
WELSH STATUTORY INSTRUMENTS

2022 No. 796 (W. 174)

WELSH LANGUAGE

The Welsh Language Standards (No. 8) Regulations 2022

Made - - - - *13 July 2022*

Coming into force - - *31 October 2022*

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 Senedd Cymru 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. 8) Regulations 2022.
- (2) These Regulations come into force on 31 October 2022.
- (3) These Regulations apply in relation to Wales.
- (4) In these Regulations—
- a “body” (“*corff*”) means a person listed in Schedule 6;
 - an “individual” (“*unigolyn*”) means a natural person ordinarily resident in Wales acting in their personal capacity but does not include a registrant acting in their capacity as a registrant;
 - a “member of staff” (“*aelod o staff*”) means an employee of a body or a natural person working for a body but not a board or council member of that body (and “staff” (“*staff*”) must be construed accordingly);
 - “registered” (“*wedi ei gofrestru*”) means registered in a register that the body maintains by virtue of any enactment;
 - a “registrant” (“*un sydd wedi cofrestru*”) means a person ordinarily resident in Wales registered with a body or applying to be registered with a body.
- (5) In these Regulations—
- (a) references to any activity being carried out by a body, or to any service being provided by a body, are to be read as including a reference to that activity being carried out on the body’s behalf or to that service being provided on the body’s behalf by a third party under arrangements made between the third party and the body;
 - (b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out

(1) 2011 nawm 1 .

or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

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

Standards specified

2.—(1) In Schedule 1—

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

(2) In Schedule 2—

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

(3) In Schedule 3—

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

(4) In Schedule 4—

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

(5) In Schedule 5—

- (a) Part 1 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 to 4;
- (b) Part 2 makes provision about interpreting the supplementary standards.

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 the Professional Standards Authority for Health and Social Care requiring them to comply with standard 20 and standards 23 to 32.

13 July 2022

Jeremy Miles
Minister for Education and Welsh Language, one
of the Welsh Ministers

SCHEDULE 1

Regulation 2(1)

Service delivery Standards

PART 1

THE STANDARDS

1	Standards relating to correspondence sent by a body <i>(1) When a body replies to correspondence</i>
Standard 1:	If you receive correspondence from a person in Wales 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.
	<i>(2) When a body initiates correspondence with several individuals</i>
Standard 2:	When you send the same correspondence to several individuals, you must send a Welsh language version of the correspondence to the individuals at the same time as you send any English language version.
	<i>(3) General standards relating to correspondence</i>
Standard 3:	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 4:	You must state— (a) in correspondence, and (b) in publications and notices that invite persons in Wales to respond to you or to correspond with you, that you welcome receiving correspondence in Welsh, that you will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay.
2	Standards relating to telephone calls made and received by a body
Standard 5:	When an individual contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, and that individual requests that you deal with the call in Welsh, you must deal with the call in Welsh if a Welsh speaking member of staff is available (by transferring the call if necessary), until such point as— (a) the Welsh speaking member of staff cannot 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 6:	Any automated telephone systems that you have must provide the complete automated service in Welsh.
Standard 7:	When you advertise an automated telephone service number you must not treat the Welsh language less favourably than the English language.

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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 individual

- Standard 8:** If you invite one individual only (“A”) to a meeting in Wales (and no other persons)—
- (a) you must ask A whether A wishes to use the Welsh language at the meeting, and inform A that you will conduct the meeting in Welsh or if necessary, provide a translation service from Welsh to English for that purpose, and
 - (b) if A has informed you that A wishes to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

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

- Standard 9:** If you invite more than one person to a meeting in Wales, you must ask each individual invited whether they wish to use the Welsh language at the meeting.
- Standard 9A:** If you have invited more than one person to a meeting in Wales, and at least 10% of the individuals invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh, or if necessary, arrange for a simultaneous translation service from Welsh to English to be available at the meeting.
- Standard 9B:** If you have invited more than one person to a meeting in Wales, and at least 20% of the individuals invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh, or if necessary, arrange for a simultaneous translation service from Welsh to English to be available at the meeting.
- Standard 9C:** If you have invited more than one person to a meeting in Wales, and at least 30% of the individuals invited have informed you that they wish to use the Welsh language at the meeting, you must conduct the meeting in Welsh, or if necessary, arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

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

- Standard 10:** If you arrange a meeting held in Wales that is open to the public and at which public participation by an individual is allowed you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.
- Standard 11:** When you send invitations to a meeting held in Wales that you arrange which is open to the public and at which public participation by an individual is allowed, you must send the invitations in Welsh.
- Standard 12:** If you invite persons to speak at a meeting in Wales that you arrange which is open to the public and at which public participation by an individual is allowed you must—
- (a) ask each person invited to speak whether they wish to use the Welsh language, and
 - (b) if that person (or at least one of those persons) has informed you that they wish to use the Welsh language at the meeting, provide a

simultaneous or consecutive translation service from Welsh to English for that purpose (unless you conduct the meeting in Welsh without a translation service).

- Standard 13:** If you arrange a meeting held in Wales that is open to the public and at which public participation by an individual is allowed, you must ensure that a simultaneous translation service from Welsh to English is available at the meeting, and you must orally inform those present in Welsh—
- (a) that they are welcome to use the Welsh language, and
 - (b) that a simultaneous translation service is available.

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

- Standard 14:** If you organise a public event in Wales 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 15:** If you organise a public event in Wales 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 you produce and display at the event and in relation to audio announcements made at the event).

6 Standard relating to a body's publicity and advertising

- Standard 16:** Any publicity or advertising material that you produce where the anticipated audience is an individual must be produced in Welsh and if you produce the material in Welsh and English, you must not treat the Welsh language version less favourably than you treat the English language version.

7 Standards relating to a body displaying material in public

- Standard 17:** Any material that you produce and display in public in Wales must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.

- Standard 18:** Any material that you produce and display at a public exhibition in Wales organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

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

- Standard 19:** If you produce a form that is to be completed by an individual, you must produce it in Welsh.

- Standard 20:** If you produce an application form that you make available for a registrant to be included on the register maintained by you, you must produce it in Welsh.

- Standard 21:** If you produce a document (but not a form) for one or more individuals, 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 in Wales, and their expectations, suggests that the document should be produced in Welsh.

- Standard 22:** If you produce a document or a form in Welsh and in English you must—
- (a) not treat any Welsh language version less favourably than you treat the English language version (whether separate versions or not);

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

9 Standards relating to investigation of registrants which may lead to legal proceedings

Standard 23: You must state in publications, guidance and notices that you produce informing registrants (“R”) about investigations that may lead to legal proceedings by you, that the R about whom the investigation is being conducted may submit forms and documents and make written representations to you in Welsh in relation to that investigation.

Standard 24: If you produce a form in relation to an investigation that may lead to legal proceedings by you that is to be completed by a registrant about whom the investigation is being conducted, you must produce it in Welsh.

Standard 25: Where you contact a registrant (“R”) for the first time in relation to an investigation that may lead to legal proceedings by you against that R, you must ask the R to indicate whether R wishes to speak Welsh in meetings and scheduled telephone calls relating to the investigation.

Standard 25A: If a registrant (“R”) has informed you that R wishes to use the Welsh language in meetings and scheduled telephone calls relating to the investigation, you must conduct the meeting or the scheduled call in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

Standard 26: Where you contact a registrant (“R”) for the first time in relation to an investigation that may lead to legal proceedings by you against that R, you must ask R to indicate whether R wishes to receive copies in Welsh of forms and documents that you produce in relation to the investigation and which are to be available to R.

Standard 26A: Where a registrant (“R”) has indicated that they wish to receive copies in Welsh of forms and documents that you produce in relation to the investigation and which are to be made available to that R, you—

- (a) must provide such forms and documents in Welsh in relation to an investigation that may lead to legal proceedings against that R, and
- (b) must not treat the production of them less favourably than forms and documents you produce in English.

Standard 27: Where you receive forms or documents in Welsh from a registrant (“R”) in relation to an investigation that may lead to legal proceedings about that R, you must not treat those forms or documents less favourably than ones that you receive in English (including, amongst other matters, in relation to the timescale for receiving such forms and documents and informing R of decisions).

10 Standards relating to legal proceedings

Standard 28: You must state in publications, guidance and notices that you produce informing registrants about legal proceedings that the registrant who is the

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subject of the legal proceedings may submit forms and documents and make written representations to you in Welsh in relation to those proceedings.

Standard 29: If you produce a form in relation to legal proceedings that is to be completed by a registrant who is the subject of legal proceedings, you must produce it in Welsh.

Standard 30: Where a registrant (“R”) who is the subject of legal proceedings contacts you for the first time to respond to those legal proceedings, you must ask the R to indicate whether the R wishes to speak in Welsh in those legal proceedings(2).

Standard 30A: If a registrant (“R”) has informed you that R wishes to use the Welsh language in any legal proceedings held in England, you must conduct the legal proceedings in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

Standard 31: Where a registrant who is the subject of the legal proceedings (“R”) contacts you for the first time to respond to legal proceedings, you must ask R to indicate whether R wishes to receive copies in Welsh of forms and documents that you produce in relation to those legal proceedings and which are to be available to R.

Standard 31A: Where a registrant (“R”) has indicated that they wish to receive copies in Welsh of forms and documents that you produce in relation to those legal proceedings and which are to be made available to that R, you—

- (a) must provide such forms and documents in Welsh in relation to those legal proceedings, and
- (b) must not treat the production of them less favourably than forms and documents you produce in English.

Standard 32: Where you receive forms or documents in Welsh from a registrant who is the subject of legal proceedings (“R”) responding to legal proceedings, you must not treat those forms or documents less favourably than ones that you receive in English (including amongst other matters, in relation to the timescale for receiving such forms and documents and informing R of decisions).

11 Standards relating to a body’s websites and on-line services

Standard 33: You must designate and maintain a page (or pages) on your website which provides information (in Welsh) on—

- (a) you,
- (b) the services you provide generally,
- (c) the services you provide in Wales,
- (ch) how to make a complaint about a person regulated by you,
- (d) the Welsh language services you provide and how each of those Welsh language services can be accessed.

Standard 34: 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.

12 Standards relating to a body’s use of social media

Standard 35: If a person contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

(2) Section 22 of the Welsh Language Act 1993 (c. 38) makes provision about speaking Welsh in legal proceedings in Wales.

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- Standard 36:** When you use social media and post content which relates exclusively to Wales, you must publish the message in Welsh.
- 13** **Standards relating to notices made by a body**
- Standard 37:** Any notice that you publish or display in Wales and which relates to a service provided in Wales 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 38:** When you publish or display a notice in Wales 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.
- 14** **Standards for raising awareness about Welsh language services provided by a body**
- Standard 39:** You must promote any Welsh language service that you provide, and advertise that service in Welsh.
- Standard 40:** 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.
- 15** **Standard relating to a body’s corporate identity**
- Standard 41:** When you form, revise or present your corporate identity, you must not treat the Welsh language less favourably than the English language.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

- 16** 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

<i>Row</i>	<i>Column 1 Main standard</i>	<i>Column 2 Reliant standard</i>
(1)	Replying to correspondence Standard 1	Standard 4
(2)	Corresponding with several persons Standard 2	Standard 3

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		Standard 4
(3)	Raising awareness about corresponding in Welsh Standard 4	Standard 1
(4)	Meetings with more than one person Standard 9	One or more of the following: Standard 9A Standard 9B Standard 9C
(5)	Meetings with more than one person Standard 9A, 9B or 9C	Standard 9
(6)	Public meetings Standard 10	Standard 13
(7)	Public meetings Standard 13	Standard 10
(8)	Documents Standard 19, 20, or 21	Standard 22
(9)	Investigation that may lead to legal proceedings Standard 26	Standard 26A
(10)	Investigation that may lead to legal proceedings Standard 26A	Standard 26
(11)	Legal proceedings Standard 30	Standard 30A
(12)	Legal proceedings Standard 30A	Standard 30
(13)	Legal proceedings Standard 31	Standard 31A
(14)	Legal proceedings Standard 31A	Standard 31

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PART 3

INTERPRETING THE STANDARDS

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- 17** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 18** 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.
- 19** 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.
- 20** 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).
- 21**
- (1) A body is not required to translate into Welsh any text that it has not produced (“text A”).
 - (2) A body will not be treating the Welsh language less favourably if it does not translate text A into Welsh but see sub-paragraph (3).
 - (3) A body must use the Welsh version of text A if another person has produced text A in Welsh in accordance with—
 - (a) its Welsh Language Scheme;
 - (b) a duty to comply with standards;
 - (c) Standing Orders of Senedd Cymru;
 - (ch) section 35(1C) of the 2006 Act; or
 - (d) the Senedd Commission’s Official Languages Scheme.
 - (4) In this paragraph—
 - (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993⁽³⁾;
 - (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⁽⁴⁾;

⁽³⁾ 1993 c. 38.

⁽⁴⁾ 2006 c. 32.

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- (ch) “Standing Orders of the Senedd” means standing orders made under section 31 of the 2006 Act;
 - (d) “the Senedd Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.
- 22** For the purpose of standards 2, 16, 19, 20 and 21, a reference to—
- (a) publicity or advertising material being produced for an individual,
 - (b) a form or document being available to registrants or individuals,
 - (c) a form to be completed by an individual, or
 - (ch) correspondence being sent to individuals,
- means publicity or advertising material, documents, forms or correspondence whether or not it is also produced for, available to, to be completed by or sent to persons outside Wales.
- 23** In standard 6 an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options.
- 24** For the purposes of the standards, “meetings” do not include legal proceedings.
- 25** Standard 15 does not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.
- 26** Standard 17 does not apply to material displayed on a body’s website.
- 27** (1) Subject to sub-paragraph (2), where a standard refers to material that is to be produced in Welsh, references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—
- (a) the visual presentation of material (for example in relation to the colour or font of any text);
 - (b) the size of the material;
 - (c) the position and prominence of the material in any public place;
 - (ch) when and how the material is published, provided or exhibited;
 - (d) the publication format of material.
- (2) A body will not be treating the Welsh language less favourably than the English language if it does not send, display or circulate Welsh language material outside of Wales.
- 28** (1) Standard 19 does not apply to the forms listed in sub-paragraph (2).
- (2) The forms are—
- (a) forms used by a body to recruit employees;
 - (b) forms used when submitting a tender to enter into a contract with a body.

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- 29 For the purposes of standard 21, references to documents or other materials being available to individuals do not include documents or materials that are only available by virtue of the Freedom of Information Act 2000(5).
- 30 Standard 21 does not apply to a document produced wholly or mainly for registrants.
- 31 Standards 21 and 22 do not apply to—
- (a) an enactment made by a body or to a draft enactment prepared by a body; or
 - (b) any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 32 For the purposes of these standards “legal proceedings” means legal proceedings in relation to a registrant.
- 33 For the purposes of standards 25 and 26 a body contacts a registrant for the first time when it contacts the registrant for the first time after the date on which a compliance notice has required the body to comply with the standard.
- 34 For the purposes of standards 30 and 31 a registrant contacts a body for the first time when the registrant contacts the body for the first time after the date on which a compliance notice has required the body to comply with the standard.
- 35 Standards 33 to 34 (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 21 and 22 for specific provision in relation to documents and standard 16 in relation to advertising material produced by a body);
 - (b) information presented by persons (other than the body) on an interactive page published on a body’s website (for example on a section for comments or on a discussion forum).
- 36 Standards 1 to 4 (correspondence) do not apply to correspondence sent by social media (see standard 35 in relation to social media).
- 37 Standards 35 and 36 (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 21 and 22 for specific provision in relation to documents, and standard 16 in relation to advertising material produced by a body);
 - (b) information presented by persons (other than the body) on a body’s social media account (for example on a section for comments).
- 38 For the purposes of standards 37 and 38 a “notice” does not include notices prescribed by an enactment.
- 39 (1) For the purposes of standard 41, 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 41 does not apply to the extent that an enactment requires a body to use a legal name.

(5) 2000 c. 36.

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 42:	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 43:	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 44:	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 45:	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 46:	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 47:	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

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- (b) treating the Welsh language no less favourably than the English language.

Standard 48: 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 49: 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 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 50: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would not have adverse effects, or so that it would have decreased adverse effects, on—

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

PART 2

INTERPRETING THE STANDARDS

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| 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— <ul style="list-style-type: none">(a) the content of legislation;(b) the exercise of statutory powers;(c) the content of policy statements;(ch) strategies or strategic plans;(d) internal structures and office locations. |
| 3 | In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect. |
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SCHEDULE 3

Regulation 2(3)

Operational standards

PART 1

THE STANDARDS

1	Standards relating to a body developing Welsh language skills through planning and training its workforce
Standard 51:	You must assess the Welsh language skills of your employees.
Standard 52:	You must provide training courses so that your employees can develop— (a) awareness of the Welsh language (including awareness of its history and its role in Welsh culture); (b) an understanding of the duty to operate in accordance with the Welsh language standards; (c) an understanding of how the Welsh language can be used in the workplace.
Standard 53:	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 54:	You must provide opportunities during working hours for your employees to receive basic Welsh language lessons.
Standard 55:	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 56:	You must provide opportunities for employees, to receive training, free of charge, to improve their Welsh language skills.
2	Standards relating to a body recruiting and appointing
Standard 57:	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 57A:	When you advertise a post which you have categorised as one where Welsh language skills are essential, desirable or need to be learnt you must— (a) specify that in the advertisement, and (b) advertise the post in Welsh.
Standard 58:	When you advertise a post— (a) which is based wholly or mainly in Wales, (b) the duties of which relate wholly or mainly to Wales, or (c) which you have categorised as one where Welsh language skills are essential or desirable,

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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 58A:** If you publish an application form for a post—
- (a) which is based wholly or mainly in Wales,
 - (b) the duties of which relate wholly or mainly to Wales, or
 - (c) which you have categorised as one where Welsh language skills are essential or desirable,

you must publish it in Welsh and ensure that the Welsh version is treated no less favourably than the English version.

- Standard 58B:** You must not treat an application for a post made in Welsh less favourably than you treat an application made in English (including, amongst other matters, in relation to the closing date you set for receiving applications and in relation to any timescale for informing applicants of decisions).

- Standard 59:** You must ensure that your application form for a post—
- (a) which is based wholly or mainly in Wales,
 - (b) the duties of which relate wholly or mainly to Wales, or
 - (c) which you have categorised as one where Welsh language skills are essential or desirable,

provides a space for the applicant to indicate that they wish an interview or other assessment method to be held in Welsh and if an applicant so wishes, you must conduct any interview or other method of assessment in Welsh, or, if necessary, provide a simultaneous or consecutive translation service from Welsh to English for that purpose.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

- 3** 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)	Recruitment appointments Standard 57	and Standard 57A
(2)	Recruitment appointments	and

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
	Standard 58	Standard 58A Standard 58B

PART 3

INTERPRETING THE STANDARDS

4	The standards specified in Part 1 of this Schedule must be interpreted as follows.
5	For the purposes of standards 57 and 57A only— (a) “post” includes a public appointment; (b) “public appointment” means any appointment to a public body or public office.
6	For the purposes of standard 57A the requirement to advertise a post in Welsh does not mean that the advertisement should be produced, sent, published, displayed, made available or issued in Welsh only.
7	For the purpose of standard 58A references to treating the Welsh language no less favourably than the English language includes, amongst other matters treating the Welsh language no less favourably as regards— (a) the visual presentation of the material (for example in relation to the colour or font of any text); (b) the size of the material; (c) the position and prominence of the material in any public area; (ch) when and how material is published, provided or exhibited; (d) the publication format of material.

SCHEDULE 4

Regulation 2(4)

Record Keeping Standards

PART 1

THE STANDARDS

1	Standards relating to a body keeping records
Standard 60:	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 61:	You must keep a copy of any written complaint that you receive which relates to your compliance with the standards with which you are under a duty to comply.

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- Standard 62:** You must keep a record (following assessments of your employees’ Welsh language skills made in accordance with standard 51), 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 63:** 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 57) 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

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|----------|---|
| 2 | The standards specified in Part 1 of this Schedule must be interpreted as follows. |
| 3 | For the purposes of standards 60, 62 and 63 “financial year” means the body’s own financial year. |

SCHEDULE 5

Regulation 2(5)

Standards which deal with Supplementary Matters

PART 1

THE STANDARDS

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|---------------------|---|
| 1 | A body publicising standards |
| Standard 64: | You must ensure that a document which records the standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website. |
| 2 | A body publishing a complaints procedure |
| Standard 65: | You must— |
| | (a) ensure that you have a complaints procedure that deals with how you intend to deal with complaints relating to your compliance with the standards with which you are under a duty to comply, and |
| | (b) publish a document that records that procedure on your website. |
| 3 | A body producing an annual report regarding standards |
| Standard 66: | (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the standards with which you were under a duty to comply during that year. |

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

- (a) the number of complaints that you received during the year in question which related to compliance with the standards with which you were under a duty to comply (on the basis of the records you kept in accordance with standard 60);
- (b) the number of employees who have Welsh language skills at the end of the year in question (on the basis of the records you kept in accordance with standard 62);
- (c) the number (on the basis of the records you kept in accordance with standard 63) of new and vacant posts that you advertised during the year which were categorised as posts where—
 - (i) Welsh language skills were essential;
 - (ii) Welsh language skills needed to be learnt when appointed to the post;
 - (iii) Welsh language skills were desirable; or
 - (iv) Welsh language skills were not necessary.

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

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

4 A body providing information to the Welsh Language Commissioner

Standard 67: You must provide the Welsh Language Commissioner (if requested by the Commissioner) with any information which relates to your compliance with the service delivery standards, the policy making standards or the operational standards with which you are under a duty to comply.

PART 2

INTERPRETING THE STANDARDS

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- 5** The standards specified in Part 1 of this Schedule must be interpreted as follows.
 - 6** For the purpose of standard 66, “financial year” means the body’s own financial year.
 - 7** 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).
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General Dental Council
General Medical Council
General Optical Council
General Osteopathic Council
General Pharmaceutical Council
Health and Care Professions Council
Nursing and Midwifery Council
Professional Standards Authority for Health and Social Care

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 the bodies listed in Schedule 6 to the Regulations. The listed bodies are:

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

Amongst other things, these bodies (apart from the Professional Standards Authority for Health and Social Care) may make decisions in respect of legal proceedings brought before them. The Welsh Language Act 1993 makes provision about speaking Welsh in legal proceedings in Wales.

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

In accordance with section 44 of the 2011 Measure, the Commissioner may (by way of a compliance notice) require a body to comply with one or more standards that are specifically applicable to it. To reflect that, the standards specified by the Regulations are expressed in the second

person narrative, meaning that they are in “you must” form (where “you” means the relevant body in each case).

Using the flexibility provided by section 44 of the 2011 Measure the Commissioner may (if it is reasonable and proportionate, and the Commissioner wishes to do so) require a body to comply with one standard in some circumstances and another standard in other circumstances. For example, if a standard is specifically applicable to a body the Commissioner may require the body to comply with the standard in some circumstances but not others, or require it to comply with the standard only in some areas. Similarly if two or more standards relate to a specific conduct (for example, standards 10 to 13 in relation to meetings), the Commissioner may (by way of a compliance notice) require a body to comply with one of those standards only, or with different standards at different times, in different circumstances, or in different areas; as is appropriate for the body. The Commissioner is not, therefore, obliged to require every body to comply with every standard.

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

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

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

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

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

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

- (a) by A in carrying out A’s relevant activities,

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- (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.