



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Draft Code of Practice for the Welsh Language Standards (No. 1) Regulations 2015

Practical guidance on the requirements of the Welsh language standards for the Welsh Ministers, county councils and county borough councils in Wales and National Park authorities

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1 An introduction to the law

Welsh Language (Wales) Measure 2011

- 1.1.1 The Welsh Language (Wales) Measure 2011 (the Measure) gives official status to the Welsh language in Wales and establishes the principle that the Welsh language should be treated no less favourably than the English language in Wales.
- 1.1.2 The Measure also gives legal effect to that official status by setting out a legal framework for imposing a duty on some bodies to comply with standards of conduct that relate to the Welsh language (standards).¹ The standards explain how bodies are expected to treat and use the Welsh language in different situations.
- 1.1.3 The duties resulting from the standards mean that bodies must not treat the Welsh language less favourably than the English language and must promote and facilitate the use of the Welsh language.
- 1.1.4 The Measure stipulates that Welsh Ministers may specify standards relating to service delivery; policy making; operational; promotion; record keeping as well as those that relate to making other provision about such standards (i.e. supplementary standards).
- 1.1.5 In time, the standards will replace Welsh language schemes established under the Welsh Language Act 1993.

Welsh Language Commissioner

- 1.1.6 The role of the Welsh Language Commissioner (the Commissioner), an independent body, was established by the Measure. The Commissioner's principal aim is to promote and facilitate the use of the Welsh language. The Commissioner is responsible for imposing duties in the form of Welsh language standards on bodies as well as being responsible for enforcing those duties.

Welsh Language Standards Regulations

- 1.1.7 The Measure allows Welsh Ministers to impose standards of conduct that relate to the Welsh language via regulations.²
- 1.1.8 The Welsh Language Standards (No. 1) Regulations 2015³ (the regulations) specify standards relating to the conduct of Welsh Ministers, county councils and county borough councils in Wales and national Park Authorities.⁴
- 1.1.9 Furthermore, the regulations authorise the Commissioner to impose standards specified in the regulations on those bodies listed in appendix 1 in a compliance notice.
- 1.1.10 Compliance notices were issued to these bodies on 30 September 2015. The requirements of the first set of standards in those compliance notices came into force on 30 March 2016.

¹ A 'body' in the context of the standards is an organisation which is under a duty to comply with one or more standards. See section 9 for more information.

² [Section 26 of the Welsh Language \(Wales\) Measure 2011](#)

³ [Welsh Language Standards \(No. 1\) Regulations 2015](#); No. 996 (Cl. 68). They came into force on 31 March 2015.

⁴ [A more detailed list of the relevant bodies can be found in Appendix 1.](#)

Compliance notice

- 1.1.11 A compliance notice is a notice given to a body by the Welsh Language Commissioner which requires them to comply with one or more of the standards specified by Welsh Ministers. The compliance notice identifies the imposition day(s) for each of the standards included within it.
- 1.1.12 The 'imposition day' is the day from which a body must comply with a standard, or the day a body must comply with a standard in a particular respect. The imposition day or the earliest of the imposition days identified in a compliance notice must come six months after the day the notice is issued.

Changes to the regulations or code of practice

- 1.1.13 The Welsh Language Standards (No. 5) Regulations 2016⁵ amend the Welsh Language Standards (No. 1) Regulations 2015.⁶ Welsh Ministers may amend the Welsh Language Standards (No. 1) Regulations 2015 further in the future. That could impact the duties explained in this code.
- 1.1.14 Furthermore, this code makes reference to relevant legislation. Changes to such legislation may also impact those duties explained in this code.
- 1.1.15 Decisions by the Welsh Language Tribunal or a court may also impact the content of this code, as they provide an authoritative interpretation of the requirements of the standards.⁷
- 1.1.16 As a result, readers of this code will need to be aware of any developments which affect the provisions of the regulations. The Welsh Language Commissioner is able to provide the latest information.
- 1.1.17 If appropriate, the Commissioner may choose to review this code of practice in future as a result of any changes which impact the code.⁸

The status of the code of practice

- 1.1.18 The Measure states⁹:

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

- 1.1.19 The Commissioner cannot issue, revise or withdraw a standards code of practice without the consent of the Welsh Ministers. Prior to this, the Commissioner must consult with the Commissioner's Advisory Panel as well as the bodies which are relevant to the code of practice in question.¹⁰

⁵ [Section 4, Welsh Language Standards \(No. 5\) Regulations 2016](#)

⁶ See Appendix 2 for further information.

⁷ Decisions made by the Welsh Language Tribunal are available on www.welshlanguagetribunal.gov.wales

⁸ See [Section 68 of the Welsh Language Measure \(Wales\) 2011](#) for details on the steps which must be taken before a revised code of practice comes into force.

⁹ [Section 68 of the Welsh Language \(Wales\) Measure 2011](#)

¹⁰ [Section 68 of the Welsh Language \(Wales\) Measure 2011](#)

1.1.20 A body's failure to comply with a provision of an approved code of practice does not render that body liable to enforcement action of any kind.¹¹ This document should not be considered a complete nor authoritative declaration of the law. Only the Welsh Language Tribunal and courts are able to provide an authoritative declaration of legislation and subsequent judicial decisions may affect the content of this code.

1.1.21 Even so, should the Commissioner decide to take any action under the Measure in relation to a body's failure to comply with a standard, a failure to comply with a relevant provision of an approved code of practice may be relied upon as tending to establish that the body is liable for the alleged standards failure.

1.1.22 Similarly, compliance with a relevant provision of an approved code of practice may be relied upon as tending to establish that the body in question is not liable for the alleged standards failure.¹²

¹¹ Section 69 of the Welsh Language (Wales) Measure 2011

¹² Section 69 of the Welsh Language (Wales) Measure 2011

2 An introduction to the code of practice

The purpose of the code of practice

2.1.1 The purpose of this code of practice is to provide practical guidance on the requirements of the standards imposed in the Welsh Language Standards (No. 1) Regulations 2015.¹³

2.1.2 The code clarifies the requirements of these standards further. Amongst other things, this is done by:

- responding to frequently asked questions posed by bodies in the past;
- interpreting terms and phrases not already interpreted in the regulations nor the Measure;
- referring to any relevant terms or phrases already interpreted in other regulations or legislation;
- providing examples of the meaning of specific terms or phrases;
- providing examples of how a body can implement certain requirements;
- highlighting issues for bodies to consider when seeking compliance; and
- explaining any relevant clauses found in the regulations or Measure which make the duties to comply in specific situations exempt.

2.1.3 This code may be used alongside the compliance notice, regulations and the Measure in order to:

- assist bodies or third parties to understand their responsibilities better and seek to ensure compliance;
- assist the Welsh Language Tribunal and the courts to understand the Commissioner's interpretation of the requirements of the standards further;
- assist persons to understand their rights arising from the Welsh language standards better.

How to use this code

2.1.4 **Section 3** provides **general guidance** on the content of the regulations. It further clarifies issues affecting the regulations as a whole or those that affect a number of standards across more than one activity or class of standards.

2.1.5 **Section 4** provides practical guidance on the requirements of the **service delivery standards**. These standards relates to promoting or facilitating the use of Welsh, or ensuring that the Welsh language is not treated less favourably than the English language when delivering services.

2.1.6 **Section 5** provides practical guidance on the requirements of the **policy making standards**. These standards relates to ensuring that bodies understand how their policy decisions affect a person's ability to use the Welsh language and the principle that the Welsh language should be treated no less favourably than the English language.

2.1.7 **Section 6** provides practical guidance on the requirements of the **operational standards**. These standards relates to how a body deals with the use of Welsh within their organisations.

¹³ [Section 68 of the Welsh Language \(Wales\) Measure 2011](#)

- 2.1.8 **Section 7** provides practical guidance on the requirements of the **record keeping standards**. These standards relates to record keeping in relation to some of the other standards and any complaints received by a body.
- 2.1.9 **Section 8** provides practical guidance on the requirements of the **standards relating to supplementary matters**. These standards relates to facilitating the reporting and monitoring of bodies' compliance as well as providing them with steps to publish information on their performance against the statutory requirements.
- 2.1.10 **Sections 4-8** explain what the requirements of the standards are and address general questions.
- 2.1.11 **Section 9** provides a list of terms and explanatory notes. Here there is a summary of the meaning of general terms and phrases found in the regulations.
- 2.1.12 **Appendix 1** lists the bodies to which this code applies. **Appendix 2** contains information regarding the changes to the regulations since the regulations were passed.

Circumstances in compliance notices

2.1.13 The Measure¹⁴ allows the Commissioner to require a body to comply with a specific standard:

- a) in some circumstances, but not in other circumstances; or
- b) in some area or areas, but not in other areas.¹⁵

2.1.14 This code does not deal with any situations where the Commissioner has imposed a circumstance in the compliance notice. The requirements of the standards are addressed as they are specified in the regulations only. Therefore, this code of practice should be read alongside the body's individual compliance notice as well as the regulations in order to consider the body's duties in full.

Duties, guidance, lists and examples

2.1.15 In this code, statutory duties that come directly from the law¹⁶ are denoted by the term 'must' (or similar terms).

2.1.16 The terms 'may' and 'expected' (or similar terms) denote the Commissioner's practical guidance relating to the requirements of the standards or examples of how they could be implemented. Although they are not necessarily statutory requirements, paragraphs 1.1.20 – 1.1.22 of this code should be considered.

2.1.17 References to the term 'includes' (or similar terms) should not be construed to suggest that there is any limitation in terms of the requirements (unless that is noted specifically).

2.1.18 For example, there is a list of specific materials which may be covered by a specific term. Such lists should not be considered exhaustive.

2.1.19 There are examples of implementing the requirements of the standards in the code. These examples should not be construed to mean that the standards only apply to those examples. They are meant to show how the requirements of the standards may impact the body's functions and they should be read as such.

¹⁴ Section 44(2) of the Welsh Language (Wales) Measure 2011

¹⁵ This is referred to as a 'circumstance' in the rest of this code.

¹⁶ Be that from the compliance notice, regulations, Measure or any other legislation.

3 General guidance on the content of the regulations

What is meant by the terms 'individual' and 'public' referred to in the standards?

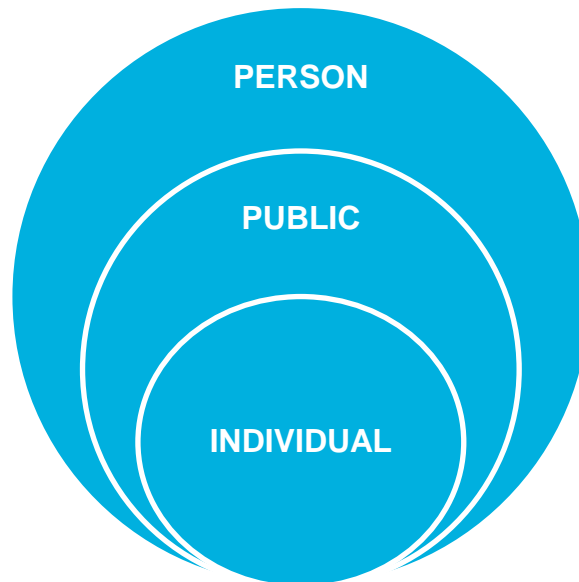
- 3.1.1 The regulations do not interpret the meaning of the term 'public'. However, the term includes the public in its entirety, or a proportion of the public, as well as individual members of the public. The term also includes legal persons and corporate bodies such as voluntary organisations and charities, as well as those representing limited companies.
- 3.1.2 However, neither the Crown, Government nor State come within the meaning of the term 'public'. Therefore, persons fulfilling official functions of a public nature would not come within the meaning of the term 'public' whilst carrying out those official functions.
- 3.1.3 An example of a person that does not come within the meaning of the term 'public' may include a county council or health board staff member acting in that capacity.
- 3.1.4 The regulations state that an "individual" ("unigolyn") means a member of the public."¹⁷ The term 'individual' has a more limited meaning than the term 'public', as it is limited to individual members of the public only.
- 3.1.5 A standard which refers to an 'individual' therefore refers to a private individual involved with the body in a private capacity rather than in their job capacity. It therefore does not include those involved with the body whilst representing corporate bodies or limited companies.

What is meant by the term 'person' referred to in the standards?

- 3.1.6 The regulations do not interpret the term 'person'. However, the Interpretation Act 1978 (IA 1978) states that a *“person” includes a body of persons corporate or unincorporate.*¹⁸ Therefore, when a standard refers to 'person', the term includes corporate and unincorporated persons.
- 3.1.7 The term 'person' has a broader meaning than the terms 'individual' and 'public'. Persons acting in a capacity which is representative of the Crown, Government or State may also come within the meaning of the term.
- 3.1.8 That means that the term 'person' also includes a member of staff of a public organisation (excluding the body's staff) acting in that capacity, such as a member of staff of a National Park authority, council or the Welsh Government.
- 3.1.9 The following diagram shows how the above terms relate to each other:

¹⁷ Section 1(4), Welsh Language Standards (No. 1) Regulations 2015

¹⁸ [Schedule 1 of the Interpretation Act 1978](#)



What is meant by the terms 'member of staff', 'individual working for a body' and 'employee' referred to in the standards?

3.1.10 The regulations state that a “member of staff” (“aelod o staff”) means an employee of a body or an individual working for a body (and “staff” (“staff”) must be interpreted accordingly)¹⁹

3.1.11 The regulations do not interpret the term 'employee'. However, it is considered to have the same meaning as the term “employee” found in the Employment Rights Act 1996, namely:

*“(1) In this Act 'employee' means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment.
 (2) In this Act 'contract of employment' means a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing.”²⁰*

3.1.12 Therefore, the term 'employee' is limited to those who have entered into, or works under, a contract of employment.

3.1.13 The regulations do not interpret the term 'an individual working for a body'. However, it is considered to have the same meaning as the term “worker” found in the Employment Rights Act 1996, namely:

¹⁹ Section 1(4), Welsh Language Standards (No. 1) Regulations 2015

²⁰ [Section 230, Employment Rights Act 1996](#)

"(3) In this Act 'worker' [...] means an individual who has entered into or works under (or, where the employment has ceased, worked under) –
(a) a contract of employment, or
(b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual; [...]."²¹

- 3.1.14 The term 'individual working for a body' has a broader meaning than the term 'employee'. The term includes an individual working for a body by virtue of a contract, not an employment contract, whereby that individual undertakes to **personally** do work or delivers a service on behalf of the body. That may include agency workers, casual workers, freelancers and volunteers.
- 3.1.15 Therefore, the term 'member of staff' includes persons who come within the interpretation of the terms *"employee"* and *"worker"* found in the Employment Rights Act 1996.

Are elected and co-elected members considered a 'person' and 'member of the public' for the purposes of the standards?

- 3.1.16 A body should consider elected or co-elected members who do not act on behalf of the body ('non-executive members') as a 'person' (other than the body) for the purposes of the standards.
- 3.1.17 A body should also consider their non-executive members to be a 'member of the public' or covered by the term 'public', as they have been elected to the body by the public to represent the public.
- 3.1.18 Therefore, a body to which the member has been elected should provide services or carry out activities for their non-executive members in the same manner as any person or other member of the public.
- 3.1.19 However, there are instances where a body's members will act on behalf of the body they have been elected to ('executive members'). For example, if a councillor is a Council leader, a cabinet member, a mayor or represents the body in any other context.
- 3.1.20 In such circumstances, an executive member would not be another 'person' (separate to the body), nor a 'member of the public', nor be covered by the term 'public' for the purposes of the standards.
- 3.1.21 Executive members normally act on behalf of the body in the same way as internal officers, therefore, the body should consider to what extent the operational standards apply to those members.
- 3.1.22 If the member acts on behalf of the body, they must carry out activities or provide services to persons (other than the body) in the same way as internal officers would.

²¹ [Section 230, Employment Rights Act 1996](#)

Do the standards apply to third party providers?

3.1.23 Section 1(5) of the regulations state:

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

3.1.24 The above clause states that a body must ensure that any service being provided or any activity being carried out **on their behalf** by a third party under an arrangement complies with the standards applicable to the service or activity in question. Relevant arrangements may include arrangements made via a contract or partnership.

3.1.25 That does **not** mean that third party providers will have to comply with **all of the standards** imposed on a body. Instead, they will need to ensure that they comply with the standards relevant to the service being provided or the activity being carried out on behalf of the body and to that extent only. An example may include a private company contracted to provide customer services over the phone on behalf of a body. The body would need to ensure that the services provided on their behalf by that company complies with the compliance notice in relation to those services only. That would include the standards relating to telephone calls but not necessarily the standards for delivering courses to the public for example, as that may not be an activity they carry out on behalf of the body.

3.1.26 The clause also applies if the arrangements made between the body and third party were made before the relevant imposition day of any standard.

3.1.27 Therefore, if a person (A) carries out an activity, or provides a service, which is:

- (a) on behalf of a body (B) that is under a duty to comply with the Welsh language standards; and
- (b) under arrangements made between A and B;

if A does not comply with the standard, then that will be a failure on the part of B which could lead to the Commissioner taking action against B under her enforcement powers.

3.1.28 There are a number of possible different models for providing a service in an alternative manner, which means that services or resources are provided in ways apart from the body's direct provision. Such models may include the following:

- outsourcing services via a contract, where the provider receives payment from the public body;
- providing services via a concession, where the provider has the right to charge for services;
- providing services via a separate entity, wholly owned by the public body;
- providing services via a separate entity, jointly owned by the public body and another public body;
- providing services via a separate entity, jointly owned by the public body and a commercial partner or third sector partner.

3.1.29 It should be emphasized that A must provide or carry out a service or activity **on behalf** of B for the standards to apply to a service or activity provided or carried out by A. It is the body's responsibility to consider to what extent the third party provides or carries out a service or activity on behalf of the body. A body may do so by assessing any arrangements they have with third parties.

Do the standards only apply to Wales?

3.1.30 On the whole, yes. The regulations state that they only "apply in relation to Wales".²² What this means in the context of the different categories of standards is detailed below.

Service delivery and policy making standards

3.1.31 The service delivery standards only apply if a body provides a service or carries out an activity for **persons based in Wales**. This can mean that the service is provided or the activity is carried out by a **body based in Wales or outside Wales**.

3.1.32 Similarly, any policy decision affecting persons based in Wales, whether that decision is made by a body based in Wales or outside Wales, is subject to policy making standards.

3.1.33 The above does **not** mean that the standards apply to a service, activity or policy decision provided to, or affecting, persons in Wales **only**. The standards also apply to a service or activity or policy decision provided or carried out across the United Kingdom, or to parts of it, as long as that includes or affects persons in Wales.

3.1.34 The above is correct to the extent that the service or activity is **intended** for persons in Wales. A service or activity not intended for persons in Wales would not be considered to apply in relation to Wales, even though it may be available to persons in Wales. Such an example could include a body's web page providing information relevant to persons in England only, but available to persons in Wales on the web.

²² [Section 1\(3\), Welsh Language Standards \(No. 1\) Regulations 2015](#)

- 3.1.35 The standards do not place a duty on a body to provide services or carry out activities to persons based outside Wales. For example, there is no duty on a body to comply with the standards when erecting a sign outside Wales.
- 3.1.36 The operational standards require more consideration and can be divided into two categories, namely:
- a) standards intended to promote or facilitate use of the Welsh language, in order to allow the body to deliver a service or carry out an activity in Welsh for persons in Wales ('organisational operational standards'); and
 - b) standards which give a member of staff employment rights in Welsh ('employment operational standards').
- 3.1.37 It is considered that 'organisational operational standards' apply to **all members of staff within a body**, be they based in Wales or beyond, to the extent that they deliver a service or carry out an activity to persons in Wales. The following standards fall into this category:
- 98, 120, 125, 127, 130 part (a), 132, 133, 134, 135, 136 and 136A.
- 3.1.38 It is considered that the 'employment operational standards' are subject to activities or services provided by a body to members of staff based **in Wales only**. All operational standards not identified above come under this category. Members of staff based outside Wales do not have rights under the employment operational standards.

4 Service delivery standards (1-87)

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

What are the requirements?

4.1.1 Standards 1-7 relates to the way in which a body sends correspondence. More specifically, the standards deal with:

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

Standard 1

4.1.2 Where a body is required to comply with standard 1, they must reply to any correspondence received in Welsh from a person, in Welsh (if an answer is required). A body does not have to do so in situations where a person has indicated that there is no need to reply in Welsh.

4.1.3 In order to comply, the entire correspondence must be dealt with in Welsh (if that is a person's wish and that a reply is needed). In order to do so, material sent by a person relating to the correspondence may also need to be considered (e.g. forms, documents or other written material provided by a person to be used by a body in dealing with the correspondence). The standard applies to all responses from the body dealing with the correspondence in question. That is, the Commissioner would not consider the body to be compliant with the requirements of this standard should they send correspondence acknowledging the correspondence in Welsh, only to not send follow-up correspondence which deals with the matter in hand in Welsh.

Standard 2

4.1.4 Where a body is required to comply with standard 2, they must ask an individual whether they wish to receive correspondence in Welsh, when corresponding with them for the first time. If the individual responds to say that they do wish to receive correspondence in Welsh from the body, the body must keep a record of that wish, and correspond with them in Welsh from then onwards.

4.1.5 Standard 2 also requires a body to send any forms to the individual in Welsh when corresponding with them from then onwards. It should be noted that paragraph 31, Schedule 1, Part 3 of the regulations contains this exception in relation to some kinds of forms:

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 137A, 138 and 139 in relation to recruitment);
(b) forms used when applying for grant assistance from a body (see standards 71 to 75 in relation to applications for grants);*

(c) forms used when submitting a tender to enter into a contract with a body (see standards 76 to 80 in relation to tendering for a contract).

Standard 3

- 4.1.6 Where a body is required to comply with standard 3, they must ask two individuals who are members of the same household whether they wish to receive correspondence in Welsh, when corresponding with them for the first time. Examples of such individuals may include two parents or two individuals in a relationship who live in the same house.
- 4.1.7 If both individuals respond to say that they wish to receive correspondence in Welsh from the body, the body must keep a record of that wish and correspond with them in Welsh from then onwards when sending correspondence addressed to both of those individuals.
- 4.1.8 If one (but not both) of the individuals responds to say that he or she wishes to receive correspondence in Welsh from the body, the body must keep a record of that wish and provide a Welsh language version of correspondence from then onwards when sending correspondence addressed to both of those individuals.

Standard 4

- 4.1.9 Where a body is required to comply with standard 4 and sends the same correspondence to several persons, they must send a Welsh language version of that correspondence. The body must also ensure that a Welsh language version of the correspondence is sent at the same time as any English language version.
- 4.1.10 The regulations provide examples of situations where this standard is relevant, namely
- when a body sends a circular, or
 - when a body sends the same letter to a number of homes.
- 4.1.11 However, the standard is not limited to these kinds of cases. This standard is relevant to any case where a body sends the same correspondence to 'a number of persons'. The regulations also use the term 'several persons'. The regulations do not interpret the term 'a number of persons' or 'several persons'. However, these terms mean two or more persons.
- 4.1.12 There is no direct link between the requirements of standard 4 and the requirements of standards 2 and 3. Standards 2 and 3 deal with correspondence sent to an individual or individuals directly, whilst standard 4 deals with standard correspondence which is relevant to several persons. Therefore, an answer as to the wish to have correspondence in Welsh, done so in accordance with standards 2 and 3, does not affect the body's requirement to send correspondence sent to a number of persons, in Welsh, in accordance with standard 4.

Standard 5

- 4.1.13 Where a body is required to comply with standard 5, if they do not know whether a person wishes to receive correspondence in Welsh, they must provide a Welsh language version of the correspondence when corresponding with them.
- 4.1.14 That means that a body must send a Welsh language version of correspondence to a person at all times, unless they know that the person does not wish to receive correspondence from them in Welsh.

A body could know whether a person wishes to receive correspondence in Welsh or not based on information given to the body in accordance with standard 2 and/or 3 or by other means. Other means may include information regarding language choice already gathered by the body (to the extent that this complies with data protection law), a person informing the body proactively that they wish to receive correspondence in Welsh, or from the body's past dealings with the person where they have expressed that wish.

4.1.15 However, although the standard does not make provision for the body to **ask** whether the person wishes to receive correspondence in Welsh as with standards 2 and 3, a body may decide to do so in order to facilitate compliance with the standard and ensure that correspondence is sent in Welsh to persons who wish so. If the person does not respond, a body should not assume that this means the person does not wish to receive correspondence in Welsh. Standard 5, unlike standards 2 and 3, does not place any duty to keep a record of the person's preferred language either. It is considered that there is more flexibility with regards to this within this standard for an organisation to know whether a person needs to receive correspondence in Welsh or not.

Standard 6

4.1.16 Where a body is required to comply with standard 6, and where they produce a Welsh language version and a corresponding English language version of correspondence, they must ensure that the Welsh language version of correspondence is not treated less favourably than the English language version.

4.1.17 The following interpretation of the term 'treating a Welsh language version no less favourably than an English language version' is provided in Schedule 1, Part 3, Paragraph 29 of the regulations:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;

(d) the publication format of material.

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

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

4.1.19 Furthermore, standard 6 itself refers to the following:

if the English version [of correspondence] 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

4.1.20 Where a body is required to comply with standard 7, they must state in correspondence, and in publications and official notices that invite persons to respond to them or to correspond with them, that they welcome receiving correspondence in Welsh, that they will respond to correspondence in Welsh, and that corresponding in Welsh will not lead to delay. The regulations do not expand on what the exact wording of the statement should be in order to comply with the standard. However, the standard states that the body must state:

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

4.1.21 Corresponding in Welsh with a body would not lead to delay if the body responds to Welsh language correspondence within the organisation's same time frame for English language correspondence (e.g. acknowledge the correspondence and provide an interim response and/or full response within a specific target date(s)).


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

4.1.23 The Commissioner's Working Welsh logo can be used to show that the body welcomes receiving correspondence in Welsh and will respond to correspondence in Welsh, but that in itself would not necessarily convey that corresponding in Welsh will not lead to delay.

4.1.24 The Working Welsh logo is available as a free download from the Commissioner's website and looks like this:



4.1.25 The following statement is an example of what could be used for the purposes of the standard:



Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed and we will respond in Welsh, without it leading to a delay.

What is meant by the term 'correspondence'?

4.1.26 The regulations do not interpret the term 'correspondence'. However, in relation to standards 1 to 7, the term includes any written communication or contact exchanged between two or more parties. Correspondence may include letters, emails, text messages, live chat facility, forms²³ or circulars.

4.1.27 The term includes written correspondence in electronic format as well as on paper e.g. via email, PDF or document generated by a word processor such as Microsoft Word.

4.1.28 Standards 1 to 7 do not apply to correspondence sent via social media (see standards 58 and 59 for requirements in relation to social media).

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

4.1.29 No. These standards do not necessarily apply to correspondence sent internally between a body's staff members only. The above standards belong to a class of standards called 'service delivery standards'.

4.1.30 The Measure states that a 'service delivery activity' means:

(a) a person delivering services to another person, or
(b) a person dealing with any other person in connection with delivering services—
(i) to that other person, or
(ii) to a third person.”²⁴

4.1.31 That means that these standards only apply if the relevant person (the body) delivers a service to another person. Accepting that all of a body's staff members act in the name of the body when undertaking their functions, these standards would not apply to correspondence between a body's staff member and another member of staff or other members of staff from the same body, when acting in an official capacity, as the body would not be corresponding with another person in that situation. Reference should be made to the operational standards for the specific types of internal correspondence covered by the standards.

4.1.32 However, the standards may apply if that correspondence is also sent to another person outside the body.

²³ Reference should be made to standards 50-51 when a body produces and publishes forms.

²⁴ Section 28 of the Welsh Language (Wales) Measure 2011

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

4.1.33 The term 'corresponding for the first time' means the first time a body corresponds with an individual from the imposition day onwards.

4.1.34 Confirmation of the above is found in Schedule 1, Part 3, Paragraph 27 of the regulations, which states:

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

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

4.1.35 Establishing an individual's (or individuals') wish to receive correspondence in Welsh by using information gathered before the imposition day only would not comply with the requirements of standards 2 and 3. However, such information may be used to comply with the requirements of standard 5.

4.1.36 Standards 2 and 3 require a body to ask an individual or individuals whether they wish to receive correspondence from them in Welsh from the imposition day onwards. In situations where a body has historical information on individuals' preferred language, a body must find out or confirm whether they wish to receive correspondence in Welsh from the imposition day onwards in order to ensure compliance.

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

4.1.37 The regulations do not outline how a body should keep a record of the above. However, the body is expected to have sufficient arrangements in place to allow them to know if this is the first time they are corresponding with the individual (or individuals) and, if not, whether that individual (or those individuals) wishes to receive correspondence in Welsh or not. The body is expected to be able to use that information to meet the standard. For example, by asking them about their wish (if this is the first time they are corresponding with the individual or individuals) or by corresponding in accordance with that wish (if there has been prior contact and that their wishes have already been established).

4.1.38 That record is expected to be available to all of the body's staff members (or a third party acting on behalf of the body) who are corresponding with individuals so that they can use it to ensure compliance.

4.1.39 A body can keep a record of an individual's wishes in the following ways:

- a customer contact management system which is implemented, and available, across the body;
- another kind of database which is implemented, and available, across the body;
- departmental databases which ensure that information regarding language choice is updated and available on every database across the body, by exchanging relevant information.

4.1.40 Subject to data protection law, any information received by an individual (or individuals) regarding their wish to receive correspondence in Welsh may be shared and recorded on an organisational level, so that the body can send all correspondence to the individual (or individuals) in Welsh from then onwards at all times.

4.1.41 For example, if an individual confirms with a specific department within the body that they wish to receive correspondence in Welsh from then onwards, the body can ensure, as long as they comply with data protection law, that all of their other departments are aware of the individual's preferred language, so that those departments send correspondence to the individual in Welsh from then on.

Does data protection law allow bodies to collect, store and use personal data on individuals' wish to receive correspondence in Welsh?

4.1.42 Yes. Data protection law does not prevent a body from complying with the requirements of standards 2 and/or 3.

4.1.43 Information on an individual's wish to receive correspondence from a body in Welsh is considered to be 'personal data'. In terms of data protection, collecting, storing and using data on an individual's wish would be considered 'processing' data. Therefore, all bodies must comply with the requirements of the Data Protection Act 1998, or the requirements of the General Data Protection Regulation which comes into force on 25 May 2018, whenever they process that data.

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

4.1.44 Yes. As long as data about an individual's wish has been collected appropriately, then it is possible to use the data to ensure that the individual receives correspondence in Welsh in accordance with their wishes.

4.1.45 This data would have been collected appropriately as long as the body had made it clear to the individual, when asking about their wish, that the data would be shared with different departments.

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

4.1.46 It is possible that an individual's wish to receive correspondence in Welsh will vary in different situations. An individual's preferred language may depend on which service or department within the body is sending the correspondence or the correspondence's subject matter.

4.1.47 For example, an individual may wish to receive general responses from a local authority in Welsh but not receive correspondence in relation to a planning application in Welsh. An individual may wish to receive emails in Welsh but not standard letters. It is possible that an individual's wish to receive correspondence in Welsh may not be consistent in every situation.

4.1.48 The requirement in accordance with standards 2 and 3 is for a body to ask an individual whether they wish to receive correspondence in Welsh. However, the standards do not prevent a body from asking a question regarding in which context they would wish to receive correspondence in Welsh. A body would comply with the requirements of the standards if they corresponded with an individual (or individuals) in Welsh in some contexts only, should that wish have been identified.

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

4.1.49 A body is expected to include Welsh language versions of postal addresses when sending Welsh language versions of correspondence (if there is a Welsh language version which is different to an English language version e.g. Caerdydd/Cardiff).

4.1.50 The Commissioner is responsible for providing advice on standard place names in Wales. The Commissioner can advise bodies on the standard form of place names (namely villages, towns and cities) in Wales. A body can use this consultation service to ensure that they use the standard Welsh place names when including those names on Welsh language versions of correspondence.²⁵

4.2 Telephone calls made and received by a body [standards 8-22]

What are the requirements?

4.2.1 These standards deal with:

- telephone calls made to a body's main contact number and to any helplines or call centres (8-17);
- telephone calls made to departments and to members of a body's staff (18-20);
- telephone calls made by a body (21); and,
- a body dealing with telephone calls using an automated system (22).

Standard 8

4.2.2 Where a body is required to comply with standard 8, they must greet the person in Welsh when that person contacts the body on the relevant telephone numbers.²⁶

4.2.3 The regulations do not interpret the term 'greet' in this context. However, the term may include phrases which acknowledge and/or welcome the caller before the body starts to converse with them. For example, a body may decide to greet a person by saying 'Bore Da/Prynhawn Da/Noswaith Dda', followed by the body's name in Welsh (if such a name exists).

4.2.4 Bodies may greet persons in Welsh via a pre-recorded automated message as well as ensuring that the member of staff greets that person in Welsh when answering the call.

4.2.5 The requirements of this standard apply to **any** greeting given by a body during a call to relevant telephone numbers, and not only the first greeting given by a body over the telephone during the call in question. That includes greetings given when transferring the call from one person to the next or from a machine to a person.

4.2.6 It should be noted that the requirements of standard 8 only apply to greetings given on relevant telephone numbers, and a body should refer to the requirements of standard 20 in relation to any greeting given on a direct line telephone number belonging to a body's department or member of staff.

²⁵ Further details are available on the [Welsh Language Commissioner's website](#).

²⁶ A main telephone number (or numbers), or on any helpline numbers or call centre numbers.

Standard 9

- 4.2.7 Where a body is required to comply with standard 9, they must inform the caller that a Welsh language telephone service is available from the body. The regulations do not stipulate how a body should do so. Neither do the regulations note that this must be done in Welsh.
- 4.2.8 However, a body is expected to make it clear to the person concerned that a Welsh language service is available, if that is not already clear to that person. The way in which a body complies with the requirements of this standard would depend on the nature of the body and how they serve persons over the telephone.
- 4.2.9 The Commissioner expects a body to be proactive when offering Welsh language services to persons. Examples of this could include:
- allowing persons to choose a Welsh language telephone service by pressing a specific button on the keypad; or
 - ensuring that members of staff make an active offer and refer the person to the Welsh language service.
- 4.2.10 Depending on the nature of the body and the use of the Welsh language by the organisation, a body may comply with standard 9 by starting a conversation in Welsh in order to highlight that a Welsh language service is available over the phone, without having to specifically state that to that person.

Standard 10

- 4.2.11 Where a body is required to comply with standard 10, when being contacted on any relevant telephone numbers²⁷, they must deal with that call in Welsh in its entirety if that is the caller's wish. If the call must be transferred to another member of staff, that member of staff must deal with the call in Welsh.
- 4.2.12 The body must deal with the call in Welsh in its entirety once they are aware that the person wishes to receive a Welsh language service over the telephone.²⁸ The Commissioner expects a body to establish a person's wish to receive a Welsh language service over the telephone at the earliest possible opportunity.

Standard 11

- 4.2.13 Like standard 10, standard 11 requires a body to deal with calls in Welsh once they know that the person wishes to receive a Welsh language service over the telephone, transferring the call to a member of staff who can deal with the specific subject matter in Welsh where necessary.²⁹ The Commissioner expects a body to establish a person's wish to receive a Welsh language service over the telephone at the earliest possible opportunity.
- 4.2.14 Unlike standard 10, if there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, the call may be transferred to a member of staff who cannot deal with the call in Welsh, but who can provide a service on the specific subject matter.

²⁷ A main telephone number (or numbers), or on any helpline numbers or call centre numbers.

²⁸ However, it should be noted that a body must greet persons in Welsh over the telephone in accordance with standard 8 before establishing whether the person wishes to have the call dealt with in Welsh.

²⁹ However, it should be noted that a body must greet persons in Welsh over the telephone in accordance with standard 8 before establishing whether the person wishes to have the call dealt with in Welsh.

4.2.15 The phrase 'specific subject matter' does not include a general enquiry. A body is expected to provide a Welsh language service when dealing with general enquiries, up to a point where a body needs to transfer a call to a non-Welsh speaking member of staff who can deal with a subject which needs a level of expertise or specific knowledge in order to deal with the enquiry. Such an example could include a specific planning application or a specific social services case.

Standard 12

4.2.16 Where a body is required to comply with standard 12, they must not treat the Welsh language less favourably than the English language when advertising their telephone numbers, helpline numbers or call centre services. For example, a body can ensure, amongst other things, that any advertisement advertising those numbers is conducted in Welsh. Other matters may include how and when the body advertises them.

Standard 13

4.2.17 Where a body is required to comply with standard 13, if the body provides a Welsh language telephone service, they must ensure that the telephone number for that Welsh language service is the same as for the equivalent English language service. Providing a separate telephone number for the Welsh language service is not permitted.

Standard 14

4.2.18 Where a body is required to comply with standard 14, they must state in Welsh that they welcome calls in Welsh when publishing their relevant telephone numbers.

4.2.19 The text must appear on any material which publishes the telephone numbers in question. Such material could include:

- websites;
- publications;
- forms;
- displayed material;
- publicity material;
- advertising material; and
- signs.

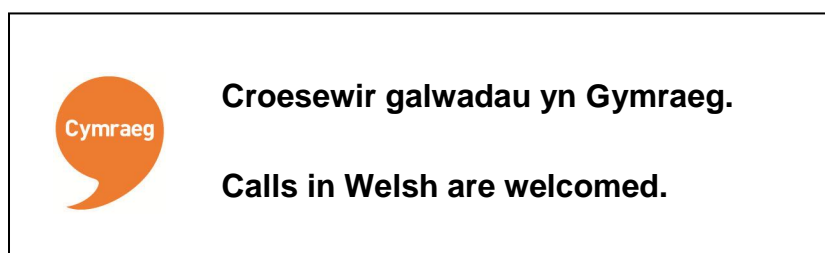
4.2.20 The regulations do not stipulate what wording should be used to highlight that the body welcomes calls in Welsh. A body does not have to include a statement which follows the wording of the standard word for word. However, that statement should be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to welcoming calls in Welsh.

4.2.21 The Commissioner's Working Welsh logo may be displayed as part of a statement to show that the body welcomes calls in Welsh.

4.2.22 The Working Welsh logo is available as a free download from the Commissioner's website and looks like this:



4.2.23 The following statement is an example of what could be used for the purposes of the standard:



Standard 15

4.2.24 Where a body is required to comply with standard 15, they must ensure that performance indicators for dealing with telephone calls do not set measures which would treat telephone calls made in Welsh less favourable than calls made in English.

4.2.25 A body can ensure that they do not do this by setting measures for telephone calls in Welsh which expect the Welsh language service to reach the same standard as the English language service.

4.2.26 Performance indicators can involve the following:

- **Initial call solution** – % of calls solved without having to transfer the call.
- **Percentage of engaged calls** – % of callers who have dialled and heard the engaged tone.
- **Average time in a queue** – Average time that a caller must wait in a queue before being answered.
- **Service level** – % of calls answered within a specific time period.
- **Abandoned calls** – % of callers abandoning the call before someone answers.
- **Length of call** – Average time that a caller is on the telephone, including the time spent on hold.

4.2.27 For example, a body should not set performance measures which would allow a person to have to wait longer on the telephone for a Welsh language service than a person having to wait to receive a service in English.

Standard 16

4.2.28 Where a body is required to comply with standard 16, the main telephone call answering service(s) must inform callers that they can leave a message in Welsh. The body must do so in Welsh.

4.2.29 This standard relates to telephone call answering machines specifically.

4.2.30 The regulations do not stipulate how a body should highlight that messages can be left in Welsh. However, any statement should be clear and explicit enough for persons to be fully aware that they can leave a message in Welsh on the body's main telephone call answering service(s). For example, it could be noted "Mae croeso i chi adael neges yn Gymraeg ar ôl y tôn."³⁰

³⁰ Welsh for "You are welcome to leave a message in Welsh after the tone."

Standard 17

- 4.2.31 Where a body is required to comply with standard 17, they must inform the caller when a Welsh language service will be available if no Welsh language service is available on the relevant telephone number or line.
- 4.2.32 The relevance of this standard can vary from one case to the next, depending on the availability of a Welsh language telephone service (in accordance with standards 10 or 11) and the nature of the telephone services offered by the body.
- 4.2.33 For example, if a body offers a telephone service (in any language) during core hours only, they can ensure that an automated message outside those hours note when the Welsh language service is available.
- 4.2.34 It should be noted that the requirements of this standard can also be linked to the requirements of standard 11 (which places a duty on a body to provide a telephone service in Welsh). Standard 17 may be relevant, for example, in a situation when a Welsh speaking member of staff is not available to provide a service on a specific subject matter and that it must be explained to the caller when that member of staff (if relevant) will next be available.

Standard 18

- 4.2.35 The requirements of standard 18 correspond to the requirements of standard 10, but relates to the direct line telephone numbers of departments and members of staff, rather than main telephone numbers, helpline numbers and call centre numbers.

Standard 19

- 4.2.36 The requirements of standard 19 correspond to the requirements of standard 11, but relates to the direct line telephone numbers of departments and members of staff, rather than main telephone numbers, helpline numbers and call centre numbers.

Standard 20

- 4.2.37 Where a body is required to comply with standard 20, they must ensure that the Welsh language is not treated less favourably than the English language when greeting a caller to their direct line number (be that the direct line number of a department or member of staff).
- 4.2.38 What is meant by 'ensure that the Welsh language is not treated less favourably than the English language' is not interpreted in the regulations in this regard. However, it is considered to mean that a body, in the first instance, greets persons in Welsh over the telephone. It can also mean that the Welsh language greeting is not made in a way which is less favourable than the English language greeting. For example, in terms of when and how the greeting is made as well as the standard and quality of the greeting.
- 4.2.39 Where a body is required to comply with standards 8 and 20, that means that all staff members within a body must greet persons in Welsh on any of the body's telephone numbers and on every occasion.

Standard 21

4.2.40 Standard 21 places a duty on a body, when telephoning an individual for the first time, to ask whether he or she wishes to receive telephone calls from them in Welsh, and to conduct telephone calls with that individual in Welsh from then onwards, if that is his or her wish.

4.2.41 'Telephoning an individual for the first time' means the first time the body telephones the individual from the imposition day onwards.

4.2.42 Confirmation of the above is found in Schedule 1, Part 3, Paragraph 27 of the regulations, which states:

For the purposes of standards [...] 21, a body [...] makes a telephone call to an individual for the first time when it [...] makes a telephone call for the first time after the date on which a compliance notice has required the body to comply with the standard.

4.2.43 That means that the individual's wish to receive telephone calls from the body in Welsh must be established after the imposition day.

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

4.2.44 Establishing an individual's (or individuals') wishes by using information gathered before the imposition day would not comply with the requirements of this standard.

4.2.45 Standard 21 requires a body to ask an individual whether he or she wishes to receive telephone calls from them in Welsh, from the imposition day onwards. In situations where a body has historical information on individuals' wishes, a body must find out whether they wish to receive telephone calls in Welsh again.

Does the first call made to an individual have to be conducted in Welsh in accordance with the requirements of standard 21?

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

How should a body keep a record of an individual's wishes to receive telephone calls from the body in Welsh or not, in accordance with standard 21?

4.2.47 The regulations do not outline how a body should undertake to keep a record of the above. However, the body is expected to have sufficient arrangements in place to allow them to know whether this is the first time they are telephoning the individual and, if not, whether that individual wishes to receive telephone calls in Welsh or not.

4.2.48 The body is expected to be able to use that information to meet the standard. For example, by asking them about their wishes (if this is the first time they are telephoning the individual) or by conducting the telephone call in accordance with that wish (if prior contact has been made and their wishes have already been established).

4.2.49 That record is expected to be available to all of the body's staff members (or a third party acting on behalf of the body) who are telephoning individuals so that they can use it to ensure compliance.

4.2.50 A body can keep a record of an individual's wishes in the following ways:

- a customer contact management system which is implemented, and available, across the body;
- another kind of database which is implemented, and available, across the body;
- departmental databases which ensure that information regarding language choice is updated and available on every database across the body, by exchanging relevant information.

4.2.51 Subject to data protection law, any information received by an individual regarding their wish to receive telephone calls in Welsh may be shared and recorded on an organisational level, so that the body can conduct all calls in Welsh from then onwards at all times.

4.2.52 For example, if an individual confirms with a specific department within the body that they wish to receive telephone calls in Welsh from then onwards, the body can ensure, as long as they comply with data protection law, that all of their other departments are aware of the individual's preferred language, so that those departments can contact the individual over the telephone in Welsh from then onwards.

Standard 22

4.2.53 Standard 22 requires a body to ensure that any automated telephone system that they have, provides the complete automated service in Welsh.

4.2.54 Schedule 1, Part 3, Paragraph 28 of the regulations states:

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

4.2.55 It should be noted that standard 16 relates to directions on answer machines.

4.3 A body holding meetings that are not open to the general public [standards 23-29B]

What are the requirements?

4.3.1 These standards relates to meetings held by a body which are not open to the general public, namely:

- meetings between a body and one other invited person (23-26B)
- meetings between a body and more than one invited person (27-29B).

Standards 23-24B and 27-27D

4.3.2 These standards require a body to actively ask a person(s) whether they wish to use Welsh in the meeting, and if so, they must inform the person(s) that they will make the relevant provision in accordance with that. A body is expected to allow sufficient time after asking about persons' wishes to make the necessary arrangements for the meeting itself.

4.3.3 Should the person(s) wish to use the Welsh language at the meeting, they must either:

- conduct the meeting in Welsh without the assistance of a translation service (standards 23 and 27CH), or
- allow a person(s) to use the Welsh language by providing a translation service at the meeting, if it's not possible to conduct the meeting in Welsh without a translation service (standards 24A, 24B, 27A, 27B, 27C, 27D).

Standards 25-26B and 28-29B

4.3.4 Standards **25-26B** and **28-29B** requires a body to conduct a meeting in Welsh (or provide a translation service) if it relates to the **'well-being'** of one or more individuals.

4.3.5 With standards 25-26B and 28-29B, there is an additional requirement for a body to provide a translation service from English to Welsh **as well as** a translation service from Welsh to English in a meeting, if necessary.

What types of meetings are relevant to these standards?

4.3.6 These standards relate to meetings:

- that are not open to the general public, and
- that are conducted by the body.

4.3.7 If the meeting is open to the general public and/or if the body is not responsible for conducting the meeting, then the above standards will not apply. These standards relate to meetings with an 'invited' person(s) only.

4.3.8 That means that these standards apply to the extent that the meeting is a closed one where the body has invited a specific person(s). Reference should be made to standards 30-34 in the regulations for provision for meetings open to the general public.

4.3.9 These standards are not limited to meetings held on the body's premises only. For example, if a body has invited a person to a meeting and that the meeting is being held in that person's home, the standard would still apply.

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

4.3.10 No. These standards do not apply to internal meetings between a body's staff members only. The above standards belong to a class of standards called 'service delivery standards'.

4.3.11 The Measure states that a 'service delivery activity' means:

- (a) *delivering services to another person, or*
 (b) *dealing with any other person in connection with delivering services—*
 (i) *to that other person, or*
 (ii) *to a third person.*³¹

4.3.12 That means that these standards only apply if the **relevant person (the body)** delivers a service to **another person**.

4.3.13 Accepting that all of a body's staff members act in the name of the body when undertaking their functions, these standards would not apply to meetings between a body's staff member and another member of staff or other members of staff from

³¹ Section 28 of the Welsh Language (Wales) Measure 2011

the same body, when acting in an official capacity, as the body would not be holding meetings with another person in that situation. Reference should be made to the operational standards in the regulations for the specific types of meetings covered by the standards.

4.3.14 However, attention should be paid to the interpretation of the term 'person' found in clauses 3.1.6 – 3.1.8 of this code as that means that these standards may apply if the meetings include staff from another body.

What is meant by meetings which 'relate to the well-being of an individual?'

4.3.15 There is no interpretation of the term 'well-being of an individual' in the regulations nor the Measure.

4.3.16 A legal interpretation of 'well-being' is provided in the Social Services Act 2014.³²

4.3.17 Section 2 of that Act interprets the term 'well-being' in relation to a list of outcomes for individuals. The interpretation states:

(2) "Well-being", in relation to a person, means well-being in relation to any of the following—

- (a) physical and mental health and emotional well-being;*
- (b) protection from abuse and neglect;*
- (c) education, training and recreation;*
- (d) domestic, family and personal relationships;*
- (e) contribution made to society;*
- (f) securing rights and entitlements;*
- (g) social and economic well-being;*
- (h) suitability of living accommodation.*

(3) In relation to a child, "well-being" also includes—

- (a) physical, intellectual, emotional, social and behavioural development;*
- (b) "welfare" as that word is interpreted for the purposes of the Children Act 1989.*

(4) In relation to an adult, "well-being" also includes—

- (a) control over day to day life;*
- (b) participation in work.*

4.3.18 As a result, a meeting which relates to the well-being of an individual (or individuals) includes a meeting which covers one or more of the above areas. In general, for a meeting to be considered one which 'relates to well-being', the **subject matter** of the meeting, namely what is discussed at the meeting, must be relate to the well-being of an individual (or individuals) concerned invited to the meeting.³³

4.3.19 An example of such may include an individual invited to a meeting with a body to assess the extent to which the individual needs care to be provided in the home.

³² [Social Services and Well-being \(Wales\) Act 2014](#)

³³ [Section 28 of the Welsh Language \(Wales\) Measure 2011](#)

4.4 Meetings arranged by a body that are open to the public [standards 30-34]

What are the requirements?

4.4.1 These standards relates to meetings arranged by a body that are open to the general public.

Standard 30

4.4.2 Where a body is required to comply with standard 30, they must state on any material advertising the meeting concerned, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting. This may include public notices.

4.4.3 The requirement applies to **all** meetings arranged by a body which are open to the public. A body is expected to actively inform persons that they are welcome to use the Welsh language in meetings in order to give them the confidence to use the language.

Standard 31

4.4.4 Where a body is required to comply with standard 31, they must ensure that any invitations to such a meeting are sent in Welsh.

4.4.5 The term 'invitation(s)' in the context of this standard is considered to mean any invitation which is sent and invites the public to the meeting or a person(s) to speak at the meeting. That can include oral, face-to-face and written invitations (be they on paper, electronic or in any other format).

Standard 32

4.4.6 Where a body is required to comply with standard 32, and persons have been invited to speak at a meeting, the body must ask those persons whether they wish to use the Welsh language at the meeting. If one or more persons inform the body that they wish to do so, the body must provide a simultaneous translation service from Welsh to English at the meeting. In situations where the meeting is held in Welsh without a translation service, such as a meeting where the body knows that all attendees understand Welsh, the body is not required to provide a simultaneous translation service.

4.4.7 This standard relates to persons invited to play a direct role in a meeting, and not those given a general invitation only. Those kinds of persons may include:

- guest speakers;
- representatives from external organisations; or
- persons giving a presentation to the audience during the meeting.

Standard 33

4.4.8 Where a body is required to comply with standard 33, they must provide a simultaneous translation service from Welsh to English for all meetings which are open to the public. The standard also sets requirements relating to informing those present at the meeting orally, in Welsh, that they are welcome to use the Welsh language, and that a simultaneous translation service is available.

4.4.9 The body is expected to do this at the beginning of the meeting, so that those in attendance are aware of the provision available as soon as possible. The body may also do this during the meeting, in order to remind those present that they are able

to contribute in Welsh at the meeting. Normally, the chair of the meeting or those leading or facilitating the meeting would do this.

Standard 34

4.4.10 Where a body is required to comply with standard 34, any written material displayed by them must be displayed in Welsh, and Welsh language text must not be treated less favourably than the English language. Material such as presentation slides, notice boards, banners and posters displayed at the meeting may apply to this standard. 'Display' in this context may include material displayed in **any format** including on paper, on a wall, on screen or on other electronic equipment.

What is meant by a 'meeting that is open to the public'?

4.4.11 These standards apply to meetings that are open to the general public, be that by invitation or not. These standards do not apply to meetings which are closed to certain invitees. Reference should be made to standards 23-29B for closed meetings where persons have been invited to.

4.4.12 These meetings may be ones where the body does not necessarily know who will be in attendance. An example of such a meeting could include a public meeting on a proposed housing development or the opening of a new school.

What is meant by the term "must not treat any Welsh language text less favourably than the English language text" in the context of standard 34?

4.4.13 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.*

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

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

4.5 Public events organised or funded by a body [standards 35-36]

What are the requirements?

4.5.1 The above standards require a body, if organising a public event and/or funding at least 50% of a public event, to ensure that the Welsh language is treated no less favourably than the English language in different contexts.

Standard 35

4.5.2 Where a body is required to comply with standard 35, they must ensure that the Welsh language is not treated less favourably than the English language when promoting that public event.

Standard 36

4.5.3 Where a body is required to comply with standard 36, they must ensure that the Welsh language is not treated less favourably than the English language at the event itself. This can relate to services offered to those attending the event, signs displayed at the event or audio announcements during it.

What is meant by the term 'public event'?

4.5.4 The regulations do not interpret the term 'public event'. However, the standards apply to any event that is open to the public arranged by a body and/or funded by them at least 50%.

4.5.5 Examples of public events may include:

- ticketed events as well as those open to the public to attend without a ticket;
- public events open to a proportion of the public only e.g. an event organised for voluntary organisations and charities;
- an open day;
- a cultural event open to the public; or
- a careers fair open to the public.

4.5.6 It should be noted that there are other standards relating to 'meetings that are open to the public' (standards 30-34; see section 4.4 of this code of practice) and those which relates to an 'education course' (standards 84-86; see section 4.20 of this code of practice).

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

For the purposes of standards 84, 85 and 86 (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 activities or courses provided as part of the curriculum in accordance with any enactment.

What if another relevant activity is being delivered during a public event? Which standards apply?

4.5.8 There may be a situation where a body is undertaking a specific activity as part of the public event and that specific standards have been determined for that activity.

4.5.9 For example, a body may deliver education courses for the public as part of the public event. In such cases, the body would have to comply with the standards relating to education courses delivered at the meeting.

What is meant by the term 'promoting the event'?

4.5.10 The regulations do not interpret the term 'promoting the event' but the wording of standard 35 refers to 'advertise' and 'publicise' as such examples. However, promoting a public event is not limited to those examples.

4.5.11 It is considered that any activity promoting and/or raising awareness of the public event would be covered by the term.

What can be done to ensure that the Welsh language is treated no less favourably than the English language when promoting the event?

4.5.12 Standard 35 provides specific examples of contexts where the Welsh language should be treated no less favourably than the English language when promoting the event:

[...] for example, in the way the event is advertised or publicised.

4.5.13 Furthermore, Schedule 1, Part 3, Paragraph 29 of the regulations states:

"Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material."*

4.5.14 However, the requirements of standard 35 go further than ensuring that the Welsh language is treated no less favourably than the English language in relation to material to be produced for promoting the event, and a body should consider every aspect of their promotion activities when complying with this standard.

4.5.15 For example, if a body undertakes a marketing campaign to promote a specific public event, the body is expected to ensure that the Welsh language is treated no less favourably than the English language **in all aspects** of the campaign.

What can be done to ensure that the Welsh language is treated no less favourably than the English language at the event?

4.5.16 Standard 36 provides specific examples of contexts where the Welsh language should be 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.

4.5.17 In relation to these specific examples, a body may ensure that the Welsh language is treated no less favourably than the English language when displaying signs and making audio announcements at the event by complying with the requirements of the standards below:

- Standards relating to signs displayed by a body (61-63); and
- Standard relating to public address systems used by a body (Standard 87).

4.5.18 Furthermore, Schedule 1, Part 3, Paragraph 29 of the regulations states:

“Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.”*

4.5.19 However, the requirements of standard 36 go further than ensuring that the Welsh language is treated no less favourably than the English language in relation to material to be produced for an event, and a body should consider every aspect of their involvement in an event when complying with this standard.

4.5.20 All Welsh language services offered at the event are expected to not treat the Welsh language less favourably than the equivalent English language services. In general, a body should consider all the services and activities provided by them at an event, and ensure that the Welsh language is treated no less favourably than the English language in all aspects of that event.

4.5.21 This may include a body ensuring access to a face-to-face Welsh language service by a member of staff at the event, providing written material in Welsh during the event as well as ensuring that those services and materials are just as accessible as the equivalent in English.

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

4.5.22 Yes, in certain circumstances. However, the body is expected to ensure that Welsh language services can be offered directly in the first instance.

4.5.23 When it is not possible to offer services in Welsh directly (for example because there are no Welsh speaking staff available), it is considered that translation services can be used to that end in some contexts. The extent to which a body can use translation services will also depend on the nature and structure of the event and services offered at that event. For example, translation services could be used in situations where those in attendance will be called upon to participate or in terms of offering a Q&A session. However, it is possible that it might not be appropriate to provide translation services in some situations e.g. for practical or health and safety reasons. In such situations, it would be expected that those services are provided directly in Welsh.

4.6 A body's publicity and advertising [standard 37]

What are the requirements?

4.6.1 Standard 37 requires a body to produce any publicity or advertising material in Welsh. The standard also requires a body to treat any Welsh language version no less favourably than an English language version when producing that material.

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

4.6.2 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh [...] references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

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

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

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

What is meant by material that you 'produce'?

4.6.4 Standard 37 applies to material produced by a body. This term is neither interpreted nor explained in the regulations. However, it is considered that the term 'produce' has the same meaning as if the document was created, generated or published by a body.

This standard applies to materials produced from the imposition day onwards and also to materials produced before the imposition day, to the extent that those materials continue to be 'live' or 'current'.

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

- 4.6.5 For the purpose of this standard, 'publicity material' and 'advertising material' may include:
- pamphlets, brochures, leaflets, posters, films, slogans, videos and audio clips which promote, publicise or explain an element of the body's work;
 - materials produced for exhibitions, conferences or seminars in relation to the body's work;
 - advertisements via electronic messages, public address systems, posters or notice boards and the press; and
 - material related to promotional campaigns and information services.

4.7 A body displaying material in public [standards 38-39]

What are the requirements?

4.7.1 These standards relate to a body displaying material in public.

Standard 38

- 4.7.2 Where a body is required to comply with standard 38, they must ensure that any material displayed **in public** is displayed in Welsh. If an English language version of that material is displayed, the body must not treat any Welsh language version of the material less favourably than the English language version.
- 4.7.3 That means that if the material being displayed is not available for the public to see and/or read, then the requirements of the standard do not apply to that material. For example, if material is displayed to the body's staff members only, then the standard does not apply, as they are not considered to be members of the public.³⁴
- 4.7.4 Examples of material displayed in public may include presentation slides, notice boards, banners and posters. 'Display' in this context includes material displayed in **any format** such as on paper, on a wall, on screen or on other electronic equipment.

Standard 39

- 4.7.5 Where a body is required to comply with standard 39, they must ensure that any material displayed by them **in a public exhibition arranged by them** is displayed in Welsh. If there is an English language version of that material, the body must not treat the Welsh language version of the material less favourably than the English language.
- 4.7.6 Material such as presentation slides, notice boards, banners and posters displayed in the exhibition may apply to these standards. 'Display' in this context includes material displayed in **any format** such as on paper, on a wall, on screen or on other electronic equipment.

³⁴ Reference should be made to the interpretation of the term 'public' in clauses 3.1.1 – 3.1.3 of this code.

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

4.7.7 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.*

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

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

4.8 A body producing and publishing documents [standards 40-49]

What are the requirements?

4.8.1 The following standards require a body to ensure that certain documents are available in Welsh. The standards also set requirements for not treating any Welsh language version of a document less favourably than an English language version, as well as clearly stating on an English language version that a Welsh language version is also available.

Standard 40

4.8.2 Where a body is required to comply with standard 40, they must ensure that **all** documents produced for public use are produced in Welsh. That includes all the documents identified in standards 41-46, as well as any other documents produced by them for public use. Examples may include cards, codes of practice, statistical bulletins, consultation documents, guidance notes, maps and posters.

Standard 41

4.8.3 Where a body is required to comply with standard 41, they must ensure that agendas, minutes and other papers available to the public which relate to a management board or cabinet meeting, or for meetings, conferences or seminars that are open to the public, are produced in Welsh.

For example, this may include relevant material available to the public relating to a Council's operational board, committee meeting or any other kind of meeting that is open to the public.

- 4.8.4 Agendas will usually contain information on the location and date of the meeting, items or matters for discussions, and they may also provide the details of board or cabinet members, and the relevant point of contact. They may also contain the meeting's forward work programme.
- 4.8.5 Minutes may include full written minutes of meetings concerned or a more concise record of decisions (such as decision sheets) or action points.
- 4.8.6 Other papers may include any supplementary document to be discussed at the meeting such as item reports or appendices, notice of a meeting or information regarding expressions of interest.

Standard 42

- 4.8.7 Where a body is required to comply with standard 42, they must ensure that any licence or certificate produced is produced in Welsh. For example, parking permits, alcohol and late night refreshment licences, or housing licences for landlords or agents. This may also include certificates awarded following a course or training, a council tax exemption certificate or award or ceremony certificates.

Standard 43

- 4.8.8 Where a body is required to comply with standard 43, they must ensure that any brochure, leaflet, pamphlet or card that you produce in order to provide information to the public is produced in Welsh. For example, a library or leisure centre membership card, information booklet on the body's work, a leaflet or pamphlet with information on a service provided by one of the body's departments.

Standard 44

- 4.8.9 Where a body is required to comply with standard 44, they must ensure that any of the following, produced and available to the public, are produced in Welsh:
 - (a) policies, strategies, annual reports and corporate plans;
 - (b) guidance and codes of practice;
 - (c) consultation papers.

Standard 45

- 4.8.10 Where a body is required to comply with standard 45, they must ensure that any rules published that apply to the public must be published in Welsh.
- 4.8.11 Rules are considered to apply to the public if they are rules which affect the public. Such rules may include car parking rules or the terms and conditions of a service provided.
- 4.8.12 It should be noted, however, that Schedule 1, Part 3, Paragraph 33 of the regulations states:

Standard 45 does not apply to rules specified in an enactment or in a draft enactment prepared by a body.

4.8.13 The term 'produce' has the same meaning as if a document was created, generated or published by a body. To this end, standard 45 applies to any rules which apply to the public published by a body from the imposition day onwards and also to those published before the imposition day, to the extent that those rules continue to be 'live' or 'current'.

Standard 46

4.8.14 Where a body is required to comply with standard 46, they must ensure that any statement to the press is issued in Welsh and at the same time as an English version.

4.8.15 A body would issue a statement to the press when publishing a statement directly to the press. For example, by publishing a statement on their website or sending a statement to the press in general.

4.8.16 In terms of responding to requests from the press, any response released in a statement would be covered by the standard. However, if a body responds via correspondence, the body is expected to act in accordance with the relevant standards imposed on them in relation to correspondence (see standards 1-7).

Standard 47

4.8.17 Where a body is required to comply with standard 47, and no other standard places an existing duty to produce the document in Welsh, they must assess if the subject matter of the document suggests that it should be produced in Welsh, as well as if the anticipated audience, and their expectations, suggests that the document should be produced in Welsh. The document should then be produced in Welsh (or otherwise) in accordance with the outcome of that assessment.

4.8.18 This assessment may consider the following:

- Is the subject matter of the document of wide importance and does it impact a significant number of people?
- Does the subject matter of the document relate to the Welsh language?
- Does the subject matter of the document relate to an area of special interest in terms of Welsh language?
- Will the document be displayed publicly?
- Do you know that a vast proportion of the anticipated audience speak Welsh?
- Has more than one person asked for the document to be available in Welsh?
- Does the document require a response from persons?
- Does the target audience include groups and organisations for which the Welsh language is an important consideration?

Standard 48

4.8.19 Where a body is required to comply with standard 48, they must not treat any Welsh language version of a document produced less favourably than an English language version of that document.

4.8.20 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.*

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

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

Standard 49

4.8.22 Where a body is required to comply with standard 49, if there is a separate English language version of a document, they must ensure that the English language version clearly states that the document is also available in Welsh.

4.8.23 The regulations do not expand on what the exact wording of the statement should be in order to comply with the standard. However, according to the standard the body must clearly state that the document is also available in Welsh. A statement such as “Mae'r ddogfen hon hefyd ar gael yn Gymraeg” could be included on the document in order to comply with the standard.³⁵ A body may decide to facilitate access to the Welsh language document concerned, by including a direct link to the Welsh language document, or by providing information on how to source the Welsh language document as part of the statement.

What is meant by the term 'produce'?

4.8.24 Standards 40, 41, 42, 43, 44, 47, 48 and 49 apply to documents 'produced' by a body. This term is not interpreted in the regulations. However, it is considered that the term 'produce' has the same meaning as if the document was created, generated or published by a body. These standards apply to documents produced from the imposition day onwards and also to those produced before the imposition day, to the extent that those documents continue to be 'live' or 'current'.

³⁵ Welsh for “This document is also available in Welsh”.

4.8.25 An example of the kind of documents produced before the imposition day which would apply to these standards would be a complaints procedure or an action plan which continues to be in operation after the imposition day, because it is a 'live' or 'current' document.

4.8.26 However, the standards would not apply, for example, to an annual report for the year ending before the imposition day or a policy produced before the imposition day no longer in use or in force.

What is meant by the term 'for public use'?

4.8.27 There is no full interpretation of this term in the regulations. However, Schedule 1, Part 3, Paragraph 30 of the regulations states:

For the purposes of standards 40, 41, 44, 47 and 50, 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 (c.36).

4.8.28 A document would be 'for public use' if it is available to the public without requesting it under the Freedom of Information Act 2000 only. A document produced by the body would be covered by the interpretation of the term if the public has the right to access it, although it might not necessarily be produced for the public specifically. For example, this could include a body's monitoring reports, agendas and committee papers produced for internal use, but are published on its website, and therefore available to the public.

Are there any other exceptions to these standards?

4.8.29 Yes. Schedule 1, Part 3, Paragraph 32 of the regulations states:

Standards 40, 47, 48 and 49 do not apply to an enactment made by a body or to a draft enactment prepared by a body.

4.8.30 Paragraphs 25 and 45 of the regulations further state:

A body is not required to produce, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.

For the purposes of the standards "enactment" means an enactment (whenever enacted or made) comprised in, or in an instrument made under—
(a) an Act of Parliament; or
(b) a Measure or an Act of the National Assembly for Wales.

4.8.31 It should be noted that the fact that another enactment has specified the wording of a document, sign or form in itself does not satisfy the above. That enactment must also prevent or disallow Welsh wording.

4.9 A body producing and publishing forms [standards 50-51]

What are the requirements?

4.9.1 These standards require a body to ensure that forms produced by them for public use are available in Welsh. The standards also set requirements for not treating any Welsh language version of a document less favourably than an English language version, as well as clearly stating on an English language version that a Welsh language version is also available.

Standard 50

4.9.2 Where a body is required to comply with standard 50, they must ensure that all forms produced for public use are produced in Welsh. That includes any written forms, be they electronic or in paper form.

Standard 50A

4.9.3 Where a body is required to comply with standard 50A, if separate Welsh and English language versions of forms are produced, they must clearly state on the English language version that the form is also available in Welsh.

4.9.4 The regulations do not expand on what the exact wording of the statement should be in order to comply with the standard. However, according to the standard the body must clearly state that the form is also available in Welsh. A statement such as “Mae'r ffurflen hon hefyd ar gael yn Gymraeg” could be included on the form in order to comply with the standard.³⁶ A body may decide to facilitate access to the Welsh language form concerned, by including a direct link to the Welsh language form, or by providing information on how to source the Welsh language form as part of the statement.

Standard 50B

4.9.5 Where a body is required to comply with standard 50B, if they produce a form in Welsh and in English (whether separate versions or not), they must ensure that the Welsh language version is treated no less favourably than the English language version, and they must not differentiate between them in relation to any requirements that are relevant to the form.

4.9.6 The standard itself contains specific examples of some contexts where the Welsh language version of a form should not be treated less favourably than the English language version, as well as not differentiating between them in terms of any requirements 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.

4.9.7 Furthermore, Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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

³⁶ Welsh for “This form is also available in Welsh”.

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.*

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

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

Standard 51

4.9.9 Where a body is required to comply with standard 51, they must ensure that any information pre-entered on the Welsh language version of a form is pre-entered in Welsh.

4.9.10 The term 'pre-entered' has not been interpreted in the regulations. However, the term is considered to mean that a body completes some sections or parts, or all sections and parts of a form, instead of the person themselves.

4.9.11 The standard itself contains specific examples of some contexts where a body may pre-enter information on a form:

[...] for example, before sending it to a member of the public in order for him or her to check the content or to fill in the remainder of the form.

4.9.12 The type of information being pre-entered by a body on a form may include personal details such as name, address, title, marital status, job title etc.

What is meant by the term 'produce'?

4.9.13 Standards 50, 50A and 50B apply to forms 'produced' by a body. This term is not interpreted in the regulations. However, it is considered that the term 'produce' has the same meaning as if the document was created, generated or published by a body. These standards would apply to forms produced from the imposition day onwards and also to those produced before the imposition day, to the extent that those forms continue to be 'live' or 'current'.

4.9.14 An example of the kind of form produced before the imposition day to which the standards apply would be a complaints form or application form for library membership, as they continue to be 'live' or 'current' forms.

4.9.15 However, the standards would not apply, for example, to an application form for a parking permit for the year ending before the imposition day or a form produced before the imposition day which is no longer in use.

What is meant by the term 'for public use'?

4.9.16 There is no full interpretation of this term in the regulations. However, Schedule 1, Part 3, Paragraph 30 of the regulations states:

For the purposes of standards 40, 41, 44, 47 and 50, 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 (c.36).

4.9.17 A form would be 'for public use' if it is available to the public without requesting it under the Freedom of Information Act 2000 only. Any form produced, but not necessarily produced for the public specifically, but that they have the right to access it (e.g. an application form to a public authority) would be covered by the interpretation of the term.

Are there any other exceptions to these standards?

4.9.18 Yes. Schedule 1, Part 3, Paragraphs 25 and 48 of the regulations states:

A body is not required to produce, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.

For the purposes of the standards "enactment" means an enactment (whenever enacted or made) comprised in, or in an instrument made under—
(a) an Act of Parliament; or
(b) a Measure or an Act of the National Assembly for Wales.

4.9.19 The fact that another enactment has specified the wording of a document, a sign or a form in itself does not satisfy the above. That enactment must also prevent or disallow a Welsh wording.

4.9.20 Schedule 1, Part 3, Paragraph 31 of the regulations further states:

(1) Standards 50, 50A and 50B do not apply to the forms listed in sub-paragraph (3)...

(3) The forms are –
(a) forms used by a body to recruit employees (see standards 137A, 138 and 139 in relation to recruitment);
(b) forms used when applying for grant assistance from a body (see standards 71 to 75 in relation to applications for grants);
(c) forms used when submitting a tender to enter into a contract with a body (see standards 76 to 80 in relation to tendering for a contract).

4.10 A body's websites and on-line services [standards 52-57]

What are the requirements?

4.10.1 The following standards require a body to ensure that pages of their website, or websites, are available and fully functional in Welsh and that the Welsh language is not treated less favourably than the English language.

Standard 52

4.10.2 Where a body is required to comply with standard 52, they must ensure that all pages on their website are available and are fully functional in Welsh and that the Welsh language is not treated less favourably than the English language on those pages. This includes pages noted in standards 53 and 54.

Standard 53

4.10.3 Where a body is required to comply with standard 53, they must ensure that the homepage of their website is available and fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on the homepage. 'Homepage' is considered to mean the page on the website which normally acts as the main page (and appears after the splash page). The homepage normally operates as a navigation page and contains links to other sections of the website.

Standard 54

4.10.4 Where a body is required to comply with standard 54, they must ensure that any page on the website created or amended is available and fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on those pages.

Standard 55

4.10.5 Where a body is required to comply with standard 55, if they have a Welsh language web page that corresponds to an English language web page, they must state clearly on the English language web page that the page is also available in Welsh. They must provide a **direct** link to the Welsh page on the corresponding English page.

4.10.6 A body does not have to include a statement that is word for word with the above on every relevant English language page. A body may make it clear that an English language page is also available in Welsh by including a button on the English language page which guides the user to the corresponding Welsh language page. For example, by including a "Cymraeg" button in a prominent position (such as the top right hand corner) on an English language page, which would include a link to the corresponding Welsh language page. The Commissioner, however, does not consider that displaying a banner or flag would convey sufficiently that the English language page is also available in Welsh.

Standard 56

4.10.7 Where a body is required to comply with standard 56, they must ensure that the interface and menus on every page of their website are in Welsh. The nature of interfaces and menus changes according to each individual website specifically, but they may be considered to include those parts of a website that do not show content but are part of the infrastructure and allow the user to communicate with a programme. Menus can include options and lists to select from.

Standard 57

4.10.8 Where a body is required to comply with standard 57, they must ensure that any app published by them functions fully in Welsh and that the Welsh language is treated no less favourably than the English language on that app.

4.10.9 Schedule 1, Part 3, Paragraph 35 of the regulations states:

(1) For the purpose of standard 57 an 'app' is a software application designed to undertake a specific task on an electronic device.

(2) Standard 57 does not apply to any advertising material on an app (see standard 37 in relation to advertising material produced by a body).

4.10.10 Such an app may include a software application which allows persons to pay rent or make a complaint via an electronic device.

Do the requirements of standards 52-56 mean that all the content on a website needs to be in Welsh?

4.10.11 No, not necessarily. Schedule 1, Part 3, Paragraph 34 of the regulations states:

Standards 52 to 56 (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 40 to 49 for specific provision in relation to documents, and standard 37 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).

4.10.12 These regulations therefore make these standards exempt from applying to specific kinds of content on a body's website. However, it should be noted that there is a requirement for some documents to be published in Welsh in accordance with standards 40-49. Therefore, if a body is required to produce a Welsh language version of a document, the body should ensure that the Welsh language version of that document is available on the website when providing a link to it.

4.10.13 These standards do not apply to advertising material on a website nor video and audio clips on a website. However, it should be noted that there is a requirement for some advertising material and audio and video clips to be available in Welsh in accordance with standard 37. Therefore, if a body has a duty to ensure that they are available in Welsh in accordance with that standard, they must ensure that the Welsh language versions appear on the website.

4.10.14 There is no duty on a body to translate any information which is presented by persons on interactive pages published on the body's website into Welsh. That may include comments made by persons in chat rooms as well as examples found in the regulations themselves.

What is meant by the term 'function fully in Welsh'?

4.10.15 This term means that the Welsh language version of a website or app should function in the same way or as good as the English language version (or any other

language) and that every element of the website or app is available in Welsh without restriction. For example, a body should ensure that the content of Welsh language versions is updated and is not delayed compared with the English language version, that links are not broken or that no defects appear on the Welsh language pages, and that search functions function fully in Welsh.

4.10.16 Similarly, if links are provided to external resources from a Welsh language website or app, they should be consistent with the language of that page. That is, a link from a Welsh language page on the website/app should lead to a Welsh language version of the resource (if one exists).

What is meant by the term 'the Welsh language must be treated no less favourably than the English language'?

4.10.17 Schedule 1, Part 3, Paragraph 36 of the regulations states:

For the purpose of standards 52 to 57 (websites and apps) and standards 58 and 59 (social media), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

(a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text), or

(b) when material is published on the website, app or social media;

but it does not mean that Welsh language material must appear on the same page as English language material, or on a page that a person is likely to find before the English language page when searching.

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

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

4.10.19 The standards do not, therefore, prevent a body from being able to provide separate Welsh and English versions of material on a website or app, to the extent that the Welsh language version is treated no less favourable than the English language version.

4.11 A body's use of social media [standards 58-59]

What are the requirements?

4.11.1 The following standards relates to a body's use of social media.

Standard 58

4.11.2 Where a body is required to comply with standard 58, they must not treat the Welsh language less favourably than the English language when using social media.

4.11.3 Schedule 1, Part 3, Paragraph 36 of the regulations states:

For the purpose of standards 52 to 57 (websites and apps) and standards 58 and 59 (social media), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

(a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text), or

(b) when material is published on the website, app or social media;

but it does not mean that Welsh language material must appear on the same page as English language material, or on a page that a person is likely to find before the English language page when searching.

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

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

4.11.5 The standards do not, therefore, prevent a body from being able to provide separate Welsh and English versions of material on social media, to the extent that the Welsh language version is treated no less favourable than the English language version. That can therefore mean that a body may operate separate Welsh and English accounts on social media. However, if a body does this, they must raise awareness of the Welsh language account in accordance with standards 81 and 82.

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

Standards 58 and 59 (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 40 to 49 for specific provision in relation to documents, and standard 37 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).

4.11.7 Under standard 58, therefore, a body must ensure that any material they have in English on social media is also available in Welsh, apart from text presented in the mediums identified above. That may include announcements made over social media or slogans or hashtags.

4.11.8 Similarly, the standards do not apply to information presented on a body's social media account by other persons. That may include information from other persons shared more widely by the body on their own account, for example a retweet.

4.11.9 However, if links are provided to external resources from a Welsh language account page, they should be consistent with the language of that account. That is, a link from a Welsh language account should lead to a Welsh language version of the resource (if one exists).

Standard 59

4.11.10 Where a body is required to comply with standard 59, they must reply to a person in Welsh (if an answer is required) if the person has contacted them via social media in Welsh. That may include a private message as well as a public response, for example in a general comments section.

What is meant by the term 'social media'?

4.11.11 This term is not interpreted in the regulations. However, in general, 'social media' includes websites and programmes which allow an user to create and share content or to take part in social interaction. Examples may include Facebook, Twitter, Instagram or YouTube.

Do the standards apply to all of the corporate accounts a body has?

4.11.12 Yes. The standards apply to a body's entire use of social media, be that via a corporate account or staff and individual department accounts, if they operate on behalf of the body or in its name.

4.12 Self service machines [standard 60]

What are the requirements?

4.12.1 This standard requires a body to ensure that all of their self service machines function fully in Welsh and that the Welsh language is treated no less favourably than the English language on that machine.

What is a 'self service machine'?

4.12.2 This term is neither interpreted nor explained in the regulations. In general, a self service machine includes any machine available to persons receiving a service by serving themselves without the need for staff assistance.

4.12.3 The usual literal meaning of 'machine' refers to a device, appliance or tool used to perform a certain task. Schedule 1, Part 3, Paragraph 39 of the regulations also refers to self service machines as those which can contain material which 'appear on screen'. Therefore, self service machines may include screens, such as pay and display machines, self issue machines in a library, appointment check in screens, photocopiers in libraries and food and drink vending machines.

4.12.4 Also, some self service machines which do not have screens may be covered by this standard. Examples may include a self service audio guide to be used in a library or museum or a machine providing audio directions.

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

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

For the purpose of standard 60 (self service machines) reference to treating the Welsh language no less favourably than the English language include, amongst other matters, treating the Welsh language no less favourably as regards the visual presentation of the material (for example in relation to the colour, size, font and format of any text), but it does not mean that Welsh language material must appear on screen at the same time as English language material.

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

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

4.12.7 The standards do not, therefore, prevent a body from being able to provide separate Welsh and English versions of material on a self service machine, to the extent that the Welsh language version is treated no less favourable than the English language version. Installing self service machines with the English as the default language would treat the Welsh language less favourably than the English language. That means that only after an user has selected a language can Welsh and English language material appear on screen separately.

4.12.8 In practical terms, therefore, there are three main ways of ensuring that the Welsh language is treated no less favourably than the English language in terms of using a self service machine, namely:

- by offering a choice, when someone starts to use the machine, of which language they wish to use;
- with the machine operating in Welsh and English at the same time, without the need to switch or choose a language; or
- setting Welsh as the machine's default language, allowing persons to switch to English if they wish.

What is meant by the term 'function fully in Welsh'?

4.12.9 This term means that the Welsh language version of any self service machine should work in the same way or as equally well as the English language version (or any other language) and that every element of the self service machine is available in Welsh without restriction or errors. For example, a body should ensure that the content of Welsh language versions is updated and is not delayed compared with

the English language version, that links are not broken or that there are no defects appearing on the Welsh language version.

- 4.12.10 Some self service machines will produce documents, for example a parking ticket, ticket for an event, or forms or leaflets containing information. The standards relating to documents apply to these documents, and not standard 60.
- 4.12.11 Signs will be associated with some self service machines, for example drawing attention to the machine or containing directions on their use. The standards relating to signs apply to these signs, and not standard 60.

4.13 Signs displayed by a body [standards 61-63]

What are the requirements?

4.13.1 The above standards require a body to ensure that any new sign or sign being renewed is displayed in Welsh and that the Welsh language is treated no less favourably than the English language on those signs. The standards also set requirements in relation to the accuracy and position of the Welsh language on signs.

Standard 61

4.13.2 Where a body is required to comply with standard 61, they must, when they erect a new sign or renew a sign (including temporary signs), ensure that any text displayed on the sign is displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign). The body must ensure that the Welsh language text is not treated less favourably than the English language text on those signs.

4.13.3 A body would usually 'erect' a new sign when it is placed where there was no such sign before. A body would 'renew' a sign if they make any change to that sign or erect a new sign in its place at the same location.

4.13.4 Use of the term 'new' does not mean that the requirements of the standard only apply where a body produces a brand new sign, but instead, the term refers to a situation where the body erects a sign in a new place or location. That means that erecting a sign in a new location would make it a new sign for the purposes of these standards.

In terms of electronic signs, it is considered that a new sign is erected each time new text appears on an electronic sign.

Standard 62

4.13.5 Where a body is required to comply with standard 62, they must ensure that Welsh language text is positioned so that it is likely to be read first on any new signs erected or signs that are renewed (including temporary signs).

4.13.6 The Commissioner recognises that it may be a matter of interpretation whether Welsh language text is positioned so that it is likely to be read first and that this could result from the position or angle of the sign. However, the Welsh language text would be likely to be read first usually if it is placed on the left or above any corresponding English text, based on the standard practice of reading from left to right and from top to bottom.

Standard 63

4.13.7 Where a body is required to comply with standard 63, they must ensure that Welsh language text on their signs (whether they are signs erected before or after the imposition day) are accurate in terms of meaning and expression. That can relate to the spelling, syntax or words and phrases used.

4.13.8 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.*

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

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

What is meant by the term 'temporary sign'?

4.13.10 These standards also apply to any temporary signs erected or renewed. Where a body is required to comply with standard 61 therefore, any temporary sign erected or renewed must be displayed in Welsh. Where a body is required to comply with standard 62, the Welsh language must appear first on that sign too.

4.13.11 This term is not interpreted in the regulations. However, it is considered that a temporary sign includes any sign not intended to be placed permanently where positioned. Such examples may include a sign erected to provide information on roadworks, a sign warning of an accident, an out-of-order sign or a road sign erected with directions to the location of an event held over a specific period of time.

Are there any exceptions?

4.13.12 Yes. Schedule 1, Part 3, Paragraphs 25 and 48 of the regulations states:

A body is not required to produce, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.

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

(a) an Act of Parliament; or

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

4.13.13 The fact that another enactment has specified the wording of a document, sign or form in itself does not satisfy the above. That enactment must also prevent or disallow a Welsh wording.

4.13.14 Where a body includes their corporate identity on a sign, standard 83 will apply to that element.

4.14 A body receiving visitors at its buildings [standards 64-68]

What are the requirements?

4.14.1 The following standards require a body to ensure that any reception service they make available in English is also made available in Welsh. The standards also set requirements relating to displaying a sign and wearing badges at receptions to make it clear that persons are welcome to use the Welsh language at the reception and that staff are available to provide a Welsh language service.

Standard 64

4.14.2 Where a body is required to comply with standard 64, they must ensure that any reception service available in English is also available in Welsh. They must also ensure that a person who requires a Welsh language reception service is not treated less favourably than a person who requires an English language reception service. In ensuring that a reception service is made available in Welsh, a body has a responsibility to actively offer a Welsh language reception service rather than expect the visitor to request it. It is also expected that the Welsh language service is available unhindered and that there is no need to switch to another language in order to receive the reception service in Welsh.

Standards 65 and 65A

4.14.3 Where a body is required to comply with standards 65 and 65A, if they are not already aware, they must ask a person who will be visiting or has an appointment which will mean coming to the reception, whether they wish to receive that reception service in Welsh.

If that person has informed them that they do wish so, or if the body is already aware of that wish, they must provide that reception service in Welsh.

Standard 66

4.14.4 Where a body is required to comply with standard 66, they must ensure that a reception service is available in Welsh over the phone, if it is not possible to provide it face to face. That may include a traditional phone call or video conferencing.

Standard 67

4.14.5 Where a body is required to comply with standard 67, they must display a sign in the reception which states that persons are welcome to use the Welsh language there.

4.14.6 Bodies do not have to include a statement expressing the above, following the wording of the standard word for word. However, the statement should be clear and explicit enough for persons to be fully aware that they are welcome to use the Welsh language in reception. A sign with wording such as “Mae croeso i chi siarad Cymraeg yma” or “Mae croeso i chi ddefnyddio'r Gymraeg yn y dderbynfa” could be used to comply with the standard.³⁷

4.14.7 Also, the Commissioner's Working Welsh logo could be used to show that the body welcomes persons to use the Welsh language at the reception. The Commissioner has a poster which includes the logo which is available as a free download from the Commissioner's website.³⁸ The Working Welsh logo itself is available as a free download from the Commissioner's website and looks like this:



Standard 68

4.14.8 Where a body is required to comply with standard 68, they must ensure that reception staff who are able to provide a Welsh language reception service wear a badge to convey that.

4.14.9 The regulations do not expand on the exact badge that staff should wear in order to comply with the standard. However, the standard states that the badge must make it clear that the member of staff wearing it can provide a Welsh language reception service. The Commissioner's Working Welsh badges are an example of a badge which can be worn by reception staff in order to comply with the standard. Also, a badge may include a lanyard or one woven into an uniform.

What is a 'reception'?

4.14.10 Schedule 1, Part 3, Paragraph 40 of the regulations states:

For the purposes of standards 64 to 68 (receiving visitors)—
(a) “reception” means an area in a body’s offices and service locations where staff are made available for the purpose of welcoming persons;
(b) “reception service” means a service for welcoming persons to the body’s offices or service locations by staff who are made available for that purpose;
(c) “service locations” include libraries, leisure centres, arts centres, advice centres and drop in centres.

4.14.11 Therefore, any area within a body's offices or premises where staff are available for the purpose of welcoming persons may be covered by the interpretation of 'reception' and therefore this is not limited to a reception in the traditional sense, with a desk front of house. Similarly, it is considered that any

³⁷ ” Welsh for “You are welcome to speak Welsh here” or “You are welcome to use the Welsh language at the reception”.

³⁸ [The Welsh Language Commissioner's Working Welsh poster](#)

member of staff may offer a reception service, and not only staff available for that sole purpose.

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

What is meant by the term 'any person who requires a Welsh language reception service must not be treated less favourably than a person who requires an English language reception service' in the context of these standards?

- 4.14.13 This term is not interpreted in the regulations. However, it is considered that a person will not be treated less favourably if the Welsh language reception service is of at least the same standard as the English language reception service. This may include:

- the availability or quality of the service;
- the location and prominence of the service; and
- when and how the service is offered, delivered or made available.

4.15 Official notices made by a body [standards 69-70]

What are the requirements?

- 4.15.1 The following standards relate to official notices made by a body.

Standard 69

- 4.15.2 Where a body is required to comply with standard 69, they must ensure that any official notice that they publish or display must be published or displayed in Welsh, and they must not treat any Welsh language version of a notice less favourably than an English language version.

- 4.15.3 For that purpose, Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.*

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

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

Standard 70

4.15.5 Where a body is required to comply with standard 70, they must position the Welsh language text on an official bilingual notice so that it is likely to be read first.

4.15.6 Welsh language text would be likely to be read first usually if it is placed on the left or above the corresponding English text, based on the standard practice of reading from left to right and from top to bottom.

What is an 'official notice'?

4.15.7 Schedule 1, Part 3, Paragraphs 41 and 48 of the regulations states:

For the purposes of standards 7, 69 and 70 an “official notice” means any notice that a body publishes to inform persons about service delivery activities or changes to service delivery activities, but it does not include official notices prescribed by an enactment.

For the purposes of the standards “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under—
(a) an Act of Parliament; or
(b) a Measure or an Act of the National Assembly for Wales.

4.15.8 Examples of an official notice which would apply to these standards therefore could include a notice regarding:

- a body's office opening hours or a change to a body's office opening hours;
- a course or seminar which is taking place or coming to an end;
- the start of a new service such as a new recycling regime;
- an increase in service charges such as a membership fee or parking fees.

What is meant by the term '...prescribed by an enactment'?

4.15.9 The term refers to statutory notices. For example, planning application notices or works announced in the press. That means that these kinds of notices are not covered by the requirements of standard 70.

4.16 A body awarding grants [standards 71-75]

What are the requirements?

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

Standard 71

4.16.1 Where a body is required to comply with standard 71, any documents that they publish which relate to applications for a grant must be published in Welsh, and they must not treat a Welsh language version of such documents less favourably than any English language versions. This may include the application form; an expression of interest form; guidance notes; documents which include the grant terms and conditions; FAQs or information on the application process.

4.16.2 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;*
- (d) the publication format of material.*

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

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

Standard 72

4.16.4 Where a body is required to comply with standard 72, they must state in the invitation to apply for a grant that applications may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English.

4.16.5 The regulations do not expand on what the exact wording of the statement should be in order to comply with the standard. However, the standard states that the body must declare:

- that applications may be submitted in Welsh and
- that any application submitted in Welsh will be treated no less favourably than an application submitted in English.

4.16.6 Bodies do not have to include a statement expressing the above, following the wording of the standard word for word. However, that statement should be clear and explicit enough for persons to be fully aware of the body's commitment and

dedication to receiving applications in Welsh and to ensuring that the Welsh language is treated no less favourably than the English language with regards to applications.

Standard 72A

4.16.7 Where a body is required to comply with standard 72A, they must not treat applications submitted for a grant in Welsh less favourably than an application submitted in English. The standard itself contains specific examples of some contexts which apply to the standard:

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

4.16.8 That may include a closing date for receipt of applications or in relation to informing applicants of the body's decision. Therefore, the closing date must be the same for Welsh and English applications and it must be ensured that there is no delay in informing Welsh language applicants of decisions compared with English language applicants.

Standard 73

4.16.9 Where a body is required to comply with standard 73, and if they conduct an interview as part of the grant application process, they must offer to conduct the interview in Welsh if the grant application has been made in Welsh. If the applicant so wishes, they must conduct the interview in Welsh without the assistance of a translation service.

Standard 74

4.16.10 Where a body is required to comply with standard 74, and if they conduct an interview as part of the grant application process, they must offer to provide a translation service from Welsh to English in the interview if the grant application was made in Welsh. If the applicant so wishes, the body must provide a simultaneous translation service to enable the applicant to use the Welsh language in the interview, if it is not possible to do so without a translation service as not all those present in the interview speak Welsh.

Standard 75

4.16.11 Where a body is required to comply with standard 75, they must inform an applicant who submitted their application in Welsh of their decision in Welsh. The requirements of this standard include any method in which a body informs an applicant of their decision. This may include informing applicants orally, face-to-face or in writing.

What is a 'grant'?

4.16.12 This term is not interpreted in the regulations. However, it is considered that the term includes any support provided by a body to another person for a specific purpose which usually does not need to be repaid or returned. The term may include financial support or a benefit.

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

4.16.13 No. The regulations do not provide a threshold or minimum level of grant to which the application relates. The standards apply to all grants awarded by the body.

4.17 A body awarding contracts [standards 76-80]

What are the requirements?

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

Standard 76

4.17.2 Where a body is required to comply with standard 76, they must publish any invitations to tender in Welsh and not treat a Welsh language version of those tenders less favourably than an English language tender.

4.17.3 Schedule 1, Part 3, Paragraph 42 of the regulations provides further guidance on this standard, and states:

For the purposes of standard 76 (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;

(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.

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

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

Standard 77

4.17.5 Where bodies are required to comply with standard 77, they must state in an invitation to tender that tenders may be submitted in Welsh, and that a tender submitted in Welsh will be treated no less favourably than a tender submitted in English. It should be noted that this may include an invitation to tender in the Official Journal of the European Union.

4.17.6 The regulations do not expand on what the exact wording of the statement should be in order to comply with the standard. However, the standard states that the body must declare:

- that tenders may be submitted in Welsh and
- that a tender submitted in Welsh will not be treated less favourably than a tender submitted in English.

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

Standard 77A

4.17.8 Where a body is required to comply with standard 77A, they must not treat a tender submitted in Welsh less favourably than a tender submitted in English. The standard itself contains specific examples of some contexts which apply to the standard:

[...] including, amongst other matters, in relation to the closing date for receiving tenders, and in relation to the time-scale for informing tenderers of decisions.

4.17.9 That may include the closing date for receipt of tenders or in relation to informing tenderers of the body's decision. The closing date must be the same for Welsh and English tenders and it must be ensured that there is no delay in informing Welsh language tenderers of decisions compared with English language tenderers.

Standard 78

4.17.10 Where a body is required to comply with standard 78, and if they conduct an interview as part of the tender assessment process, they must offer to conduct the interview in Welsh if the tender was submitted in Welsh. If the tenderer so wishes, they must conduct the interview in Welsh without the assistance of a translation service.

Standard 79

4.17.11 Where a body is required to comply with standard 79, and if they conduct an interview as part of the tender assessment process, they must offer to provide a translation service from Welsh to English in the interview if the tender was submitted in Welsh. If the tenderer so wishes, they must provide a simultaneous translation service to enable the tenderer to use the Welsh language in the interview, if it is not possible to do so without a translation service as not all those present in the interview speak Welsh.

Standard 80

4.17.12 Where a body is required to comply with standard 80, they must inform a tenderer who submitted their tender in Welsh of their decision in Welsh. The requirements of this standard include any method in which a body informs a tenderer of their decision. This may include informing tenderers orally, face-to-face or in writing.

What is an 'invitation to tender'?

4.17.13 The regulations do not interpret the term 'invitation to tender'. However, the term is considered to include all the documents in the pack inviting applicants to tender.

4.17.14 Although the term 'invitation to tender' is not interpreted in the regulations, the public sector's procurement requirements are derived from the Public Contracts Directive 2014 and the Public Contracts Regulations 2015, which state:

Invitations to candidates

54.—

(1) In restricted procedures, competitive dialogue procedures, innovation partnerships and competitive procedures with negotiation, contracting authorities shall simultaneously and in writing invite the selected candidates to submit their tenders or, in the case of a competitive dialogue, to take part in the dialogue.

(3) The invitations required by paragraphs (1) and (2) shall—

(a) include a reference to the electronic address at which the procurement documents have been made directly available by electronic means, and

(b) be accompanied by the procurement documents, where those documents have not been the subject of unrestricted and full direct access, free of charge, for the reasons referred to in regulation 53(3) or (4) and have not already been made otherwise available.

(4) The invitations required by paragraph (1) shall also contain at least the following

information:—

(a) a reference to the call for competition published;

(b) the deadline for the receipt of the tenders, the address to which the tenders must be sent and the language or languages in which the tenders must be drawn up;

(c) in the case of competitive dialogue, the date and the address set for the start of consultation and the language or languages to be used;

(d) a reference to any documents to be submitted, either in support of verifiable declarations by the tenderer in accordance with regulations 59 and 60 and, where appropriate, 62 or to supplement the information referred to in those regulations, and under the conditions laid down in regulations 59, 60 and 62;

(e) the relative weighting of criteria for the award of the contract or, where appropriate, the descending order of importance for such criteria, where they are not given in the contract notice, in the invitation to confirm interest, in the technical specifications or the descriptive document.

4.17.15 Therefore, it is considered that an invitation to tender includes, amongst other things:

- reference to the electronic location of the procurement documents;
- the procurement documents themselves;
- tendering process time-frame and relevant contact information; and
- information on the criteria used by the awarding body.

4.17.16 It is considered that 'procurement documents' include any document produced or referred to by the contracting authority in order to describe or decide on elements of the procurement or regime, including:

- the contract notice;
- the prior information notice where it is used as a means of calling for competition;
- the technical specification;
- the descriptive document;
- the proposed conditions of contract;
- formats for the presentation of documents by candidates and tenderers; and
- information on generally applicable obligations and any additional documentation.³⁹

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

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

4.18 Raising awareness about Welsh language services provided by a body [standards 81-82]

What are the requirements?

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

Standard 81

4.18.2 Where a body is required to comply with standard 81, they must promote and advertise any Welsh language service that they provide, and do so in Welsh.

Standard 82

4.18.3 Where a body is required to comply with standard 82, they must ensure that any reference made by the body to a service in English also refers to the corresponding service in Welsh, if they provide such a service.

What is a 'service in Welsh'?

4.18.4 This term is neither interpreted nor explained in the regulations. However, the term is considered to encompass **any** service provided by a body in Welsh.

4.18.5 Examples of services provided in Welsh may include the activities and services provided in line with the service delivery standards. This does not mean that the service has to be provided in Welsh only nor that the service has to be provided separately to the corresponding service in English.

4.18.6 It should be noted that standards 157 and 169 set requirements which relate to ensuring that a body has arrangements in place to comply with this standard by promoting and facilitating the use of services offered by them under the service delivery and operational standards.

³⁹ The Commissioner's interpretation is in line with the term "procurement document" found in the [Public Contracts Regulations 2015](#).

What is meant by the terms 'promoting' and 'advertising'?

4.18.7 Standard 81 requires a body to promote and advertise any Welsh language service that they provide, and do so in Welsh. These terms are neither interpreted nor explained in the regulations in this regard. However, it is considered that these terms correspond to a body actively promoting and/or raising awareness by highlighting the fact that a Welsh language service is available and encouraging use of that service.

4.18.8 The following are possible examples of compliance:

- a body actively informing persons that a service they provide is available in Welsh, where they are not required to do so under another standard, and where that person has not asked for the service in Welsh;
- a body encouraging persons via methods such as social media or advertising material to use Welsh when receiving or using their services;
- a body using Working Welsh material to highlight the availability of a Welsh language service;
- publishing and sharing information on some or all of the services offered by the body in Welsh via a leaflet, web page, social media, signs, advertisements etc.
- where a body has a Welsh social media account which corresponds to an English account, state clearly on the English account that a Welsh account is also available and provide a direct link to the Welsh account on the corresponding English account;
- using a splash welcome screen for the purpose of offering a clear language choice, in order to ensure that the body makes an active offer to users to use the Welsh language before accessing the website's services or self service machine.
- using the Welsh language as the default language when providing services in order to promote and highlight the Welsh language service, where they are not required to do so under another standard, and where the person has not asked for the service in Welsh (e.g. begin every conversation in Welsh over the telephone or face-to-face);
- ensuring that the users' journey to using services in Welsh is of the same standard and quality as the service in English; or
- ensuring that Welsh language services are given prominence, are easily accessible, are actively promoted and are consistently available.

4.19 A body's corporate identity [standard 83]

What are the requirements?

4.19.1 This standard requires a body to ensure that they do not treat the Welsh language less favourably than the English language when forming, revising or presenting their corporate identity.

What is 'corporate identity'?

4.19.2 Schedule 1, Part 3, Paragraphs 43 and 45 of the regulations states:

- (1) For the purposes of standard 83, the reference to a body 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 83 does not apply to the extent that an enactment requires a body to use a legal name.*

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

(a) an Act of Parliament; or

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

4.19.3 It is also considered that "corporate identity" include an address, logo, visual identity and any other standard information belonging to the body used on their material and products (such as headed paper, social media account profile, business cards, ID badges, exhibition and publications), and in other circumstances such as signs, vehicles and buildings. It can also include acronyms of a name or names used by a body.

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

4.19.4 These terms are neither interpreted nor explained in the regulations. However, it is considered that the terms 'form' and 'present' have the same meaning as if corporate identity was created, generated or published by a body. This standard would therefore apply to corporate identity formed or presented from the imposition day onwards and also to that formed or produced before the imposition day to the extent that the corporate identity continues to be 'live' and 'current'.

4.19.5 A body would 'revise' their corporate identity if they make any change to that identity from the imposition day onwards.

4.19.6 The standard applies to corporate identity formed, revised or presented in any other medium too, such as a sign, website or document. All other aspects of these mediums are subject to their own relevant standards.

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

4.19.7 Schedule 1, Part 3, Paragraph 29 of the regulations states:

Where a standard refers to material that is to be produced in Welsh (with the exception of standards 52 to 57 (websites and apps), 58 and 59 (social media) and 76 (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;
(d) the publication format of material.

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

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

4.19.9 The standard does not therefore prevent a body from being able to provide separate Welsh and English versions of their corporate identity to the extent that the Welsh language version is treated no less favourable than the English language version.

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

4.19.11 Where a body presents their corporate identity on separate Welsh and/or English material (that is where Welsh and English versions are included on different materials), a body must present their corporate identity in Welsh on the English language version as well as the Welsh language version.

4.19.12 The standard does not create a requirement regarding the order of languages in corporate identity.

4.20 Courses offered by a body [standards 84-86]

What are the requirements?

4.20.1 The above standards require a body to ensure that education courses open to the public are offered in Welsh. There is also provision for assessing the need for any education course developed for the public to be offered in Welsh and publishing that assessment on the body's website.

Standard 84

4.20.2 Where a body is required to comply with standard 84, if they offer an education course that is open to the public, they must offer it in Welsh.

Standard 85

4.20.3 Where a body is required to comply with standard 85, if they offer an education course that is open to the public, and which is aimed specifically at persons aged 18 or under, they must offer that course in Welsh. For example, this may include education courses aimed at primary or secondary school pupils.

Standard 86

4.20.4 Where a body is required to comply with standard 86, if they develop an education course that is to be offered to the public, they must assess the need for that course to be offered in Welsh as well as ensure that the assessment is published on their website.

What is meant by the term 'education course'?

4.20.5 Schedule 1, Part 3, Paragraphs 44 and 45 of the regulations states:

For the purposes of standards 84, 85 and 86 (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 activities or courses provided as part of the curriculum in accordance with any enactment.

For the purposes of the standards “enactment” means an enactment (whenever enacted or made) comprised in, or in an instrument made under—
(a) an Act of Parliament; or
(b) a Measure or an Act of the National Assembly for Wales.

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

4.20.7 The requirements of standard 84 also extend to courses aimed specifically at persons aged 18 or under.

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

4.20.8 This term is neither interpreted nor explained in the regulations. However, a body would be considered to 'offer' an education course when they make it known (for example, in a prospectus or on a website) that an education course is available and will be delivered in Welsh, and that persons can attend or apply for a place or enrol on that education course if they so wish.

4.20.9 If a person accepts the offer, the body is expected to act on that offer by delivering the course in Welsh or taking steps to ensure that this happens. That is, the Commissioner does not expect a body to deliver a course in Welsh if nobody accepts the offer for the course to be delivered in Welsh. Furthermore, the standard does not prevent a body from offering a course in Welsh and English at the same time.

4.20.10 Some courses may be ones where it would not be appropriate for them to be delivered in Welsh via translation services. Such an example could include the provision of simultaneous translation during practical activities where it would not be safe to use translation equipment on health and safety grounds. However, some other courses, such as a course delivered in a traditional classroom setting, may be ones which could be delivered with the use of translation services, if it is not possible to do so without a translation service.

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

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

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

4.20.12 The standard does not require a body to deliver a course in Welsh on the same dates and at the same times as a course delivered in English. However, a body is expected to deliver courses in Welsh on days and at times which would not disadvantage attendees on a course in Welsh.

4.20.13 A body may ensure that the timetable for courses in Welsh means that the course is equally accessible and convenient for users to attend the course in Welsh as to attend the course in English. For example, it could be ensured that Welsh language courses are delivered when public transport is available to travel to them, or that Welsh language courses are delivered across a wide range of days and times such as before and after working hours, on weekends and during the week.

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

4.20.14 No. However, a body is expected to ensure that there is a sufficient number of Welsh language courses available which would ensure that nobody is at a disadvantage if they choose to attend a course in Welsh rather than a course in English.

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

4.20.15 No. A body must offer a course in Welsh at all levels if that is done in another language. The requirements of the standard mean that any course offered by a body must be offered in Welsh.

What is meant by the term 'develop an education course'?

4.20.16 This term is neither interpreted nor explained in the regulations. However, to 'develop an education course' is considered an activity which may occur in arranging for a new course to be offered, and also in adapting an existing course, to be offered again at a future date, after the imposition day. Standard 86 does not apply in the case of a course already being offered before the imposition day and where no changes or developments are made in relation to that course.

What is meant by the term 'need'? Does it equate to demand?

4.20.17 This term is neither interpreted nor explained in the regulations. However, the level of demand for a course is one aspect which should be considered when assessing the need for it. However, the concept of 'need' is broader, and demand is more likely to fluctuate over time than need. As a result, other factors, apart from demand, should be considered when assessing the need.

4.20.18 Amongst those other factors, consideration should be given to the level of existing Welsh language provision, the body's responsibility to promote and facilitate the use of Welsh, the body's own corporate objectives and targets in relation to the activity, and also the demographic and geographic nature of the area.

What is required to 'assess the need' and when should the assessment take place?

4.20.19 The standard requires a body to publish the assessment on their website which suggests that a written record of the assessment is needed. Beyond that, neither the standards nor regulations provide explicit guidance on the content or format of the assessment. However, as the assessment is a public document, it should be user-friendly, explain the reasoning behind offering a course in Welsh or not, identify the factors considered and include clear and specific evidence to support the finding.

4.20.20 Standard 86 states when exactly an assessment should be undertaken in relation to a course being developed by a body. That may happen either during the process of developing the course, or shortly before or after that. It is a matter for the body to undertake the assessment at the point where they have information on the need, and when it is possible to adapt provision to correspond with the outcome of the assessment (whatever that may be).

4.21 Public address systems used by a body [standard 87]

What are the requirements?

4.21.1 This standard requires a body to ensure that all messages announced over a public address system are made in Welsh and, if the message is also announced in English, the announcement must be made in Welsh first.

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

4.21.2 This term is neither interpreted nor explained in the regulations. However, this term is considered to include any public announcement made by the body, for the attention of the public, using audio equipment. Any announcements made in the workplace are subject to standard 144. These may include, for example, public announcements made in the workplace e.g. a message instructing everyone in the building to leave in an emergency. In such cases, the two standards will be relevant.

4.21.3 Examples of announcements which would apply to this standard may include:

- announcements in public lifts in the body's buildings;
- loudspeaker messages at a public event or meeting; or
- loudspeaker messages in the body's buildings, such as a message instructing members of the public to come to the reception.

5 Policy making standards (88-97)

5.1 Standards relating to considering the effects of a body's policy decisions on the Welsh language [standards 88-97]

What are the requirements?

- 5.1.1 The policy making standards relate to ways in which the body considers the effects of its policy decisions on the Welsh language.
- 5.1.2 The Measure provides that a “policy making standard” means a standard that relates to a policy decision, and is intended to secure, or to contribute to securing, that the 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 other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language;
 - (b) how the decision could be taken so that it would have positive effects, or increased positive effects, on opportunities for other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language;
 - (c) how the decision could be taken so that it would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language.⁴⁰
- 5.1.3 The policy making standards include requirements for a body to secure, or to contribute to securing, that the person making the policy decision considers what is listed in a-c above when undertaking the following activities:
- when formulating, or reviewing or revising an existing policy (standards 88-90);
 - when publishing a consultation document which relates to a policy decision under consideration (standards 91-93);
 - when producing and publishing a policy on awarding grants or when amending an existing policy (standard 94);
 - when commissioning or undertaking research that is intended to assist a body to make policy decisions (standards 95-97).

Standard 88

- 5.1.4 Standard 88 requires a body to consider what effects, if any, a policy decision would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language, be they positive or adverse effects.

How should effects on the Welsh language be assessed?

- 5.1.5 A body will need to consider and note all the possible effects a policy decision may have on opportunities for persons to use the Welsh language, or treating the Welsh language no less favourably than the English language. In order to do that, a body must consider relevant evidence in order to understand the likely or actual effect of policy decisions on the Welsh language.

⁴⁰ Section 29 of the Welsh Language (Wales) Measure 2011

5.1.6 The first step in facilitating an effective assessment would be to gather information on the proposed policy decision. The information which could be gathered at this stage include the following:

- project aims and objectives
- the nature of the activity
- who will benefit from the initiative / target groups
- results / outcomes
- partners
- the scheme's life expectancy / when will it be revised
- responsibility for the policy
- relevant data or research on the subject
- consultation arrangements
- monitoring and assessment arrangements.

5.1.7 Furthermore, the following factors may be ones to consider when assessing the effect of policy decisions and the body will have a duty to decide which matters to consider when examining the nature of the policy in question:

- Will the service, policy, strategy or project affect the number or percentage of people able to speak Welsh (or any other skill)?
- Will the service, policy, strategy or project affect the number or percentage of people able to use Welsh?
- Will the service, policy, strategy or project be undertaken in Welsh?
- Will it protect, promote and enrich the heritage and culture of the area in question in relation to the Welsh language?

5.1.8 This also includes:

- noting any positive effects on the Welsh language;
- noting any adverse effects on the Welsh language;
- considering how the policy or practise could facilitate opportunities for persons to use the Welsh language more widely; and
- considering whether the policy will have an effect on treating the Welsh language less favourably than the English language.

5.1.9 Below are examples of relevant questions which could be considered when examining any positive or adverse effects from policy decisions. Please note that these are only examples.

Positive effects	Adverse effects
<ul style="list-style-type: none"> ○ Would the policy decision increase the number of Welsh speakers moving from / to a certain area? ○ Would the policy decision be likely to make the Welsh language more visible? ○ Would the policy decision propose steps likely to protect the Welsh language in a certain area? ○ Would the policy decision lead to an increase in the number of posts requiring Welsh language skills? 	<ul style="list-style-type: none"> ○ Would the policy decision decrease the number of Welsh speakers moving from / to a certain area? ○ Is there a risk that the policy decision would discriminate against Welsh language users? ○ Would the policy decision lead to a fall in the number of posts requiring Welsh language skills? ○ Would the policy decision lead to closing specific Welsh language services or put those services at risk?

<ul style="list-style-type: none"> ○ Would the policy decision lead to an increase in specific Welsh language services or ensure that those services have successful futures? ○ Would the policy decision encourage / facilitate the recruitment of Welsh language speakers? ○ Would the policy decision ensure the sustainability of areas where the Welsh language is engrained in those communities? ○ Would the policy decision facilitate travel in order to access Welsh language services? ○ Would the policy decision provide users with the active choice of a service in Welsh? ○ Would the policy decision lead to an increase in the number of Welsh learners? ○ Would the policy decision take steps to promote and facilitate the Welsh language? ○ Would the policy decision contribute to national Welsh language strategies and in specific policy areas (e.g. the Cymraeg 2050 strategy; More than just words; Welsh in Education Strategic Plans)? ○ Would the policy decision contribute to ensuring the continuation and growth of the Welsh language as a family, community, or workplace language? 	<ul style="list-style-type: none"> ○ Would the policy decision make it harder to recruit Welsh speakers? ○ Would the policy decision risk the sustainability of areas where the Welsh language is engrained in those communities? ○ Would the policy decision make it harder to travel to access Welsh language services? ○ Would the policy decision lead to a reduction in the number of Welsh learners? ○ Would the policy decision limit the accessibility of and access to Welsh language services?
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Standards 89 and 90

5.1.10 Having considered all of the effects identified in accordance with standard 88, a body must give due consideration to the outcomes of such an effect. Standard 89 requires a body to consider how a policy can be formulated (or how an existing policy can be changed) so that the policy decision would have positive effects, or increased positive effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.

5.1.11 Standard 90 requires a body to consider how a policy can be formulated (or how an existing policy can be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language.

5.1.12 A body should consider any options to mitigate or prevent adverse effects which a policy decision may have on the Welsh language. Consideration should also be given to the options in terms of ensuring positive effects, or increased positive effects, on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language. This will vary in line with the nature of the policy decision. Below are examples of some factors which a body may consider in order to do so:

- **need and demand** – is the measure necessary? Would it be possible to meet demand without any new developments? Would it be possible to use another existing provision?
- **approach and process** – how should it happen? Have Welsh language benefits been planned as part of the process? Is it possible to employ different/less damaging approaches? Factors such as technology and planning should be considered in order to ensure that processes support bilingualism rather than preventing it.
- **location** – where should the development be situated/what is the geographic influence of the policy? Such considerations are crucial to the future of Welsh language communities. Developments should be sensitive to the needs of such communities and there should be an understanding of the linguistic profile of communities and areas. The location of other relevant services should also be considered – e.g. local Welsh medium schools etc.
- **timing** – when and in what order should developments take place? The scale of development is also important in some areas and negative effects can be reduced, for example by extending the development work over a period of time.

Standards 91-93

5.1.13 These standards are a means to ensure that a body's consultation documents which relate to a policy decision consider and seek views from persons on the potential effects that the decision will have on the Welsh language and opportunities to use it.

5.1.14 Where a body is required to comply with these standards, they must include specific questions in the consultation document which ask for a response. A body should give due consideration to any information gathered during this process when making the policy decision, so that the body would act on any outcomes from the consultation.

5.1.15 A body may use information gathered in accordance with these standards to help them comply with standards 88-90.

Standard 94

5.1.16 Where a body is required to comply with standard 94, they must produce (or amend) and publish a policy on awarding grants which requires them to take the following matters into account when making decisions in relation to the awarding of a grant:

- what effects, if any (and whether positive or negative), the awarding of a grant would have on opportunities for persons to use the Welsh language, and treating the Welsh language no less favourably than the English language;

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

5.1.17 This standard applies to any grant awarded by a body to a person for specific purposes. The policy on awarding grants which the body is required to produce and publish under this standard should be considered alongside standards 71-75, namely the standards relating to a body awarding grants. A body may incorporate the requirements of the standards relating to a body awarding grants which the body is subject to in the policy on awarding grants.

Standards 95-97

5.1.18 These standards are a means to ensure that any research undertaken by a body or commissioned by them to assist in making a policy decision considers and addresses specifically the effects which the decision will have on the Welsh language and opportunities to use it.

5.1.19 A body should give due consideration to any information gathered during this process when making the policy decision, so that the body acts on any outcomes from that research.

5.1.20 A body may use information gathered in accordance with these standards to help them comply with standards 88-90.

What is a 'policy decision'?

5.1.21 Schedule 2, Part 2, Paragraph 2 of the regulations states:

A "policy decision" means any decision made by a body about the exercise of its functions or about the conduct of its business or other undertaking, and it includes, amongst other things (and as appropriate to the body), decisions about –

- (a) the content of legislation;*
- (b) the exercise of statutory powers*
- (c) the content of policy statements;*
- (ch) strategies or strategic plans;*
- (d) internal structures.*

5.1.22 Other examples of policy decisions may include decisions on:

- the location of offices and buildings;
- the recruitment or use of volunteers;
- education provision;
- local development plans;
- awarding funding or financial support;
- the content of criteria;
- holding events;
- governance arrangements;

- partnerships;
- the naming of streets or properties; or
- services provided.

5.1.23 The policy making standards apply to any policy decision which affects a person(s) in Wales.

5.1.24 The standards apply to decisions affecting members of staff as well as other persons.

When should consideration be given to the effects of a policy decision on the Welsh language and opportunities to use it?

5.1.25 A number of the policy making standards state that compliance with the standards is required when a body produces a new policy, or reviews or revises an existing one. Bearing that in mind, consideration of the effect of policy decisions on the Welsh language should be a fundamental part of producing, reviewing or revising policies from the outset. This should be undertaken before the final policy decision is made.

5.1.26 When reviewing or revising existing policies, the associated effects must be considered anew. In such a situation, a body cannot rely on an assessment undertaken in the past regarding the same policy decision or similar policy decision.

Can a body consider the effects of a policy decision on the Welsh language and opportunities to use it when considering other effects such as an equality impact assessment process?

5.1.27 The regulations do not prevent a body from complying with the policy making standards by including consideration of the effects of a policy decision on the Welsh language within other considerations. A body may include this assessment within an equality impact assessment process as long as all aspects of the standards are considered and met in the process. However, there may be examples of areas where a specific and detailed assessment of the effect on the Welsh language would be more suitable than an integrated impact assessment (e.g. school reorganisation or the opening of a school).

What is meant by the terms 'positive effect' or 'adverse effect'?

5.1.28 Schedule 2, Part 2, Paragraph 3 of the regulations states:

A reference to positive or adverse effects is a reference to such effects whether direct or indirect.

What form should the assessment take?

5.1.29 The regulations do not stipulate what form an assessment should take where a standard refers to the need to consider the effects of policy decisions. However, standard 150 creates a requirement for a body to keep a record of the steps taken in order to ensure compliance with the policy making standards with which they are under a duty to comply.

5.1.30 The body should be able to provide sufficient evidence that they have considered the effects of policy decisions in accordance with the policy making standards in order to meet the requirements of standard 150. That may happen in different ways such as discussions in meetings, a written assessment or by commissioning research. See clause 7.1.6 for further information on the associated records that should be kept.

6 Operational standards (98-144)

6.1 Standards relating to the use of the Welsh language within a body's internal administration [standard 98]

What are the requirements?

- 6.1.1 This standard requires a body to develop a policy outlining how they will promote and facilitate the use of the Welsh language internally amongst their staff. The standard also places requirements in relation to publishing the policy on the body's intranet.
- 6.1.2 The regulations do not determine the length and breadth of the policy but it is reasonable to expect it to:
- reflect the size of the body;
 - be suited to each of the body's services/departments/units/teams and nature of work;
 - be understood by the entire workforce;
 - achieve the aim of promoting and facilitating the use of the Welsh language internally amongst staff;
 - provide details on the review period;
 - consider the need to consult on the content.
- 6.1.3 In addition, in order to promote and facilitate the use of the Welsh language internally, the policy should not lead to a reduction in the current use of Welsh internally within the workplace.

What should the policy include?

- 6.1.4 The regulations do not explain or expand on what a body must include as part of the policy. However, a policy is not expected to be limited to the operational standards with which a body must comply.
- 6.1.5 The policy may deal with the following matters:
- a statement on the body's administrative language(s) (either on an organisational level or based on department or location) as well as any steps to be taken in order to increase the use of Welsh in terms of administration;
 - a statement on the language used with bodies who have a duty to provide services to the body in Welsh (e.g. in accordance with the Welsh language standards).
 - a statement which recognises the law which provides the freedom to use Welsh and the status of the Welsh language as noted in the Measure;
 - an explanation of the kinds of activities and services which a body's members of staff may receive in Welsh;
 - a description of the plans and activities which a body will provide or plans to provide in order to promote and facilitate the use of Welsh amongst staff;
 - statements on the kinds of communications undertaken in Welsh only and those undertaken bilingually;
 - a policy statement on the order of languages in bilingual items e.g. documents, emails;

- a description of the support (be it software, apps, officers or training) available to non-Welsh speaking members of staff in order to allow them to understand some Welsh messages or phrases and how they can respond to Welsh language correspondence or produce their own Welsh language correspondence;
- a description of any commitments which go beyond what a body is already under a duty to comply with in accordance with the operational standards (e.g. use of Welsh in internal meetings; on internal systems; in internal correspondence or over the telephone; note that the Welsh language skills of members of staff reach a certain level within a specified period);
- a statement on how the body will comply with the operational standards with which they are under a duty to comply (standard 169).

6.2 Standards relating to the use of the Welsh language within a body's internal administration [standards 99-104]

What are the requirements?

6.2.1 These standards require a body to ask each individual or employee whether they wish to receive certain kinds of documents in Welsh and, if so, provide them in Welsh.

Standard 99

6.2.2 Where a body is required to comply with standard 99, they must ask an individual who is offered a new post whether they wish their contract of employment or contract for services to be provided in Welsh. The body must provide the contract in Welsh if the individual so wishes.

6.2.3 This standard applies to any individual offered a new post from the imposition day onwards. That may include individuals already working for the body but who are offered a different position or on a different basis by the body. The body must ask the individual what their wishes are before the contract is provided.

Standards 100-104

6.2.4 Where a body is required to comply with one or more of standards 100-104, they must ask each individual⁴¹ whether they would like to receive the following in Welsh:

- any paper correspondence that relates to his or her employment, and which is addressed to him or her personally, such as a pay slip (standard 100);
- any documents that outline training needs or requirements (standard 101);
- any documents that outline his or her performance objectives (standard 102);
- any documents that outline or record his or her career plan (standard 103);
- any forms which record and authorise annual leave, absences from work and flexible working hours (standard 104).

6.2.5 The body must provide any such documents or forms in Welsh if the employee so wishes. The body may provide the documents or forms in any format, be that as a hard copy or electronic form. Similarly, a body may present them as part of a pack or as individual documents or forms. They do not have to be in the same format as a corresponding English language version.

⁴¹ See section 3.1.11 – 3.1.12 of this code for an interpretation of the meaning of the term 'employee'.

6.2.6 Furthermore, these standards mean that a body must actively ask each employee, from the imposition day onwards, about their wishes in relation to the above.

6.3 Standards relating to the use of the Welsh language within a body's internal administration [standards 105-111]

What are the requirements?

6.3.1 These standards require a body to publish certain internal policies in Welsh. Those policies include policies relating to:

- behaviour in the workplace (standard 105);
- health and well-being at work (standard 106);
- salaries or workplace benefits (standard 107);
- performance management (standard 108);
- absence from work (standard 109);
- working conditions (standard 110);
- working patterns (standard 111).

6.3.2 The term 'policy' in the context of standards 105-111 includes any document which outlines the way in which the body will operate in the context of the above. This may include a specific policy document or any guidance or procedures which are related to that policy.

What is meant by the term 'publish' in this context?

6.3.3 This term is neither interpreted nor explained in the regulations. However, the term 'publish' in the context of these standards is considered to mean that the body ensures that the relevant policies are available to staff.

6.3.4 They may be policies published on the body's intranet only and not available as a hard copy. However, such circumstances do not affect a body's duty to comply with these standards.

What if a body has a policy already in force before the imposition day?

6.3.5 Where a body has already published such a policy before the imposition day, and that policy continues to be 'live' and 'current', they are expected to ensure that a Welsh language version of that policy is available to staff from the imposition day onwards.

6.3.6 Unlike the requirements outlined in standards 99-104, a body does not have to ask every member of staff if they wish to receive these policies in Welsh before their publication. The expectation is that each employee will have access to a Welsh language version of the policy as default.

Does the body have to publish the policies individually?

6.3.7 Although the requirements to publish certain internal policies in Welsh have been determined in individual standards, the regulations do not prevent a body from publishing these policies separately, nor as a combined document e.g. staff handbook or employment procedure produced by the body.

6.4 Standards relating to complaints made by a member of a body's staff [standards 112-115]

What is the requirement?

6.4.1 These standards require a body to allow each member of staff to engage with the body in Welsh in relation to the complaints process.

Standard 112

6.4.2 Where a body is required to comply with standard 112, they must allow each member of staff to make complaints to them in Welsh and respond to a complaint made about him or her in Welsh. Allowing staff to make complaints to a body in Welsh includes allowing staff to complain orally or in writing in Welsh as well as present written material relevant to the complaint in Welsh (e.g. evidence), without the need for the member of staff to translate it to another language.

Standard 112A

6.4.3 Where a body is required to comply with standard 112A, they must state in any document that they have that sets out their procedures for making complaints that each member of staff may make a complaint to them in Welsh and that they can respond to a complaint made about him or her in Welsh.

6.4.4 A body may already have a policy or procedure which outlines the internal complaints process. A body may comply with this standard by revising that policy to include a statement which highlights the rights of members of staff. A body may also comply with the standard by including a statement to that effect in a new policy or procedure. The statement is expected to be available in any relevant document from the imposition day onwards.

Standard 113

6.4.5 Where a body is required to comply with standard 113, and a meeting is required with a member of staff relating to a complaint received by them or a complaint made about them, the body must offer to conduct that meeting in Welsh. The body must conduct the meeting in Welsh without the assistance of a translation service if the member of staff has noted that this is their wish.

Standard 114

6.4.6 Where a body is required to comply with standard 114, and that a meeting is required with a member of staff relating to a complaint received by them or a complaint made about them, the body must ask the member of staff whether he or she wishes to use the Welsh language at the meeting and explain that they will use a translation service from Welsh to English for that purpose if they so wish. The body must provide a simultaneous translation service for that purpose if the member of staff has noted that this is their wish, and if it not possible to conduct the meeting in Welsh without a translation service.

Standard 115

6.4.7 Where a body is required to comply with standard 115, and when they inform a member of staff of a decision they 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, they must do so in Welsh if one or more of the following applies—

- where the member of staff has made the complaint in Welsh;
- where the member of staff has responded in Welsh to a complaint about him or about her;

- where a member of staff has asked for a meeting about the complaint to be conducted in Welsh; or
- where the member of staff has asked to use Welsh in a meeting about the complaint.

6.4.8 The requirements of this standard include any method in which a body informs a member of staff of their decision. This may include informing a member of staff orally, face-to-face or in writing.

6.4.9 Not all of the conditions in clause 6.4.7 have to be satisfied in order to require a body to inform a member of staff of their decision about a complaint in Welsh. The standard applies where one or more of them have been satisfied.

To whom do these standards apply?

6.4.10 Standards 112-115 apply to all members of staff. See clauses 3.1.10 – 3.1.15 of this code for an interpretation of the meaning of this term.

6.4.11 Standards 112-115 only apply to members of staff who make a complaint or who are the subject of a complaint. If there are others involved in the process – for example an union representative, HR officer, line manager or witness – they do not have to be offered a meeting in Welsh under these standards (but other standards may apply).

6.5 Standards relating to a body disciplining staff [standards 116-119]

What are the requirements?

6.5.1 These standards require a body to allow all members of staff to engage with the body in Welsh in relation to the internal disciplinary process.

Standard 116

6.5.2 Where a body is required to comply with standard 116, they must allow each member of staff to respond in Welsh to any allegations made against them in any internal disciplinary process. Allowing staff to respond in Welsh includes allowing staff to complain orally or in writing in Welsh as well as present written material relevant to the allegations in Welsh (e.g. evidence), without the need for the member of staff to translate it to another language.

Standard 116A

6.5.3 Where a body is required to comply with standard 116A, they must state in any document that they have which sets out their procedures for disciplining staff that any member of staff may respond in Welsh to any allegations made against them. They must also inform members of staff of that right if they commence a disciplinary procedure in relation to them.

6.5.4 A body may already have a policy or procedure which outlines the arrangements for disciplining staff. A body may comply with this standard by revising that policy to include a statement which highlights the rights of members of staff. A body may also comply with the standard by including a statement to that effect in a new policy or procedure. The statement is expected to be available in any relevant document from the imposition day onwards.

Standard 117

6.5.5 Where a body is required to comply with standard 117, and a meeting is required with a member of staff regarding a disciplinary matter relating to his or her conduct, they must offer to conduct that meeting in Welsh. The body must conduct the meeting in Welsh without the assistance of a translation service if the member of staff has noted that this is their wish.

Standard 118

6.5.6 Where a body is required to comply with standard 118, and a meeting is required with a member of staff regarding a disciplinary matter relating to his or her conduct, the body must ask the member of staff whether he or she wishes to use Welsh at the meeting and explain that they will use a translation service from Welsh to English for that purpose if they so wish. The body must provide a simultaneous translation service for that purpose if the member of staff has noted that this is their wish, and if it not possible to conduct the meeting in Welsh without a translation service.

Standard 119

6.5.7 Where a body is required to comply with standard 119, and when they inform a member of staff of a decision they have reached following a disciplinary process, they must do so in Welsh if one or more of the following applies:

- where the member of staff has responded to allegations made against him or her in Welsh;
- where a member of staff has asked for a meeting regarding the disciplinary process to be conducted in Welsh; or
- where the member of staff has asked to use Welsh in a meeting regarding the disciplinary process.

6.5.8 The requirements of this standard include any method in which a body informs a member of staff of their decision. This may include informing a member of staff orally, face-to-face or in writing.

6.5.9 Not all of the conditions in clause 6.5.7 have to be satisfied in order to require a body to inform a member of staff of their decision regarding a disciplinary process in Welsh. The standard applies where one or more of them have been satisfied.

To whom do these standards apply?

6.5.10 Standards 116-119 apply to all members of staff. See clauses 3.1.10 – 3.1.15 of this code for an interpretation of the meaning of this term.

6.5.11 Standards 116-119 only apply to members of staff who have allegations made against them. If there are others involved in the process – for example an union representative, HR officer, line manager or witness – they do not have to be offered a meeting in Welsh under these standards (but other standards may apply).

6.6 Standards relating to a body's information technology and about support material provided by a body [standard 120]

What are the requirements?

6.6.1 This standard requires a body to provide staff with computer software for checking spelling and grammar in Welsh, and provide Welsh language interfaces for software (where an interface exists).

Does a body have to provide the above to all members of staff?

- 6.6.2 The regulations themselves do not stipulate that the standard applies to a specific cohort of staff only. However, a body may provide the software to staff who wish to use the Welsh language in the workplace or deliver services to persons. The body is expected to actively offer the above software to all members of staff.
- 6.6.3 The regulations do not stipulate how a body should provide the above to staff but they may provide guidance and allow them to install them themselves if the body does not provide an installation service on their behalf.

What is meant by the term 'software for checking spelling and grammar'?

- 6.6.4 This term is neither interpreted nor explained in the regulations. However, these kinds of software normally allow the user to check spelling and grammar when typing or at the end of a piece of work by clicking a button. The software would normally suggest alternative words or advice when a grammatical error or typo is highlighted. Spelling and grammar checking software is available as part of some popular computer packages as default or by downloading it as an attachment (e.g. Microsoft Word). Software is also available to buy commercially in the form of a licence or free download (e.g. Cysgliad package).

What is meant by the term 'Welsh language interfaces'?

- 6.6.5 This term is neither interpreted nor explained in the regulations. The nature of interfaces and menus changes according to specific software, but they may be considered to include those parts of software that do not show content but are part of the infrastructure. The interface includes every means used by the user to communicate with a programme or software. Simply put, the programme or software (e.g. Microsoft Outlook) looks and works as if it had an English language interface but that Welsh text appears on each button, toolbar etc.
- 6.6.6 A number of popular computer programmes offer Welsh language interfaces which are available as free downloads and there are links to a number of them on the Commissioner's website. As the standard states, where there is no Welsh language interface available, the body is not expected to create their own.

6.7 Standards relating to the intranet [standards 121-126]

What are the requirements?

- 6.7.1 These standards require a body to ensure that the pages of its intranet are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language.

Standard 121

- 6.7.2 Where a body is required to comply with standard 121, they must ensure that **each** page of their intranet is available and is fully functional in Welsh and that the Welsh language is treated no less favourably than the English language. This includes the pages identified in standards 122 and 123.

Standard 122

- 6.7.3 Where a body is required to comply with standard 122, they must ensure that the homepage of their intranet is available and is fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on the homepage.

6.7.4 The regulations do not interpret nor explain the term 'homepage'. However, a homepage would refer to an overarching page for the intranet provided across the body, which includes a summary of the intranet's content and facilitates access for staff members to different parts of the intranet. The standard does not specify that the homepage has to be the first page seen. However, this page is expected to be prominent and easily accessible.

Standard 123

6.7.5 Where a body is required to comply with standard 123, they must ensure that any intranet page created or amended from the imposition day onwards is available and is fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on those pages.

Standard 124

6.7.6 Where a body is required to comply with standard 124, and where a Welsh language page on the body's intranet corresponds to an English language page, they must state clearly on the English language page that the page is also available in Welsh, and they must provide a direct link to that Welsh language page.

Standard 125

6.7.7 Where a body is required to comply with standard 125, they must designate and maintain a page (or pages) on their intranet which provides services and support material to promote the Welsh language and to assist staff to use the Welsh language.

6.7.8 The regulations do not stipulate what a body is expected to include on the page (or pages) maintained by them. However, the body should consider the following matters when designating and maintaining the relevant page(s):

- do the contents and range of services and materials reflect the size of the body;
- is the content relevant and applicable to all of their services, departments, units or teams and the nature of their work;
- does the page content achieve the aim of promoting or facilitating the use of the Welsh language in relation to relevant staff activity.

6.7.9 Similarly, the regulations do not require a body to include specific kinds of documentation or information. However, the page(s) may include:

- instructions on how to use or access a spelling and grammar checker (e.g. Cysill, the Welsh language spelling and grammar checker, and the Microsoft Word spell checker);
- instructions on how to use or access dictionaries, vocabularies and technical terminology dictionaries, either offline (e.g. Cysgeir, the Geiriadur app for iOS and Android) or online (e.g. Porth Termau Cenedlaethol, Byd Term Cymru, Geiriadur yr Academi, Geiriadur Prifysgol Cymru y Drindod Dewi Sant, Geiriadur Prifysgol Cymru, Geiriadur Prifysgol Bangor, Termiadur Addysg, Gweiadur or Coleg Cymraeg Cenedlaethol's Academic Terms Resource);
- instructions on how to use or access translation memory software or machine translation software;
- instructions on how to install or change software interfaces or apps to Welsh as well as how to insert Welsh circumflexes;

- a directory of Welsh speakers who can provide a service in Welsh;
- a directory of internal and/or external translation services and how to arrange them;
- a description of the training available for staff to learn Welsh/improve their Welsh language skills and how to enrol on courses; and
- details of informal opportunities to use Welsh in the workplace (e.g. lunchtime clubs).

What is a 'page' on the intranet?

6.7.10 This term is neither interpreted nor explained in the regulations. However, Schedule 3, Part 3, Paragraph 14 of the regulations states:

Standards 121 to 124 (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 105 to 111 for specific provision in relation to documents);*

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

6.7.11 Therefore, this standard applies to any material on a body's intranet, apart from material presented in the mediums identified above.

What is meant by the term 'function fully in Welsh'?

6.7.12 This term means that the Welsh language version of an intranet should function in the same way as the English language version (or any other language) and that all elements within are available in Welsh without restrictions.

What is meant by the terms 'interface' and 'menus'?

6.7.13 The nature of interfaces and menus will change based on the intranet concerned. An interface includes all parts of the intranet used by an user to communicate and interact with a programme. Menus can include a list of options, items, or commands for the user to choose from (e.g. a drop down menu which shows a list of possible options).

What is meant by the term 'the Welsh language must be treated no less favourably than the English language'?

6.7.14 Schedule 3, Part 3, Paragraph 11 of the regulations states:

For the purposes of standards 121, 122 and 123 (a body's intranet), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

(a) *the visual presentation of the material (for example in relation to the colour, size, font and format of any text);*

(b) *when material is published on the intranet; but it does not mean that the Welsh language material must appear on the same page as the English language material, or on a page that is likely to open before the corresponding English language version of a page.*

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

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

6.7.16 The standards do not, therefore, prevent a body from being able to provide separate Welsh and English versions of material on an intranet, to the extent that the Welsh language version is treated no less favourable than the English language version.

6.8 A body developing Welsh language skills through planning and training its workforce [standards 127-135]

What are the requirements?

6.8.1 These standards relate to a body developing Welsh language skills through planning and training its workforce.

Standard 127

6.8.2 Where a body is required to comply with standard 127, they must assess the Welsh language skills of their employees in order to conduct an assessment of their linguistic situation. Doing so would allow the body to plan the workforce in order to assess whether there are any areas within a department, team or location where Welsh language skills need to be developed in order to deliver services in Welsh.

6.8.3 The outcome of this assessment will also help the body assess the requirements for a new position or vacancy, and assess the need for Welsh language skills, in accordance with standard 136.

To whom does this standard apply?

6.8.4 This standard applies to all of the body's employees⁴² in relation to Wales, and a body will have had to maintain a record of the assessment in relation to those employees from the imposition day onwards.

What skills need to be assessed?

6.8.5 The regulations do not provide further guidance on the specific skills which need to be assessed in this context. However, a body may assess the following as part of the assessment:

- skills in listening and understanding Welsh;
- reading skills in Welsh;
- oral skills in Welsh;
- writing skills in Welsh; and
- fluency levels in Welsh.

⁴² See section 3.1.11 – 3.1.12 of this code for an interpretation of the term 'employee'.

How should the assessment be undertaken and how often should it take place?

- 6.8.6 The regulations do not specify how a body should undertake the assessment; therefore this is a matter for the body to decide. That may include a self assessment or tests. Managers may also discuss the linguistic skills of individual staff members as part of their evaluation and update the linguistic record following that. A body may assess those skills via the Association of Language Testers in Europe framework (ALTE) or any other appropriate method.
- 6.8.7 The regulations do not stipulate how often the assessment should take place either. However, in order to maintain up-to-date records, such an assessment should be held annually.
- 6.8.8 The information should be kept up-to-date, ensuring that any changes to language skill data are updated as required. Examples of such changes may include a situation where an employee develops their language skills by attending Welsh lessons in accordance with standards 130 or 131, or where staffing changes mean that an employee has left the body or that new members of staff have joined.
- 6.8.9 Standard 151 (record keeping) requires a body to keep a record of the number of employees who have Welsh language skills at the end of each financial year. However, the Welsh Language Commissioner may ask a body to provide the above information from the imposition day onwards in accordance with standard 172.

Standard 128

6.8.10 Where a body is required to comply with standard 128, they must provide training in Welsh in all of the following areas, if they provide such training in English:

- recruitment and interviewing;
- performance management;
- complaints and disciplinary procedures;
- induction;
- dealing with the public; and
- health and safety.

6.8.11 This means that if training in any of the areas is not provided in English, such training would not need to be provided in Welsh.

6.8.12 In general, the type of training provided by a body in these areas depends on the nature and functions of the body, which can vary. However, provided below are examples of the type of training which could come under the different areas:

- **recruitment and interviewing** – training on recruitment or interviewing techniques; training on assessing and selecting candidates; communication skills when recruiting or interviewing or creating job descriptions or person specifications.
- **performance management** – training on understanding and implementing performance management processes; how to deliver effective feedback and set aims and expectations.
- **complaints and disciplinary procedures** – training provided to those who are responsible for managing the complaints and disciplinary process at work; training which clarifies how to establish and implement procedures appropriately and in accordance with the law.

- **induction** – training which gives a formal introduction to the body or job post. More specifically, it may include training which provides general useful information on the body or new job post (such as the staffing structure, facilities, brief history of the organisation, functions and aims); provides information on organisational procedures and policies; provides information on administrative issues (e.g. use of the web, telephone, email or how to authorise annual leave); or summarises the terms and conditions of the position (e.g. probation periods).
- **dealing with the public** – training which relates to the way in which staff are expected to behave when dealing with the public. More specifically, it may include training which provides information on procedures, processes or guidance which should be followed by staff when dealing with the public; provides information on how to ensure that staff deal with the public effectively; or includes exercises on potential scenarios in order to increase confidence when dealing with the public.
- **health and safety** – training provided in accordance with health and safety legislation (e.g. the Health and Safety at Work etc Act 1974); fire safety training; first aid and manual handling training; child protection and safeguarding training, data protection and information security training.

Standard 129

6.8.13 Where a body is required to comply with standard 129, they must provide training in Welsh on using Welsh effectively in:

- meetings;
- interviews; and
- complaints and disciplinary procedures.

6.8.14 This standard does not rely on the extent to which similar training is provided in English by a body.

Who should receive the training in accordance with standards 128 and 129?

6.8.15 These standards are not aimed at any specific employees within a body. However, a body must ensure that the relevant training is available to the workforce in Welsh as required.

What is meant by the term 'using Welsh effectively'?

6.8.16 This term is neither interpreted nor explained in the regulations. However, the term is considered to refer to increasing employees' ability and confidence to undertake the activities identified in clause 6.8.13 above effectively in Welsh.

6.8.17 The term applies to various aspects of a body's activities and could apply to employees who undertake various functions. It could include activities such as leading or chairing a meeting (internal or external) or contributing to meetings. It could also apply to employees who wish to become more confident in their use of Welsh when conducting interviews or in relation to complaints and disciplinary matters, or other employees who wish to have more information on how to use Welsh effectively when interviewing for posts.

6.8.18 The training could include the following:

- consider which common Welsh terms to use as part of the activities identified in clause 6.8.13 above in order to ensure that Welsh is used effectively for the purpose of these activities, and to develop the confidence to use the language effectively in them;
- provide guidance on any Welsh language documents or forms used by the body for the purpose of the activities identified in clause 6.8.13 above in order to develop the confidence to use these documents and forms effectively;
- raise awareness of the internal policies and guidance which exist for using Welsh, as well as awareness of the relevant standards which the body is subject to in relation to meetings, interviews and complaints and disciplinary procedures.

What is meant by the term 'provide training'?

6.8.19 This term is neither interpreted nor explained in the regulations. However, the term means that the body trains their staff in a specific area in order to increase their knowledge in that area.

6.8.20 The nature of any training and the resources required to provide that training will change according to the nature of each body. The requirement in standards 128 and 129 is for the training to be provided, in Welsh in accordance with the body's arrangements.

6.8.21 A body does not have to deliver a course in Welsh if no-one wishes to receive that course. Furthermore, standard 128 does not prevent a body from offering a course in Welsh and English at the same time.

6.8.22 It may be inappropriate for some courses to be delivered in Welsh via translation services. However, some other courses, such as a course delivered in a traditional classroom setting, may be ones which could be delivered with the use of translation services for example, if it is not possible to do so without a translation service.

Does the requirement also cover courses provided by external trainers?

6.8.23 In situations where a third party provides training to employees on behalf of the body, the body must ensure that the training is provided in accordance with the relevant standards. Paragraph 1(5) of the regulations states the following:

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

(b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

Standard 130

6.8.24 Where a body is required to comply with standard 130, they must provide opportunities during working hours for employees to receive basic Welsh language lessons. They must also provide opportunities during working hours for employees who manage others to receive training on using the Welsh language in their role as managers.

What is meant by the term 'basic Welsh language lessons'?

6.8.25 This term is neither interpreted nor explained in the regulations. However, the term is considered to mean Welsh lessons on how to speak and write basic Welsh as well as read and understand basic Welsh. The aim of these lessons would be to allow an employee to undertake basic functions through the medium of Welsh. These functions may include conducting a simple conversation in Welsh over the telephone, drafting simple correspondence in Welsh, and being able to pronounce Welsh words such as people's names and places correctly.

Do a certain number of hours of lessons or training have to be provided?

6.8.26 There is no limit in terms of the number of hours that must be offered under standards 130 and 131. However, the hours in which this training is provided should not place any employee attending at a disadvantage.

What is meant by the term 'using the Welsh language in their role as managers'?

6.8.27 This term is neither interpreted nor explained in the regulations. However, the term is considered to refer specifically to increasing managers' ability and confidence to undertake daily activities through the medium of Welsh.

6.8.28 Examples of what can be offered as part of the training may include the following:

- raising awareness of how the Welsh language can be used in matters such as discussing performance objectives with employees, conducting meetings with employees through the medium of Welsh;
- providing guidance on any Welsh language documents or forms which employees will be expected to complete in their role as managers, in order to facilitate the use of these forms and ensure that the documents and forms are used effectively;
- raising awareness of the internal policies and guidance which exist for using Welsh, as well as awareness of the relevant standards which the body is subject to in relation to specific matters regarding their role as managers.

Standard 131

6.8.29 Where a body is required to comply with standard 131, they must provide employees with further training free of charge to develop their language skills further. Those opportunities do not have to take place during working hours but the employee must have already completed basic Welsh language training.

Standard 132

6.8.30 Where a body is required to comply with standard 132, they are expected to provide employees with training in the following areas from the imposition day onwards:

- awareness of the Welsh language;
- an understanding of the duty to operate in accordance with the Welsh language standards;
- an understanding of how the Welsh language can be used in the workplace.

6.8.31 This training does not have to be provided in Welsh.

6.8.32 The regulations do not expand on what should be included in such training.

However, examples of what can be offered as part of the training may include:

- **awareness of the Welsh language** – this may include information on the history of the language, the origin of the Welsh language, facts about the Welsh language (such as Census information), the advantages of using the Welsh language or information on the Welsh Language Commissioner;
- **an understanding of the duty to operate in accordance with the Welsh language standards** – this may include information on the exact standards with which the body has to comply and also information on the Measure and its objectives;
- **an understanding of how the Welsh language can be used in the workplace** – this may include information on how the body is promoting and facilitating the use of Welsh in the workplace or information on the operational standards in the regulations and the rights resulting from those.

Standard 133

6.8.33 Where a body is required to comply with standard 133, they must provide information to new employees (for example by means of an induction process) in order to raise their awareness of the Welsh language. This information does not have to be provided in Welsh.

6.8.34 The regulations do not expand on the exact information which a body must provide in accordance with this standard. However, examples may include:

- information on the history of the language, the origin of the Welsh language, facts about the Welsh language (such as Census information), the advantages of using the Welsh language and information on the Welsh Language Commissioner, the standards and language duties.

6.8.35 The information could be provided as part of training or in the form of a document.

Standard 134

6.8.36 Where a body is required to comply with standard 134, they must provide text or a logo for their 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.

6.8.37 The regulations do not expand on what the exact wording or logo should be in order to comply with the standard. However, a body does not have to provide wording or a logo to staff expressing the above following the wording of the standard word for word. However, the wording or logo should be clear and explicit enough to indicate that a member of staff is fluent in Welsh or is learning the language.

6.8.38 The Commissioner's Working Welsh logo can be used to show that a member of staff can speak Welsh, but that in itself would not necessarily convey their level of proficiency.

6.8.39 Staff do not have to indicate their linguistic ability in the context of this standard if they are not fluent in Welsh or if they are not learning the language.

Standard 135

6.8.40 Where a body is required to comply with standard 135, they must provide wording for their employees which will enable them to include a Welsh language version of

their contact details in e-mail messages. They must also provide a Welsh language version of any message which informs others that they are unavailable to respond to e-mail messages.

6.8.41 Contact details in e-mail messages include the following:

- job title;
- the employee's work address;
- the name of the body (to the extent that the body has a Welsh name).

6.9 Standards relating to recruiting and appointing [standards 136-140]

What are the requirements?

6.9.1 These standards relate to a body recruiting and appointing and include requirements regarding that process.

Standard 136

6.9.2 Where a body is required to comply with standard 136, they must assess the requirements for a new or vacant post from the imposition day onwards. They must assess the need for Welsh language skills, and categorise the post as one where one or more of the following apply:

- that Welsh language skills are essential;
- that Welsh language skills need to be learnt when appointed to the post;
- that Welsh language skills are desirable; or
- that Welsh language skills are not necessary.

6.9.3 The regulations do not provide information on what a body must consider when assessing the linguistic requirements of any post. However, a body is expected to consider linguistic needs as a matter of course when a new post is created or when a vacancy arises, looking at the body's ability to provide services in Welsh alongside that.

6.9.4 The following may be considered as part of the criteria when considering how to determine the need for Welsh language skills for the post:

- the role of the job post – is there any contact with the public or external organisations where an individual is expected to be able to communicate in Welsh or English alike; does the post holder work in a certain geographical area where there is a high number or percentage of Welsh speakers;
- the local considerations of an organisation's language policy e.g. the need for internal administration or more internal administration through the medium of Welsh, or that a minimum level of Welsh language skills is set for specific roles within a policy;
- are there sufficient numbers of staff available to provide a service in Welsh? Reference should be made here to the body's skills assessment in accordance with standard 127, referring to any gaps in language skills to provide services;
- the need to deal with other organisations whose internal administration is undertaken through the medium of Welsh or bilingually.

6.9.5 It should be noted that standards 153 and 154 in the regulations require a body to keep records of every assessment carried out in accordance with standard 136.

Standard 136A

6.9.6 Where a body is required to comply with standard 136A, and where a body has come to the conclusion in accordance with standard 136 that a post is one where Welsh language skills are essential, desirable or need to be learnt when appointed to the post, they must specify that when advertising the post. This may include ensuring that the information is specified in the job description and person specification as well as the advertisement itself. The body would also have to advertise the post in Welsh. A body does not have to do this where they have come to the conclusion that Welsh language skills are not necessary for the post.

What is meant by the term 'post'?

6.9.7 For the purposes of standards 136 and 136A only, "post" is interpreted in Schedule 3, Part 3, Paragraph 125 of the regulations as follows:

(a) "post" includes a public appointment
(b) "public appointment" means any appointment to a public body or public office.

6.9.8 This includes any new post within the body or any vacancy after the imposition day, be that a permanent or temporary post, or a post which is advertised internally only or externally.

Standard 137

6.9.9 Where a body is required to comply with standard 137, they must, when advertising a post, state that applications may be submitted in Welsh, and that an application submitted in Welsh will not be treated less favourably than an application submitted in English.

6.9.10 The regulations do not expand on what the exact wording of the statement should be in order to comply with the standard. However, the standard states that the body must note:

- that they welcome applications in Welsh and,
- that applications made in Welsh will not be treated less favourably.

6.9.11 A body is not required to include a statement expressing the above, following the wording of the standard word for word. However, that statement should be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to ensuring that an application made in Welsh is not treated less favourably than an application made in English.

Standard 137A

6.9.12 Where a body is required to comply with standard 137A, they must publish the following in Welsh if they publish them at all:

- application forms for posts;
- material that explains your procedure for applying for posts;
- information about your interview process, or about other assessment methods when applying for posts;
- job descriptions.

6.9.13 They must also ensure that no Welsh language versions of the documents are treated less favourably than the English language versions of those documents.

6.9.14 To that end, Schedule 3, Part 3, Paragraph 12 of the regulations states:

For the purposes of standards 137A (recruitment) and 141 (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 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.

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

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

Standard 137B

6.9.16 Where a body is required to comply with standard 137B, they must not treat an application for a post made in Welsh less favourably than an application made in English. The standard itself contains specific examples of some contexts where a job application made in Welsh should not be treated less favourably than one made in English:

[...] including, amongst other matters, in relation to the closing date you set for receiving applications and in relation to any time-scale for informing individuals of decisions.

6.9.17 That may include a closing date for receipt of applications or when an individual will be informed of the body's decision. Therefore, the closing date must be the same for Welsh and English applications and it must be ensured that there is no delay in informing Welsh language applicants of decisions compared with English language applicants.

Standard 138

6.9.18 Where a body is required to comply with standard 138, they must ensure that application forms for posts provide a space for individuals to indicate that they wish to have an interview or other method of assessment in Welsh. If the candidate wishes to use the Welsh language, the body must conduct the interview or assessment in Welsh without the assistance of a translation service.

Standard 139

6.9.19 Where a body is required to comply with standard 139, they must ensure that application forms for posts provide a space for individuals to indicate that they wish to use the Welsh language at an interview or any other method of assessment. If the candidate wishes to use the Welsh language, the body must provide a simultaneous translation service at the interview or assessment from Welsh to English for the benefit of the panel in order to allow the candidate to use the Welsh

language at the interview or assessment, if it is not possible to conduct the interview or assessment in Welsh without that translation service.

What is meant by the term 'other method of assessment'?

6.9.20 This term is neither interpreted nor explained in the regulations. However, the term includes any method used by the body to assess candidates' skills for posts. Such examples may include:

- a specific task e.g. a written task responding to a specific scenario, or writing a standard letter;
- an oral or written exam;
- any multiple choice questions which candidates must answer;
- any presentation which candidates are required to give as part of the interview.

Would it be possible for a body to assess an individual's proficiency in another language as well through an interview or other method of assessment?

6.9.21 In some cases, it may be necessary for a body to assess an individual's proficiency in another language apart from Welsh for a post which they are interviewing or assessing for. These standards do not prevent a body from doing so.

Standard 140

6.9.22 Where a body is required to comply with standard 140, they must inform an individual who made their application in Welsh of their decision in Welsh.

6.9.23 The requirements of this standard include any method in which a body informs an individual of their decision. This may include informing an individual orally, face-to-face or in writing.

6.10 Signs displayed in a body's workplace [standards 141-143]

What are the requirements?

6.10.1 These standards require a body to ensure that any new signs or signs that are renewed in the workplace are displayed in Welsh and that the Welsh language text is not treated less favourably than the English language text on those signs. The standards also set requirements in relation to the accuracy and position of the Welsh language on signs.

Standard 141

6.10.2 Where a body is required to comply with standard 141, they must, when they erect a new sign or renew a sign (including temporary signs), ensure that any text displayed on the sign is displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign). The body must ensure that the Welsh language text is not treated less favourably than the English language text on those signs.

6.10.3 A body would usually 'erect' a new sign when it is placed where there was no such sign before. A body would 'renew' a sign if they make any change to that sign or erect a new sign in its place at the same location.

6.10.4 Use of the term 'new' does not mean that the requirements of the standard only apply where a body produces a brand new sign, but instead, the term refers to a situation where the body erects a sign in a new place or location. That means that

erecting a sign in a new location would make it a new sign for the purposes of these standards.

Standard 142

6.10.5 Where a body is required to comply with standard 142, they must ensure that the Welsh language text on signs in the body's workplace is positioned so that it is likely to be read first on any new signs which are erected or signs which are renewed (including temporary signs).

6.10.6 The Commissioner recognises that it may be a matter of interpretation whether Welsh language text is positioned so that it is likely to be read first and that this could result from the position or angle of the sign. However, the Welsh language text would be likely to be read first usually if it is placed on the left or above any corresponding English text, based on the standard practice of reading from left to right and from top to bottom.

Standard 143

6.10.7 Where a body is required to comply with standard 143, they must ensure that the Welsh language text on signs in the body's workplace (whether the signs were erected before or after the imposition day) are accurate in terms of meaning and expression. That can relate to the spelling, syntax or words and phrases used.

What is meant by the term 'the Welsh language must be treated no less favourably than the English language'?

6.10.8 Schedule 3, Part 3, Paragraph 12 of the regulations states:

For the purposes of standards 137A (recruitment) and 141 (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 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 material is published, provided or exhibited;*
- (d) the publication format of material.*

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

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

What is meant by the term 'temporary sign'?

6.10.10 These standards also apply to any temporary signs erected or renewed. Where a body is required to comply with standard 141 therefore, any new or renewed temporary sign must be displayed in Welsh. Where a body is required to comply with standard 142, the Welsh language must appear first on that sign too.

6.10.11 This term is not interpreted in the regulations. However, it is considered that a temporary sign includes any sign not intended to be placed permanently in the place it is positioned. Such examples may include:

- an out-of-order sign on a machine or equipment;
- a sign telling people that an area is off limits due to repair work; or,
- a sign telling people what the temporary opening hours of the body's internal canteen are.

Does a body's corporate identity which appears on signs apply to standards 141-143?

6.10.12 Yes, where a body's corporate identity appears on a sign, it must comply (subject to the compliance notice) with standard 83 as well as standards 141-143. However, that does not mean that Welsh language text on corporate identity needs to be positioned so that it is likely to be read first.

6.11 Audio announcements and messages in a body's workplace [standard 144]

What are the requirements?

6.11.1 This standard requires a body to ensure that any announcements made in the workplace using audio equipment are made in Welsh first, if there is also an announcement in English.

What is meant by the term 'audio announcements'?

6.11.2 This term is neither interpreted nor explained in the regulations. However, it includes any announcements made by the body using audio equipment for the attention of the workplace.

6.11.3 Examples of announcements which would apply to this standard may include:

- announcements for the attention of the workforce in lifts in the body's buildings; or
- loudspeaker messages in the body's buildings for the attention of the workforce, such as instructing a member of staff to go to a specific department or a message instructing everyone to leave the building in an emergency.

Have any audio announcements been excluded?

No. The regulations do not provide for excluding certain announcements from this standard and therefore included every audio announcement.

7 Record keeping standards (147-154)

7.1 A body keeping records [standards 147-154]

What are the requirements?

7.1.1 The following standards require a body to keep records of specific information which is related to or involves compliance with the standards imposed on them.

Standard 147

7.1.2 Where a body is required to comply with standard 147, they must keep a record, in relation to each financial year, of the number of complaints they receive relating to their compliance with the standards.

Standard 148

7.1.3 Where a body is required to comply with standard 148, they must keep a copy of any written complaint they receive that relates to their compliance with the standards with which they are under a duty to comply.

7.1.4 Reference to 'standards with which you have a duty to comply' in this regard refers to those standards in the compliance notice issued to the body under section 44 of the Measure.

Standard 149

7.1.5 Where a body is required to comply with standard 149, they must keep a copy of any written complaint that they receive that relates to the Welsh language (whether or not that complaint relates to the standards with which they are under a duty to comply). Therefore, standard 149 includes **every** complaint received that relates to the Welsh language, and includes complaints that relate to the standards with which a body has a duty to comply, as noted in standard 148, and also any other complaints that relate to the Welsh language in general, for example complaints about the lack of availability of Welsh medium schools.

Standard 150

7.1.6 Where a body is required to comply with standard 150, they must keep a record of the steps that they have taken in order to ensure compliance with the policy making standards with which they are under a duty to comply. In the context of this standard, those records may include:

- copies of assessments undertaken by the body when considering the effects of a policy decision on the Welsh language;
- copies of minutes from meetings held to discuss the effects of the policy decision on the Welsh language; or
- copies of terms of reference for research which show that the research needs to consider the effects of the policy decision on the Welsh language.

Standard 151

7.1.7 Where a body is required to comply with standard 151, they must keep a record, in accordance with standard 127, of the number of employees who have Welsh language skills at the end of each financial year. Where they have that information, they must also keep a record of the skill level of those employees. It may be useful for a body to keep records based on teams, departments, directorate or job grade too.

7.1.8 As noted in clause 6.8.5 of this code of practice, a body may assess the following as part of the assessment required in standard 127:

- skills in listening and understanding Welsh;
- reading skills in Welsh;
- oral skills in Welsh;
- writing skills in Welsh; and
- fluency levels in Welsh.

7.1.9 Therefore, the records in terms of standard 151 should include information on the above matters.

Standard 152

7.1.10 Where a body is required to comply with standard 152, they must keep a record, for each financial year, of the following:

- the number of members of staff who attended training courses offered by you in Welsh in accordance with standard 128; and
- the percentage of the total number of staff who attended the Welsh language version of the course.

Standard 153

7.1.11 Where a body is required to comply with standard 153, they must keep a copy of every assessment carried out by them in accordance with standard 136.

7.1.12 As noted in clause 6.9.4 of this code of practice, the following may be considered as part of the criteria when considering how to determine the need for Welsh language skills for the post:

- the function of the role – is there any contact with the public or external organisations where an individual is expected to be able to communicate in Welsh or English alike; does the post holder work in a certain geographical area where there is a high number or percentage of Welsh speakers;
- the local considerations of an organisation's language policy e.g. the need for internal administration or more internal administration through the medium of Welsh, or that a minimum level of Welsh language skills is set for specific roles within a policy;
- are there sufficient numbers of staff available to provide a service in Welsh – reference should be made here to the body's skills assessment in accordance with standard 127, referring to any gaps in language skills to provide services;
- the need to deal with other organisations whose internal administration is undertaken through the medium of Welsh or bilingually.

7.1.13 The records in terms of standard 153 should include information on the above matters.

Standard 154

7.1.14 Where a body is required to comply with standard 154, they 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 136 as posts where—

- Welsh language skills are essential;
- Welsh language skills need to be learnt when appointed to the post;
- Welsh language skills are desirable; or

- Welsh language skills are not necessary.

What is meant by the term 'keep a record'?

7.1.15 This term specifically is neither interpreted nor explained in the regulations but 'record keeping standard' is interpreted in section 32(1) of the Measure, as:

*Record keeping standard—
(a) records about other specified standards, and
(b) records about—
(i) complaints concerning a person's compliance with other specified standards, or
(ii) other complaints concerning the Welsh language.*

7.1.16 In addition, the British Standards interprets "records" as:

"information created, received and maintained as evidence and as an asset by an organization or person, in pursuit of legal obligations or in the transaction of business."⁴³

7.1.17 The term therefore means that a body keeps **written** records relating to other standards imposed on them and relating to complaints received about their compliance with those standards or complaints received which relate to the Welsh language. Those records may be ones which the body have created themselves, have received or have maintained as evidence.

What is meant by the term 'keep a copy of any written complaint'?

7.1.18 This term is neither interpreted nor explained in the regulations. However, the requirement to 'keep a copy of any written complaint' received by the body in standards 148 and 149 means that the body must keep a copy of the exact written complaint received. That may be in the form of a hard copy or electronic copy.

7.1.19 The Data Protection Act 1998, and the requirements of the General Data Protection Regulation when that comes into force, note that information and data should not be kept longer than needed. A body is expected to keep copies of complaints identified in standards 148 and 149 for at least 3 years from the date of receipt of the complaint. This time scale allows a body to ensure that they have sufficient information to report in their annual reports on the complaints received during the year as well as ensure that the body has information on complaints should there be a Tribunal or Court case against the body.

⁴³ BS ISO 15489-1:2016 Information and documentation - Records management - Part 1: Concepts and Principles.

What is meant by the term 'financial year'?

7.1.20 Schedule 5, Part 2 of the regulations states:

For the purposes of standards 147, 151, 152 and 154–
(a) when a body is under a duty to comply with a standard for the first time, “financial year” means the period beginning with the day from which a body is under a duty to comply with a standard and ending with the following 31 March;
(b) subject to that, “financial year” means the period of 12 months ending with 31 March.

8 Standards which deal with supplementary matters (155-176)

8.1 Standards which deal with supplementary matters in relation to the service delivery, policy making, promotion and record keeping standards [standards 155-176]

What are the requirements?

8.1.1 The standards which deal with supplementary matters establish a new regime for reporting on compliance. They require a body to ensure that they have specific documents which relate to the way they comply with other standards with which they are under a duty to comply. These standards also make provision for providing information to the Commissioner, when the Commissioner requests it.

Standards 155, 161, 167, 173 and 175

8.1.2 Where a body is required to comply with standard 155, 161, 167, 173 and/or 175, they must ensure that a document which records the service delivery, policy making, operational, promotion and record keeping standards with which they are under a duty to comply are available on their website, and in each of their offices that are open to the public. The compliance notice itself is considered such a document.

8.1.3 That may mean that a copy is available electronically or on paper and therefore there is no obligation to have a printed paper copy available in each office which is open to the public.

Standards 156, 162 and 168

8.1.4 Where a body is required to comply with standard 156, 162 and/or 168, they must ensure that they have a complaints procedure for dealing with the way they deal with complaints relating to compliance with the service delivery, policy making and/or operational standards and how they will provide training for staff in relation to dealing with those complaints.

8.1.5 A body must ensure that there is a copy of the procedure available on their website (standards 156 and 162) or on their intranet (standard 168) and in each of their offices that are open to the public. That may mean that a copy is available electronically or on paper and therefore there is no obligation to have a printed paper copy available in each office which is open to the public.

8.1.6 Where a body is required to comply with more than one of these standards, the regulations allow them to do so in one complaints procedure. A body does not have to ensure that they have separate complaints procedures for each class of standards. The regulations allow them to do so by including the information in one document.

8.1.7 A body may also revise a complaints procedure which already exists to include information which deals with necessary matters identified in the standards. For example, a body may revise their corporate complaints procedure to ensure that it complies with the requirements rather than having a completely separate complaints procedure.

- 8.1.8 The requirements of part (a)(i) of these standards mean that a body can include information on the following in a complaints procedure:
- those responsible for dealing with complaints;
 - the way in which a body deals with complaints;
 - the timetable for dealing with complaints;
 - the way in which the body deals with complaints relating to compliance with the standards, unlike the procedure for dealing with other complaints;
 - the ways in which persons can make a complaint to the body;
 - the addresses persons should use to make a complaint;
 - the information persons should provide so that the body can deal effectively with a complaint.

Standards 157, 163 and 169

8.1.9 Where a body is required to comply with standard 157, 163 and/or 169 they must publish a document that records their arrangements for overseeing the way they comply with the service delivery, policy making and/or operational standards with which they are under a duty to comply. Standards 157 and 163 specifically also require a body to note in that document how they will promote and facilitate the use of those services offered under the service delivery and/or operational standards, in accordance with the requirements of standards 81 and 82.

8.1.10 A body may record their arrangements by providing information about:

- recording which members of staff, teams and/or departments are responsible for overseeing compliance with the standards and an outline of how this is done;
- recording the internal arrangements for overseeing the way in which third parties comply with the requirements of the standards;
- recording which members of staff, teams and/or departments are responsible for promoting the Welsh language services provided and an outline of how this is done;
- recording which members of staff, teams and/or departments are responsible for facilitating the use of those services along with an outline of how this is done;
- recording which members of staff, teams and/or departments are responsible for undertaking an assessment of the impact on the Welsh language when making policy decisions and an outline of how this is done; and
- recording the internal processes and structures used to assess and evaluate compliance with the standards.

8.1.11 A body must also ensure that a copy of the document is available on their website (standards 157 and 163) or on their intranet (standard 169) and in each of their offices that are open to the public. That may mean that a copy is available electronically or on paper and therefore there is no obligation to have a printed paper copy available in each office which is open to the public. Where a body is required to comply with more than one of these standards, the regulations allow them to do so by having one set of overseeing arrangements.

Standards 158, 164 and 170

8.1.12 Where a body is required to comply with standard 158, 164 and/or 170, a body must produce an annual report for each financial year which reports on the way they have complied with **each** of the service delivery, policy making and/or operational standards with which they are under a duty to comply. The standard also places requirements in relation to reporting on the number of complaints

received during that year which related to their compliance with the service delivery, policy making and/or operational standards.

- 8.1.13 Standard 170 requires a body to include the information they must keep in accordance with standards 151, 152 and 154 in the report. The annual report must be available in Welsh, and published no later than 30 June following the financial year to which the report relates.
- 8.1.14 A body must publicise the fact that they have published the report and ensure that a copy of the report is available on their website and in each of their offices that are open to the public. A body may publicise the fact that they have published an annual report by making a statement which states that the report has been published to the press, on social media, on their website or in a circular. Where a body is required to comply with more than one of these standards, the regulations allow them to do so by including the information in one annual report entitled "Welsh Language Standards Annual Report".
- 8.1.15 It should be noted that the body is not required to present the annual report for the attention of the Commissioner in the same way as for Welsh language schemes in accordance with the Welsh Language Act 1993. However, the Commissioner may access the report through the body's website or through provision made in standards 160, 166, 172, 174 and 176.

Standards 159, 165 and 171

- 8.1.16 Where a body is required to comply with standard 159, 165 and/or 171 they must publish a document on their website which explains how they intend to comply with the service delivery, policy making and/or operational standards with which they are under a duty to comply. Where a body is required to comply with more than one of these standards, the regulations allow them to do so in one document.
- 8.1.17 These standards allow bodies to identify and plan specific steps for meeting the requirements of the standards. Such steps may include matters such as translation arrangements, quality standards, performance indicators, information technology etc.

Standards 160, 166, 172, 174 and 176

- 8.1.18 Where a body is required to comply with standard 160, 166, 172, 174 and/or 176 they must provide the Commissioner with any information requested which relates to their compliance with the service delivery, policy making, operational, promotion and/or record keeping standards with which they are under a duty to comply.
- 8.1.19 Such information may include information on matters such as the following (to the extent that relevant standards are included in an organisation's compliance notice):
- the quality of Welsh language services;
 - Welsh language skills of employees;
 - the number of Welsh speakers in the body's area;
 - developing Welsh language skills of employees;
 - policy decisions;
 - the Welsh language within the body's internal administration;
 - awareness of linguistic needs;
 - complaints;

- arrangements for overseeing compliance;
- promoting and facilitating the use of services; and
- the promotion of the Welsh language (where relevant).

8.1.20 The Commissioner will ask for the information to be provided within a reasonable time frame, set by the Commissioner. The information submitted is expected to be relevant, current and in an electronic format, when specified in the request. In this context, the Commissioner's requests for information are not made under the Freedom of Information Act. Therefore, an organisation cannot use the exceptions of this Act to refuse to provide the information, unless legal limitations allow so.

9 Glossary and explanatory notes

Term	Meaning
Body	<p>An organisation which is under a duty to comply with one or more standards. In the Welsh Language Measure, the term 'relevant person' is used to refer to such an organisation.</p> <p>All references to a body in this document refer to Welsh Ministers, county councils or county borough councils or National Park Authorities.</p>
Code of practice	<p>A document providing practical guidance on the requirements of any standard. Although a code of practice provides guidance on how a body can comply with a standard, failure to act in accordance with a code of practice does not mean, in itself, a failure to comply with a standard.</p> <p>The Commissioner may not issue, revise or withdraw a code of practice without the consent of Welsh Ministers.</p>
Compliance notice	<p>A notice given to a body by the Commissioner, specifying the standards with which they are required to comply, as well as the imposition days for those standards as determined in that notice.</p>
Electronic	<p>Electronic formats include emails, web pages, and PDF, Word and Excel documents.</p>
Financial year	<p>The period of 12 months ending with 31 March. When a body is under a duty to comply with a standard for the first time, "financial year" means the period beginning with the day from which a body is under a duty to comply with a standard and ending with the following 31 March.</p>
Imposition day	<p>The day from which a relevant person is required to comply with a standard, or comply with a standard in a particular respect, as determined in a compliance notice.</p>
Individual	<p>The regulations state that an "individual" ("unigolyn") means a member of the public." ⁴⁴</p> <p>The term 'individual' has a more limited meaning than the term 'public', as it is limited to an individual member of the public only. Therefore, it is considered that a standard which refers to an "individual" refers to a private individual and does not include those representing corporate bodies or limited companies. It therefore does not include those involved with the body whilst representing corporate bodies or limited companies.</p>
Member of staff	<p>A body's employee or an individual working for a body.</p> <p>All references to a member of staff in this document refer to members of staff of Welsh Ministers (including WG members of staff), county councils or county borough councils or National Park Authorities.</p>

⁴⁴ Section 1(4), Welsh Language Standards (No. 1) Regulations 2015

Term	Meaning
	The regulations state that the term "staff" should be interpreted in accordance with the above.
Operational standard	A standard intended to promote and facilitate use of the Welsh language when a body undertakes their functions or conducts business or another undertaking.
Person	<p>The regulations do not interpret the term 'person'. However, the Interpretation Act 1978 (the 1978 Act) notes that a “person” includes a body of persons corporate or unincorporate.”⁴⁵</p> <p>Therefore, where a standard refers to 'person', it includes corporate and incorporate persons.</p> <p>The term 'person' has a broader meaning than the terms 'individual' and 'public'. Persons representing the Crown, Government or State may also be covered by the meaning of the term.</p> <p>That means that the term 'person' also includes a member of staff of a public organisation (excluding the body's staff) acting in an official capacity, such as a member of staff of a national park authority, council or Welsh Government.</p>
Policy decision	<p>Schedule 2, Part 2 of the regulations interprets a 'policy decision' as follows: “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:</p> <ul style="list-style-type: none"> ○ the content of legislation ○ the exercise of statutory powers ○ the content of policy statements ○ strategies or strategic plans ○ internal structures.” <p>Furthermore, it is noted that references to positive or adverse effects refer to those effects whether direct or indirect.</p>
Policy making standard	A standard involving consideration of the effect of a policy decision on opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language.
Promotion standard	A standard (involving any activity) intended to promote or facilitate use of the Welsh language more widely.
Public	<p>The regulations do not interpret the meaning of the term 'public'. However, the term includes the public in its entirety, or a proportion of the public, as well as individual members of the public. The term also includes legal persons and corporate bodies such as voluntary organisations and charities, as well as those representing limited companies.</p> <p>However, neither the Crown, Government nor State are covered by the term 'public'. Therefore, persons undertaking official functions of a public nature would not be covered by the term 'public' whilst</p>

⁴⁵ [Schedule 1 of the Interpretation Act 1978](#)

Term	Meaning
	<p>undertaking such functions.</p> <p>An example of a person not covered by the term 'public' may include a county council or health board staff member acting in an official capacity.</p>
Record keeping standard	A standard involving record keeping in relation to other specified standards, and records in relation to complaints about a body's compliance with other specified standards or other complaints which relate to the Welsh language.
Regulations	<p>All references to the regulations in this document refer to the Welsh Language Standards (No. 1) Regulations 2015. In accordance with the Welsh Language (Wales) Measure 2011, these regulations determine standards relating to the Welsh language in relation to the conduct of the following bodies:</p> <ul style="list-style-type: none"> ○ Welsh Ministers; ○ county councils; ○ county borough councils; ○ National Park authorities.
Service delivery standard	A standard involving service delivery activity, and intended to promote or facilitate the use of the Welsh language, or work towards ensuring that the Welsh language is treated no less favourably than the English language, when that activity is carried out.
Standards	<p>All references to standards in this document refer to the standards determined in the Welsh Language Standards (No. 1) Regulations 2015. There are standards in the following five classes:</p> <ul style="list-style-type: none"> ○ service delivery; ○ policy making; ○ operational; ○ promotion; ○ record keeping.
Welsh Language (Wales) Measure 2011	All references to the Measure in this document refer to the Welsh Language (Wales) Measure 2011.
Welsh Language Commissioner	All references to the Commissioner in this document refer to the Welsh Language Commissioner, a post created by the Welsh Language (Wales) Measure 2011.
Welsh Language Scheme	<p>A document which public bodies are required to produce in accordance with the Welsh Language Act 1993, which identifies the measures to be taken by the body in order to implement the principle that both Welsh and English are to be treated on the basis of equality when delivering services to the public in Wales.</p> <p>Statutory language schemes are replaced by a compliance notice which will come to an end on the earliest imposition day in that notice.</p>
Welsh Language Standards Annual Report	A report which deals with the way in which a body complied with the standards with which they are under a duty to comply in relation to a specific financial year.

Appendix 1: A list of the bodies to which the code applies⁴⁶

- Pembrokeshire Coast National Park Authority
- Brecon Beacons National Park Authority
- Snowdonia National Park Authority
- Vale of Glamorgan Council
- Blaenau Gwent County Borough Council
- Caerphilly County Borough Council
- Neath Port Talbot County Borough Council
- Conwy County Borough Council
- Merthyr Tydfil County Borough Council
- Bridgend County Borough Council
- Rhondda Cynon Taf County Borough Council
- Torfaen County Borough Council
- Wrexham County Borough Council
- City and County of Swansea Council
- City of Cardiff Council
- Newport City Council
- Gwynedd Council
- Ceredigion County Council
- Denbighshire County Council
- Monmouthshire County Council
- Carmarthenshire County Council
- Pembrokeshire County Council
- Powys County Council
- Flintshire County Council
- Isle of Anglesey County Council
- Welsh Ministers

⁴⁶ [The code also applies to any body operating on behalf of any one or more of these bodies.](#)

Appendix 2: Changes to the regulations

The Welsh Language Standards (No. 5) Regulations 2016⁴⁷ amend the Welsh Language Standards (No. 1) Regulations 2015.

The regulations state:

"4.—(1) The Welsh Language Standards (No. 1) Regulations 2015 are amended in accordance with paragraph (2).

(2) In Part 3 of Schedule 1 after paragraph 24 insert—

"24A A body is not required to comply with any of the standards in respect of an activity or a service where that activity is carried out or that service is provided as a result of an order under section 98 of the Marine and Coastal Access Act 2009."

Section 98 of the Marine and Coastal Access Act 2009 ("MCAA 2009") allows Welsh Ministers to delegate their marine licensing or enforcement functions under an Order. Welsh Ministers have delegated functions to Natural Resources Wales (NRW) in accordance with the Marine Licensing (Delegation of Functions) (Wales) Order 2013.⁴⁸

The amendment means that Welsh Ministers will not be required to comply with any of the standards in respect of any activity or service delegated under Section 98 of MCAA 2009.

⁴⁷ [Section 4, Welsh Language Standards \(No. 5\) Regulations 2016](#)

⁴⁸ S.I. 2013/414 (W.50)