 Standards relating to a body awarding grants

Standard 66: Any documents that you publish which relate to applications for a grant must be published in Welsh, and you must not treat a Welsh language version of such documents less favourably than an English language version.

Standard 67: When you invite applications for a grant, you must state in the invitation that applications may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English.

Standard 67A: You must 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 68: If you receive an application for a grant in Welsh and it is necessary to interview an applicant as part of your assessment of the application, you must offer to conduct that interview in Welsh and, if the applicant so wishes, you must conduct the interview in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 69: If you receive an application for a grant in Welsh and it is necessary to interview the applicant as part of your assessment of the application you must—

- (a) offer to provide a translation service from Welsh to English to enable the applicant to use the Welsh language at the interview, and
- (b) if the applicant wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).

Standard 70: 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.

18 Standards relating to a body awarding contracts

Standard 71: Any invitations to tender for a contract that you publish must be published in Welsh, and you must not treat a Welsh language version of any invitation less favourably than an English language version.

Standard 72: When you publish invitations to tender for a contract, you must state in the invitation that tenders may be submitted in Welsh, and that a tender submitted in Welsh will be treated no less favourably than a tender submitted in English.

Standard 72A: You must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English (including, amongst other matters, in relation to the closing date for receiving tenders, and in relation to the time-scale for informing tenderers of decisions).

Standard 73: If you receive a tender in Welsh and it is necessary to interview a

tenderer as part of your assessment of the tender, you must offer to conduct that interview in Welsh and, if the tenderer so wishes, you must conduct the interview in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 74: If you receive a tender in Welsh and it is necessary to interview the tenderer as part of your assessment of the tender you must—

- (a) offer to provide a translation service from Welsh to English to enable the tenderer to use the Welsh language at the interview, and
- (b) if the tenderer wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).

Standard 75: When you inform a tenderer of your decision in relation to a tender, you must do so in Welsh if the tender was submitted in Welsh.

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

Standard 76: You must promote any Welsh language service that you provide, and advertise that service in Welsh.

Standard 77: 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.

20 Standard relating to a body's corporate identity

Standard 78: When you form, revise or present your corporate identity, you must not treat the Welsh language less favourably than the English language.

21 Standards relating to courses offered by a body

Standard 79: If you offer an education course that is open to the public, you must offer it in Welsh.

Standard 80: If you offer an education course that is open to the public and which is aimed specifically at persons aged 18 or under, you must offer it in Welsh.

Standard 81: If you develop an education course that is to be offered to the public, you must assess the need for that course to be offered in Welsh; and you must ensure that the assessment is published on your website.

22 Standard relating to public address systems used by a body

Standard 82: 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.

23 Standards relating to primary care

Standard 83: When you know that a primary care provider is willing to provide its primary care service or part of its primary care service through the medium of Welsh, you must designate and maintain a page on your website (in Welsh) containing that information.

Standard 84: You must provide a translation service for use by a primary care provider to enable it to obtain Welsh language translations of signs displayed in connection with its service.

Standard 84A: You must encourage the use of a translation service provided by you in accordance with standard 84.

Standard 85: When you produce a document in relation to a primary care service for public use, you must produce that document in Welsh.

Standard 86: If you produce a document in relation to a primary care service in Welsh and English (whether separate versions or not) you must not treat any Welsh language version less favourably than you treat the English language version.

Standard 87: When you send a document you have produced for public use to a primary care provider, you must also send a Welsh language version of that document.

Standard 88: You must ensure that—

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

Standard 89: You must ensure that—

- (a) the text of the homepage of your website which relates to a primary care service is available in Welsh,
- (b) any Welsh language text on your homepage which relates to a primary care service (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 which relates to a primary care service.

Standard 90: You must ensure that when you publish a new page on your website which relates to a primary care service or amend a page which relates to a primary care service—

- (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 91: If you have a Welsh language web page which relates to a primary care service 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 92: You must provide the interface and menus on every page of your website which relates to a primary care service in Welsh.

Standard 93: All apps that you publish which relate to a primary care service must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that app.

Standard 94: When you use social media in relation to a primary care service you must not treat the Welsh language less favourably than the English language.

Standard 95: If a person contacts you by social

media in Welsh in relation to a primary care service, you must reply in Welsh (if an answer is required).

Standard 96: You must make available to a primary care provider a badge for it or its staff to wear to convey that they are able to speak Welsh.

Standard 96A: You must promote to a primary care provider the wearing of the badge that conveys that the wearer is able to speak Welsh.

Standard 97: You must provide training courses, information or hold events so that a primary care provider can develop—

- (a) an awareness of the Welsh language (including awareness of its history and its role in Welsh culture); and
- (b) an understanding of how the Welsh language can be used in the workplace.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

24 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 one person Standard 23	One or more of the following: Standard 23A Standard 23B
(10)	Meetings with one person Standard 23A or 23B	Standard 23
(11)	Meetings with more than one person Standard 24	One or more of the following: Standard 24A Standard 24B Standard 24C and also one of more of the following; Standard 24CH Standard 24D
(12)	Meetings with more than one person Standard 24A, 24B, 24C, 24CH or 24D	Standard 24
(13)	Case conferences Standard 26	One or more of the following: Standard 26A Standard 26B
(14)	Case conferences Standard 26A or 26B	Standard 26
(15)	Public meetings Standard 27	Standard 30
(16)	Public meetings Standard 30	Standard 27
(17)	Documents	

	Standard 37, 38, 39, 40, 41, 42, 43 or 44	Standard 46 Standard 47
(18)	Forms Standard 48	Standard 48A Standard 48B
(19)	Websites Standard 49, 50 or 51	Standard 52
(20)	Signs Standard 57 or 58	Standard 59
(21)	Reception Standard 60	Standard 62 Standard 63
(22)	Reception Standard 61	Standard 62
(23)	Raising awareness of Welsh-language services in a reception Standard 62	One or more of the following: Standard 60 Standard 61
(24)	Grants Standard 67	Standard 67A Standard 70
(25)	Grants Standard 68 or 69	Standard 67 Standard 67A
(26)	Contracts Standard 72	Standard 72A Standard 75
(27)	Contracts Standard 73 or 74	Standard 72 Standard 72A
(28)	Primary care services: translation Standard 84	Standard 84A
(29)	Primary care services:	

	translation Standard 84A	Standard 84
(30)	Primary care services: websites Standard 88, 89 or 90	Standard 91
(31)	Primary care services: badges Standard 96	Standard 96A
(32)	Primary care services: badges Standard 96A	Standard 96

PART 3

INTERPRETING THE STANDARDS

- 25** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 26** 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.
- 27** The standards do not apply to the extent that the activity carried out or the service provided relates to research.
- 28** Standards 1 to 82 do not apply to the extent that the activity carried out or the service provided relates to primary care services.
- 29** 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.

30

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).

31

(1) A body is not required to translate into Welsh any text that it has not produced (“text A”).

(2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).

(3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with—

- (a) its Welsh Language Scheme;
- (b) a duty to comply with standards;
- (c) Standing Orders of the Assembly;
- (ch) section 35(1C) of the 2006 Act; or
- (d) the Assembly Commission’s Official Languages Scheme.

(4) In this paragraph—

- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act

1993(1);

- (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
- (c) “the 2006 Act” means the Government of Wales Act 2006(2);
- (ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;
- (d) “the Assembly Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

32

(1) If—

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

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

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

(1) 1993 c.38.
(2) 2006 c.32.
(3) 2004 c.36.

and

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

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

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

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

33

(1) Where the emergency is not an emergency within the meaning of paragraph 32, and—

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

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

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

(2) The condition is that the body

is undertaking an emergency drill.

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

34

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

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

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

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

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

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

⁽¹⁾ 1984 c. 22.

- 35 For the purposes of standards 2, 3 and 20, a body corresponds with an individual or makes a telephone call to an individual for the first time when it corresponds or makes a telephone call for the first time after the date on which a compliance notice has required the body to comply with the standard.
- 36 Standards 8 to 11 and 14 to 17 do not apply to calls made to the following telephone numbers—
- (a) 999;
 - (b) 112.
- 37 In standard 21 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 numbers in order to choose different options.
- 38 (1) Subject to sub-paragraph (2) standards 22 to 24D do not apply to a meeting between the body and one or more of the following (“the meeting”)—
- (a) medical practitioners (including surgeons);
 - (b) dentists and dental assistants;
 - (c) nurses, midwives and health visitors;
 - (ch) healthcare support workers;
 - (d) pharmacists;
 - (dd) optometrists and dispensing opticians;
 - (e) osteopaths;
 - (f) chiropractors;
 - (ff) dieticians;
 - (g) arts therapists;
 - (ng) biomedical scientists;
 - (h) chiropodists and podiatrists;
 - (i) clinical scientists;
 - (j) hearing aid dispensers;
 - (l) occupational therapists;
 - (ll) operating department practitioners;
 - (m) orthoptists;
 - (n) paramedics;
 - (o) physiotherapists;
 - (p) practitioner psychologists;

- (ph) prosthetists and orthotists;
- (r) radiographers;
- (rh) speech and language therapists;

(2) The standards referred to in sub-paragraph (1) apply where an individual is present at the meeting.

- 39** For the purpose of standard 25 “Welsh language support” means providing support in the Welsh language to an individual to ensure that the individual understands what is happening during the clinical consultation (for example by providing a Welsh speaking member of staff to check in Welsh that the individual understands what has been said or to explain in Welsh what has been said or by providing a translation service).
- 40** Standards 22 to 24D (meetings) do not apply to a clinical consultation or a case conference (see standards 25 to 26B).
- 41** Standard 33 does not apply to—
- (a) performances of music;
 - (b) artistic or dramatic productions;
 - (c) seminars or oral presentations relating to the performance or production; or
 - (ch) any recording of the performance, production, seminar or oral presentation.
- 42** Standards 33 and 82 do not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.
- 43** Where a standard refers to material that is to be produced in Welsh (with the exception of standards 49 to 54 and 88 to 93 (websites and apps), 55 and 56 and 94 and 95 (social media) and 71 (invitations to tender)), references to treating the Welsh language no less favourably than the English language, or to treating a

Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

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

44

For the purposes of standards 37, 38, 41, 42 and 45 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).

45

(1) Standards 48, 48A and 48B do not apply to the forms listed in sub-paragraph (3).

(2) For the purposes of standard 2, a body is not required to send a Welsh language version of the forms listed in sub-paragraph (3).

(3) The forms are—

- (a) forms used by a body to recruit employees (see standards 149A, 150 and 151 in relation to recruitment);
- (b) forms used when applying for grant assistance from a body (see standards 66 to 70 in relation to applications for grants); and

(1) 2000 c.36

- (c) forms used when submitting a tender to enter into a contract with a body (see standards 71 to 75 in relation to tendering for a contract).
- 46** Standards 45, 46 and 47 do not apply to an enactment made by a body or to a draft enactment prepared by a body.
- 47** Standards 40, 41 and 45 do not apply to any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 48** Standard 43 does not apply to rules specified in an enactment or in a draft enactment prepared by a body.
- 49** Standards 49 to 53 and 88 to 92 (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 37 to 47 and 85 to 87 for specific provision in relation to documents, and standard 34 in relation to advertising material produced by a body); or
 - (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).
- 50** (1) For the purpose of standards 54 and 93 an 'app' is a software application designed to undertake a specific task on an electronic device.
- (2) Standards 54 and 93 do not apply to any advertising material on an app (see standard 34 in relation to advertising material produced by a body).
- 51** For the purpose of standards 49 to 51 and 88 to 90 (websites), 54 and

93 (apps) and standards 55 and 94 (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.

52

(1) Standards 1 to 7 (correspondence) do not apply to correspondence sent by social media (see standards 55 and 56 and 94 and 95 in relation to social media).

(2) Standards 49 to 54 and 88 to 93 (websites and apps) do not apply to social media (see standards 55 and 56 and 94 and 95 in relation to social media).

53

Standards 55 and 56 and 94 and 95 (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 37 to 47 and 85 to 87 for specific provision in relation to documents, and standard 34 in relation to advertising material produced by a body); or
- (b) information presented by persons (other than the body) on a body's social media account (for example on a section for comments).

- 54** For the purposes of standards 60 to 63 (receiving visitors)—
- (a) “reception” means an area in a body’s hospitals, offices and service locations where staff’s main role is to welcome persons; and
 - (b) “reception service” means a service for welcoming persons to the body’s hospitals, offices or service locations by staff whose main role is for that purpose.
- 55** For the purposes of standards 7, 64 and 65 a “notice” means any notice that a body publishes, but it does not include notices prescribed by an enactment.
- 56** For the purposes of standard 71 (invitation to tender)—
- (1) A body is not required to publish an invitation to tender in Welsh in the Official Journal of the European Union.
 - (2) A reference to treating a Welsh language version no less favourably than an English language version includes, amongst other matters, treating the Welsh language no less favourably as regards—
 - (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; and
 - (d) the publication format of material;
- but a body will not be treating the Welsh language less favourably than the English language by not publishing an invitation to tender in Welsh in the Official Journal of the European Union.

57 (1) For the purposes of standard 78, 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 78 does not apply to the extent that an enactment requires a body to use a legal name.

58 For the purposes of standards 79, 80 and 81 (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; 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.

59 For the purposes of the standards “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under—

(a) an Act of Parliament; or

(b) a Measure or an Act of the National Assembly for Wales.

SCHEDULE 2 Regulation 2(2)

Policy making Standards

PART 1

THE STANDARDS

- 1** **Standards relating to considering the effects of a body's policy decisions on the Welsh language**
- Standard 98:** 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 99:** 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 100:** 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 101: 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 102: 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 103: 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 104: 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 105: 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 106: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would not have adverse effects, or so that it would have decreased adverse effects, on—

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

Standard 107: You must produce and publish a policy on providing primary care services which requires you to take the following into account when you make decisions in relation to providing primary care services—

- (a) what effects, if any (and whether positive or negative), the decision

would have on—

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

**Standard
107A:**

On the expiry of 5 years after publishing the policy in accordance with standard 106 (whether or not revisions have been made to that policy) and on the expiry of each subsequent period of 5 years you must —

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

PART 2

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 exercise of statutory powers;
 - (b) the content of policy statements;
 - (c) strategies or strategic plans;
 - (ch) internal structures and location of premises; or
 - (d) the recruitment or use of volunteers.
- 3** In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect.
- 4** Standards 104 to 106 do not apply to the extent that the research commissioned or undertaken is or relates to medical research.

SCHEDULE 3 Regulation 2(3)

Operational standards

PART 1

THE STANDARDS

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

Standard 108: 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 109: 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 110: You must—

- (a) ask each employee whether he or she wishes to receive any paper correspondence that relates to his or her employment, and which is addressed to him or her personally, in Welsh, and
- (b) if an employee so wishes, provide any such correspondence to that employee in Welsh.

Standard 111: You must ask each employee whether he or she wishes to receive any documents that outline his or her training needs or requirements in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.

Standard 112: You must ask each employee whether he or she wishes to receive any documents that outline his or her performance objectives in Welsh;

and if that is the employee's wish you must provide any such documents to him or to her in Welsh.

Standard 113: You must ask each employee whether he or she wishes to receive any documents that outline or record his or her career plan in Welsh; and if that is the employee's wish you must provide any such documents to him or to her in Welsh.

Standard 114: You must ask each employee whether he or she wishes to receive any forms that record and authorise—

(a) annual leave,

(b) absences from work, and

(c) flexible working hours,

in Welsh; and if that is an employee's wish, you must provide any such forms to him or to her in Welsh.

Standard 115: If you publish a policy relating to behaviour in the workplace, you must publish it in Welsh.

Standard 116: If you publish a policy relating to health and well-being at work, you must publish it in Welsh.

Standard 117: If you publish a policy relating to salaries or workplace benefits, you must publish it in Welsh.

Standard 118: If you publish a policy relating to performance management, you must publish it in Welsh.

Standard 119: If you publish a policy about absence from work, you must publish it in Welsh.

Standard 120: If you publish a policy relating to working conditions, you must publish it in Welsh.

Standard 121: If you publish a policy regarding work patterns, you must publish it in Welsh.

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

Standard 122: You must allow each member of staff—

- (a) to make complaints to you in Welsh, and
- (b) to respond in Welsh to any complaint made about him or about her.

Standard 122A: You must state in any document that you have that sets out your procedures for making complaints that each member of staff may—

- (a) make a complaint to you in Welsh, and
- (b) respond to a complaint made about him or about her in Welsh;

and you must also inform each member of staff of that right.

Standard 123: 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, and
- (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 124: 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) ask the member of staff whether he or she wishes to use the Welsh language at the meeting; and
- (b) explain that you will provide a translation service from Welsh to English for that purpose if it is required;

and if the member of staff wishes to use the Welsh language, you must provide a simultaneous translation service from Welsh to English at the meeting (unless you conduct the meeting in Welsh without translation services).

Standard 125: When you inform a member of staff of a decision you have reached in relation to a complaint made by him or by her, or in relation to a complaint made about him or about her, you must do so in Welsh if that member of staff—

- (a) made the complaint in Welsh,
- (b) responded in Welsh to a complaint about him or about her,
- (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 126: You must allow all members of staff to respond in Welsh to allegations made against them in any internal disciplinary process.

Standard 126A: You must—

- (a) state in any document that you have which sets out your arrangements for disciplining staff that any member of staff may respond in Welsh to any allegations made against him or against her, and
- (b) if you commence a disciplinary procedure in relation to a member of staff, inform that member of staff of that right.

Standard 127: If you organise a meeting with a member of staff regarding a disciplinary matter that relates to his or to her conduct you must—

- (a) offer to conduct the meeting in Welsh; and
- (b) if the member of staff wishes for the meeting to be conducted in Welsh, conduct the meeting in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 128: If you organise a meeting with a member of staff regarding a disciplinary matter that relates to his or her conduct you must—

- (a) ask the member of staff whether he or she wishes to use the Welsh language at the meeting, and
- (b) explain that you will provide a translation service for that purpose if it is required;

and, if the member of staff wishes to use the Welsh language, you must provide a simultaneous translation service from Welsh to English at the meeting (unless you conduct the meeting in Welsh without a translation service).

Standard 129: When you inform a member of staff of a decision you have reached following a disciplinary process, you must do so in Welsh if that member of staff—

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

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

Standard 130: 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 131: 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 132: 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 133: 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 134: 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 135: 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 136: 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 137: You must assess the Welsh language skills of your employees.

Standard 138: You must provide training in Welsh in the following areas, if you provide such training in English—

- (a) recruitment and interviewing;
- (b) performance management;
- (c) complaints and disciplinary procedures;
- (ch) induction;
- (d) dealing with the public; and
- (dd) health and safety.

Standard 139: You must provide training (in Welsh) on using Welsh effectively in—

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

Standard 140: You must provide training (in Welsh) on using Welsh effectively in clinical consultations.

Standard 141: 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 142: You must provide opportunities for employees who have completed basic Welsh language training to receive further training, free of charge, to develop their language skills.

Standard 143: You must provide training courses so that your employees can develop—

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

Standard 144: 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 145: You must provide 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.

Standard 146: You must provide wording for your employees which will enable them to include a Welsh language version of their contact details in e-mail messages, and to provide a Welsh language version of any message which informs others that they are unavailable to respond to e-mail messages.

Standard 147: You must make available to members of staff who are able to speak Welsh a badge for them to wear to convey that.

Standard 147A: You must promote to members of staff the wearing of a badge that conveys that a member of staff is able to speak Welsh.

6 Standards relating to a body recruiting and appointing

Standard 148: When you assess the requirements for a new or vacant post, you must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply—

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

Standard 148A: 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 149: 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 149A: If you publish—

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

you must publish them in Welsh; and you must ensure that the Welsh language versions of the documents

are treated no less favourably than any English language versions of those documents.

Standard 149B: 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 individuals of decisions).

Standard 150: You must ensure that your application forms for posts provide a space for individuals to indicate that they wish an interview or other method of assessment in Welsh and if an individual 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 151: You must ensure that your application forms for posts—

- (a) provide a space for individuals to indicate that they wish to use the Welsh language at an interview or at any other method of assessment, and
- (b) explain that you will provide a translation service from Welsh to English for that purpose if it is required;

and, if the individual wishes to use the Welsh language at the interview or assessment, you must provide a simultaneous translation service at the interview or assessment (unless you conduct the interview or assessment in Welsh without that translation service).

Standard 152: When you inform an individual of your decision in relation to an application for a post, you must do so in Welsh if the application was made in Welsh.

7 Standards relating to signs displayed in a body's workplace

Standard 153: When you erect a new sign or renew a sign in your workplace (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

Standard 154: When you erect a new sign or renew a sign in your workplace (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

Standard 155: You must ensure that the Welsh language text on signs displayed in your workplace is accurate in terms of meaning and expression.

8 **Standard relating to audio announcements and messages in a body's workplace**

Standard 156: When you make announcements in the workplace using audio equipment, that announcement must be made in Welsh, and if the announcement is made in Welsh and in English, the announcement must be made in Welsh first.

PART 2

**STANDARDS THAT ARE RELIANT ON
OTHER STANDARDS – SPECIAL
CONDITIONS**

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

standards listed in column 2 of that row.

TABLE 1

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
(1)	Complaints procedures Standard 122	Standard 122A
(2)	Complaints procedures Standard 122A	Standard 122
(3)	Disciplining staff Standard 126	Standard 126A
(4)	Disciplining staff Standard 126A	Standard 126
(5)	Intranet Standards 131, 132 or 133	Standard 134
(6)	Workforce planning and training Standard 147	Standard 147A
(7)	Workforce planning and training Standard 147A	Standard 147
(8)	Recruitment and appointments Standard 148	Standard 148A
(9)	Recruitment Standard 149	Standard 149A Standard 149B

		Standard 152
(10)	Internal signs Standard 153	Standard 155

PART 3

INTERPRETING THE STANDARDS

- 10** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 11**
- (1) A body is not required to translate into Welsh any text that it has not produced (“text A”).
- (2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).
- (3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with—
- (a) its Welsh Language Scheme;
 - (b) a duty to comply with standards;
 - (c) Standing Orders of the Assembly;
 - (ch) section 35(1C) of the 2006 Act; or
 - (d) the Assembly Commission’s Official Languages Scheme.
- (4) In this paragraph—
- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993(1);
 - (b) “a duty to comply with standards” means a duty to comply with a standard

(1) 1993 c.38.

under section 25 of the Welsh Language (Wales) Measure 2011;

(c) “the 2006 Act” means the Government of Wales Act 2006⁽¹⁾;

(ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;

(d) “the Assembly Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

12

For the purposes of standards 131 to 133 (a body’s intranet), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

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

but it does not mean that the Welsh language material must appear on the same page as the English language material, or on a page that is likely to open before the corresponding English language version of a page.

13

For the purposes of standards 149A (recruitment) and 153 (internal signs), references to treating the Welsh language no less favourably than the English language includes, amongst other matters (and in addition to specific matters referred

⁽¹⁾ 2006 c.32.

to in any individual standard), treating the Welsh language no less favourably as regards—

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

14 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).

15 Standards 131 to 133 (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 115 to 121 for specific provision in relation to documents); or
- (b) information presented by persons on an interactive page published on a body's intranet (for example on a section for comments or on a discussion forum).

16 For the purposes of standards 148 and 148A only—

- (a) “post” includes a public appointment;
- (b) “public appointment” means any appointment to a public body or public office.

- 17** For the purposes of standards 149 to 152 only “post” includes voluntary post.
- 18** Standard 156 does not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.

SCHEDULE 4 Regulation 2(4)
Record Keeping Standards

PART 1
THE STANDARDS

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

Standard 157: 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 158: 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 159: You must keep a copy of any written complaint that you receive that relates to the Welsh language (whether or not that complaint relates to the standards with which you are under a duty to comply).

Standard 160: You must keep a record of the steps that you have taken in order to ensure compliance with the policy making standards with which you are under a duty to comply.

Standard 161: You must keep a record (following assessments of your employees' Welsh language skills made in accordance with standard 137), 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 162: You must keep a record, for each financial year of—
(a) the number of members of staff who attended training courses provided

in Welsh (in accordance with standard 138), and

- (b) if a Welsh version of a course was provided in accordance with standard 138, the percentage of the total number of staff attending the course who attended that version.

Standard 163: You must keep a record of the number of members of staff who wear a badge (made available to them in accordance with standard 147) at the end of each financial year.

Standard 164: You must keep a copy of every assessment that you carry out (in accordance with standard 148) in respect of the Welsh language skills that may be needed in relation to a new or vacant post.

Standard 165: 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 148) 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 157, 161, 162, 163 and 165 “financial year” means the body's own financial year.

SCHEDULE 5 Regulation 2(5)

Standards which deal with Supplementary Matters

PART 1

SERVICE DELIVERY STANDARDS

1 **A body publicising service
delivery standards**

Standard 166: You must ensure that a document which records the service delivery 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 167: You must—

- (a) ensure that you have a complaints procedure that deals with the following matters—
 - (i) how you intend to deal with complaints relating to your compliance with the service delivery standards with which you are under a duty to comply, and
 - (ii) how you will provide training for your staff in relation to dealing with those complaints,
- (b) publish a document that records that procedure on your website.

3 **A body publishing arrangements
for oversight, promotion etc.**

Standard 168: You must—

- (a) ensure that you have arrangements for—
 - (i) overseeing the way you

comply with the service delivery 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 service delivery standards

Standard 169: (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 service delivery standards with which you were under a duty to comply during that year.

(2) The annual report must include the number of complaints that you received during that year which related to your compliance with the service delivery standards with which you were under a duty to comply.

(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 publicise the fact that you have published an annual report.

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

5 A body publicising the way it intends to comply with service delivery standards

Standard 170: You must publish a document on your website which explains how you intend to comply with the service delivery standards with which you are under a duty to

comply.

6 A body providing information to the Welsh Language Commissioner

Standard 171: You must provide any information requested by the Welsh Language Commissioner which relates to your compliance with the service delivery standards with which you are under a duty to comply.

PART 2
POLICY MAKING STANDARDS

7 **A body publicising policy making standards**

Standard 172: You must ensure that a document which records the policy making 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.

8 **A body publishing a complaints procedure**

Standard 173: You must—

- (a) ensure that you have a complaints procedure that deals with the following matters—
 - (i) how you intend to deal with complaints relating to your compliance with the policy making standards with which you are under a duty to comply, and
 - (ii) how you will provide training for your staff in relation to dealing with those complaints,
- (b) publish a document that records that procedure on your website.

9 **A body publishing arrangements for oversight**

Standard 174: You must—

- (a) ensure that you have arrangements for overseeing the way you comply with the policy making standards with which you are under a duty to comply,

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

10 A body producing an annual report regarding policy making standards

Standard 175:

(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 policy making standards with which you were under a duty to comply during that year.

(2) The annual report must include the number of complaints you received during the year which related to your compliance with the policy making standards with which you were under a duty to comply.

(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 publicise the fact that you have published an annual report.

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

11 A body publicising the way it intends to comply with policy making standards

Standard 176:

You must publish a document on your website which explains how you intend to comply with the policy making standards with which you are under a duty to comply.

12 A body providing information to the Welsh Language Commissioner

Standard 177:

You must provide any information requested by the Welsh Language Commissioner which relates to compliance with the policy making

standards with which you are under a duty to comply.

PART 3

OPERATIONAL STANDARDS

13 **A body publicising operational standards**

Standard 178: You must ensure that a document which records the operational 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.

14 **A body publishing a complaints procedure**

Standard 179: You must—

- (a) ensure that you have a complaints procedure that deals with the following matters—
 - (i) how you intend to deal with complaints relating to your compliance with the operational standards with which you are under a duty to comply, and
 - (ii) how you will provide training for your staff in relation to dealing with those complaints, and
- (b) publish a document that records that procedure on your intranet.

15 **A body publishing oversight arrangements, promotion etc.**

Standard 180: You must—

- (a) ensure that you have arrangements for—
 - (i) overseeing the way you comply with the operational 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, and
- (b) publish a document that records that procedure on your intranet.

16

A body producing an annual report regarding operational standards

Standard 181:

(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 operational 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 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 161);
- (b) the number of members of staff who attended training courses you offered in Welsh during the year (on the basis of the records you kept in accordance with standard 162);
- (c) if a Welsh version of a course was offered by you during that year, the percentage of the total number of staff attending the course who attended the Welsh version (on the basis of the records you

kept in accordance with standard 162);

- (ch) the number of members of staff who wear a badge at the end of the financial year (on the basis of records you kept in accordance with standard 163);
- (d) the number (on the basis of the records you kept in accordance with standard 165) 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; and
- (dd) the number of complaints that you received during that year which related to your compliance with the operational standards with which you were under a duty to comply.

(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 publicise the fact that you have published an annual report.

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

17

A body publicising the way it intends to comply with operational standards

Standard 182:

You must publish a document on your website which explains how you intend to comply with the

operational standards with which you are under a duty to comply.

18 **A body providing information to the Welsh Language Commissioner**

Standard 183: You must provide any information requested by the Welsh Language Commissioner which relates to compliance with the operational standards with which you are under a duty to comply.

PART 4

RECORD KEEPING STANDARDS

19 **A body publicising record keeping standards**

Standard 184: You must ensure that a document which records the record keeping 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.

20 **A body providing information to the Welsh Language Commissioner**

Standard 185: You must provide any records you have kept in accordance with the record keeping standards with which you are under a duty to comply to the Welsh Language Commissioner, if the Commissioner asks for those records.

PART 5

INTERPRETING THE STANDARDS

21 The standards specified in Parts 1 to 4 must be interpreted as follows.

22 For the purposes of standards 169, 175 and 181 “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).

PART 6

SUPPLEMENTARY PROVISION

24 **Complaints procedures**

(1) When a body is under a duty to comply with one or more of the following standards, it may—

- (a) comply with them in one complaints procedure; or
- (b) revise an existing complaints procedure.

(2) The standards are—

- (a) standard 167;
- (b) standard 173; and
- (c) standard 179.

25 **Supervisory arrangements**

(1) When a body is under a duty to comply with one or more of the following standards, it may comply with them in one set of supervisory arrangements.

(2) The standards are—

- (a) standard 168;
- (b) standard 174; and
- (c) standard 180.

26 **Annual reports**

(1) When a body is under a duty to comply with one or more of the following standards, it may comply with them by including the necessary information in one annual report, to be called “Welsh

Language Standards Annual Report”.

(2) The standards are—

- (a) standard 169;
- (b) standard 175; and
- (c) standard 181.

27

Publicising the way in which a body intends to comply with standards

(1) When a body is under a duty to comply with one or more of the following standards, it may comply with them in one document.

(2) The standards are—

- (a) standard 170;
- (b) standard 176; and
- (c) standard 182.

SCHEDULE 6 Regulation 3

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

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

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

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

NHS Business Services Authority (“*Awdurdod Gwasanaethau Busnes y GIG*”)