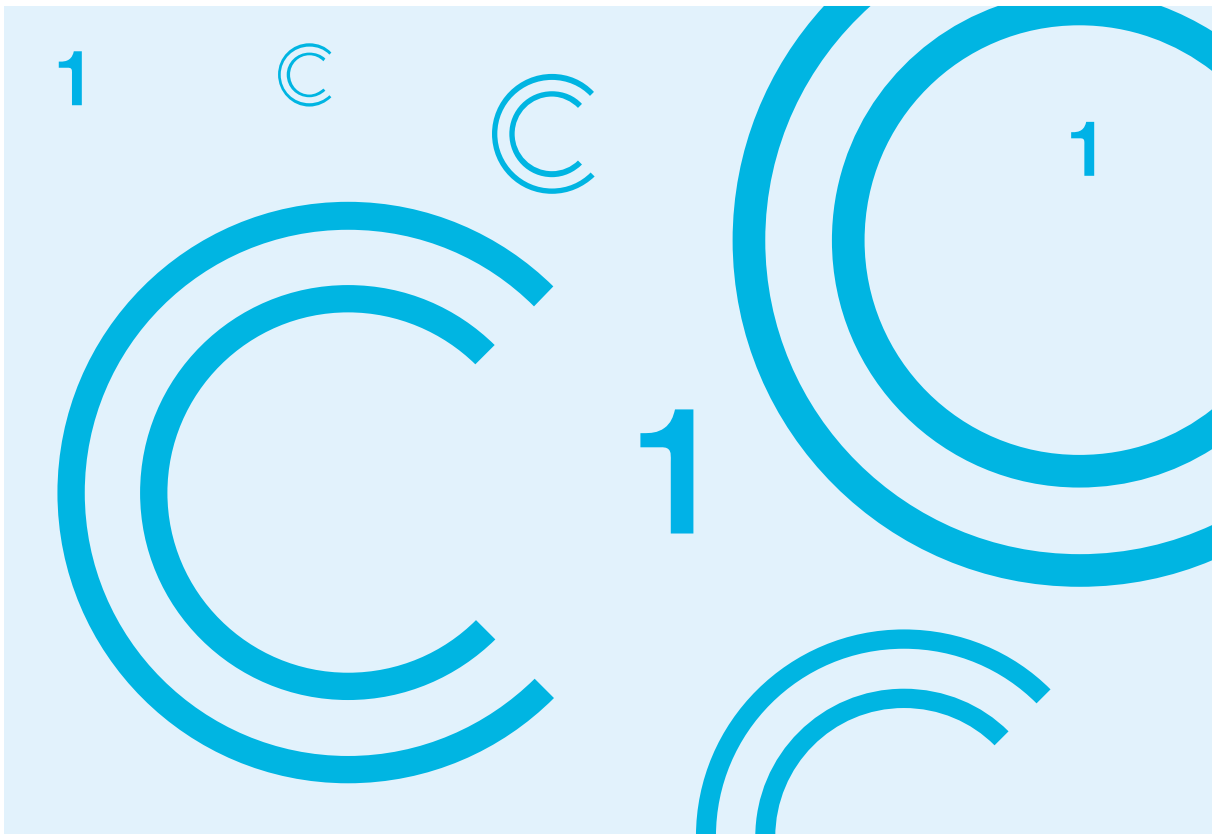




Comisiynydd y
Gymraeg
Welsh Language
Commissioner

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



Practical guidance on the requirements of the Welsh language standards for Welsh Ministers, county councils, county borough councils and national park authorities

This code of practice should be read alongside the following:

- The body's compliance notice
- The Welsh Language Standards (No. 1) Regulations 2015, and
- The Welsh Language (Wales) Measure 2011

Foreword



I present my first code of practice as Welsh Language Commissioner in relation to the standards that are in place for local authorities, Welsh Ministers and the national parks.

The purpose of the code is to assist organisations with the implementation of the standards with which they have to comply. The code explains the requirements of the standards and shares examples of ways in which to comply.

I intend that the code of practice should make clear to organisations what is expected of them through drawing on their initial experiences in implementing the standards.

Aled Roberts

Welsh Language Commissioner

19 February 2020

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1 An introduction to the law

The Welsh Language (Wales) Measure 2011

- 1.1 The Welsh Language (Wales) Measure 2011 gives the Welsh language official status in Wales. It also says that the Welsh Language Commissioner's principal aim in exercising his or her functions is to promote and facilitate the use of the Welsh language. When exercising functions in accordance with this principal aim, the Commissioner must have regard to:
- the official status which the Welsh language has in Wales
 - the duties to use Welsh which are imposed by law, and the rights which arise from the enforceability of those duties,
 - the principle that, in Wales, the Welsh language should be treated no less favourably than the English language in Wales, and
 - the principle that persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

Welsh Language Standards

- 1.2 The Measure gives legal effect to the official status of the Welsh language by enabling the imposition of Welsh language standards ('standards') on bodies¹.
- 1.3 There are five classes of standards:
- service delivery standards
 - policy making standards
 - operational standards
 - promotion standards, and
 - record keeping standards².
- 1.4 Standards explain how bodies should treat and use the Welsh language in different scenarios, for example, when sending correspondence, dealing with telephone calls, providing services on-line or face-to-face, formulating policies or when providing services internally to staff.

The Welsh Language Commissioner

- 1.5 The office of the Welsh Language Commissioner ('the Commissioner') was established by the Measure. The Commissioner's principal aim is to promote and facilitate the use of the Welsh language.

¹ In the context of the standards a 'body' is an organisation which has a duty to comply with one or more standards.

² Welsh Ministers, by means of regulations, may make other provision about such standards (i.e. supplementary standards).

- 1.6 The Commissioner is responsible for imposing standards on bodies, as well as enforcing those duties arising from those standards. The Commissioner is also responsible for producing codes of practice that relate to those standards.

The Welsh Language Standards Regulations

- 1.7 Welsh Ministers specified standards³ for Welsh Ministers, county councils, county borough councils and National Park authorities through the Welsh Language Standards (No. 1) Regulations 2015⁴ ('the regulations')⁵. The regulations are subordinate legislation that includes a list of standards which the Commissioner can impose on each relevant body. This code of practice ('the code') applies to these regulations.
- 1.8 Following their approval by the National Assembly for Wales, the Commissioner was able to impose specific standards on the relevant bodies, by issuing them with a compliance notice.

Compliance notice

- 1.9 A compliance notice is a document that notes the following:
- which standards from the regulations a body must comply with, and
 - the 'imposition day' for each standard—the day from which a body is required to comply with a standard (or comply with a standard in a particular respect)⁶.
- 1.10 The Commissioner gave a compliance notice to each relevant body on 30 September 2015. The requirements of the first set of standards then became operational on 30 March 2016⁷. Their Welsh language schemes also came to an end on that date.

Legal changes which can affect the code

- 1.11 The guidance included in this code may be affected if:
- Welsh Ministers amend the regulations in the future⁸
 - relevant enactments, referred to in the code, are amended or replaced, or

³ Section 26 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/26/enacted/english>

⁴ The Welsh Language Standards (No. 1) Regulations 2015;
http://www.legislation.gov.uk/wsi/2015/996/pdfs/wsi_20150996_mi.pdf
No. 996 (Cl. 68). They came into force on 31 March 2015.

⁵ A more detailed list of the relevant bodies can be found in Appendix 1.

⁶ Section 44 of the Welsh Language (Wales) Measure 2011
<https://www.legislation.gov.uk/mwa/2011/1/part/4/chapter/6/crossheading/compliance-notices/enacted>

⁷ Requirements of standards with a 6 month imposition day only. The requirements of standards with a later imposition day became operational after that.

⁸ The Welsh Language Standards (No. 5) Regulations 2016
<http://www.legislation.gov.uk/cy/wsi/2016/406/contents/made>
have already amended the Welsh Language Standards (No. 1) Regulations 2015. See Appendix 2 of this code for further information.

- a determination by the Welsh Language Tribunal or court provides an authoritative interpretation of the requirements or meaning of a standard⁹.

1.12 Therefore, readers of the code will need to be aware of any developments which affect the provisions included in it. The Commissioner's office is able to provide the latest information.

The status of the code

1.13 The Measure states:

“(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”)¹⁰.”

1.14 This code is a statutory document. Welsh Ministers gave their consent to this code on 8 October 2019 following consultation on a draft code from 12 January 2018 to 6 April 2018. This code comes into force on 19 February 2020.

1.15 The Commissioner may review or withdraw this code (and introduce a new or revised code in its place) if deemed appropriate in the future.¹¹

1.16 A body's failure to comply with a provision within this code does not render that body liable to any enforcement action¹². This code 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.

1.17 However, should the Commissioner wish so, it may rely upon a failure by a body to comply with guidelines within this code as something which tends to establish that the body has failed to comply with a standard.

1.18 Likewise, a body may rely upon the fact that they complied with guidelines within this code as something which tends to establish that they have complied with a standard¹².

⁹ Determinations made by the Welsh Language Tribunal are available at <http://www.welshlanguage tribunal.gov.wales>

¹⁰ Section 68 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/cy/mwa/2011/1/section/68/enacted>

¹¹ See Section 68 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/68/enacted>
for details on the steps which must be taken before a revised code of practice comes into force.

¹² Section 69 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/69/enacted>

2 An introduction to the code of practice

The purpose of the code

- 2.1 The purpose of this code is to provide Welsh Ministers, county councils, county borough councils and National Park authorities with practical guidance on the requirements of the standards specified in the Welsh Language Standards (N^o. 1) Regulations 2015¹³.
- 2.2 The code provides further clarification on the requirements of each of the standards within the regulations, apart from the promotion standards (145 and 146). A separate advice document is available for these standards.
- 2.3 Amongst other things, the code provides practical guidance by:
- responding to frequently asked questions posed by bodies in the past
 - interpreting terms and phrases not already interpreted in the regulations or in the Measure
 - referring to any relevant terms or phrases already interpreted in other regulations or legislation
 - providing examples of the meaning of terms, specific phrases or how a body can implement certain requirements
 - highlighting issues for a body 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.

How to use this code

- 2.4 **Section 3** provides general guidance on the content of the regulations. It further clarifies issues affecting the regulations as a whole or affecting a number of standards across more than one activity or class of standards.
- 2.5 **Sections 4-8** provide practical guidance on the requirements of the standards based on each class of standards:
- **Section 4:** Service delivery standards [1-87]
 - **Section 5:** Policy making standards [88-97]
 - **Section 6:** Operational standards [98-144]
 - **Section 7:** Record keeping standards [147-154]
 - **Section 8:** Standards which deal with supplementary matters [155-176].
- 2.6 **Appendix 1** lists the bodies to which these regulations apply. **Appendix 2** contains information on the changes made to the regulations since they came into force. **Appendix 3** contains templates which can be used by a body as they comply with specific standards.

¹³ Section 68 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/68/enacted>

- 2.7 The guidance found within the code has been produced with the assumption that the standards referred to have been imposed on the body. Reference should be made to a body's compliance notice in order to ascertain which specific standards have been imposed on them.
- 2.8 If a relevant interpretation has been provided within the regulations, the Measure or other enactment, the code usually refers to these interpretations and specifically states that they come from that enactment. Otherwise, the code includes the Commissioner's own interpretations of the requirements of the standards or specific terms.
- 2.9 Unless otherwise stated, any reference to a 'body' in this code usually includes the staff of that body as well as any third party operating on behalf of, or in the name of, that body (please see paragraphs 3.37—3.49 of this code).

Variations in compliance notices

- 2.10 The code deals with the requirements of the standards as specified in the regulations only. The code does not provide any advice regarding the specific circumstances where the Commissioner has provided in a compliance notice in which circumstances (or areas) that a body must comply.
- 2.11 Therefore, this code should be read alongside the body's compliance notice as well as the regulations in order to examine the body's duties in full.

Duties, guidance, lists and examples

- 2.12 The term 'must/have to' (or similar terms) in the code denote statutory duties which come directly from the law¹⁴.
- 2.13 The term 'does not have to' (or similar terms) denotes that there is no statutory duty in accordance with the standard in question¹⁵.
- 2.14 The terms 'may/can', 'expected' and 'not 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 this guidance does not necessarily represent statutory requirements, paragraphs 1.16—1.18 of this code should be considered.
- 2.15 References to the term 'includes' (or any other similar terms) should not be construed to suggest that there is any limitation in terms of the requirements or interpretation (unless that is noted specifically).
- 2.16 This code includes examples of how to implement the requirements of the standards. The purpose of these examples is to show how the requirements of the standards may impact the body's operation. These examples should not be construed to mean:
- that the requirements must only be implemented in that particular way

¹⁴ Whether this is from the compliance notice, regulations, Measure or any other enactment.

¹⁵ A reference to this term in relation to a specific standard does not mean that there is no statutory duty on a body in relation to another standard.

-
- that compliance may not be achieved by another way, nor
 - that the requirements must only be met in accordance with the examples provided.

3 General guidance on the content of the regulations

What is meant by the term 'public'?

- 3.1 The term 'public' means any persons who are not undertaking the functions of a public authority at the time.
- 3.2 The term includes the public in its entirety, or a proportion of the public, as well as individual members of the public.
- 3.3 It includes individuals, legal persons and corporate bodies. It also includes voluntary organisations and charities, as well as directors and those representing limited companies.
- 3.4 The term 'public' does not include the Crown¹⁶, Government nor State.
- 3.5 It does not include persons undertaking official functions of a public nature whilst undertaking such functions. For example, the term does not include persons acting as public authority representatives¹⁷.

What is meant by the term 'individual'?

- 3.6 The regulations state:

“an "individual" ("unigolyn") means a member of the public¹⁸.”
- 3.7 The context of each standard specifies who exactly comes within the term in specific circumstances.

What is meant by the term 'person'?

- 3.8 The Interpretation Act 1978 states that:

“"person" includes a body of persons corporate or unincorporate¹⁹.”

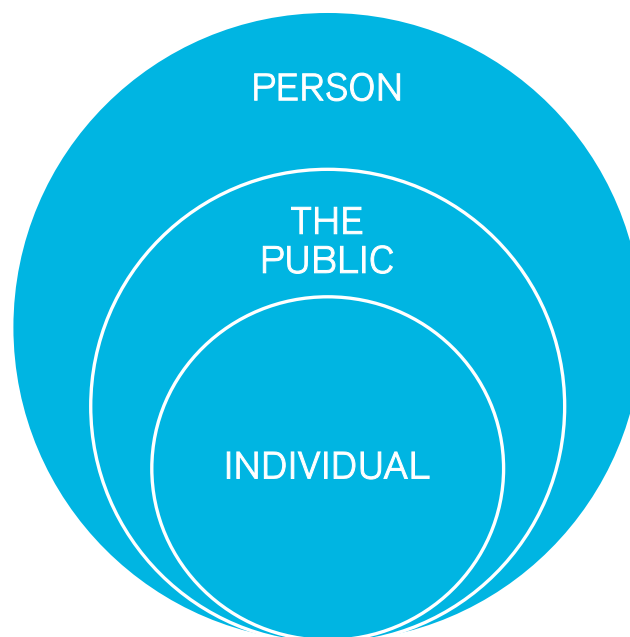
¹⁶ This may include the armed forces, civil servants, Crown servants, or Crown agencies.

¹⁷ A 'public authority' includes any person with functions of a public nature. It includes any person who comes within the meaning of "public authority" in section 6(3) of the Human Rights Act 1998 <https://www.legislation.gov.uk/ukpga/1998/42/section/6> (e.g. Local Authority or Local Health Board).

¹⁸ Section 1(4), Welsh Language Standards (No. 1) Regulations 2015 http://www.legislation.gov.uk/wsi/2015/996/pdfs/wsi_20150996_mi.pdf

¹⁹ Schedule 1 of the Interpretation Act 1978 http://www.legislation.gov.uk/ukpga/1978/30/pdfs/ukpga_19780030_en.pdf

- 3.9 Therefore, the term includes persons corporate and unincorporate. It includes any entity that may have legal rights or duties.
- 3.10 The term 'person' may include entities such as corporate bodies, associations, companies, partnerships, trusts, individuals and any combination of one or more of these.
- 3.11 The term 'person' does not include the body itself.
- 3.12 The term 'person' has a broader meaning than the terms 'individual' and 'public'. As well as including those who come within the meaning of the terms 'individual' and 'public', the term 'person' also includes persons representing the Crown, Government, or State.
- 3.13 This means that the term 'person' also includes a person (excluding the body itself) undertaking public authority functions. For example, the term may include a member of staff from a National Park authority, county council, health board or Welsh Government.
- 3.14 The following diagram shows how the above terms relate to each other in its simplest form:



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

- 3.15 The regulations state:

“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)²⁰.”

- 3.16 The term 'employee of a body' is not interpreted further in the regulations. However, the interpretation of "employee" found in the Employment Rights Act 1996 may be viewed for assistance, which notes:

“(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 writing²¹.”

- 3.17 Also, the term 'individual working for a body' is not interpreted further in the regulations. However, the interpretation of "worker" found in the Employment Rights Act 1996 may be viewed for assistance, which notes:

“(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;

and any reference to a worker's contract shall be construed accordingly²².”

- 3.18 The term 'individual working for a body' has a broader meaning than the term 'employee of a body'.
- 3.19 The term 'member of staff' includes persons who come within the interpretation of the terms 'employee' and 'individual working for a body'. The term does not include the genuinely self-employed.

²⁰ Section 1(4), Welsh Language Standards (No. 1) Regulations 2015
http://www.legislation.gov.uk/wsi/2015/996/pdfs/wsi_20150996_mi.pdf

²¹ Section 230, Employment Rights Act 1996
<https://www.legislation.gov.uk/ukpga/1996/18/section/230>

²² Section 230, Employment Rights Act 1996
<https://www.legislation.gov.uk/ukpga/1996/18/section/230>

- 3.20 A person appointed to a body by a county council or county borough council, Welsh Ministers, a Crown Minister or a Minister of Her Majesty may be included within the meaning of the term 'member of staff'.
- 3.21 Reference to a 'member of staff', 'employee of a body' or 'individual working for a body' includes, in the case of Welsh Ministers, a Welsh Government employee or individual working for the Welsh Government.

How do the standards affect elected and co-opted members of county borough councils or county councils?

- 3.22 The way in which the standards affect elected and co-opted members of county borough councils or county councils (a 'councillor') varies. The degree to which they are affected depends on the capacity in which the councillor is working at the time. That may affect the degree to which the councillor must operate in accordance with the standards.
- 3.23 If a councillor provides²³ a service by virtue of a function delegated to them under the constitution of their council, the councillor must act in accordance with the standards imposed on the council when providing that service.
- 3.24 Otherwise, the councillor will not usually be required to act in accordance with the standards imposed on the council. The only exception to this is when a councillor uses the council's resources (beyond that of its usual resources and remuneration) to provide a service.
- 3.25 However, the councillor may come within the meaning of the term 'public' as their representative. They may also be a 'person' for the purposes of the standards as they may be operating separately from the council itself. In such a situation, the councillor may have the right to receive services from the council in Welsh under the service delivery standards.
- 3.26 The operational standards do not give a right to a councillor to receive services in Welsh from a body, as they are not a 'member of staff' for the purpose of the standards.

How do the standards affect members of National Park authorities?

- 3.27 If a member appointed or nominated to a National Park authority provides a service by virtue of a function delegated to them under the constitution of that authority, the member must act in accordance with the standards imposed on that authority when doing so.
- 3.28 Otherwise, the member will not usually be required to act in accordance with the standards imposed on the authority. The only exception to this is when a member

²³ For ease of understanding in the code, references to a body or third party carrying out an activity or providing a service are reflected by stating that a body or third party 'provides a service'. Similarly, references to the term 'service' refer to an activity or service.

uses the authority's resources (beyond that of its usual remuneration) to provide a service.

- 3.29 However, the member may come within the meaning of the term 'public' unless they are operating on behalf of another public authority. They may also be a 'person' for the purposes of the standards if they are operating separately from the authority itself. In such a situation, the member may have the right to receive services from the authority in Welsh under the service delivery standards.
- 3.30 The operational standards do not give a right to a member to receive service in Welsh from a body, as they are not a 'member of staff' for the purpose of the standards.

Who are the 'Welsh Ministers'?

- 3.31 The term 'Welsh Ministers' should be interpreted in accordance with section 45(2) of the Government of Wales Act 2006:

"In this Act and in any other enactment or instrument the First Minister and the Welsh Ministers appointed under section 48 are referred to collectively as the Welsh Ministers²⁴."

- 3.32 Therefore, the standards imposed on the Welsh Ministers (the 'body' in this case) apply to the functions of the First Minister and the Welsh Ministers.
- 3.33 The standards imposed on the Welsh Ministers also apply to the functions of the Deputy Welsh Ministers and Welsh Government staff when they are operating on behalf of the Welsh Ministers.
- 3.34 The term does not include the Counsel General.
- 3.35 Welsh Ministers do not have to act in accordance with the standards when acting in their capacity as an Assembly Member only.
- 3.36 Welsh Ministers, as individual persons, are not members of staff for the purposes of the standards.

Do the standards apply to third party providers?

- 3.37 Yes. Section 1(5) of the regulations states:

²⁴ Section 45, Government of Wales Act 2006
<http://www.legislation.gov.uk/ukpga/2006/32/part/2>

“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.”

3.38 Therefore, if a third party carries out an activity or provides a service, which is:

- on behalf of the body which is under a duty to comply with the standards, and
- under arrangements made between the body and the third party

the body must ensure that the third party complies with the standards applicable to that service.

3.39 However, if the third party does not comply with the relevant standards when providing the service on behalf of the body, the body would be liable for failing to comply with those standards. That may lead to action against the body under the Commissioner's enforcement powers.

Does a body have to ensure that the third party complies with all of the standards in its compliance notice?

3.40 No. A body does not have to ensure that third party providers comply with all of the standards imposed on the body. Instead, the body must only ensure that the third party provider complies with the standards applicable to the service provided by it on behalf of the body.

Some services are no longer provided directly by the body. What provision models may apply to the standards?

3.41 There are a number of possible different models for a body providing a service indirectly. Such models may include the following:

- outsourcing services, where the provider receives payment from the 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 body
- providing services via a separate entity, jointly owned by the body and other persons, or
- providing services via a separate entity, jointly owned by the body and a commercial partner or third sector partner.

- 3.42 The third party must provide a service **on behalf** of the body for the standards to apply. If the body is no longer responsible for the service at all, the standards do not usually apply to that service.
- 3.43 It is the body's responsibility to consider to what extent the third party provides a service on behalf of the body. A body may do so by assessing any arrangements it has with third parties.
- 3.44 Arrangements may include any arrangements made between a body and third party. Arrangements do not have to be in writing nor have a specific title. What is important is the effect of the arrangement and that it means that there is an intention for the third party to provide the service on behalf of the body.

What if arrangements to provide the service on behalf of the body were made before the imposition day?

- 3.45 The standards also apply to a service provided by a third party if the arrangements made between them were made before the imposition day of any relevant standard. Therefore, a body must take any steps necessary to ensure that any arrangements made before the imposition day mean that the body complies with the requirements of the standards from the imposition day onwards.
- 3.46 It may be necessary to consider the body's current arrangements for ensuring compliance with the standards. That may include considering the following:
- modifying an existing arrangement between the body and third party or body
 - making a new arrangement between the body and third party
 - making a new arrangement with a new third party, or
 - ensuring that the body's staff take responsibility for providing the service.
- 3.47 If the body has made the arrangement via a contract, the contract in question may allow a body to make changes to it as a result of being subject to new legal requirements. A body's duty to comply with the standards is a legal requirement and may therefore allow for any necessary changes to be made.

Do the standards imposed on county councils and county borough councils also apply to the operation of schools within the county?

- 3.48 A county council and county borough council's compliance notice only applies to the council's functions. It does not therefore apply to the functions of a school's governing body.
- 3.49 A council's compliance notice would only apply to a school's activities within the council's area, to the extent that it is the council, and not the governing body, that is responsible for the service in question.

Do the standards only apply to services that persons receive in Wales?

- 3.50 The Measure provides that the Standards apply in relation to Wales. That is not necessarily limited to services provided geographically in Wales as "in relation to

Wales” has a wider meaning which may include services provided outside Wales, as long as they have a connection to Wales. If the service being provided has the necessary connection to Wales, then the standards could apply to this service. As a result, whether a Standard applies only to services provided in Wales will depend on the context of the services being provided, the activity undertaken as well as the wording of the standard. The compliance notice could also limit the application.

If a standard states that a service must be provided or that material must be produced 'in Welsh', does that mean it must be provided in Welsh only and that material must be produced in Welsh first?

3.51 No, but the standards do not prevent that either. The requirements of the standards only impose duties in relation to providing services in Welsh. They do not impose duties in relation to providing services in other languages and this is therefore a matter for the body.

3.52 The regulations' explanatory notes state:

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

3.53 Schedule 1, Part 3, Paragraph 26 of the regulations states explicitly, in relation to the service delivery standards:

“For the purposes of the standards—

- (a) a requirement to produce, to send, to publish, to display, to make available or to issue any written material in Welsh does not mean that the material should be produced, sent, published, displayed, made available or issued in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard);
- (b) a requirement to provide a service in Welsh does not mean that that service should only be provided in Welsh (unless that is specifically stated in the standard).”

3.54 Schedule 3, Part 3, Paragraph 13 of the regulations states explicitly, in relation to the operational standards:

“For the purposes of the standards a requirement to publish, provide or display any written material in Welsh does not mean that material should be published, provided or, displayed in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).”

3.55 Schedule 6, Part 6, Paragraph 25 of the regulations states explicitly, in relation to the standards which deal with supplementary matters:

“For the purposes of the standards a requirement to publish, provide or display any written material in Welsh does not mean that material should be published, provided or, displayed in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).”

If a standard states that a service must be provided 'in Welsh', does that mean that a body can provide the service bilingually?

3.56 The standards do not prevent a body from providing a service 'in Welsh' by doing so bilingually. A body may provide a bilingual service by providing the service:

- in Welsh and in English separately (if the specific standard allows that), or
- do so so that the Welsh language and the English language are used together within the same service.

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 relate to the way in which a body sends correspondence. 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. If a body receives correspondence from a person in Welsh, it must reply in Welsh (if an answer is required). A body does not have to reply in Welsh if a person has indicated that there is no need to reply in Welsh.
- 4.1.3. Similarly, the body does not have to reply in Welsh if no answer is required at all (in any language). For example, a reply (in Welsh) may not be needed if the correspondence only makes representations or if the person has confirmed to the body that no reply is needed.
- 4.1.4. A body must deal with the correspondence by responding to it entirely in Welsh (if that is the person's wish and that a reply is needed). The standard applies to all responses that the body sends which deal with the correspondence in question. A body would not be compliant should it reply acknowledging receipt of the correspondence in Welsh, only to not send follow-up correspondence which deals with the matter in hand in Welsh.
- 4.1.5. In order to deal with the correspondence in Welsh, a body may also have to consider supplementary material sent by a person in Welsh (e.g. a form, document or other material to be used in order to deal with the correspondence). That may include the consideration of material in Welsh only.

Standard 2

- 4.1.6. If a body is corresponding with an individual for the first time, it must ask the individual whether they wish to receive correspondence in Welsh. 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 that individual, and send them any forms, in Welsh from then onwards.
- 4.1.7. This standard relates to correspondence addressed specifically to an individual. This standard would usually apply to correspondence which includes personalised or specifically tailored information for the individual (beyond general details such as their name or address). A body must refer to standard 3 if correspondence is

addressed to two individuals from the same household or standard 4 if the correspondence is being sent to several persons.

- 4.1.8. Schedule 1, Part 3, Paragraph 31 of the regulations states that a body does not have to send a Welsh language version of some forms in accordance with this standard:

“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).”

- 4.1.9. However, if an individual wishes to receive correspondence in Welsh, a body would continue to comply should it choose to send Welsh language versions of these forms to them.
- 4.1.10. If an individual responds to say that they do not wish to receive correspondence in Welsh from the body, that body will not have to correspond with that individual, nor send them any forms, in Welsh from then onwards. If the individual does not respond to the body's offer, the body must not interpret that to mean that the individual does not wish to receive correspondence in Welsh. Standard 5 will apply if the body does not know whether the individual wants to receive correspondence in Welsh.

Standard 3

- 4.1.11. If a body sends correspondence addressed to two individuals who are members of the same household for the first time, it must ask both individuals whether they wish to receive correspondence from the body in Welsh. For example, such correspondence may include correspondence addressed to the parents of a child, or two individuals living in the same address.
- 4.1.12. If both individuals respond to say that they wish to receive correspondence (addressed to both of them) 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).
- 4.1.13. 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. If a body sends correspondence addressed to both individuals from then onwards, it must also provide a Welsh language version of the correspondence.

4.1.14. If both individuals respond to say that they do not wish to receive correspondence (addressed to both) in Welsh from the body, the body does not have to correspond with them in Welsh from then onwards (when sending correspondence addressed to both individuals). If the individuals do not respond, a body must not interpret that to mean that they do not wish to receive correspondence (addressed to both) in Welsh. Standard 5 will apply if the body does not know whether the individuals want to receive correspondence in Welsh.

Standard 4

4.1.15. If a body sends the same correspondence to several persons, it 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.

4.1.16. This standard applies to situations where the same correspondence is sent to several persons. This may include a body sending the same circular, e-circular, newsletter, email, text message or letter to several homes or persons.

4.1.17. Unlike standards 2 and 3, which deal with correspondence addressed to one or two specific individuals only, standard 4 deals with standard correspondence which applies to several persons. This standard does not apply to correspondence which includes individually personalised or tailored information (beyond generic details such as name or address). A body must treat this kind of correspondence separately to the kind of correspondence sent in accordance with standards 2 and 3.

4.1.18. Therefore, if a body sends the same correspondence to several persons, an individual's reply regarding their wish to receive correspondence in Welsh in accordance with standards 2 and 3 does not affect a body's duty to send correspondence to that individual in Welsh in accordance with standard 4.

Standard 5

4.1.19. If a body does not know whether a person wishes to receive correspondence in Welsh, it must provide a Welsh language version of the correspondence when corresponding with that person.

4.1.20. That means that a body must send a Welsh language version of correspondence to a person at all times, until such time that it knows that the person does not wish to receive correspondence in Welsh.

4.1.21. A body may be able to 'know' whether a person wishes to receive correspondence in Welsh or not based on:

- information given to the body in accordance with standards 2 and 3
- information regarding language choice already gathered by the body
- interaction from an individual that they wish to receive correspondence in Welsh, or

- a body's previous engagement with an individual where they have expressed their wishes²⁵.
- 4.1.22. Although a body does not have to ask whether a person wishes to receive correspondence in Welsh nor keep a record of that wish (as in the case of standards 2 and 3), a body may do so in order to facilitate compliance with the standard and ensure that correspondence is sent in Welsh to persons who wish to receive it.
- 4.1.23. If a body chooses to ask whether a person wishes to receive correspondence from them in Welsh, but that they do not respond, a body must not interpret that to mean that the person does not wish to receive correspondence in Welsh.
- 4.1.24. It should be emphasised that this standard applies to correspondence sent by a body to a 'person(s)'. That includes correspondence sent to limited companies, charities and other public authorities. The standards are not therefore limited to correspondence sent to members of the public only.

Standard 6

- 4.1.25. If a body produces corresponding Welsh and English language versions of correspondence (whether separate versions or not), it must not treat the Welsh language version of the correspondence less favourably than the English language version.
- 4.1.26. For example, 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 at least in the same way.
- 4.1.27. 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.”

²⁵ A body should be aware of data protection legislation if it chooses to apply one or more of these approaches.

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

- the material's language order
- 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), and
- when the material is sent by the body and received by the person.

Standard 7

4.1.29. A body must state how they will treat Welsh language correspondence. A body must include this statement in:

- correspondence
- publications that invite persons to respond to or correspond with the body, and
- official notices that invite persons to respond to or correspond with the body.

4.1.30. The statement must note:

- that it welcomes receiving correspondence in Welsh
- that it will respond to correspondence in Welsh, and
- that corresponding in Welsh will not lead to delay.

4.1.31. The statement does not have to follow 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 in terms of receiving and responding to correspondence in Welsh.

4.1.32. The Commissioner's laith Gwaith logo may be displayed by the body as part of any written statement to further show that the body welcomes receiving correspondence in Welsh and that it will respond to correspondence in Welsh.

4.1.33. Displaying the laith Gwaith logo would not constitute conveying that corresponding in Welsh will not lead to a delay. A body is therefore expected to convey this by stating it specifically in writing.

4.1.34. The laith Gwaith logo is available as a free download from the Commissioner's website. The logo looks like this:



4.1.35. Here is an example of a statement that may be used by a body for the purposes of the standard:



Croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb oedi.

You are welcome to contact us in Welsh. We will respond in Welsh, without delay.

- 4.1.36. Corresponding in Welsh is not expected to have led to a delay if a body responds in Welsh to the person:
- within its organisational target time(s) for responding to correspondence (e.g. the organisation's target for acknowledging and responding to correspondence with an interim/full response within a specific period(s)), and
 - within the same period as it would take to respond to a person in English.

What is meant by the term 'correspondence'?

- 4.1.37. The term includes any written communication or contact exchanged between two or more parties. Correspondence may include letters, emails, text messages, faxes, live online chat facilities²⁶, forms²⁷ or circulars.
- 4.1.38. The term includes written correspondence presented electronically as well as on paper, e.g. via e-mail, PDF or a document produced using a word processor such as Microsoft Word.
- 4.1.39. The term also includes any correspondence generated automatically by a system or machine, such as bills, reminders or automated email responses.
- 4.1.40. The term does not only include correspondence to which a person needs to respond. It may also include correspondence sent to a person to share information only.
- 4.1.41. Standards 1 to 7 do not apply to correspondence sent via social media²⁸.

What must be in Welsh when sending correspondence via email?

- 4.1.42. If a body must ensure that correspondence via e-mail is sent in Welsh in accordance with the standards, that may include ensuring that:
- the body of the email is in Welsh
 - automated emails are in Welsh
 - email disclaimers and signatures are in Welsh
 - email subject lines are in Welsh, and
 - the changes made by a body to another person's subject line are in Welsh (e.g. using the Welsh abbreviations 'Atb:' when replying to an email or 'Yml!' when forwarding an email).

²⁶ An application designed specifically to provide immediate online assistance to users of a website.

²⁷ Reference should be made to standards 50–51 when a body produces and publishes forms

²⁸ See standards 58 and 59 for requirements in relation to social media.

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

- 4.1.43. No. If correspondence is sent internally between a body's staff members only, these standards would not be relevant to that correspondence.
- 4.1.44. These standards only apply if the body sends correspondence to another person who is separate to the body. If a member of staff sends correspondence to another member of staff within the body only, that correspondence does not have to be sent in Welsh in accordance with these standards.
- 4.1.45. However, if that correspondence is also sent to another person outside the body, it must ensure that the correspondence is sent in Welsh to that person in accordance with the standards.
- 4.1.46. In addition, staff must send internal correspondence in Welsh if that is required by the operational standards. Reference should be made to the operational standards for the specific types of internal correspondence that come within the scope of the standards (e.g. standards which relate to the use of Welsh within a body's internal administration).

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

- 4.1.47. Schedule 1, Part 3, Paragraph 27 of the regulations 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.”

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

How can a body know whether it is corresponding for the first time or not, and therefore, when to ask about their wish to receive correspondence in Welsh?

- 4.1.49. A body must keep a record of individuals' wishes to receive correspondence in Welsh, in accordance with standards 2 and 3. A body may check that record in order to identify whether or not it has corresponded with the individual in question since the imposition day or if the body is corresponding with the individual for the first time.
- 4.1.50. If there is a record, and that record has been updated since the imposition day of the standard, it is likely that the body is not corresponding with that individual for the first time and that the body has already corresponded with that individual since the imposition day.

- 4.1.51. If there is no record or a record has not been updated since the imposition day of the standard, it is likely that the body has not been in contact with that individual since the imposition day, and therefore, that they need to be asked about their wish to receive correspondence in Welsh.

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

- 4.1.52. Establishing an individual's wish to receive correspondence in Welsh, by using information gathered before the imposition day, would not comply with the requirements of standards 2 and 3. However, such information may be used by a body to comply with the requirements of standard 5.
- 4.1.53. In order to comply with standards 2 and 3, an individual must be asked about their wishes from the imposition day onwards.
- 4.1.54. If a body has historical information on an individual's wishes, it must find out or confirm whether they wish to receive correspondence in Welsh again from the imposition day onwards.

How should a body ask individuals whether or not they wish to receive correspondence in Welsh, in accordance with standards 2 and 3?

- 4.1.55. The way in which a body asks individuals whether or not they wish to receive correspondence may vary depending on the type of correspondence in question. For example, where a body sends correspondence to which the individual is expected to reply, it may be appropriate for the body to include a specific question within the body of the correspondence.
- 4.1.56. In another situation where a body sends correspondence which does not necessarily ask for a reply, it may be appropriate for the body to ask the individual specifically to get in touch in order to express their wishes.

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?

- 4.1.57. The body is expected to have sufficient arrangements in place to allow it to know if this is the first time it is corresponding with the individual (or individuals) and, if not, to know if that individual (or those individuals) wish to receive correspondence in Welsh.
- 4.1.58. 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.
- 4.1.59. A body can keep a record of an individual's wishes in the following ways:
- a customer contact management system implemented, and available, across the body
 - another kind of database implemented, and available, across the body

- a note on the individual's file or personal record which may be transferred, or
 - departmental databases which ensure that information regarding individuals' wishes is updated and available on every database across the body, by exchanging relevant information.
- 4.1.60. Subject to data protection legislation²⁹, any information received from 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.
- 4.1.61. 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 legislation, that all of their other departments are aware of the individual's wishes, so that those departments send correspondence to the individual in Welsh from then onwards.

Does data protection legislation allow bodies to collect, store and use personal data on an individual's wish to receive correspondence in Welsh?

- 4.1.62. Yes. Data protection legislation does not prevent a body from complying with the requirements of standards 2 or 3.
- 4.1.63. However, 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 wishes would constitute 'processing' data. Therefore, all bodies must comply with the requirements of data protection legislation, whenever they process that data.
- 4.1.64. Under the GDPR, bodies will need to ensure that their processing activities meet at least one of six conditions for processing, set out in Article 6(1) of the GDPR.
- 4.1.65. For any body subject to the Welsh language standards, compliance with the standards is a legal requirement. Therefore it will be necessary for the body to collect and store data on an individual's wish to receive correspondence in Welsh in order to meet the legal requirement. Under the GDPR, each body should be able to rely on condition 'c' in Article 6(1)³⁰ in order to collect and store this data.
- 4.1.66. As well as having a valid condition for processing, each body will also need to consider whether its processing of data in relation to an individual's wish is fair. Individuals must be told why the body is collecting data in relation to their wish and how it will be used. Information confirming whether the data will be shared internally or externally should be included, and that should occur when the data is collected. There are additional rules under the GDPR which relate to what information needs to be provided to individuals, as well as how their data will be used.

²⁹ Any reference to 'Data Protection Legislation' in this code means the General Data Protection Regulation ("GDPR") (EU) 2016/679 and the Data Protection Act 2018 and any applicable law or regulation which involves the processing of personal data and privacy as revised, reviewed or amended.

³⁰ 'Processing is necessary for compliance with a legal obligation to which the controller is subject.'

4.1.67. If a body provides adequate information at the time it collects data on an individual's wish, and only uses that data in accordance with the individual's expectations, collection and storage of such data should comply with data protection legislation.

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

- 4.1.68. Yes. As long as data in relation to 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.
- 4.1.69. An individual's wish will have been collected appropriately as long as the body has made it clear to the individual, when asking about their wish, that the data will be shared with different departments.
- 4.1.70. Assuming that the data in relation to an individual's wish has been collected appropriately, it will be possible to use it to ensure the individual receives communication in Welsh in accordance with their wishes. Each body will need to decide whether to develop one record for the entire organisation or separate departmental records.
- 4.1.71. Sharing personal data between different departments is itself a form of processing, so it needs to comply with data protection legislation. The standards apply to the organisation as a whole, so some bodies will choose to use one wish across the organisation. If the body chooses to take this approach, it will need to make this very clear to individuals when the original data is collected.
- 4.1.72. Each body will need to decide its own approach to the sharing of data in relation to an individual's wish between departments. It is considered that bodies should make it as easy as possible for individuals to express their wishes and to have that choice respected. Providing clear processing information to individuals explaining how their data will be used is likely to be a key element of ensuring compliance with both the standards and data protection legislation. All data in relation to an individual's wishes is ultimately based on a choice made by the individual. If a body shares a record of the individual's wish between different departments, those individual departments must ensure that they use that data for the purpose originally intended, rather than any new purpose which the individual would not expect.

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

- 4.1.73. It is possible that an individual's wish to receive correspondence in Welsh will vary in different situations. An individual's wish may depend on which service or department within the body is sending the correspondence or the correspondence's subject matter.
- 4.1.74. 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 could wish to receive emails in Welsh but not standard letters. It is possible that an individual's wish to receive correspondence in Welsh may vary in different situations.

- 4.1.75. 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 questions regarding in which context they would wish to receive correspondence in Welsh. A body would comply with the requirements of the standards if it corresponded with an individual (or individuals) in Welsh in some contexts only, should that wish have been identified.

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

- 4.1.76. A body is expected to use Welsh language versions of postal addresses when sending Welsh language correspondence (if there is a Welsh language postal address which is different to the English language version e.g. Caerdydd/Cardiff). This may include using the Welsh language postal address on an envelope or at the top of a letter written in Welsh.
- 4.1.77. The Commissioner is responsible for providing advice on standard forms of place names in Wales. The Commissioner can advise bodies on the standard form of names of settlements (namely villages, towns and cities) in Wales. The Commissioner has published these recommendations in an online database and the lists are available to download under open licence: List of Standardised Welsh Place-names³¹.
- 4.1.78. The Commissioner follows specific standardisation guidelines when producing her recommendations: Guidelines for Standardising Place-names in Wales³². These guidelines deal specifically with the names of settlements. They do not necessarily apply to house names nor other landscape features. However, they contain several valuable principles which could be applied when dealing with these names.
- 4.1.79. As long as there is no other enactment which requires the use of another form of Welsh place-name, a body may use this consultation service to ensure that it uses the standardised forms of Welsh place-names when using those names on Welsh language versions of correspondence.

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

What are the requirements?

- 4.2.1. These standards relate to:

³¹ See the List of Standardised Welsh Place-names on the Commissioner's website.
<http://www.comisiynyddygydraeg.cymru/english/commissioner/placenames/pages/search.aspx>

³² See Guidelines for Standardising Place-names in Wales on the Commissioner's website.
<http://www.comisiynyddygydraeg.cymru/English/Commissioner/PlaceNames/Pages/Context.aspx>

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

Standard 8

- 4.2.2. A body must greet a person in Welsh when that person contacts the body on one of its relevant telephone numbers³³.
- 4.2.3. The term 'greet' may include phrases which acknowledge and welcome the caller before the body starts to deal with the call. For example, a body may greet a person by saying 'Bore Da/Prynhawn Da/Noswaith Dda', followed by the body's name in Welsh (if it exists). The term 'greet' does not include dealing with the call itself.
- 4.2.4. Bodies may greet persons in Welsh via a pre-recorded automated message or through a member of staff greeting that person in Welsh when answering the call.
- 4.2.5. The requirements of this standard apply to the initial greeting only. The language of the remainder of the call will depend on the person's language choice in accordance with standards 10 or 11 (depending on which standard had been imposed on the body).
- 4.2.6. The requirements of standard 20 apply to greetings given to a person who makes contact via a direct line telephone number belonging to a body's department or a member of staff.

Standard 9

- 4.2.7. If a person contacts the body on one of its relevant telephone numbers, the body must inform that person that a Welsh language telephone service is available.
- 4.2.8. A body is expected to be proactive when informing persons about the Welsh language telephone service. This is expected to happen at the first available opportunity.
- 4.2.9. Greeting a person in Welsh alone does not constitute informing a person that a Welsh language telephone service is available. A body is expected to go further than that in order to make it explicit that a Welsh language service is available.
- 4.2.10. Examples of a body 'informing' a person that a Welsh language telephone service is available may include:
- give persons the option to choose a Welsh language telephone service (or service in English) by pressing a specific button on the keypad
 - ensuring that staff members answering the call inform the person in a proactive manner when conversing with that person, and

³³ Unless noted otherwise, reference to 'relevant telephone numbers', in the context of standards 8–17, means the body's main telephone number (or one of its main telephone numbers), or any one of its helpline numbers or call centre numbers.

- ensuring that the body informs the person that a Welsh language service is available (or will continue to be available) when a member of staff transfers the call to another member of staff who is able to deal with the call in Welsh.
- 4.2.11. Depending on the nature of the body and use of the language by the body, it may comply with standard 9 by starting a conversation in Welsh in order to highlight, in a natural way, that a Welsh language service is available over the phone, without having to make that explicit to the person. For example, a body would not be expected to inform a caller that a Welsh language service is available if the call is already taking place in Welsh and the call is transferred naturally to someone who can deal with the call (and starts dealing with the call) in Welsh as a matter of course.
- 4.2.12. The standard does not state that a body must inform the person *in Welsh*. However, a body is expected to consider doing so in Welsh if they can and that the person is likely to want to be told in Welsh.

Standard 10

- 4.2.13. When a person contacts a body on one of its relevant telephone numbers, the body must deal with the call in Welsh in its entirety if that is the person's wish. If the call needs to be transferred to another member of staff in order to deal with the call, that member of staff must deal with the call in Welsh.
- 4.2.14. The body must deal with the call in Welsh in its entirety once it is aware that the person wishes to receive a Welsh language service over the telephone³⁴.
- 4.2.15. A person would be likely to wish to receive a service in Welsh over the telephone should they start a conversation with the body in Welsh first. Should a person start a conversation in English first, a body should not interpret that to mean that the person does not wish to receive a telephone service in Welsh.
- 4.2.16. If the person's wish to receive a Welsh language service is not already clear (e.g. if they do not start the conversation in Welsh or if they do not ask for a Welsh language service before the body does so), a body is expected to establish that wish more proactively, by specifically asking about the person's wish. A body is expected to establish a person's wish to receive a Welsh language telephone service at the earliest possible opportunity.

Standard 11

- 4.2.17. If a person contacts the body on one of its relevant telephone numbers, the body must deal with the call in Welsh once it is aware that the person wishes to receive a Welsh language service over the telephone, transferring the call to a member of staff who is able to deal with the specific subject matter in Welsh if required³⁴.
- 4.2.18. A person would be likely to wish to receive a service in Welsh over the telephone should they start a conversation with the body in Welsh first. Should a person start

³⁴ 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.

a conversation in English first, a body must not interpret that to mean that the person does not wish to receive a telephone service in Welsh.

- 4.2.19. If the person's wish to receive a Welsh language service is not already clear (e.g. if they do not start the conversation in Welsh or if they do not ask for a Welsh language service before the body does so), a body is expected to establish that wish more proactively, by asking about the person's wish specifically. A body is expected to establish a person's wish to receive a Welsh language telephone service at the earliest possible opportunity.
- 4.2.20. 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, a body may transfer the call to a member of staff who cannot deal with the call in Welsh, but who can provide a service on the specific subject matter.
- 4.2.21. It should be emphasised that a body must ensure that there is no member of staff available who can deal with the call in Welsh on the specific subject matter in question, before transferring the call to a member of staff who cannot deal with the call in Welsh. In order to facilitate this, a body may choose to keep a record of those members of staff who are able to deal with calls in Welsh (e.g. a staff directory based on department, service or subject matter).
- 4.2.22. It should be noted that the phrase 'specific subject matter' does not include general contact or 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 examples may include a specific planning application or a specific social services case where only that non-Welsh speaking member of staff has the relevant knowledge needed to deal with the call.

Standard 12

- 4.2.23. A body must not treat the Welsh language less favourably than the English language when advertising its telephone numbers, helpline numbers or call centre services.
- 4.2.24. The term 'treating the Welsh language no less favourably than the English language', in relation to this standard, includes, amongst other matters, treating the Welsh language no less favourably than the English in terms of:
- the visual presentation of the advertisement (for example in relation to the colour or font of any text)
 - the size of the advertisement
 - the position and prominence of the advertisement in any public place
 - when and how the advertisement is published, provided or displayed
 - the publication format of any advertisement
 - the language of the advertisement
 - the advertisement's language order
 - the standard and quality of the advertisement
 - the clarity and accuracy of the advertisement (for example in terms of the meaning and expression of any text), and

- the content of the advertisement (for example in terms of the detail and quality of the information it contains).
- 4.2.25. This may include a body ensuring, amongst other matters, that any advertisement containing those numbers is published in Welsh.
- 4.2.26. If the telephone number for the Welsh language service is different to the telephone number for the corresponding English language service (for example, if standard 13 has not been imposed), the term may mean, when advertising those numbers, treating the telephone number for the Welsh language service no less favourably than the telephone number for the corresponding English language service. For example, this may include ensuring that the telephone number for the Welsh language service is at least as prominent as the telephone number for the corresponding English language service. This may include ensuring that the telephone number for the Welsh language service is advertised on English language versions of material, as well as the corresponding Welsh language versions (e.g. advertising the telephone number on Welsh and English language versions of a web page).

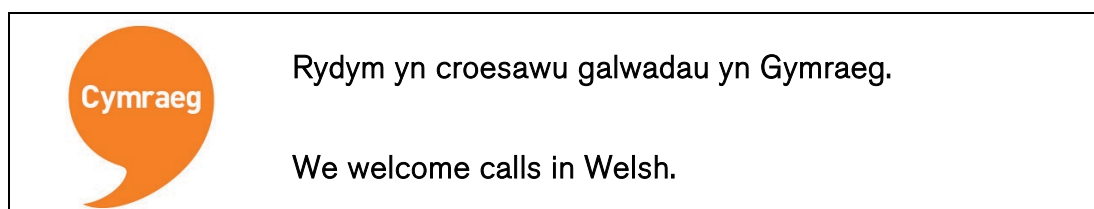
Standard 13

- 4.2.27. If a body provides a Welsh language service on one of its relevant telephone numbers, it must ensure that the telephone number for that Welsh language service is the same as for the corresponding English language service. This means that having a separate telephone number for a Welsh language service (which corresponds to the English language service) is not permitted.

Standard 14

- 4.2.28. If a body publishes its relevant telephone numbers, it must state (in Welsh) that it welcomes calls in Welsh.
- 4.2.29. The text must appear on any material which publishes the said telephone numbers. Such material could include:
- websites
 - publications
 - forms
 - exhibition material
 - publicity material
 - advertising material, and
 - signs.
- 4.2.30. A body does not have to include a statement which follows the wording of the standard word for word in order to highlight the fact that the body welcomes calls in Welsh. However, that statement is expected to be clear and explicit enough for persons to be fully aware of the body's commitment and dedication to welcoming calls in Welsh.
- 4.2.31. The Commissioner's Iaith Gwaith logo may be displayed by a body as part of a statement to show that the body welcomes calls in Welsh.

4.2.32. The following statement is an example of what a body may use for the purposes of the standard:



Standard 15

- 4.2.33. A body must ensure that performance indicators for dealing with telephone calls do not set measures which would treat telephone calls made in Welsh less favourably than calls made in English.
- 4.2.34. A body may ensure that it does not do this by setting measures for telephone calls in Welsh so that they are to reach at least the same standard as the corresponding English language service.
- 4.2.35. 'Performance indicators' may include indicators which 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 period
 - **Abandoned calls**—% of callers abandoning the call before someone answers, and
 - **Length of call**—Average time that a caller is on the telephone, including the time spent on hold.
- 4.2.36. 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 corresponding service in English.

Standard 16

- 4.2.37. The main telephone call answering service (or services) must inform callers and that message must be in Welsh. The body must inform persons in Welsh. A 'main telephone call answering service' may include answering machines.
- 4.2.38. In order to highlight the fact that it is possible to leave a message in Welsh, any statement is expected to 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 (or services). For example, it could be noted "Mae croeso i chi adael neges yn Gymraeg ar ôl y tôn."³⁵

Standard 17

- 4.2.39. When there is no Welsh language service available on one of the body's main telephone numbers, it must inform the caller when a Welsh language service will

³⁵ Welsh for "You are welcome to leave a message in Welsh after the tone".

be available. Situations where a Welsh language service is not available may include:

- when the office is closed and therefore there is no telephone service available at all, or
- when there is no Welsh speaking member of staff available to deal with the call (in accordance with the requirements of standard 11).

4.2.40. In such situations, a body must state when a Welsh language service will be available. For example, a body may do so by explaining the office's core opening hours or explaining during which times or on which days the Welsh language service will be available next.

4.2.41. A caller may be 'informed' via:

- an automated message, or
- a member of staff telling the caller over the phone.

4.2.42. The relevance of this standard varies from one case to the next, depending on the availability of a Welsh language telephone service (e.g. in accordance with standards 10 or 11) and the nature of the telephone services offered by a body.

4.2.43. In a situation where a body is not required to provide a telephone service in Welsh in accordance with the requirements of standard 11 (i.e. where there is no Welsh speaking member of staff available to provide a service on a specific subject matter in Welsh), a body must inform when a Welsh language service will be available.

4.2.44. If there is a Welsh speaking member of staff available to provide a service on a specific subject matter in Welsh, but they do not happen to be available at the time of the call (e.g. they do not work on that day or the member of staff is on another call), the body must inform the caller when that member of staff (or another member of staff who can deal with the call in Welsh) will next be available. The body is expected to do so before transferring the call to a member of staff who does not speak Welsh. By doing so, a body can offer the caller the choice of being transferred to a member of staff who does not speak Welsh or wait for the next available Welsh speaking member of staff.

Standard 18

4.2.45. The requirements of standard 18 correspond to the requirements of standard 10, but they relate 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

4.2.46. The requirements of standard 19 correspond to the requirements of standard 11, but they relate 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

- 4.2.47. If a person contacts a body on a direct line number (whether on a direct line number of a department or member of staff), the body must ensure that the Welsh language is treated no less favourably than the English language when greeting that person.
- 4.2.48. The term 'treating the Welsh language no less favourably than the English language' includes, amongst other matters, treating the Welsh language no less favourably than the English in terms of:
- when and how the greeting is made
 - the language of the greeting
 - the greeting's language order
 - the standard and quality of the greeting
 - the clarity and accuracy of the greeting (for example in terms of the meaning and expression of any greeting), and
 - the content of the greeting (for example in terms of the detail and quality of the information it contains).
- 4.2.49. This can mean that a body, amongst other matters, greets persons on the relevant telephone numbers in Welsh if also greeting a person in English.
- 4.2.50. If a body is required to comply with both standards 8 and 20, 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

- 4.2.51. When a body telephones an individual for the first time, it must ask the individual whether they wish to receive telephone calls in Welsh. If that is the individual's wish, the body must conduct telephone calls with that individual in Welsh from then onwards.
- 4.2.52. Schedule 1, Part 3, Paragraph 27 of the regulations 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.”

- 4.2.53. The term 'makes a telephone call to an individual for the first time' therefore means the first time a body telephones an individual from the imposition day onwards. This means that the individual's wish to receive telephone calls from the body in Welsh must be established after the imposition day.

Standard 22

- 4.2.54. A body must ensure that any automated telephone systems that it has provides the complete automated service in Welsh.
- 4.2.55. 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 callers through a set procedure with a recorded message which, for example, asks a person to press different numbers on a keypad in order to choose different options.”

- 4.2.56. Other examples may include systems that asks a person to choose options by speaking.

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

- 4.2.57. Information gathered before the imposition day cannot be used for the purposes of this standard.
- 4.2.58. Standard 21 requires a body to ask an individual whether he or she wishes to receive telephone calls in Welsh, from the imposition day onwards. In situations where a body has historical information on individual's 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?

- 4.2.59. 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 to the individual in Welsh 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?

- 4.2.60. A body is expected to have sufficient arrangements in place to allow it to know whether this is the first time it is telephoning the individual and, if not, whether or not that individual wishes to receive telephone calls in Welsh.
- 4.2.61. 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 the body is telephoning the individual) or by conducting the telephone call in accordance with that wish (if there has been prior contact and their wishes have already been established).
- 4.2.62. 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.
- 4.2.63. A body can keep a record of an individual's wishes in the following ways:
- a customer contact management system implemented, and available, across the body

- another kind of database implemented, and available, across the body
 - a note on the individual's file or personal record which may be transferred, or
 - departmental databases which ensure that information regarding individuals' wishes is updated and available on every database across the body, by exchanging relevant information.
- 4.2.64. Subject to data protection legislation, any information received from 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.
- 4.2.65. 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 it complies with data protection legislation, that all of its other departments are aware of the individual's wishes, so that those departments can contact the individual over the telephone in Welsh from then onwards.

Does data protection legislation allow bodies to collect, store and use personal data on an individual's wish to receive telephone calls in Welsh?

- 4.2.66. Yes. Data protection law does not prevent a body from complying with the requirements of standard 21.
- 4.2.67. However, information on an individual's wish to receive telephone calls 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 wishes would constitute 'processing' data. Therefore, all bodies must comply with the requirements of data protection legislation, whenever they process that data.
- 4.2.68. Under the GDPR, bodies will need to ensure that their processing activities meet at least one of six conditions for processing, set out in Article 6(1) of the GDPR.
- 4.2.69. For any body subject to the Welsh language standards, compliance with the standards is a legal requirement. Therefore, the body will be required to collect and store on an individual's wish to receive telephone calls in Welsh in order to meet the legal requirement. Under the GDPR, each body should be able to rely on condition c in Article 6(1) in order to collect and store this data³⁶.
- 4.2.70. As well as having a valid condition for processing, each body will also need to consider whether its processing of data in relation to an individual's wish is fair. Individuals must be told why the body is collecting data in relation to their wish and how it will be used. Information confirming whether the data will be shared internally or externally should be included, and that should occur when the data is collected. There are additional rules under the GDPR which relate to what information needs to be provided to individuals, as well as how their data will be used.
- 4.2.71. If a body provides adequate information at the time it collects data on an individual's wish, and only use that data in accordance with the individual's

³⁶ Processing is necessary for compliance with a legal obligation to which the controller is subject.

expectations, collection and storage of such data should comply with data protection legislation.

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

What are the requirements?

4.3.1. These standards relate 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); and
- 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 the Welsh language in the meeting and, if so, it must inform the person(s) that it will make the relevant provision in line with that. A body is expected to allow sufficient time after asking about a person's wish in order to be able 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, a body must then:

- 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 via a translation service at the meeting, if it is not possible to conduct the meeting in Welsh without a translation service (standards 24A, 24B, 27A, 27B, 27C, and 27D).

4.3.4. For the purposes of standards 23–24B, in a situation where the body conducts a meeting with more than one representative from the same organisation, they should be considered as individual persons rather than as one person. Standards 27–29B should therefore be referred to in such a situation.

4.3.5. In relation to standards 27A–27C, a body must consider and calculate the percentage of invitees who have informed the body that they wish to use the Welsh language in the meeting. If the percentage meets the threshold in the standard, the body must provide a Welsh language service in the meeting.

4.3.6. A body should not consider nor include the wishes of staff members of the body itself when calculating those percentages. The requirement is to calculate and respond to the percentage of external invitees' wishes only.

4.3.7. In relation to standards 27CH–27D, if all those invited have informed the body that they wish to use the Welsh language in the meeting, it must provide a Welsh language service in that meeting.

Standards 25-26B and 28-29B

- 4.3.8. Standards 25–26B and standards 28–29B require a body to conduct a meeting in Welsh (or provide a translation service) if the meeting relates to the 'well-being' of one or more individuals.
- 4.3.9. With standards 25–26B and standards 28–29B, a body is also required to provide a translation service from English to Welsh as well as a translation service from Welsh to English in a meeting, if needed. This may mean that more than one translator is required to provide this service.

What meetings do these standards apply to?

- 4.3.10. These standards apply to meetings that are:
- not open to the general public, and
 - conducted by the body.
- 4.3.11. These standards do not apply if the meeting:
- is open to the general public, or
 - the body is not responsible for conducting the meeting.
- 4.3.12. These standards relate to meetings with an 'invited' person(s) only. This means that these standards apply to the extent that the meeting is one where the body has invited a specific person or specific persons and is only open to that person or those persons. Reference should be made to standards 30–34 in terms of provision for meetings open to the general public.
- 4.3.13. 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 only?

- 4.3.14. No. If a meeting is being held between a body's staff members only, these standards would not apply to that meeting.
- 4.3.15. However, if a body has also invited another 'person' to the meeting (e.g. staff from another organisation), these standards would usually apply to that meeting.
- 4.3.16. The operational standards refer to specific types of internal meetings which need to be held in Welsh.

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

- 4.3.17. A legal interpretation of 'well-being' is provided in the Social Services Act 2014³⁷.

³⁷ The Social Services and Well-being Act (Wales) 2014
http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_mi.pdf

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

- “(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.”

4.3.19. 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 the well-being of an individual, the subject matter of the meeting, namely what is discussed at the meeting, must be linked to the well-being of the individual (or individuals) concerned invited to the meeting.

4.3.20. Such an example may include an individual invited to a meeting with a body to assess the extent to which care needs to be provided at home.

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 relate to meetings arranged by a body that are open to the general public.

Standard 30

4.4.2. If a body arranges a meeting that is open to the public, it must state that anyone attending is welcome to use the Welsh language at the meeting. A body must

state this on any invitation to the meeting and any material advertising the meeting. That may include advertisements, forms, documents, correspondence or any other material advertising the meeting.

- 4.4.3. As well as noting that they are welcome to use the Welsh language at the meeting, the body may also provide details on provision available at the meeting to use the Welsh language (e.g. a translation service or that the meeting will be held in Welsh without a translation service).
- 4.4.4. 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

- 4.4.5. If a body sends invitations to a meeting which is open to the public, it must send the invitations in Welsh.
- 4.4.6. The term 'invitations' in relation to this standard includes any invitations which are sent:
- inviting the public to the meeting, or
 - inviting a person or persons to speak at a meeting.
- 4.4.7. 'Invitations' may be written (whether they are on paper, electronic or in any other format).

Standard 32

- 4.4.8. Where 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.
- 4.4.9. 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 (unless the meeting is held in Welsh without a translation service).
- 4.4.10. If a 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 from Welsh to English.
- 4.4.11. The requirement to provide a simultaneous translation service in accordance with this standard is separate to the requirement to do so in accordance with standard 33.
- 4.4.12. This therefore means that this standard does not relate to the wishes of a person who has been generally invited to the meeting. Rather, it relates to the wishes of those invited to speak at the meeting only. Those kinds of persons may include:
- guest speakers from external organisations
 - representatives from external organisations
 - persons giving a presentation to the audience at the meeting, or
 - members of the public permitted to make contributions from the floor during the meeting.

Standard 33

- 4.4.13. A body is required to provide a simultaneous translation service from Welsh to English at every meeting open to the public. A body must also inform those present at the meeting orally, in Welsh:
- that they are welcome to use the Welsh language, and
 - that a simultaneous translation service (from Welsh to English) is available.
- 4.4.14. The chair of the meeting or those leading or facilitating the meeting would usually do this.
- 4.4.15. A body is expected to make this announcement at the beginning of the meeting, so that those persons in attendance are aware of the provision available as soon as possible.
- 4.4.16. A body may also repeat this announcement during the meeting in order to remind those in attendance that they are able to contribute in Welsh at the meeting.
- 4.4.17. A body may do so by informing persons:
- that they can contribute to the meeting in Welsh
 - that the body encourages contributions in Welsh, and
 - that comments and questions made in English may be answered in Welsh, as well as those made in Welsh.

Standard 34

- 4.4.18. A body must ensure that any written material displayed at a meeting which is open to the public is displayed in Welsh. A body must also not treat any Welsh language text less favourably than the English language text.
- 4.4.19. The term 'must not treat any Welsh language text less favourably than the English language text' in relation to this standard, includes, amongst other matters, not treating the Welsh language text less favourably than the English language text in terms of:
- the visual presentation of the text (for example in relation to the colour or font of any text)
 - the size of the text
 - the position and prominence of the text in any public place
 - when and how the text is published, provided or exhibited
 - the publication format of any text
 - the text's language order
 - the standard and quality of the text
 - the clarity and accuracy of the text (for example in terms of the meaning and expression of any text)
 - the content of the text (for example in terms of the detail and quality of the information it contains).
- 4.4.20. This standard may apply to material such as presentation slides, notice boards, banners and posters displayed at meetings. 'Display' in this context may include material displayed in **any format** including on paper, on a wall, on screen or other electronic equipment.

What kind of meetings relate to these standards compared with the standards for other meetings?

- 4.4.21. These standards apply to meetings arranged by a body that are open to the general public. This may include meetings open to the public to observe only or those where they cannot contribute.
- 4.4.22. The term may include meetings where a general invite is extended to the public, or a portion of the public. An example of such a meeting may include a public meeting on a proposed housing development or the opening of a new school. It may also include a plenary meeting of a county council.
- 4.4.23. The term does not cover meetings which are only open to certain invitees. Reference should be made to standards 23–29B for meetings where persons have been invited and they are only open to those persons.

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

What are the requirements?

- 4.5.1. If a body organises a public event, or funds at least 50% of a public event, it must ensure that the Welsh language is treated no less favourably than the English language at that event and when promoting that event.

Standard 35

- 4.5.2. A body must ensure that the Welsh language is treated no less favourably than the English language when promoting the public event.
- 4.5.3. 'Promoting the event' includes advertising and publicising the event, as well as promoting and raising awareness of the event in question.
- 4.5.4. The term '[ensure that] the Welsh language is treated no less favourably than the English language' when promoting the event includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of:
- the way in which the event is advertised or promoted
 - the way in which a body raises awareness of the event
 - the visual presentation of relevant material (for example in relation to the colour or font of any material)
 - the size of any relevant material
 - the position and prominence of any relevant material in any public place
 - when and how the relevant material is published, provided or exhibited
 - the publication format of any relevant material
 - the language of any relevant material
 - any relevant material's language order
 - the standard and quality of any relevant material
 - the clarity and accuracy of any relevant material (for example in terms of the meaning and expression of any text), and

- the content of any relevant material (for example in terms of the detail and quality of the information it contains).
- 4.5.5. This may include a body ensuring, amongst other matters, that any material promoting the event is produced and published in Welsh.
- 4.5.6. The requirements of this standard go further than ensuring that the Welsh language is treated no less favourably than the English language in relation to material to be produced to promote an event. A body must ensure this in relation to any aspect of its promotional activity when complying with this standard.
- 4.5.7. For example, if a body undertakes a marketing campaign to promote a specific public event, it is expected to ensure that the Welsh language is treated no less favourably than the English language in all aspects of that campaign.

Standard 36

- 4.5.8. A body must ensure that the Welsh language is treated no less favourably than the English language at the event.
- 4.5.9. This standard 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.”

- 4.5.10. 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 (standards 61–63), and
 - the standard relating to public address systems used by a body (standard 87).
- 4.5.11. The term 'ensure that the Welsh language is treated no less favourably than the English language' at the event includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of:
- the visual presentation of material (for example in relation to the colour or font of any text)
 - the size of any material
 - the position and prominence of any material in any public place
 - when and how the material is published, provided or displayed
 - the publication format of material
 - the language of any material
 - any material's language order
 - the standard and quality of any material
 - the clarity and accuracy of any material (for example in terms of the meaning and expression of any text), and
 - the content of any material (for example in terms of the detail and quality of the information it contains).

- 4.5.12. This may include a body ensuring, amongst other matters, that any material to be produced for the event is produced and published in Welsh.
- 4.5.13. However, the requirements of this standard 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. A body must consider all aspects of its involvement with an event when complying with this standard.
- 4.5.14. A body is expected to ensure that no Welsh language services nor activities offered at the event are treated less favourably than the corresponding English language services or activities. In order to do so, a body is expected to consider all of the services it is offering at the event.
- 4.5.15. 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 corresponding English ones.

What is meant by the term 'public event'?

- 4.5.16. The term 'public event' means any event that is open to the public arranged by a body or funded by it, by at least 50%.
- 4.5.17. A public event may include:
- ticketed events as well as those open to the public who are attending 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 open to the public
 - a conference open to the public
 - a cultural or social festival open to the public
 - an entertainment or musical event open to the public
 - a recreational or sports event open to the public
 - an exhibition open to the public, or
 - a careers fair open to the public.

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?

- 4.5.18. Yes, in certain circumstances. However, the body is expected to try and ensure that Welsh language services can be offered directly in the first instance (without a translation service).
- 4.5.19. When it is not possible to offer services in Welsh directly (for example because there are no Welsh speaking staff available), a body may use translation services for that purpose in some contexts.
- 4.5.20. 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.

- 4.5.21. However, it is possible that it would not be appropriate to offer a translation service in certain situations e.g. for practical reasons or health and safety reasons. In such situations, a body is expected to provide Welsh language services directly (without a translation service).

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

What are the requirements?

- 4.6.1. A body must produce any publicity or advertising material in Welsh. If the body produces the advertising material in Welsh and in English, it must not treat the Welsh language version less favourably than the English language version.
- 4.6.2. It should be noted that the requirements of this standard also apply to the following material:
- the advertising material and video and audio clips on a website (and not standards 52 to 56)
 - any advertising material found on an app (and not standard 57), and
 - video and audio clips provided on social media (and not standards 58 and 59).

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?

- 4.6.3. Schedule 1, Part 3, Paragraph 29 states:

“Where a standard refers to material that is to be produced in Welsh [...] reference 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.”

- 4.6.4. 'Other matters' may include treating the Welsh language no less favourably as regards:
- the material's language order

- 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), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Is a video clip that contains Welsh subtitles or a voice over treating the Welsh language less favourably than the English language?

4.6.5. This depends on the nature and content of the clip in question. Two possible examples have been noted below.

Video clips which contains a voice over, where words are narrated over pictures

4.6.6. In such a clip, the words are spoken by a person whilst pictures of something else can be seen (i.e. the person cannot be seen).

4.6.7. If the clip on the Welsh side of the website is:

- using Welsh subtitles when another person could make an equivalent contribution in Welsh
- using Welsh subtitles where it would be possible to include a Welsh voiceover
- using Welsh subtitles on an English contribution on the clip—if there is no Welsh contribution on the equivalent English clip subtitled,

it may be treating the Welsh language less favourably than the English language.

Video clips which show a person who can be seen speaking

4.6.8. In such a clip, a person can be seen speaking and expressing their thoughts/opinion on their personal experiences.

4.6.9. If the clip on the Welsh side of the website:

- uses Welsh subtitles rather than a Welsh voice over
- uses an English voiceover rather than a Welsh voice over,

it may be treating the Welsh language less favourably than the English language.

What is meant by the term 'produce' in relation to this standard?

4.6.10. This standard applies to any advertising or publicity material produced by a body.

4.6.11. It does not include material produced by another person, even if it is included as part of advertising or publicity material produced by a body, unless they have sub-contracted the task of producing the material to another body, and in that instance the standard would still apply.

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

4.6.12. 'Publicity material' and 'advertising material' may include:

- pamphlets, brochures, leaflets, posters, magazines, billboards, films, slogans, videos, and audio clips (live or pre-recorded) 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 noticeboards 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.
- 4.7.2. The term 'displaying material in public' means that material is displayed to the public to see and/or read. Therefore if material is displayed to the body's staff members only, then these standards will not apply, as they are not considered to be within the term 'public'³⁸.
- 4.7.3. The term 'display' in relation to this standard means that the material in question is being placed in a position so that it can be viewed. The term 'display' does not usually mean sharing a document in a meeting (e.g. sharing discussion papers in a meeting).
- 4.7.4. Relevant material may include presentation slides, noticeboards, banners and posters. 'Display' in this context includes material displayed in any format such as on paper, on a wall, on screen or other electronic equipment. It covers any material displayed by the body, including material produced by other persons but displayed by the body.

Standard 38

- 4.7.5. A body 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.

Standard 39

- 4.7.6. A body must ensure that any material it displays in a public exhibition arranged by it 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.
- 4.7.7. If a body displays material in a public exhibition arranged by another body, the body is not usually required to display material in Welsh in that exhibition. However, a body will be required to do so if standard 38 has also been imposed on it.

³⁸ Reference should be made to the interpretation of the term 'public' in section 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?

- 4.7.8. The term 'must not treat the Welsh language version less favourably than the English language version' in the context of these standards includes, amongst other matters:
- the visual presentation of material (for example in relation to the colour or font of any text)
 - the size of the material
 - the position and prominence of the material in any public place
 - when and how the material is published, provided or exhibited
 - the publication format of material
 - the material's language order
 - 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), and
 - 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. These standards state that a body must ensure that certain documents are available in Welsh. The standards also state that any Welsh language version of a document must be treated no 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. If a body produces a document for public use, it must ensure that the document is produced in Welsh.
- 4.8.3. Relevant documents may include cards, receipts, invoices, codes of practice, statistical bulletins, consultation documents, guidance notes, maps and posters.

Standard 41

- 4.8.4. If a body produces the following documents, it must ensure that they are produced in Welsh:
- agendas, minutes and other papers that are available to the public, which relate to management board or cabinet meetings, and
 - agendas, minutes and other papers for meetings, conferences or seminars that are open to the public.

- 4.8.5. For example, that may include relevant documents 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.
- 4.8.6. In relation to Welsh Ministers, this may include relevant material available to the public relating to a Welsh Government management board or cabinet meeting.
- 4.8.7. 'Agendas' may include:
 - information on the location and time of the meeting
 - titles of items or matters to be discussed
 - details on board or cabinet members or those in attendance at the meeting
 - relevant point of contact, and
 - the meeting's forward work programme.
- 4.8.8. 'Minutes' may include:
 - written minutes in full or draft minutes of relevant meetings
 - a decision summary (such as decision sheets), and
 - action points from the meeting.
- 4.8.9. 'Other papers' may include:
 - item reports
 - appendices
 - supplementary papers or documents to be discussed or to be noted
 - meeting notices, or
 - information papers relating to declarations of interest.

Standard 42

- 4.8.10. A body must ensure that any licence or certificate it produces is produced in Welsh.
- 4.8.11. A 'licence' will usually be an official document authorising something. The term may also include a permit.
- 4.8.12. For example, a licence may include parking permits, alcohol and late night refreshment licences, or housing licences for landlords or agents. A certificate may include certificates awarded following a course or training, a council tax exemption certificate or award or ceremony certificate.

Standard 43

- 4.8.13. A body must ensure that any brochure, leaflet, pamphlet or card produced in order to provide information to the public is produced in Welsh. For example, this may include:
 - a library or leisure centre membership card
 - a business card
 - an information booklet on the body's work, or
 - a leaflet or pamphlet with information on a service provided by one of the body's departments.

Standard 44

4.8.14. If a body produces any of the following documents, and they are available to the public, it must produce them in Welsh:

- policies, strategies, annual reports and corporate plans
- guidance and codes of practice; and
- consultation papers.

Standard 45

4.8.15. A body must ensure that any rules published that 'apply to the public' must be published in Welsh.

4.8.16. Rules are considered to 'apply to the public' if they are rules which the public must comply with. Such rules may include car parking rules or the terms and conditions of a service provided to the public.

4.8.17. However, 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.”

4.8.18. Therefore, a body does not have to translate rules that it has included in an enactment or in a draft enactment.

Standard 46

4.8.19. If a body issues a statement to the press, it must issue a Welsh language version of that statement, and it must do so at the same time as an English language version of the statement is issued.

4.8.20. A body would issue a statement to the press when publishing a press statement. For example, this may include posting a statement on its website (e.g. in the news section) or sending a statement directly to the press.

4.8.21. In terms of specific requests from the press for a statement, a body is expected to act in accordance with the relevant standards imposed on it in relation to correspondence (see standards 1–7).

4.8.22. If the response to a specific request for a statement is subsequently published more widely to the public (e.g. by publishing it on its website), the body must ensure that the statement complies with the requirements of this standard.

Standard 47

4.8.23. If a body produces a document for public use, and no other standard has required it to produce the document in Welsh (e.g. if a body does not have to produce the document in Welsh in accordance with standards 40–46), it must assess:

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

4.8.24. Following this, the body must produce the document in Welsh (or otherwise) in accordance with the outcome of that assessment.

4.8.25. That assessment may include consideration of the following:

- Does the subject matter of the document relate to an issue relevant to a large number of persons?
- Does the subject matter of the document relate to an issue which impacts on, or is of importance to, a large number of persons?
- Does the subject matter of the document deal with issues relating to the Welsh language (e.g. Welsh medium education)?
- Does the subject matter of the document relate to an area of special interest in terms of the Welsh language (e.g. education / housing / health care / arts / economy)?
- Will the document be displayed publicly?
- Is the subject matter of the document likely to be of general interest to Welsh speakers?
- Do you know if a large percentage or number of the anticipated audience speaks Welsh?
- Has more than one person asked for the document to be available in Welsh?
- Is the document likely to draw public interest and a public response (e.g. on social media)?
- Does the document require a response from persons?
- Does the target audience include persons (such as groups and organisations) for whom the Welsh language is an important consideration or who operate in Welsh?
- Is the target audience located in an area with a large percentage or number of Welsh speakers?

Standard 48

4.8.26. If a body produces a document in Welsh and in English (whether separate versions or not), it must not treat any Welsh language version of the document less favourably than an English language version of that document.

4.8.27. 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.”

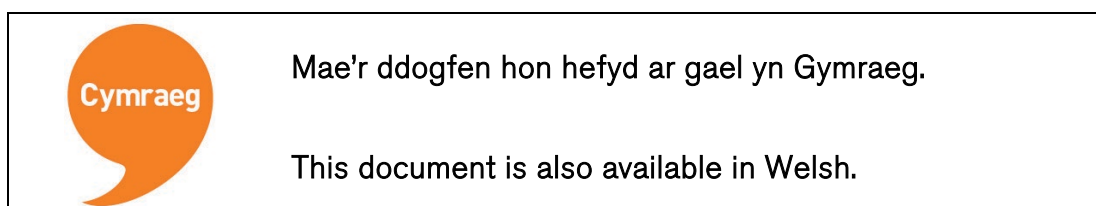
4.8.28. 'Other matters' may include treating the Welsh language no less favourably as regards:

- the material's language order
- 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), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Standard 49

4.8.29. If a body produces a Welsh language version and a separate English language version of a document, it must ensure that the English language version clearly states that the document is also available in Welsh.

4.8.30. A body may include a statement such as the following in order to comply with the standard:



4.8.31. The term 'clearly' states may include ensuring that the statement is easy to see on the document. That may include ensuring that the statement is included on the front of the document.

4.8.32. 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 'for public use'?

4.8.33. 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 (p.36).”

4.8.34. A document would be 'for public use' if it is available to the public to use without requesting it under the Freedom of Information Act 2000 only.

Are there any other exceptions to these standards?

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

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

4.8.36. 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.”

4.8.37. This exemption acknowledges the principle that if an enactment specifies the wording, that wording has to be used whether that wording is in Welsh only, English only or in Welsh and English. The regulations do not effect that principle.

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

What are the requirements?

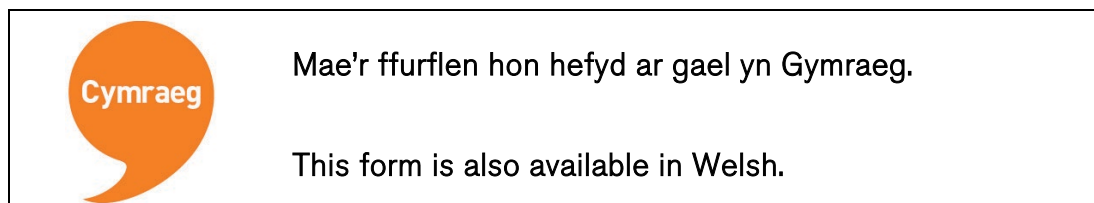
4.9.1. A body must ensure that forms produced by it for public use are available in Welsh. It must also not treat any Welsh language version of a form less favourably than an English language version, as well as clearly state on an English language version that a Welsh language version is also available.

Standard 50

- 4.9.2. A body must ensure that all forms produced for public use are produced in Welsh. That includes any written forms, whether they are electronic or in paper form.

Standard 50A

- 4.9.3. If a body produces a Welsh language version and a separate English language version of a form, it must ensure that the English language version clearly states that the form is also available in Welsh.
- 4.9.4. A body may include a statement such as the following on a form in order to comply with the standard:



- 4.9.5. The term 'clearly' states may include ensuring that the statement is easy to see on the form. That may include ensuring that the statement is included on the front of the form.
- 4.9.6. 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

- 4.9.7. If a body produces Welsh and English language versions of forms (whether separate versions or not), it must ensure that it treats the Welsh language version no less favourably than the English language version. It must not differentiate between them in relation to any requirements that are relevant to the form.
- 4.9.8. The standard itself contains specific examples:

“[...] 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.”

- 4.9.9. 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.”

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

- the material's language order
- 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), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Standard 51

4.9.11. A body must ensure that any information pre-entered on the Welsh language version of a form is in Welsh.

4.9.12. The term 'pre-enter' includes a body completing the form (or part of the form) instead of the person themselves.

4.9.13. 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.”

4.9.14. 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.

4.9.15. On an electronic form, that may include the information which is automatically pre-entered on a form after a person has completed another part of the form. For example, that may include a Welsh language version of a postal address being pre-entered after a person has entered their postcode on the Welsh language

version of the form. It may also include ensuring that any drop-down options are available in Welsh.

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

4.9.16. 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 (p.36).”

4.9.17. A form would be 'for public use' if it is available to the public to use without requesting it under the Freedom of Information Act 2000 only.

Are there any other exceptions to these standards?

4.9.18. Yes. Schedule 1, Part 3, Paragraphs 25 and 45 of the regulations 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.”

4.9.19. This exemption acknowledges the principle that if an enactment specifies the wording, that wording has to be used whether that wording is in Welsh only, English only or in Welsh and English. The regulations do not effect that principle. Schedule 1, Part 3, Paragraph 31 of the regulations 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. A body must ensure that the pages of its websites and on-line services are available and are fully functional in Welsh and that the Welsh language is treated no less favourably than the English language on those pages and services.

Standard 52

4.10.2. A body must ensure that:

- the text of each page of its website is available in Welsh
- every Welsh language page on its website is fully functional, and
- the Welsh language is not treated less favourably than the English language on those pages.

4.10.3. A body must ensure that with every page on its website. This includes the pages noted in standards 53 and 54, namely the homepage, any new pages and any amended pages on the website.

Standard 53

4.10.4. A body must ensure that:

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

4.10.5. 'Homepage' refers to the page on the website which usually acts as the main page (and appears after the splash page). The homepage usually operates as a navigation page and contains links to other sections of the website.

Standard 54

- 4.10.6. If a body publishes a new page on its website, or amends a page on its website, it must ensure that:
- the text of that page is available in Welsh
 - any Welsh language version of that page is fully functional, and
 - the Welsh language is treated no less favourably than the English language in relation to those pages.
- 4.10.7. A web page would be considered a 'new' page if the body first publishes that page after the imposition day of the standard.
- 4.10.8. A page would be 'amended' if a body makes revisions to that page. That may include situations where a body updates, removes, adds or corrects the content of that page.

Standard 55

- 4.10.9. If a body has a Welsh language web page that corresponds to an English language web page, it must state clearly on the English language web page that the page is also available in Welsh. It must also provide a direct link to the Welsh page on the corresponding English page.
- 4.10.10. A body does not have to provide a statement which follows the above word for word on all relevant pages in English. A body may make it clear that an English language page is also available in Welsh by including a button on the English page which navigates the user to the corresponding page in Welsh.
- 4.10.11. For example, a body may include a "Cymraeg" button in a prominent position (such as the top of the page) on the English language page, which would include a link to the corresponding page in Welsh. Displaying a flag (e.g. the Welsh flag) would not be sufficient to show that an English language page is also available in Welsh.

Standard 56

- 4.10.12. A body must ensure that the interface and menus on every page of its website are in Welsh.
- 4.10.13. A body does not have to ensure this for English language pages if it does so for its corresponding Welsh language pages. However, if a page operates as a Welsh and English page together (e.g. a bilingual homepage), a body must ensure that the interface and menus are in Welsh on that page.
- 4.10.14. The nature of interfaces and menus will change depending on the website but these will be those parts of the website that allow the user to communicate and engage with it.
- 4.10.15. 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).

Standard 57

4.10.16. A body must ensure that any app published by it functions fully in Welsh and that the Welsh language is treated no less favourably than the English language in relation to that app.

4.10.17. 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).”

4.10.18. Such an app may include those which allows users to pay rent or make a complaint electronically.

What is meant by the term 'treating the Welsh language no less favourably than the English language'?

4.10.19. 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.)”

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

- the material's language order
- 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 the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text); and

- the content of the material (for example in terms of the detail or quality of the information it contains).

4.10.21. The term does not mean that a body must ensure that Welsh language material appears on the same page or app as the English language material. This means that a body may include Welsh language material on a Welsh version of a web page or app and include English language material on an English version of a web page or app, to the extent that this does not mean that the body treats the Welsh language version less favourably than the English language version. Also, a body is not prevented from being able to include Welsh and English language material on the same web page or app either such as on a bilingual page or app alongside each other.

4.10.22. However, making English the default language of an app or a website may mean the body is treating the Welsh language less favourably than the English. To avoid this, a body may offer a language choice to the user from the outset to allow for material after this point to appear in Welsh or English only.

4.10.23. Welsh language material does not have to appear on a page which someone is likely to come across before the English language page when searching. This means that if a person is searching for material, for example through 'Google', and that person comes across an English language page before finding the corresponding Welsh page, that would not necessarily mean that the body treated the Welsh language version less favourably than the English language version.

4.10.24. However, a body is expected to take steps to ensure that it is just as easy to find Welsh language material as it is English material on its website.

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

4.10.25. 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).”

4.10.26. If a body provides links to other resources from a web page on its website, they are expected to be consistent with the language of that web page in order to ensure that the Welsh language is not treated less favourably than the English language. For example, a link provided on a Welsh language version of a webpage is expected to lead to a Welsh language version of the resource, if a Welsh

language version is available. However, a body does not have to translate the resource into Welsh unless another standard makes it a requirement to do so.

4.10.27. Therefore, if a body provides a link to a document on its website, it will be standards 40 to 49 that will be relevant to those documents and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that a link leads to a Welsh language version of a document, if a Welsh language version exists in accordance with the requirements of standards 40 to 49.

4.10.28. Similarly, if a body provides advertising material such as video and audio clips on its website, it will be standard 37 that will be relevant to those material and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that Welsh language versions of those materials are provided, if Welsh language versions exist in accordance with standard 37.

4.10.29. If a person (outside the body) presents information on an interactive page published on a body's website, the body does not have to translate that information into Welsh. That may include information presented:

- in chat rooms
- in a section for comments, or
- a discussion forum.

What is meant by the term 'fully functional'?

4.10.30. The term means that a body ensures that the Welsh language version of text, a page or an app functions in at least the same way as the English version and without any restrictions or errors.

4.10.31. This may include ensuring:

- that the content of Welsh language versions is updated and is not subject to delay compared with the English language version of the content
- that search functions operate fully in Welsh
- that any technological functions operate fully in Welsh (e.g. text-to-speech)
- that the Welsh language versions include the same information as the English language versions of any web page or app
- that links are not broken, and
- that there are no faults on Welsh language pages.

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. This may include the way in which a body appears, publishes material, sends and responds to messages and communicates with persons on social media.

Standard 58

4.1.1.2. A body must not treat the Welsh language less favourably than the English language when using social media.

Standard 59

4.1.1.3. A body must reply to a person in Welsh (if an answer is required) if the person has contacted it via social media in Welsh. That may include replying to contact made with a body through a private message or to contact made in public (e.g. when a person contacts the body by replying to a message posted by the body on its account).

How are the standards apply to 'social media'?

- 4.1.1.4. The term 'social media' includes websites and applications which allow users to create and share content or to participate in social networking on the internet. Examples may include Facebook, Twitter, LinkedIn, Instagram and YouTube.
- 4.1.1.5. The standards apply to a body's entire use of social media. This includes the use made of it via a corporate account or via staff and individual department accounts (if they operate on behalf of the body or in its name).
- 4.1.1.6. However, to the extent that doing so does not treat the Welsh language less favourably than the English language, a body may operate separate Welsh and English accounts should it wish rather than operate a bilingual account.
- 4.1.1.7. If a body decides to operate separate Welsh and English accounts, it must raise awareness of the Welsh language account on its corresponding English language account in accordance with standards 81 and 82. This may include a body providing a direct link to the Welsh language account from its corresponding English language account.

What is meant by the term 'treating the Welsh language no less favourably than the English language'?

4.1.1.8. 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.”

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

- the language of material
- the material's language order
- 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 the material
- the clarity and accuracy of the material (for example in terms of the meaning and expression of any text), and
- the content of the material (for example in terms of the detail or quality of the information it contains).

4.1.1.10. 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).”

4.1.1.11. If a body provides links to other resources through social media, they are expected to be consistent with the language of that message or account in order to ensure that the Welsh language is treated no less favourably than the English language. For example, a link provided in a Welsh language post is expected to direct persons to a Welsh language version of the resource, if a Welsh language version is available. However, a body does not have to translate the resource into Welsh unless another standard makes it a requirement to do so.

4.1.1.12. Therefore, if a body provides a link to a document through social media, it will be standards 40 to 49 that will be relevant to those documents and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that a link leads to a Welsh language version of a document, if a Welsh language version exists in accordance with the requirements of standards 40 to 49.

4.1.1.13. Similarly, if a body provides video and audio clips through social media, it will be standard 37 that will be relevant to those material and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that Welsh language versions of the video and audio clips are provided, if Welsh language versions exist in accordance with standard 37.

Do the standards apply to messages from other persons which appears on the body's accounts?

4.1.1.14.No. The body does not have to translate any messages from other persons which appear on its accounts into Welsh. Such messages may include information presented:

- in chat rooms
- in a section for comments; or
- a discussion forum.

4.1.1.15.Also, the body does not have to translate into Welsh any information provided by other persons which is shared by the body on its own accounts. For example, a body does not have to translate English language messages which it retweets or shares on Facebook.

4.1.1.16.However, if a body shares information from other persons on its accounts (such as by retweeting messages), sharing an English language version of that information, where a Welsh language version exists, may mean that they are treating the Welsh language less favourably than the English language.

Do the standards apply to static content and temporary content published on a body's accounts?

4.1.1.17.Yes. The standards apply to any content published by a body on its accounts.

4.1.1.18.This may also include ensuring that permanent content which appears on accounts is available in Welsh. For example, this may include ensuring that bio text on a Twitter or Instagram account or text regarding the account in the 'Information' section of Facebook is available in Welsh.

4.1.1.19.This may also include ensuring that temporary content which appears on its accounts is available in Welsh. For example, this may include posts published through Instagram Story or Facebook Story where those posts disappear after a limited period of time.

4.1.1.20.Any video and audio clips provided would apply to the requirements of standard 37 (see paragraph 4.1.1.13 above).

The Welsh language part of bilingual messages can sometimes be hidden. How can it be ensured that this does not mean that the body treats the Welsh language less favourably than the English language?

4.1.1.21.In some cases, text within posts on social media platforms appears in windows which are restricted in size. This may mean that it is not possible for a person to see the last part of the post until they have clicked on an additional link.

4.1.1.22.A body may ensure that it treats the Welsh language no less favourably than the English language by ensuring that it is no more difficult to see a Welsh language version of a post compared with an English version of that same post. For

example, a body may ensure that a reader is not required to take any additional steps, such as scrolling down for longer, or clicking on an additional link, in order to find the Welsh language text. A body may choose to place Welsh language posts above or to the left of English language posts to avoid this.

Do these standards apply to 'tags' and 'hashtags'?

- 4.1.1.23. Yes, they can be a consideration to ensure that a body does not treat the Welsh language less favourably than the English language when using social media.
- 4.1.1.24. If a body tags or mentions another person in a message, it may ensure that the Welsh language is treated no less favourably than the English language by ensuring that the Welsh language version of that message tags or mentions that person's Welsh language account (if there is one). For example, if the body posts a message on Twitter in Welsh mentioning that person by tagging the username of the person within the message, it can ensure that it tags that person's Welsh language account rather than their corresponding English language account (if they operate separate Welsh and English language accounts).
- 4.1.1.25. If a body creates hashtags for a post, it may ensure that the Welsh language is treated no less favourably than the English language by using Welsh language or bilingual hashtags for Welsh language posts.
- 4.1.1.26. If a body uses hashtags created by other persons in a post, it may ensure that the Welsh language is treated no less favourably than the English language by using Welsh language or bilingual versions of those hashtags (if they exist) for Welsh language posts.

Different messages appear on a body's accounts depending on the audience. How can it be ensured that the body complies with the requirements in this situation?

- 4.1.1.27. Some social media platforms allow a body to tailor messages so that different messages appear on the accounts of different persons. That may be based on the interface language chosen by the person for that platform (e.g. by a body using the 'post in multiple languages' tool on Facebook).
- 4.1.1.28. In this situation, a body may ensure that it does not treat the Welsh language less favourably than the English language by ensuring that posts that appear on a person's account appear in Welsh, regardless of their interface language.

Does a body have to ensure that the user names and its account names are in Welsh?

- 4.1.1.29. A body may ensure that it does not treat the Welsh language less favourably than the English language when using social media by ensuring that its user names ('handle') and its account names ('display name') are available in Welsh.
- 4.1.1.30. This may be done by using one of the following:

- a Welsh only user name and account name on a bilingual account
- a bilingual user name and account name on a bilingual account; or by
- operating separate Welsh language and English language accounts as noted in paragraph 4.1 1.7 with a Welsh only or bilingual user name and account name.

4.12 Self service machines [standard 60]

What are the requirements?

4.12.1. A body must ensure that any self service machines it has function fully in Welsh. Also, the body must not treat the Welsh language less favourably than the English language in relation to that machine.

What is meant by the term 'self service machine'?

4.12.2. A 'self service machine' includes any machine which allows persons to serve themselves.

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 is visually presented. 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 come within the scope of 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 language of material
- the material's language order

- 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 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).
- 4.12.7. The term does not mean that a body must ensure that Welsh language material appears on screen at the same time as the English language material. This may mean that:
- a body may display Welsh language material on a different screen to the screen displaying the English language material, to the extent that this does not mean that the body treats the Welsh language version less favourably than the English language version, or that
 - a body is not prevented from displaying Welsh and English language material on the same screen if it wishes to do so (i.e. bilingually).
- 4.12.8. However, 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 a user has selected a language can Welsh and English language material appear on screen separately.
- 4.12.9. 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:
- 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
 - by 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'?

- 4.12.10. The term means that a body ensures that any self service machine functions in the same way or as good in Welsh as it does in English without any limitations or errors.
- 4.12.11. This may include ensuring:
- that the Welsh language version is updated and does not take any longer than the English language version
 - that search functions operate fully in Welsh
 - that any technology operate fully in Welsh (e.g. text-to-speech)
 - that Welsh language versions contain the same information as the English language versions
 - that links are not broken

- that there are no faults on Welsh language versions.

What if the machine produces documents? Which standards apply?

4.12.12. Some self service machines will produce documents, for example a parking ticket, ticket for an event, or forms or information leaflets. The standards relating to documents apply to these documents.

What if there are signs on the machine? Which standards apply?

4.12.13. 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.

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

What are the requirements?

- 4.13.1. A body must ensure that any text on new signs erected by it, or on signs renewed by it, is in Welsh. It must also ensure 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.
- 4.13.2. These standards do not usually apply to a sign within the workplace, where that sign is not visible to persons outside the body. Reference should be made to the standards relating to signs displayed in a body's workplace (standards 141-143) for such 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 it makes any change to that sign.
- 4.13.4. The standard also applies when the body erects a sign in a new place or location.
- 4.13.5. In terms of electronic signs, a new sign would be erected each time new text appears on an electronic sign.

Standard 61

- 4.13.6. If a body erects a new sign or renews a sign (including temporary signs), it must ensure that any text on that sign is in Welsh. A body may display the Welsh language text either on the same sign with the corresponding English language text or on a separate sign. A body must ensure that it does not treat the Welsh language text less favourably than the English language text on such signs.
- 4.13.7. The term 'must not treat the Welsh language text less favourably than the English language text' in relation to this standard, includes, amongst other matters, not treating the Welsh language less favourably than the English language in terms of:
 - the visual presentation of the text (for example in relation to the colour or font of any text)

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

Standard 62

- 4.13.8. If a body erects a new sign or renews a sign (including temporary signs), and that sign conveys the same information in Welsh and in English, it must ensure that the Welsh language text is positioned so that it is likely to be read first.
- 4.13.9. If a body places the Welsh language text and corresponding English language text on the same sign, the Welsh language text would be likely to be read first usually if it is placed on the left or above any corresponding English language text, based on the standard practice of reading from left to right and from top to bottom.
- 4.13.10. If a body erects a sign on a road by painting that sign on the road (e.g. Araf/Slow) and where the Welsh language text and corresponding English language text appear together (and not separate), the Welsh language text would be likely to be read first usually if placed on the left or above any corresponding English language text.
- 4.13.11. If a body places the Welsh language text and corresponding English language text on separate signs, the Welsh language text would be likely to be read first usually if the sign with the Welsh language text is:
- on the left or above the sign with corresponding English language text, and
 - in front of the sign with corresponding English language text.
- 4.13.12. For example, erecting a Welsh language sign in front of an English language sign on the side of the road would be likely to lead to a person arriving at the Welsh language sign and reading it first usually, based on the practice of reading individual signs in order.

Standard 63

- 4.13.13. A body must ensure that the Welsh language text on signs (whether these are signs erected or renewed before or after the imposition day) is accurate in terms of meaning and expression. That may involve:
- the content of the sign
 - the text's spelling
 - the text's syntax, or
 - words and phrases used.

What is a 'temporary sign'?

- 4.13.14. 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 anew 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.
- 4.13.15. A 'temporary sign' includes any sign not intended to be permanent in the place it is positioned. Such examples may include:
- a sign erected to advise of roadworks or warn 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.

If no Welsh language street name has been recorded in accordance with the Public Health Act 1925, do these standards mean that the name of the street must be translated into Welsh in order to display it in Welsh on the sign?

- 4.13.16. No. These standards do not place a duty on a body to translate a street name into Welsh, in order to display it in Welsh on a sign.
- 4.13.17. However, if a Welsh language or bilingual name of a street has been determined and recorded in accordance with the Public Health Act 1925³⁹, a body (local authority in this context) must ensure that the Welsh language name is displayed on the sign when the sign refers to that street. It must also ensure that the English name is also displayed (if an English name has been determined and recorded) in accordance with the requirements of that Act.
- 4.13.18. Although these standards do not place a specific duty on a body to determine a Welsh or bilingual name for a street in order to display it in Welsh on a sign, county councils and county borough councils have a statutory right to undertake the following in accordance with the Public Health Act 1925:
- change a street name into Welsh if no name had previously been designated to the street
 - give a street a new name in Welsh if no name had previously been designated to the street, and
 - oppose an application proposing a new street name which is not in Welsh.
- 4.13.19. County councils and county borough councils have the right to change street names (bilingual or English) for which they are responsible for naming into Welsh only ones. However, in doing so, they will have to be recorded in Welsh only with the relevant agencies and ensure that any signs display the name in Welsh only after the name has been registered.

³⁹ Public Health Act 1925
<http://www.legislation.gov.uk/cy/ukpga/Geo5/15-16/71>

4.13.20. Therefore, a body may use these provisions in accordance with the Public Health Act in order to ensure that it can, ultimately, display a street name in Welsh on a sign (if there is no pre-existing Welsh language name for a street).

What about other proper nouns displayed on a sign? Does a body have to ensure that those names are displayed in Welsh?

4.13.21. Yes. A body must display the proper noun in Welsh if it displays Welsh language text which refers to that name, to the extent that:

- a Welsh name exists and has been established for that which the sign is intended to refer to
- there is no other enactment preventing a body from using a Welsh proper noun on a sign, and
- there is no enactment preventing a body from using the intended spelling of the proper noun on the sign.

4.13.22. This may include displaying information on:

- settlements (villages, towns and cities)
- streets and estates
- buildings or other built features (e.g. bridge)
- organisations
- areas (e.g. coastal areas or conservation areas)
- topographical features (e.g. islands, mountains, hills, headlands, rocks, beaches, forests or rivers), or
- other place-names.

4.13.23. The Commissioner is responsible for providing advice on standard forms of place-names in Wales. The Commissioner can advise bodies on the standard form of names of settlements (namely villages, towns and cities) in Wales. The Commissioner has published these recommendations in an online searchable database and the lists are available to download under open licence: List of Standardised Welsh Place-names⁴⁰.

4.13.24. The Commissioner follows specific standardisation guidelines when producing her recommendations: Guidelines for Standardising Place-names in Wales⁴¹. These Guidelines deal specifically with the names of settlements. They do not necessarily apply to house names nor other topographical features. However, they contain several valuable principles which could be applied when dealing with these names or when naming new developments, for example.

4.13.25. As long as no other enactment requires the use of another form of a Welsh name on a sign, a body may use this consultation service to ensure that it uses the standardised forms of Welsh place-names on signs.

⁴⁰ See the List of Standardised Welsh Place-names on the Commissioner's website <http://www.comisiynyddygydraeg.cymru/english/commissioner/placenames/pages/search.aspx>

⁴¹ See the Guidelines for Standardising Place-names in Wales on the Commissioner's website <http://www.comisiynyddygydraeg.cymru/English/Commissioner/PlaceNames/Pages/Context.aspx>

Are there any exceptions?

4.13.26. Yes. Schedule 1, Part 3, Paragraphs 25 and 45 of the regulations 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.”

4.13.27. This exemption acknowledges the principle that if an enactment specifies the wording, that wording has to be used whether that wording is in Welsh only, English only or in Welsh and English. The regulations do not affect that principle.

Does a body's corporate identity that appears on signs apply to standards 61–63?

4.13.28. 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 61–63. 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.

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 available in English is also available in Welsh.
- 4.14.2. The standards also set requirements relating to displaying a sign and wearing badges at reception to make it clear that persons are welcome to use the Welsh language at reception and that staff are available to provide a Welsh language service.

Standard 64

- 4.14.3. A body must ensure that any reception service available in English is also available in Welsh.
- 4.14.4. It must also ensure that 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.

4.14.5. This may mean, amongst other things, ensuring that the person is not treated less favourably in terms of:

- the active offer given to the person
- the accessibility of the service given to the person
- the availability of the service given to the person
- the steps which the person must take in order to receive the service
- the standard, quality and consistency of the service given to the person
- the kinds of reception services given to the person
- the location and prominence of the service given to the person
- when and how the service is offered, provided or made available to the person.

4.14.6. In ensuring that a reception service is 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 freely available and that there is no need to switch to the English language in order to receive the reception service in Welsh.

Standard 65

4.14.7. If a body arranges a visit or appointment in advance for a person which will mean that the person will come to its reception, it must ask the person whether they wish to receive a Welsh language reception service.

4.14.8. The body does not have to ask the person whether they wish to receive a service in Welsh if it already knows that. For example, a body may already know the person's wish if:

- the person has actively noted whether or not they wish to receive a Welsh language reception service, or
- if the body has experience of previous engagement with the individual where they have expressed their wish⁴².

Standard 65A

4.14.9. The body must provide a face to face Welsh language reception service for a person if it has arranged a visit or appointment for a person in advance, and:

- the person has informed the body in advance that they wish to receive the service in Welsh, or
- the body is already aware that the person wishes to receive the service in Welsh.

4.14.10. For example, this standard would apply in a situation where a body arranges a meeting with a person which requires the person to attend the body's reception in the first instance.

Standard 66

4.14.11. If a body does not have a face to face Welsh language reception service available, it must ensure that a Welsh language reception service is available over a phone in

⁴² Bodies should be aware of data protection requirements if they choose to apply one or more of these approaches.

its reception. That may include providing a service via a traditional phone call or video conferencing.

Standard 67

- 4.14.12. A body must display a sign in reception which states that persons are welcome to use the Welsh language there. A body must display this sign in Welsh.
- 4.14.13. A body does not have to include a statement expressing the above, by following the wording of the standard word for word. However, that statement should be clear and explicit enough for persons to be fully aware that they are welcome to use the Welsh language in the body's reception. A sign with wording such as “Mae croeso i chi siarad Cymraeg yma”⁴³ or “Mae croeso i chi ddefnyddio'r Gymraeg yn y dderbynfa”⁴⁴ could be used to comply with the standard.
- 4.14.14. Also, the Commissioner's laith Gwaith logo may be used to show that the body welcomes persons to use the Welsh language in reception. The Commissioner has a poster which includes the logo which is available as a free download from the Commissioner's website⁴⁵.

Standard 68

- 4.14.15. A body must ensure that reception staff who are able to provide a Welsh language reception service wear a badge to convey that.
- 4.14.16. The badge must make it clear that the member of staff wearing it can provide a Welsh language reception service. The Commissioner's laith Gwaith 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'?

- 4.14.17. Schedule 1, Part 3, Paragraph 40 of the regulations states:

⁴³ Welsh for “You are welcome to speak Welsh here”.

⁴⁴ Welsh for “You are welcome to use the Welsh language in the reception”.

⁴⁵ The Welsh Language Commissioner's laith Gwaith poster
<http://www.comisiynyddygydraeg.cymru/English/ReportsGuides/Publications/pages/publicationdetails.aspx?publicationid=726261d0-fe3a-440f-80ac-35e738a2c7a1&publicationsearchterm=iaith%20gwaith&category=llyfrynnau%20gwybodaeth%20&year=2013>

“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.”

4.14.18. Therefore, any area within a body's offices or premises where staff are available for the purpose of welcoming persons may come within the interpretation of 'reception'. It is therefore not limited to reception in the traditional sense in the form of a front desk. Similarly, any member of staff may offer a reception service, and not only staff available for that sole purpose.

4.14.19. 'Welcoming persons' is considered to mean more than just greeting them 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 English.

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. A body must ensure that any official notice it publishes or displays is published or displayed in Welsh. A body must also ensure that it does not treat a Welsh language version of the notice less favourably than an English language version.

4.15.3. The term 'must not treat any Welsh language version of a notice less favourably than an English language version' in the context of this standard includes, amongst other matters, not treating the Welsh language less favourably than the English language in terms of:

- the visual presentation of the notice (for example in relation to the colour or font of any text)
- the size of the notice
- the position and prominence of the notice in any public place
- when and how the notice is published, provided or exhibited
- the publication format of any notice
- the notice's language order
- the standard and quality of the notice

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

Standard 70

4.15.4. If a body publishes or displays an official notice that contains Welsh language text as well as English language text, the Welsh language text must be positioned so that it is likely to be read first.

4.15.5. 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'?

4.15.6. Schedule 1, Part 3, Paragraphs 41 and 45 of the regulations state:

“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.”

4.15.7. An official notice may include a notice which informs persons about:

- 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, and
- an increase in service charges such as a membership fee or parking fees.

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

4.15.8. The term refers to official notices that are also statutory notices. For example, planning application notices or works announcements in the press which inform persons about activities or changes to the body's service delivery activities. That means that these kinds of notices do not come within the requirements of standard 70.

4.16 Standards relating to a body awarding grants [standards 71-75]

What are the requirements?

- 4.16.1. These standards relate to a body awarding grants to persons and setting requirements in relation to that process.
- 4.16.2. The term 'applicant' in relation to these standards includes any person who is applying for the grant in question.

Standard 71

- 4.16.3. A body must publish any documents which relate to applications for a grant in Welsh and not treat a Welsh language version of those documents less favourably than an English language version. This may include:
 - the application form
 - an expression of interest form
 - guidance notes
 - documents which include the grant terms and conditions, or
 - documents containing FAQs or information on the application process.
- 4.16.4. The term 'must not treat a Welsh language version of those documents less favourably than the English language version', in relation to this standard, includes, amongst other matters, not treating the Welsh language less favourably than the English language in terms of:
 - the visual presentation of the document (for example in relation to the colour or font of any text)
 - the size of the document
 - the position and prominence of the document in any public place
 - when and how the document is published, provided or exhibited
 - the publication format of any document
 - the document's language order
 - the standard and quality of the document
 - the clarity and accuracy of the document (for example in terms of the meaning and expression of any text)
 - the content of the document (for example in terms of the detail and quality of the information it contains)

Standard 72

- 4.16.5. If a body invites applications for a grant, it must state in the invitation that applications may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English.
- 4.16.6. A body does not have to include a statement expressing the above, following the wording of the standard word for word. However, that statement is expected to 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. A body 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. 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.

4.16.9. The term 'must not treat applications submitted for a grant in Welsh less favourably than an application submitted in English' in the context of this standard includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of the body's consideration of the application.

Standard 73

4.16.10. If a body receives an application for a grant in Welsh, and it is necessary to interview an applicant as part of its assessment of the application, the body must offer to conduct the interview in Welsh. If the applicant so wishes, they must conduct the interview in Welsh without the assistance of a translation service.

Standard 74

4.16.11. If a body receives an application for a grant in Welsh, and it is necessary to interview an applicant as part of its assessment of the application, the body must offer to provide a translation service from Welsh to English at the interview. If the applicant wishes to use the Welsh language, the body must provide a simultaneous translation service at the interview (unless it conducts the interview in Welsh without a translation service).

Standard 75

4.16.12. If a body informs an applicant of its decision in relation to an application for a grant, it must do so in Welsh if the application was submitted in Welsh.

4.16.13. A body must do so in relation to any decision made at any point in the process relating to a grant application. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made such as:

- that the application is valid or invalid
- that the applicant has been successful or unsuccessful
- that the application has been successful or has failed to reach the shortlist, or
- any other decision made during the process.

4.16.14. The requirements of this standard cover all the ways in which a body informs an applicant of its decision. This may include informing applicants orally, face-to-face or in writing.

What is a 'grant'?

4.16.15. A 'grant' is usually a permanent transfer of money to a person where it does not need to be repaid nor returned.

4.16.16. The term 'grant' includes any support which a body provides to a person for a specific project or purpose. A grant will usually only cover part of the total costs. They are usually used in accordance with specific terms and conditions.

4.16.17. The term may include financial support or a benefit but it does not include a sum of money given to a person via a procurement process.

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

4.16.18. No. The regulations do not provide a threshold or minimum level of grant to which the application relates. The standards apply to all applications for a grant that a body publishes.

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 set requirements in relation to that process.

Standard 76

4.17.2. A body 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 material's language order
- 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), and
- the content of the material (for example in terms of the detail and quality of the information it contains).

Standard 77

4.17.5. A body 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. Bodies do not have to include a statement expressing the above, following the wording of the standard word for word. However, that statement is expected to 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

4.17.7. A body 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.”

- 4.17.8. The closing date must be the same for Welsh and English tenders and it must be ensured that there is no delay in informing persons of the decision for a tender submitted in Welsh compared to the timing of informing persons of the decision for a tender submitted in English.
- 4.17.9. The term 'must not treat a tender submitted in Welsh less favourably than a tender submitted in English' in the context of this standard also includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of the body's consideration of that tender.

Standard 78

- 4.17.10. If a body conducts an interview as part of the tender assessment process, it must offer to conduct the interview in Welsh if the tender was submitted in Welsh. If the tenderer so wishes, the body must conduct the interview in Welsh without the assistance of a translation service.

Standard 79

- 4.17.11. If a body conducts an interview as part of the tender assessment process, it must offer to provide a translation service from Welsh to English at the interview if the tender was submitted in Welsh. If the tenderer so wishes, it must provide a simultaneous translation service to enable the tenderer to use the Welsh language at 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. A body must inform a tenderer who submitted their tender in Welsh of its decision in Welsh.
- 4.17.13. A body must do so in relation to any decision made at any point in the process relating to tenders. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made such as:
- that the application is valid or invalid
 - that the applicant has been successful or unsuccessful
 - that the application has been successful or has failed to reach the shortlist, or
 - any other decision made during the process.
- 4.17.14. The requirements of this standard cover all the ways in which a body informs a tenderer of its decision. This may include informing tenderers orally, face-to-face or in writing.

What is meant by the term an 'invitation to tender'?

4.17.15. The term 'invitation to tender' includes all the documents in the pack inviting applicants to tender for a contract. This includes, amongst other things:

- a link to the procurement documents
- the procurement documents themselves
- the tendering process time-frame and relevant contact information, and
- information on the criteria used by the awarding body.

4.17.16. '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 procedure, including:

- the contract notice
- the prior information notice used as a call for competition
- the technical specification
- the descriptive document
- the proposed contract conditions
- formats for submitting documentation by applicants and tenderers
- information on generally applicable liabilities and any additional documentation⁴⁶.

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. A body must promote and advertise any Welsh language service that it provides, and do so in Welsh.

Standard 82

4.18.3. A body must ensure that any reference made by the body to a service in English also refers to the corresponding service in Welsh, if it provides such a service.

⁴⁶ The Commissioner's interpretation is in line with the term "procurement document" found in the Public Contracts Regulations 2015
<http://www.legislation.gov.uk/mwa/2011/1/section/29/enacted>

What is meant by the term 'service in Welsh'?

- 4.18.4. The term 'service in Welsh' covers any service which a body provides 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 must be provided in Welsh only nor that the service must be provided separately to the corresponding service in English.
- 4.18.6. It should be noted that standards 157 and 169 set requirements which relates to ensuring that a body has arrangements in place to comply with this standard by promoting and facilitating the use of services offered by it under the service delivery and operational standards.

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 it provides, and to do so in Welsh. 'Promoting' and 'advertising' include a body actively promoting and raising awareness of the Welsh language service 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 that a service it provides is available in Welsh, where it is 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 the Welsh language when receiving or using its services
 - a body using laith Gwaith 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, stating clearly on the English account that a Welsh account is also available and providing 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
 - if there is a public staff directory available (e.g. online), highlight which staff are able to provide a service in Welsh, by noting that via the laith Gwaith logo or relevant statement
 - using the Welsh language as the default language when providing services in order to promote and highlight the Welsh language service, where it is 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)
- o ensuring that the users' journey to using services in Welsh is of the same standard and quality as the service in English, or
 - o ensuring that Welsh language services are given prominence, are easily accessible, are actively promoted and are available constantly.

4.19 A body's corporate identity [standard 83]

What are the requirements?

- 4.19.1. This standard requires a body to ensure that it does not treat the Welsh language less favourably than the English language when forming, revising or presenting its corporate identity.

What is meant by the term 'corporate identity'?

- 4.19.2. Schedule 1, Part 3, Paragraphs 43 and 45 of the regulations state:

“(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. "Corporate identity" includes the name, address, logo, corporate slogan, brand, visual identity and any other standard information belonging to the body used on its material and products (such as on headed paper, social media account profile, business cards, ID badges, in exhibitions and on publications and documents), and in other circumstances such as signs, vehicles and buildings. It can also include acronyms of a name or names used by a body.

How is this standard affected if an enactment states that the body's legal name must be used?

- 4.19.4. The body does not have to comply with this standard to the extent that an enactment requires a body to use a legal name. This means that a body must ensure that it does not treat the Welsh language less favourably than the English

language when forming, revising or presenting its corporate identity, except where an enactment notes:

- that the body must use a legal name that is not Welsh or bilingual, and
- that the body cannot use another name (in Welsh) as well as the legal name.

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

- 4.19.5. The term 'form' includes a body creating or producing its corporate identity.
- 4.19.6. A body would 'revise' its corporate identity if it makes any change to that identity from the imposition day onwards.
- 4.19.7. A body would 'present' its corporate identity if it is appears, it is published, or is made available or is included on or within any material.
- 4.19.8. 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 media are subject to their relevant standards.

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

- 4.19.9. 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.”

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

- the language of material
- the material's language order
- 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).

4.19.11. This may include a body ensuring, amongst other matters, that it produces, revises or presents its corporate identity in Welsh.

4.19.12. However, the standard does not prevent a body from being able to provide separate Welsh and English versions of its corporate identity to the extent that the Welsh language version is treated no less favourably than the English language version.

4.19.13. Where a body presents its corporate identity on bilingual material (that is where Welsh and English versions are included in the same material) 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.

4.19.14. Where a body presents its 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 its corporate identity in Welsh on the English language version as well as the Welsh language version in order to ensure that the Welsh language is treated no less favourably than the English language.

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

What are the requirements?

4.20.1. A body must ensure that education courses open to the public are offered in Welsh. There is provision also to assess the need for any education course developed for the public to be offered in Welsh and to publish that assessment on the body's website.

Standard 84

4.20.2. If a body offers an education course that is open to the public, it must offer that course in Welsh.

Standard 85

4.20.3. If a body offers an education course that is open to the public, and which is aimed specifically at persons aged 18 or under, it must offer that course in Welsh. For example, this may include education courses aimed at primary or secondary pupils.

Standard 86

4.20.4. If a body develops an education course that is to be offered to the public, it must assess the need for that course to be offered in Welsh as well as ensure that the assessment is published on its website.

What is meant by the term 'education course'?

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

“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. Standard 84 requirements 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. To 'offer' an education course includes a body making 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. In other words, 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 for example. 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.

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

- 4.20.11. A body does not have to deliver a course in Welsh in the same setting as a 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 its 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. A body does not have 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 those enrolled on the course delivered in Welsh.

4.20.13. A body may ensure that the timetable for courses in Welsh are equally accessible and convenient as the equivalent English courses. 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 are 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 deliver a course in Welsh at all levels if that is done in English. 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. To 'develop an education course' is 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 mean the same as demand?

4.20.17. The term 'need' includes the level of demand for a course. However, the concept of 'need' is broader, and the demand is more likely to fluctuate over time than the need. As a result, a body is expected to consider other factors, apart from demand, when assessing need.

4.20.18. Amongst those other factors, a body may consider:

- 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
- the demographic and geographic nature of the area.

What must a body do to 'assess the need' and when should the assessment take place?

4.20.19. A body must publish its assessment on its website. That suggests that a body needs to have a written record of the assessment.

4.20.20. As the assessment is a public document, the assessment is expected to:

- be user-friendly
- explain the reasoning for deciding to offer a course in Welsh or not
- identify the factors considered
- include clear and specific evidence to support the finding, and
- note the outcome of the assessment (which includes noting which courses are offered and which are not in Welsh).

4.20.21. A body may conduct an assessment of a course it is developing 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 it has 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. A body must 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. The term includes any public announcement made by the body using audio equipment.



4.21.3. 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 apply.

4.21.4. Examples of announcements that relate to this standard may include:

- announcements in public lifts in the body's buildings
- announcements on vehicles (such as a refuse truck which warns of the vehicle reversing)
- tannoy announcements at a public event or meeting (e.g. announcing that a performance is about to begin), or
- tannoy announcements in the body's buildings (e.g. instructing members of the public to come to 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 deal with the way in which a 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 body 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 made so that it has 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, and
 - (c) how the decision could be made so that it does not have adverse effects, or has decreased adverse effects, on opportunities for other persons to use the Welsh language, or treating the Welsh language no less favourably than the English language⁴⁷.
- 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 a new policy, 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), and
 - when commissioning or undertaking research intended to assist a body to make policy decisions (standards 95–97).

Standard 88

- 5.1.4. A body must consider what effects, if any (whether positive or adverse), 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. A body

⁴⁷ Section 29 of the Welsh Language (Wales) Measure 2011
<http://www.legislation.gov.uk/mwa/2011/1/section/29/enacted>

must consider the effects when it formulates a new policy, or reviews or revises an existing policy.

How should any effect on the Welsh language be assessed?

- 5.1.5. A body will need to consider and identify 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.
- 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 includes:
- 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, and
 - 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 impact on the number or percentage of people able to speak Welsh (or any other skill)?
 - Will the service, policy, strategy or project impact on the number or percentage of people who use Welsh?
 - Will the service, policy, strategy or project be undertaken in Welsh?
 - Will it protect, promote and enrich heritage and culture within the area in question in relation to the Welsh language?
- 5.1.8. This also includes:
- identifying any positive effects on the Welsh language
 - identifying any adverse effects on the Welsh language
 - consider how the policy or practice could promote opportunities for persons to use the Welsh language more widely, and
 - consider whether the policy will mean 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. It must be emphasised that the below are examples only.

Positive effects	Adverse effects
Would the policy decision increase the number of Welsh speakers moving from / to a certain area?	Would the policy decision decrease the number of Welsh speakers moving from / to a certain area?
Would the policy decision be likely to make the Welsh language more visible?	Is there a risk that the policy decision would discriminate against Welsh language users?
Would the policy decision propose steps likely to protect the Welsh language in a certain area?	Would the policy decision lead to a fall in the number of positions requiring Welsh language skills?
Would the policy decision lead to an increase in the number of positions requiring Welsh language skills?	Would the policy decision lead to closing specific Welsh language services or risk those services?
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 make it harder to recruit Welsh speakers?
Would the policy decision encourage / facilitate the recruitment of Welsh speakers?	Would the policy decision threaten the sustainability of areas where the Welsh language is part of the fabric of those communities?
Would the policy decision ensure the sustainability of areas where the Welsh language is part of the fabric of those communities?	Would the policy decision make it harder to travel to access Welsh language services?
Would the policy decision facilitate travel in order to access Welsh language services?	Would the policy decision lead to a reduction in the number of Welsh learners?
Would the policy decision provide users with the active offer of a service in Welsh?	Would the policy decision limit the accessibility of and access to Welsh language services?
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?	

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 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 must consider any options to mitigate or prevent adverse effects which a policy decision may have on the Welsh language. Consideration must 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 other 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 prevent 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. the location of 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 on the potential effects that the decision will have on the Welsh language and opportunities to use it.

- 5.1.14. A body must include specific questions in the consultation document which ask for a response. A body is expected to give due consideration to any information gathered during this process when making the policy decision, so that the body acts on any outcomes from the consultation.
- 5.1.15. A body may use information gathered in accordance with these standards to help it comply with standards 88–90.

Standard 94

- 5.1.16. A body must produce and publish a policy on awarding grants (or amend an existing policy), which requires it to take the following matters into account when it makes 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 it needs to ask the applicant for any additional information in order to help the body assess 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 way of ensuring that any research a body undertakes when making a policy decision, considers and deals with the effect that decision will have on the Welsh language and on the opportunities to use it.
- 5.1.19. A body is expected to give due consideration to any information gathered during this process when making the policy decision, so that the body acts on any outcomes.
- 5.1.20. A body may use information gathered to assist it to 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
- funding or financial support
- the content of criteria
- events
- governance arrangements
- partnerships
- the naming of streets or properties
- the language(s) used for internal administration
- activities undertaken, or
- services provided.

5.1.23. The standards apply to decisions affecting the body's 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?

5.1.24. 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 is expected to be a fundamental part of producing, reviewing or revising policies from the outset. This should be undertaken before the final policy decision is made.

5.1.25. When reviewing or revising existing policies, the associated effects must be considered anew. In such a situation, a body should not 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?

- 5.1.26. The Welsh language is not a protected characteristic under the Equality Act 2010. However, 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.
- 5.1.27. However, there may be examples of areas where a specific and detailed Welsh language impact assessment 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 it has a duty to comply.
- 5.1.30. The body is expected to be able to provide sufficient evidence that it has 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 paragraph 7.1.5 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. A body must develop a policy on using Welsh internally for the purpose of promoting and facilitating the use of the language. The body must also publish that policy on its intranet.

What should the policy include?

- 6.1.2. The policy is expected to:
- reflect the size of the body
 - be suited to each of the body's services/departments/units/teams and nature of the work
 - be understood by the entire workforce
 - provide details on the review period
 - consider the need to consult on the content, and
 - include an action plan which notes how the policy will be implemented.
- 6.1.3. In addition, in order to promote and facilitate the use of Welsh internally, the policy is not expected to lead to a reduction in the current use of Welsh internally within the workplace.
- 6.1.4. The policy should not 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) and a statement on any steps the body intends to take to move increasingly towards administrating through the medium of Welsh
 - a statement on identifying Welsh Language Champions and coordinators within every service unit
 - a statement on the language used with persons who have a duty to provide services to the body in Welsh
 - a statement which recognises the law as stipulated in the Measure which provides staff with the freedom to use Welsh amongst themselves and gives the Welsh language official status in Wales
 - statements on the kinds of activities or services 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 (such as 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
- an explanation of the kinds of activities and services which a body's members of staff may receive in Welsh (in accordance with the standards and in accordance with the body's policy)
- a description of the plans and activities which a body will provide or plan to provide in order to promote and facilitate the use of Welsh by staff and between staff (e.g. mentoring scheme)
- description of the plans in place to facilitate the means of identifying Welsh speakers easily in the workplace (e.g. distributing laith Gwaith badges and lanyards or noting the linguistic ability of staff on MailTips on Outlook)
- an explanation of how the body plans to increase opportunities for staff to use the Welsh language in the workplace
- 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), and
- 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, for them to provide them in Welsh.

Standard 99

6.2.2. A body 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 a post on a different basis. The body must ask the individual what their wishes are before the contract is provided.

Standard 100-104

6.2.4. A body must ask each employee⁴⁸ whether he or she wishes to receive the following in Welsh:

⁴⁸ See section 3 of this code for an interpretation of the term 'employee'.

- any paper correspondence that relates to his or her employment, and which is addressed to him or her personally (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 must actively ask each employee, from the imposition day onwards, about their wishes in relation to the above.
- 6.2.6. The types of correspondence which relate to standard 100 may include:
- employee pay slips
 - correspondence relating to employee expenses (e.g. remittance advice)
 - correspondence relating to the employee's pay
 - correspondence relating to the employee's contract, working terms or conditions (e.g. change of work location, change of hours, confirming new duties or different duties)
 - correspondence relating to maternity or paternity schemes
 - correspondence relating to workplace benefits (e.g. pension contribution statement or statement on any changes to those benefits)
 - correspondence from another member of staff (such as HR staff) which relates specifically to his or her post (e.g. letter of termination).
- 6.2.7. The type of documents which relate to standard 101 may include documents such as:
- training handbooks
 - training questionnaires
 - documents on providing feedback on any training attended
 - documents which record the training attended
 - documents which record training requests
 - documents which outline the training areas prioritised by the body.
- 6.2.8. The type of documents which relate to standard 102 may include documents such as:
- documents which outline employee performance
 - performance improvement plan documents
 - staff appraisal schemes
 - performance framework
 - progress report.
- 6.2.9. The type of documents which relate to standard 103 may include documents such as:
- personal development plans
 - documents allowing expressions of interest in, or applications for, work experience/secondment/mentor
 - self-evaluation questionnaires.

6.2.10. The type of forms which relate to standard 104 may include:

- forms for recording or authorising annual leave, special leave, flexi-leave or time in lieu leave
- forms for recording or authorising work absence due to training, courses, medical appointments, outside duties or illness.

6.2.11. The body may provide the documents or forms in any format, either as a hard copy or electronically. 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.

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. If a body publishes one or more of the following policies, it must publish those policies in Welsh:

- 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), and
- 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.

6.3.3. 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.

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

6.3.4. The term 'publish' in the context of these standards is considered to mean that the body ensures that the relevant policies are made available to staff.

6.3.5. They may be policies published on the body's intranet only and not available as a hard copy. However, this does 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?

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

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.

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

What are the requirements?

- 6.4.1. The above standards require a body to allow each member of staff to engage with the body in Welsh in relation to the complaints process. These standards also apply to each element relating to a complaint, such as any related appeal.

Standard 112

- 6.4.2. A body must allow all members of staff to:
- make complaints to it in Welsh, and
 - respond in Welsh to any complaint made about them.
- 6.4.3. 'Allowing' staff to make complaints to a body in Welsh includes allowing staff to:
- complain orally or in writing in Welsh, and
 - present written material relevant to the complaint in Welsh (e.g. evidence), without the need for the member of staff to translate it to English.

Standard 112A

- 6.4.4. A body must state in any document that it has that sets out its procedures for making complaints that each member of staff may:
- make complaints to it in Welsh, and
 - respond in Welsh to a complaint made about them.
- 6.4.5. It is possible that a body may already have a policy or procedure which outlines the internal complaints process. A body may comply with this element of the standard by:
- revising that policy to include a statement which highlights the rights of members of staff; or
 - including a statement to that effect in a new policy or procedure.

- 6.4.6. A body must also inform members of staff of that right. To 'inform' is not limited to stating that in any document which the body has which notes its procedures for making complaints. A body may also 'inform' more proactively by:
- corresponding with all members of staff about that right
 - stating so to a member of staff when initiating the complaints process in relation to them, or by
 - stating so if the member of staff makes enquiries about the process of complaining to the body.

Standard 113

- 6.4.7. If 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

- 6.4.8. If 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 they wish to use the Welsh language at the meeting, and
 - explain that it will provide a translation service from Welsh to English for that purpose if it is required.
- 6.4.9. 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 is not possible to conduct the meeting in Welsh without a translation service.

Standard 115

- 6.4.10. A body must inform a member of staff of a decision it has reached in relation to a complaint by them or a complaint about them 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.
- 6.4.11. The body must do so in relation to any decision made at any point in the process relating to the complaint. The requirements of this standard are not limited to the final decision made at the end of the process only. It may also include a decision made regarding:
- that the complaint is valid or invalid
 - that the complaint has been escalated (e.g. formal review/appeal)
 - that any process in relation to the complaint has come to an end, or

- any other decision in relation to the complaint.

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

To whom do these standards apply?

6.4.13. Standards 112–115 apply to all 'members of staff'. See section 3 of this code for an interpretation of that term.

6.4.14. 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 a 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. These standards also apply to every element relating to disciplinary procedures, such as any related appeal.

Standard 116

6.5.2. A body must allow each member of staff to respond in Welsh to any allegations made against them in any internal disciplinary process.

6.5.3. 'Allowing' staff to respond in Welsh includes allowing staff to:

- respond orally or in writing in Welsh; and
- present written material relevant to the allegations in Welsh (e.g. evidence), without the need for the member of staff to translate it.

Standard 116A

6.5.4. A body must state in any document that it has which sets out its procedures for disciplining staff that any member of staff may respond in Welsh to any allegations made against them.

6.5.5. It is possible that a body may already have a policy or procedure which outlines the arrangements for disciplining staff. A body may comply with this element of the standard by:

- revising that policy to include a statement which highlights the rights of members of staff, or
- including a statement to that effect in a new policy or procedure.

6.5.6. Also, if the body commences a disciplinary procedure in relation to a member of staff, it must inform the member of staff of that right.

Standard 117

6.5.7. If a body needs to hold a meeting with a member of staff regarding a disciplinary matter relating to his or her conduct, it 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

- 6.5.8. If 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 they wish to use the Welsh language at the meeting, and
 - explain that it will provide a translation service from Welsh to English for that purpose if it is required.
- 6.5.9. 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

- 6.5.10. Where a body informs a member of staff of a decision it has reached following a disciplinary process, it 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.
- 6.5.11. The requirements of this standard include any method in which a body informs a member of staff of its decision. This may include informing a member of staff orally, face-to-face or in writing.

To whom do these standards apply?

- 6.5.12. Standards 116–119 apply to all 'members of staff.' See section 3 of this code for an interpretation of the meaning of that term.
- 6.5.13. 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 a 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. A body must provide staff with:
- computer software for checking spelling and grammar in Welsh, and
 - Welsh language interfaces for software (where a Welsh language interface exists).

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

- 6.6.2. The standard does not apply to a specific cohort of staff, such as Welsh-speakers, only. The body must offer to provide the above software to all members of staff. It is expected to do so proactively.
- 6.6.3. This standard does not mean that staff have to use the said software in Welsh. The requirement is for a body to provide staff with the software if they wish.
- 6.6.4. 'Providing' staff with software may include:
- installing the software on every computer as a matter of course (so that staff can choose to use it or not)
 - installing the software on their behalf if they wish (if the software has not already been installed on the computer), or
 - provide instructions and allow them to install it themselves.

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

- 6.6.5. These kinds of software usually 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 will usually suggest alternative words or advice when a grammatical or typographical error is highlighted.
- 6.6.6. Spelling and grammar checking software is available as part of some popular computer packages as default or by downloading it as an attachment. Software is also available to buy commercially in the form of a licence or free download.
- 6.6.7. The kinds of software may include:
- the Cysgliad pack (which includes Cysill), and
 - a Microsoft Word or Open Office spell checker.

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

- 6.6.8. The nature of interfaces changes according to any software, but an interface includes every way used by the user to communicate with a programme or software. The programme or software will look and work exactly the same as if it

had an English language interface but that Welsh text appears on each button, toolbar etc.

6.6.9. 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. Software interfaces available (in full or in part) in Welsh include:

- Microsoft, Ubuntu, Fedora and Linux Mint operating systems
- Microsoft Office; Libre Office; Office 365
- Firefox; Microsoft Internet Explorer
- Outlook.com; Gmail; Mozilla Thunderbird
- Wordpress
- VLC-VideoLAN, and
- Skype.

6.6.10. If there is no Welsh language interface available for a software or a programme, the body is not expected to create its own in order to comply with this standard.

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.

6.7.2. 'Intranet' usually means an internal computer network which:

- is only available to the body's staff members
- is based on web technology, and
- is available so that staff can communicate or share information.

Standard 121

6.7.3. A body must ensure that:

- the text of each page of its intranet is available in Welsh
- every Welsh language page on its intranet is fully functional, and
- the Welsh language is treated no less favourably than the English language on its intranet.

6.7.4. A body must ensure that any text on the pages is available in Welsh. This includes the pages identified in standards 122 and 123.

Standard 122

6.7.5. A body must ensure that:

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

- 6.7.6. 'Homepage' is considered to mean the page on the website which usually acts as the main page. The homepage usually operates as a navigation page and contains links to other sections of the intranet.
- 6.7.7. The Welsh language text does not have to appear on the same homepage as the English language text. A body may choose to have a separate Welsh and English homepage if it wishes, as long as that means that the Welsh language is treated no less favourably than the English language in relation to that Welsh language homepage.

Standard 123

- 6.7.8. If a body publishes a new intranet page or amends a page, it must ensure that:
- the text of that page is available in Welsh
 - any Welsh language version of that page is fully functional, and
 - the Welsh language is treated no less favourably than the English language in relation to text on that page.
- 6.7.9. An intranet page would be considered a 'new' page if the body first publishes that page after the imposition day of the standard.
- 6.7.10. A page would be 'amended' if a body makes revisions to that page after the imposition day of the standard. That may include situations where a body updates, removes, adds or corrects the content of that page.

Standard 124

- 6.7.11. If a body has a Welsh language intranet page that corresponds to an English language page, it must state clearly on the English language page that the page is also available in Welsh. It must also provide a direct link to the Welsh language page on the corresponding English language page.
- 6.7.12. A body does not have to provide a statement which follows the above word for word on all relevant pages in English. A body may make it clear that an English language page is also available in Welsh by including a button on the English page which navigates the user to the corresponding page in Welsh.
- 6.7.13. For example, a body may include a "Cymraeg" button in a prominent position (such as the top of the page) on the English language page, which would include a link to the corresponding page in Welsh. Displaying a flag (e.g. the Welsh flag) would not be sufficient to show that an English language page is also available in Welsh.

Standard 125

- 6.7.14. A body must designate and maintain a page (or pages) on its intranet which:
- provides services and support material to promote the Welsh language, and which
 - assists staff to use the Welsh language.
- 6.7.15. The body is expected to 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 its services, departments, units or teams and the nature of its work.

6.7.16. The page (or pages) 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
- details of informal opportunities to use Welsh in the workplace (e.g. informal practice sessions).

Standard 126

6.7.17. A body must provide the interface and menus on its intranet pages in Welsh.

6.7.18. A body does not have to ensure that for English language pages if it does so for its corresponding Welsh language pages. However, if a page operates as a Welsh and English page together (e.g. a bilingual homepage on the intranet), a body must ensure that the interface and menus are in Welsh on that page.

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

6.7.19. The nature of interfaces and menus will change based on each intranet. An interface includes every means used by a user to communicate and interact with the intranet.

6.7.20. 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 'treating the Welsh language no less favourably than the English language'?

6.7.21. 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.”

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

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

6.7.23. The term does not mean that a body must ensure that Welsh language material appears on the same page as the English language material. This may mean:

- that a body does not have to ensure that Welsh language material (or documents) are published on an English language version of an intranet page (if that Welsh language material is published on a Welsh language or bilingual version), and
- that a body is not prevented from displaying Welsh and English language material on the same page (i.e. a bilingual page) if it wishes to do so.

6.7.24. However, publishing an intranet in a way which makes English the default language may treat the Welsh language less favourably than the English (e.g. the intranet address which takes a person directly to the English version of the intranet). This means that only after a user has selected a language can Welsh and English language material appear on separate pages.

Do the requirements of standards 121–126 mean that all the content on the intranet must be in Welsh?

6.7.25. No, not necessarily. 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).”

6.7.26. Therefore, these standards applies to any material on a body's intranet, apart from material presented in the mediums identified above.

6.7.27. If a body provides links to other resources on the intranet, they are expected to be consistent with the language of that page in order to ensure that the Welsh language is treated no less favourably than the English language. For example, a link provided on a Welsh language page of the intranet is expected to direct persons to a Welsh language version of the resource, if a Welsh language version is available. However, a body does not have to translate the resource into Welsh unless another standard makes it a requirement to do so.

6.7.28. Therefore, if a body provides a link to a document on the intranet, it will be standards 40 to 49 or standards 105 to 111 that will be relevant to those documents and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that a link leads to a Welsh language version of a document, if a Welsh language version exists in accordance with the requirements of standards 40 to 49 or standards 105 to 111.

6.7.29. Similarly, if a body provides advertising material such as video and audio clips on the intranet, it will be standard 37 that will be relevant to those material and not these standards. However, a body may ensure that the Welsh language is treated no less favourably than the English language by ensuring that Welsh language versions of those material are provided, it Welsh language versions exist in accordance with standard 37.

6.7.30. If a person (operating outside the body’s functions such as a member of staff in a private capacity) presents information on an interactive page published on the body's intranet, the body does not have to translate that information into Welsh. That may include information presented by persons:

- in chat rooms
- in a section for comments
- in discussion fora.

What is meant by the term 'fully functional'?

6.7.31. The term means that a body ensures that the Welsh language version of a page on the body’s intranet functions in at least the same way as the English version and without any restrictions or errors.

6.7.32. This may include ensuring:

- that the Welsh language version of a page is updated and is not subject to a delay compared with the English language version of the page
- that search functions operate fully in Welsh
- that any technological functions operate fully in Welsh (e.g. text-to-speech)
- that Welsh language versions contain the same information as the English language versions
- that links are not broken
- that there are no faults on Welsh language pages.

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 increasing the Welsh language skills of its workforce through planning and training.

Standard 127

6.8.2. A body must assess the Welsh language skills of its employees.

6.8.3. The outcomes of the assessment may enable a body to plan its workforce so that there are sufficient levels of Welsh language skills to respond to any needs by:

- identifying the current Welsh language skills of the workforce, and through this, identifying who can provide services in Welsh
- identifying the body's needs in terms of Welsh language skills, including assessing the need for Welsh language skills for a new or vacant post in accordance with standard 136, and
- planning to maintain and increase the workforce's Welsh language skills in order to meet those needs.

What kind of Welsh language skills need to be assessed?

6.8.4. A body may assess the following Welsh language skills:

- speaking
- listening
- reading
- writing
- understanding.

6.8.5. A body is expected to assess the Welsh language skills of its employees according to each kind of skill being assessed. This can ensure that a body has a complete picture of employee capabilities.

6.8.6. Usually, Welsh language skills are recorded in accordance with a recognised framework. The Commissioner wishes to see greater consistency in terms of recording employees' Welsh language skills, in order to facilitate the collection of

data on the bilingual workforce. In order to ensure consistency on a national level in terms of the way in which bodies assess the Welsh language skills of employees, bodies may choose to conduct the assessment based on the Common European Framework of Reference for Languages (CEFR) in future.

- 6.8.7. The National Centre for Learning Welsh's (NCLW) Learn Welsh Level Checker may also be used to contribute to determining the Welsh language skills of employees and identifying further training needs. This is an online diagnostic tool which identifies Welsh language capabilities when reading, writing, listening and speaking⁴⁹. The outcome of the checker will correspond to the levels determined in the National Curriculum for Welsh for Adults: Entry, Foundation, Intermediate or Advanced⁵⁰. These levels compare with the levels found in the CEFR framework and Association of Language Testers in Europe (ALTE) framework as follows:

NCLW level	CEFR level	ALTE level
Entry	A1	Entry
Foundation	A2	1
Intermediate	B1	2
Advanced	B2	3
Proficiency	C1	4
-	C2	5

According to which indicators should the body assess the Welsh language skills of employees?

- 6.8.8. A body may conduct the assessment in a way which would allow it to record employees' Welsh language skills according to specific indicators.
- 6.8.9. A body must ensure that the assessment allows it to record the number of employees who have Welsh language skills in accordance with standard 151.
- 6.8.10. However, a body may also conduct an assessment in a way which would allow it to record employees' Welsh language skills:
- on an organisational level
 - according to percentage
 - according to skill
 - according to level
 - according to job grade

⁴⁹ <https://learnwelsh.cymru/>

⁵⁰ National Curriculum for Welsh for Adults—an overview of ability level statements are provided in this document
<https://learnwelsh.cymru/media/1646/saesneg-final.pdf>

- according to workplace
- according to service
- according to directorate, department, or team.

Who should conduct the assessment?

6.8.11. It is a matter for the body itself to decide who should conduct the assessment. This may include:

- employees self-evaluating their Welsh language skills
- employees undertaking exercises or tests to assess their Welsh language skills
- managers identifying the Welsh language skills of employees as part of the appraisal process.

How often should an assessment take place?

6.8.12. In order to comply with standard 151 (record keeping), a body must keep a record of the number of employees who have Welsh language skills at the end of each financial year.

6.8.13. Therefore, in order to comply with the requirements of standard 151, as well as keeping updated records, a body must undertake such an assessment at least once a year. However, the Welsh Language Commissioner may ask a body to provide the above information at any time from the imposition day onwards, in accordance with the requirements of standard 172.

6.8.14. The information should be kept up-to-date, ensuring that any changes to Welsh language skill data are updated as required. Such changes may include a situation whereby:

- an employee's language skills level changes (e.g. following Welsh lessons in accordance with standards 130 or 131)
- an employee leaves the body
- a new employee joins the body
- an employee moves to another location, directorate, department, or team (and those changes affect the body's record).

Standard 128

6.8.15. A body 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
- health and safety.

6.8.16. If a body does not provide training in any of these specific areas in English, it does not have to provide the training in that specific area in Welsh in order to comply with the standard.

6.8.17. The kind of training provided in these areas depends on the nature and functions of the body. Therefore, it can vary from one body to the next. However, examples may include:

Area	Examples of training
Recruitment and interviewing	Training on: <ul style="list-style-type: none"> ○ recruitment or interviewing techniques ○ assessing and selecting candidates ○ communication skills when recruiting or interviewing ○ creating job descriptions or person specifications.
Performance management	Training on: <ul style="list-style-type: none"> ○ understanding and implementing performance management processes ○ how to deliver effective feedback ○ how to set aims and expectations.
Complaints and disciplinary procedures	Training: <ul style="list-style-type: none"> ○ provided to those who are responsible for managing the complaints and disciplinary process at work ○ which clarifies how to establish and implement procedures appropriately and in accordance with the law.
Induction	Training which: <ul style="list-style-type: none"> ○ gives a formal introduction to the body or new post ○ provides generally useful information on the body or new post (such as staffing structure, facilities, brief history of the organisation, along with its 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) ○ summarises the terms and conditions of the post (e.g. probation periods).
Dealing with the public	Training which: <ul style="list-style-type: none"> ○ relates to the way in which staff are expected to behave when dealing with the public ○ provides information on procedures, processes or guidance which should be followed by staff when dealing with the public ○ information on how to ensure that staff deal with the public effectively ○ provides or includes exercises on potential scenarios in order to increase confidence when dealing with the public.

Area	Examples of training
Health and safety	Training: <ul style="list-style-type: none"> ○ provided in accordance with health and safety legislation (e.g. the Health and Safety at Work etc Act 1974) ○ in fire safety ○ in mental health ○ in first aid ○ in manual handling ○ in child protection and safeguarding ○ in data protection and information security.

Standard 129

6.8.18. A body must provide training (in Welsh) on using Welsh effectively in:

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

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

6.8.20. The National Centre for Learning Welsh provides this kind of training through its Work Welsh scheme.

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

6.8.21. 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 based on need.

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

6.8.22. The term refers to increasing employees' ability and confidence to undertake the activities identified in the standard effectively in Welsh.

6.8.23. 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.

6.8.24. The training could include the following:

- consider which common Welsh terms to use as part of the activities identified in the standard 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 the standard in order to develop the confidence to use these documents and forms effectively, and
- raise awareness of the internal policies and guidance which exist for using Welsh, as well as awareness of the relevant standards in relation to meetings, interviews and complaints and disciplinary procedures.

What is meant by the term 'provide training'?

- 6.8.25. The term means that the body educates its staff in a specific area in order to increase their knowledge in that area.
- 6.8.26. 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.
- 6.8.27. A body does not have to deliver a course in Welsh if no-one wishes to take that course. Furthermore, standard 128 does not prevent a body from offering a course in Welsh and English at the same time.
- 6.8.28. Some courses would not be appropriate for 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 extend to training provided by external trainers?

- 6.8.29. Yes, to the extent that the third party provides the training on behalf of the body through an arrangement.

Standard 130

- 6.8.30. A body must provide opportunities during working hours:
- for its employees to receive basic Welsh language lessons, and
 - 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'?

- 6.8.31. The term means lessons for learning Welsh language skills, such as listening, understanding, reading, speaking and writing. The aim of these lessons would be to allow an employee to undertake basic functions through the medium of Welsh.
- 6.8.32. This may include the ability to undertake the following:
- pronounce words (e.g. names of people, titles and places relevant to the workplace) correctly
 - introducing oneself

- using common everyday phrases (e.g. greetings, thank you and directing someone to a room)
- providing basic personal details (e.g. name, organisation's name, address)
- identifying a person's language choice
- starting a written message and ending it appropriately
- understanding greetings
- understanding any phrases which are commonly used in the workplace
- understanding basic personal details (e.g. name and address).

6.8.33. 'Basic Welsh language lessons' may include training on a 'pre-entry' level. This may mean the training provided before an employee undertakes 'Entry (A1)' level training.

Does a body have to provide a certain number of hours of lessons or training?

6.8.34. There is no limit in terms of the number of hours that must be offered under standards 130 and 131.

What is meant by the term 'using the Welsh language in their role as managers'?

6.8.35. The term refers specifically to increasing managers' ability and confidence to undertake daily activities through the medium of Welsh.

- 6.8.36. 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 in their role as managers.

Standard 131

6.8.37. A body must provide opportunities for employees who have completed basic Welsh language training to receive further training free of charge, to develop their language skills.

6.8.38. This may include training at the following levels:

- Entry (A1)
- Foundation (A2)
- Intermediate (B1)
- Advanced (B2)
- Proficiency (C1)

- or any other level which develops the employee's Welsh language skills further beyond the level reached following the 'basic Welsh language lessons' provided in accordance with standard 130.
- 6.8.39. The kind of training may also include training to develop the language skills of employees already fluent in Welsh but that want to:
- refine their Welsh language skills; or
 - develop confidence to use their language skills to draft bilingual documents and correspondence.
- 6.8.40. The body may ensure that the training is provided during normal working hours, but that is not required in order to comply with the standard. However, the body is expected to ensure that the hours offered to the employee would not place them at a disadvantage.

Standard 132

- 6.8.41. A body must provide employees with training in the following areas:
- awareness of the Welsh language
 - an understanding of the duty to operate in accordance with the Welsh language standards, and
 - an understanding of how the Welsh language can be used in the workplace.
- 6.8.42. This training does not have to be provided in Welsh in accordance with this standard, but a body is expected to consider the requirements on the body in accordance with standard 128 to provide training in Welsh if it provides it in the relevant training areas.
- 6.8.43. 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 benefits 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 must 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 use of Welsh in the workplace or information on the operational standards in the regulations and the rights resulting from those.

Standard 133

- 6.8.44. If a body provides information to new employees (e.g. by means of an induction process), it must provide information for the purpose of raising their awareness of the Welsh language.
- 6.8.45. The information could be provided as part of training or in the form of a document. This information does not have to be provided in Welsh in accordance with this standard, but the body is expected to consider what is required of it under

standard 128, to provide the information in Welsh if provided in the relevant training areas.

6.8.46. A body may provide information which includes:

- information on the language's history
- information on the origin of the Welsh language
- facts about the Welsh language (such as census information)
- information on the Welsh language in the area served by the body
- the benefits and importance of using the Welsh language
- information on the Welsh Language Commissioner, the standards and language duties.

Standard 134

6.8.47. A body must provide text or a logo for their staff to include in e-mail signatures to indicate whether they speak Welsh fluently or learning the language. A body does not have to provide wording or a logo to staff expressing the above word for word. However, the wording or logo is expected to be clear and explicit enough to indicate that a member of staff is fluent in Welsh or is learning the language.

6.8.48. The Commissioner's Iaith Gwaith logo can be used to show that a member of staff has Welsh language skills, but the logo in itself would not necessarily convey their level of proficiency. The way in which a body identifies the extent in which its staff are 'fluent' Welsh speakers or 'learners' will depend on how it assesses their language skills.

6.8.49. If a body assesses the language skills of its staff in accordance with the CEFR framework, a 'fluent' Welsh speaker may include a member of staff that has reached level C1 or above. Level C1 or above is the most appropriate level in terms of being able to use the Welsh language effectively in the workplace. A 'learner' may include a member of staff who has reached level A1-B2 in accordance with the CEFR Framework⁵¹.

Standard 135

6.8.50. A body must provide wording for its 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.

6.8.51. Contact details in e-mail messages include:

- job title
- the employee's work address, and
- the name of the body (to the extent that the body has a Welsh name).

⁵¹ It is recognised that persons that have Welsh language skills which correspond to level B2 can provide services in Welsh confidently in some contexts.

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. If a body assesses the requirements for a new or vacant post, it must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply:

- Welsh language skills are essential
- Welsh language skills need to be learnt when appointed to the post
- Welsh language skills are desirable
- Welsh language skills are not necessary⁵².

6.9.3. In order to assess the linguistic requirements of a post, 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 meet the requirements of the standards alongside that.

6.9.4. It should be noted that a body must keep a record of each assessment held in relation to standard 136 in accordance with standards 153 and 154.

6.9.5. 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 external contact where a member of staff is expected to be able to communicate in both Welsh and English; 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
- the current numbers of staff available to provide a service in Welsh—a body is expected to refer to its skills assessment in accordance with standard 127, referring to any gaps in language skills to provide services, and
- the need to deal with other organisations whose internal administration is undertaken through the medium of Welsh or bilingually.

⁵² The criteria established in the case of Crizzle as outlined in section 5.28 of the Commissioner's advice document 'Recruitment: Welsh Language Considerations' should be considered [http://www.comisiynyddygydraeg.cymru/English/Publications%20List/20160308%20GC%20S%20Cyngror%20Recriwtio%20-%20SAESNEG%20\(T\).pdf](http://www.comisiynyddygydraeg.cymru/English/Publications%20List/20160308%20GC%20S%20Cyngror%20Recriwtio%20-%20SAESNEG%20(T).pdf)

- 6.9.6. Welsh language skills are usually 'essential' in a situation where no-one is available to provide a service through the medium of Welsh or if more Welsh-speaking staff are required to provide a service in Welsh.
- 6.9.7. If Welsh language skills are not essential, a body may come to the conclusion that Welsh language skills are 'desirable'. This may include a situation where the organisation already has capacity to be able to provide a specific service in Welsh, but that it would be desirable to reinforce that Welsh language provision by recruiting more staff with Welsh language skills to provide the service. Generally, if Welsh language skills are desirable for a post, a body may assume that an applicant that has Welsh language skills has an advantage over another applicant when being considered for a post but it would not be necessary for the successful applicant to have those skills.
- 6.9.8. A body may determine that a post requires learning Welsh language skills when someone is appointed to the role. Usually, those appointed to a role would need to reach a particular level of fluency as a condition of their appointment. That condition is usually noted in the job advertisement. An example of a situation where posts are categorised like this may include:
- if a body has identified a post where Welsh language skills are essential, but there have been difficulties appointing a candidate with Welsh language skills to that role and it is decided to re-advertise that role; and
 - if a body knows for certain that there is a significant shortage of persons with Welsh language skills who can undertake the role in question, and that it is likely that a non-Welsh speaker will have to be appointed (e.g. a highly specialised role).

Standard 136A

- 6.9.9. If a body has categorised a post (in accordance with standard 136) as one where Welsh language skills are essential, desirable or need to be learnt it must:
- specify that when advertising the post, and
 - advertise the post in Welsh.
- 6.9.10. This may include identifying the category of the post in the job description, the person specification and the advertisement itself (in the press, in adverts or on the body's website).
- 6.9.11. A body may decide to advertise posts where the Welsh language is essential in Welsh only if it wishes. For example, a body may decide to advertise in Welsh only in Welsh language publications or do so with a short explanation in English in advertisements published in English language publications.

What is meant by the term 'post'?

- 6.9.12. For the purposes of standards 136 and 136A only, "post" is interpreted in Schedule 3, Part 3, Paragraph 15 of the regulations as follows:

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

6.9.13. This includes any new post within the body or any vacancy after the imposition day, whether the post is a permanent or temporary post, or a post which is advertised internally only or externally.

Standard 137

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

6.9.15. The regulations do not elaborate on what the exact wording of the statement should be in order to comply with the standard. However, the standard notes that the body must state:

- that it welcomes applications in Welsh, and
- that applications made in Welsh will not be treated less favourably than those made in English.

6.9.16. A body is not required to include a statement expressing the above word for word. However, that statement is expected to 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

6.9.17. If a body published the following, it must publish them in Welsh:

- application forms for posts
- material that explains its procedure for applying for posts
- information about the interview process, or about other assessment methods when applying for posts
- job descriptions.

6.9.18. It must also ensure that no Welsh language versions of the documents are treated less favourably than the English language versions of those documents.

6.9.19. 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
- © 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.”

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

- the material's language order
- 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

6.9.21. A body 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.”

6.9.22. 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.

6.9.23. The term 'must not treat an application for a post made in Welsh less favourably than an application made in English' in the context of this standard includes, amongst other matters, treating the Welsh language no less favourably than the English language in terms of the body's consideration of that application.

Standard 138

6.9.24. A body must ensure that application forms for posts provide a space for individuals to indicate that they wish an interview or other method of assessment in Welsh. If the individual 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

- 6.9.25. A body must ensure that its application forms for posts:
- provide a space for individuals to indicate that they wish to use the Welsh language at an interview or at any other method of assessment, and
 - explain that the body will provide a translation service from Welsh to English for that purpose if it is required.
- 6.9.26. If the individual wishes to use the Welsh language at the interview or assessment, the body must provide a simultaneous translation service at the interview or assessment (unless the body conducts the interview or assessment in Welsh without a translation service).

What is meant by the term 'other method of assessment'?

- 6.9.27. The term includes any method used by the body to assess candidates' skills or suitability for posts. Such examples may include:
- specific tasks or activities to prove suitability or ability in the role e.g. a written task responding to a specific scenario; standard letter writing task
 - role play
 - an oral or written exam
 - psychometric tests
 - 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 English as well through an interview or other means of assessment?

- 6.9.28. Yes. These standards do not prevent a body from doing so.

Standard 140

- 6.9.29. If a body informs an applicant of its decision in relation to an application for a post, it must do so in Welsh if the application was made in Welsh.
- 6.9.30. A body must do so in relation to any decision made at any point in the process relating to a job application. The requirements of this standard are not limited to the final decision made at the end of the process only. It may include a decision made such as:
- the outcome of an assessment conducted as part of the recruitment process
 - that the applicant has been successful or unsuccessful
 - that the application has succeeded or failed to reach the shortlist
 - any other decision made during the process.
- 6.9.31. The requirements of this standard include any method in which a body informs an individual of its 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. A body must ensure that any text displayed on new signs erected by it, or on signs renewed by it, in the workplace is displayed in Welsh. It must also ensure 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.
- 6.10.2. These standards usually apply to signs displayed in the body's workplace which are visible to the body's staff only.
- 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 it makes any change to that sign.
- 6.10.4. The standard also applies when the body erects a sign in a new place or location.
- 6.10.5. In terms of electronic signs, a new sign would be erected each time new text appears on an electronic sign.

Standard 141

- 6.10.6. When erecting a new sign or renewing a sign in the workplace (including temporary signs), a body must ensure that any text is displayed in Welsh. A body may display the Welsh language text on the same sign as the corresponding English language text or on a separate sign. A body must ensure that it does not treat the Welsh language text less favourably than the English language text on such signs.
- 6.10.7. 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.”

- 6.10.8. 'Other matters' may include treating the Welsh language no less favourably as regards:
 - o 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); and
- the content of the material (for example in terms of the detail or quality of the information it contains).

Standard 142

- 6.10.9. If a body erects a new sign or renews a sign in the workplace (including temporary signs), it must ensure that the Welsh language text is positioned so that it is likely to be read first. A body must ensure this if a sign conveys the same information in Welsh and in English.
- 6.10.10. If a body places the Welsh language text and corresponding English language text on the same sign, the Welsh language text would be likely to be read first usually if it is placed on the left or above any corresponding English language text, based on the standard practice of reading from left to right and from top to bottom.
- 6.10.11. If a body erects a sign on a road in the vicinity of the workplace by painting that sign on the road and if the Welsh language text and corresponding English language text appear together (and not separate), the Welsh language text would be likely to be read first usually if placed on the left or above any corresponding English language text.
- 6.10.12. If a body places the Welsh language text and corresponding English language text on separate signs, the Welsh language text would be likely to be read first usually if the sign with the Welsh language text is:
- on the left
 - above, or
 - in front of the sign with the corresponding English language text.
- 6.10.13. For example, erecting a Welsh language sign in front of an English language sign on the side of the road would be likely to lead to a person arriving at the Welsh language sign and reading it first usually, based on the practice of reading individual signs in order.

Standard 143

- 6.10.14. A body must ensure that Welsh language text on signs displayed in the workplace (whether they are signs erected before or after the imposition day) are accurate in terms of meaning and expression. That may relate to:
- the content of the sign
 - the text's spelling
 - the text's syntax
 - words and phrases used.

What is meant by the term 'temporary sign'?

- 6.10.15. 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.

6.10.16. A 'temporary sign' includes any sign not intended to be permanent in the place it is positioned. Such examples may include:

- an out-of-order sign
- 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?

6.10.17. 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.

What if other proper nouns are displayed on a sign? Does a body have to ensure that those names are displayed in Welsh?

6.10.18. Yes. A body must display the proper noun in Welsh to the extent that:

- a Welsh name exists and has been established for that to which the sign is intended to refer
- there is no other enactment preventing a body from using a Welsh proper noun on a sign
- there is no enactment preventing a body from using the intended spelling of the proper noun on the sign.

6.10.19. This may include displaying information on:

- settlements (villages, towns and cities)
- streets and estates
- buildings or other built features (e.g. bridge)
- organisations
- areas (e.g. coastal areas or conservation areas)
- topographical features (e.g. islands, mountains, hills, headlands, rocks, beaches, forests or rivers)
- other place-names.

6.10.20. The Commissioner is responsible for providing advice on standard forms of place-names in Wales. The Commissioner can advise bodies on the standard form of names of settlements (i.e. villages, towns and cities) in Wales. The Commissioner has published these recommendations in an online searchable database and the lists are available to download under open licence: List of Standardised Welsh Place-names⁵³.

⁵³ See the List of Standardised Welsh Place-names on the Commissioner's website.
<http://www.comisiynyddygydraeg.cymru/english/commissioner/placenames/pages/search.aspx>

6.10.21. The Commissioner follows specific standardisation guidelines when producing her recommendations: Guidelines for Standardising Place-names in Wales⁵⁴. These Guidelines deal specifically with the names of settlements. They do not necessarily apply to house names nor other landscape features. However, they contain several valuable principles which could be applied when dealing with these names or when naming new developments, for example.

6.10.22. As long as there is no other enactment which requires the use of another form of a Welsh name on a sign, a body may use this consultation service to ensure that it uses the standardised forms of Welsh place-names on signs.

6.11 Audio announcements and messages in a body's workplace [standard 144]

What are the requirements?

6.11.1. A body must ensure that any announcements in the workplace using audio equipment are made in Welsh, and in Welsh first, if the announcement is also made in English.

What is meant by the term 'audio announcements'?

6.11.2. The term includes any announcements made using the body's 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 within the body's buildings; or
- loudspeaker messages within the buildings for the attention of the workforce, such as instructing a member of staff to go to a specific area or a message instructing everyone to leave the building in an emergency.

⁵⁴ See Guidelines for Standardising Place-names in Wales on the Commissioner's website.
<http://www.comisiynyddygyymraeg.cymru/English/Commissioner/PlaceNames/Pages/Context.aspx>

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 the way in which it complies with the standards.

Standard 147

7.1.2. A body must keep a record, in relation to each financial year, of the number of complaints it receives relating to its compliance with the standards.

Standard 148

7.1.3. A body must keep a copy of any written complaint that it receives that relates to its compliance with the standards with which it is under a duty to comply, which are those standards in its compliance notice.

Standard 149

7.1.4. A body must keep a copy of any written complaint it receives that relates to the Welsh language. Therefore standard 149 applies to **every** complaint received that relates to the Welsh language, and includes:

- complaints that relate to the standards with which a body is under a duty to comply (in accordance with standard 148)
- complaints that relate to the standards with which a body is usually under a duty to comply, but the duty to comply has been postponed due to challenge or appeal
- other complaints that relate to the Welsh language in general (e.g. complaints about the lack of Welsh medium schools or other services that it does not have to provide in Welsh).

Standard 150

7.1.5. A body must keep a record of the steps that it has taken in order to ensure compliance with the policy making standards with which it is 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
- copies of research terms of reference which show that the research needs to consider the effects of the policy decision on the Welsh language.

Standard 151

- 7.1.6. A body must keep a record, following assessments made in accordance with standard 127, of the number of employees who have Welsh language skills at the end of each financial year.
- 7.1.7. A body must keep a record of the skill levels of those employees if known. However, a body is expected to keep a record of the skill levels of employees as a matter of course when assessing the Welsh language skills of employees.
- 7.1.8. As well as the number of employees, a body may keep a record of the percentage of employees who have Welsh language skills.
- 7.1.9. A body may keep an organisational record of the number and percentage of employees who have Welsh language skills.
- 7.1.10. A body may keep a record of the number and percentage of employees who have Welsh language skills:
- on an organisational level
 - according to percentage
 - according to skill
 - according to level
 - according to job grade
 - according to workplace
 - according to service
 - according to directorate, department, or team.
- 7.1.11. As noted in clause 6.8.4 of this code, a body may assess the following skills as part of the assessment required in standard 127:
- oral
 - listening
 - reading
 - writing
 - understanding.
- 7.1.12. Therefore, the records in terms of standard 151 are expected to include information on the above matters.

Standard 152

- 7.1.13. A body must keep a record, for each financial year, of the following:
- the number of members of staff who attended training courses offered in Welsh in accordance with standard 128
 - if a Welsh version of a course was offered in accordance with standard 128, the percentage of the total number of staff who attended the course through the medium of Welsh.

Standard 153

- 7.1.14. A body must keep a record of every assessment it carried out (in accordance with standard 136) in respect of the Welsh language skills that may be needed in relation to a new or vacant post.

Standard 154

7.1.15. A body 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
- Welsh language skills are not necessary.

What is meant by the term 'keep a record'?

7.1.16. A '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.”

7.1.17. In addition, British Standards interpret "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 business⁵⁵.”

7.1.18. The term therefore means that a body should keep **written** records in relation to relevant standards and complaints. Those records may be records that the body has created itself, has received or has maintained as evidence.

What is meant by the term 'keep a copy of any written complaint'?

7.1.19. 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.

7.1.20. The requirements of data protection legislation mean that information and data should not be kept longer than necessary. It is recommended for a body 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 it

⁵⁵ BS ISO 15489-1:2016 Information and documentation—Records management—Part 1: Concepts and Principles.

has sufficient information to report in its annual report on the complaints received during the year as well as ensuring that the body has information on complaints should there be a Tribunal or Court case against the body.

What is meant by the term 'financial year'?

7.1.21. Schedule 5, Part 2, Paragraph 3 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 [155-176]

What are the requirements?

8.1.1. The standards dealing with supplementary matters establish a procedure 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 provide for submitting information to the Commissioner, when the Commissioner requests it.

Standards 155, 161, 167, 173 and 175

8.1.2. A body must ensure that a document which records the service delivery, policy making, operational, promotion and record keeping standards with which it is under a duty to comply is available:

- on its website
- in each of its offices that are open to the public.

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. The compliance notice itself is considered to be such a document.

Standards 156, 162 and 168

8.1.4. A body must ensure that it has a complaints procedure that deals with the following matters:

- how it intends to deal with complaints relating to its compliance with the service delivery, policy making and operational standards with which it is under a duty to comply
- how it will provide training for its staff in relation to dealing with those complaints.

8.1.5. In terms of the procedure (or procedures) that deals with the service delivery and policy making standards (standards 152 and 162), the body must:

- publish a document (or documents) that records that procedure (or procedures) on its website, and
- ensure that a copy of that document (or those documents) is available in each of its offices that are open to the public.

- 8.1.6. A body may ensure that a copy is available in each of its offices by offering an electronic or paper copy. Therefore, if an electronic copy is available, the body does not have to ensure that it also has a printed paper copy available.
- 8.1.7. In terms of the procedure that deals with the operational standards (standard 168), the body must publish the document that records the relevant procedure on its intranet.
- 8.1.8. Where a body is required to comply with more than one of these standards, it may comply with the requirements in one complaints procedure. A body does not have to ensure that it has separate complaints procedures for each class of standards. The regulations allow it to do so by including the information in one document.
- 8.1.9. A body may also revise an existing complaints procedure in order to include information which deals with the necessary matters identified in the standards. For example, a body may revise its corporate complaints procedure to ensure that it complies with the requirements rather than having a completely separate complaints procedure.
- 8.1.10. 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 the complaint
 - the way in which a body deals with complaints
 - the timetable for dealing with complaints
 - how the way in which the body deals with complaints involving compliance with the standards is different to the way in which it deals with other complaints
 - the ways in which persons can make a complaint to the body
 - the addresses persons should use to make a complaint, and
 - the information persons should provide so that the body can deal effectively with the complaint.
- 8.1.11. The requirements of part (a)(ii) mean that a body must ensure that the complaints procedure notes how it will provide training for its staff to deal with complaints about the standards. This may include:
- identifying the exact training the body will provide for staff who deal with complaints relating to the standards
 - explain how often that training will be provided
 - noting how the body will provide that training to staff, e.g. as part of the induction sessions for new staff
 - identifying what steps the body will take to ensure that staff are aware of their duties when they receive a complaint or when dealing with complaints relating to the standards (e.g. campaigns to raise staff awareness of the procedure and the standards with which the body is under a duty to comply)
 - identifying what support is available for staff in receipt of a complaint or in dealing with complaints relating to the standards
 - identifying how to find material necessary to deal with the complaint as well as how to use that material (e.g. compliance notice, code of practice, the regulations or the Measure)

- o noting how to recognise whether or not a requirement to comply with a standard has been postponed via a challenge or appeal.

Standards 157, 163 and 169

- 8.1.12. A body must publish a document which shows its overseeing arrangements for complying with the service delivery, policy making and operational standards.
- 8.1.13. Standards 157 and 169 also require a body to note in that document how it will promote and facilitate the services offered under the service delivery and operational standards, in accordance with the requirements of standards 81 and 82.
- 8.1.14. A body may record its arrangements by providing information about:
- o recording which members of staff, teams and/or departments are responsible for monitoring compliance with the standards along with an outline of how this is done
 - o recording the internal arrangements for overseeing the way in which third parties comply with the requirements of the standards
 - o recording which members of staff, teams and/or departments are responsible for promoting the Welsh language services provided along with an outline of how this is done
 - o 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
 - o recording which members of staff, teams and/or departments are responsible for undertaking an assessment of the impact on the Welsh language along with an outline of how this is done
 - o recording the internal processes and structures used to assess and evaluate compliance with the standards.
- 8.1.15. A body must also ensure that a copy of the document is available on its website (standards 157 and 163) or on its intranet (standard 169) and in each of its offices that are open to the public.
- 8.1.16. A body may do so by ensuring that an electronic or paper copy is available in each of its offices. Therefore, if an electronic copy is available, the body does not have to ensure that it also has a printed paper copy.
- 8.1.17. Where a body is required to comply with more than one of these standards, the body may comply with the requirements in one set of supervisory arrangements. A body does not have to ensure that it has separate supervisory arrangements for each class of standards. The regulations allow it to do so by including the information in one document.

Standards 158, 164 and 170

- 8.1.18. A body must produce an annual report for each financial year which reports on the way it has complied with each of the service delivery, policy making and operational standards with which it has a duty to comply.

- 8.1.19. The standards also impose requirements in relation to reporting on the number of complaints received during the year relating to its compliance with the service delivery, policy making and operational standards.
- 8.1.20. Standard 170 requires a body to include the information it must keep in accordance with standards 151, 152 and 154 in the report. It may consider publishing the information in a way which follows open data principles.
- 8.1.21. The annual report must be available in Welsh, and published no later than 30 June following the financial year to which the report relates.
- 8.1.22. A body must publicise the fact that it has published the report and ensure that a copy of the report is available on its website and in each of its offices that are open to the public. Publicising the fact that the body has published an annual report may include:
- releasing a press statement
 - posting information on the report on social media and/or its website, or
 - sharing the report with relevant stakeholders (e.g. in a newsletter).
- 8.1.23. The regulations allow a body to report by including the information in one annual report entitled "Welsh Language Standards Annual Report".
- 8.1.24. A body is not required to present the annual report to the Commissioner in the same way as for Welsh language schemes. However, the Commissioner may access the report via the body's website or via provision made in standards 160, 166, 172, 174, 176.

Standards 159, 165 and 171

- 8.1.25. A body must publish a document on its website which explains how it intends to comply with the service delivery, policy making and operational standards with which it is under a duty to comply. Where a body is required to comply with more than one of these standards, the regulations allow it to do so in one document.
- 8.1.26. These standards allow bodies to identify and plan the specific steps that need to be taken in order to comply with the requirements of the standards. Such action may include matters such as translation arrangements, quality standards, performance indicators and information technology. The document could also identify who is responsible for the implementation of any necessary steps and could indicate when those steps need to be taken in order to comply.

Standards 160, 166, 172, 174 and 176

- 8.1.27. A body must provide the Commissioner with any information requested which relates to its compliance with the service delivery, policy making, operational, promotion and/or record keeping standards with which it is under a duty to comply.
- 8.1.28. Such information may include information on issues such as the following (to the extent that relevant standards are included in an organisation's compliance notice):
- the quality of Welsh language services

- the Welsh language skills of employees
- the number of Welsh speakers in the body's area
- the development of employees' Welsh language skills
- policy decisions
- the Welsh language as part of the body's internal administration
- awareness of linguistic needs
- complaints
- compliance oversight arrangements
- promoting and facilitating the use of services
- the promotion of the Welsh language (where relevant).

8.1.29. The Commissioner will ask for the information 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 allowed by legal limitations.

Appendix 1

A list of the bodies to which the code applies⁵⁶

- Pembrokeshire Coast National Park Authority
- Blaenau Gwent County Borough Council
- Brecon Beacons National Park Authority
- Bridgend County Borough Council
- Caerphilly County Borough Council
- Cardiff Council
- Carmarthenshire County Council
- Ceredigion County Council
- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Gwynedd Council
- Isle of Anglesey County Council
- Merthyr Tydfil County Borough Council
- Monmouthshire County Council
- Neath Port Talbot County Borough Council
- Newport City Council
- Pembrokeshire Coast National Park Authority
- Pembrokeshire County Council
- Powys County Council
- Rhondda Cynon Taf County Borough Council
- Snowdonia National Park Authority
- Swansea City and County Council
- Torfaen County Borough Council
- Vale of Glamorgan Council
- Welsh Ministers
- Wrexham County Borough Council

⁵⁶ The code also applies to any body operating in the name of, or on behalf of, any one or more of these bodies.

Appendix 2

Changes to the regulations

The Welsh Language Standards (No. 5) Regulations 2016⁵⁷ 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(2).”

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 2013⁵⁸.

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.

⁵⁷ Section 4, Welsh Language Standards (No. 5) Regulations 2016
<http://www.legislation.gov.uk/wsi/2016/406/regulation/4/made>

⁵⁸ S.I. 2013/414 (W.50)

Appendix 3

Templates to facilitate compliance

Below are a series of templates to facilitate compliance with the standards. Please note that they are for guidance only and that a body is not required to use them in order to comply with the relevant standards. They include the following:

Template	Description	Relevant standards	
Template 1	A guide for formulating a new policy, or reviewing or revising an existing one	88-90 and 150	Policy making and record keeping
Template 2	A guide for publishing a consultation document which relates to a policy decision under consideration	91-93 and 150	Policy making and record keeping
Template 3	A guide for producing and publishing a policy on awarding grants or amending an existing policy	94-90 and 150	Policy making and record keeping
Template 4	A guide for commissioning or undertaking research to assist the body to make policy decisions	95-97 and 150	Policy making and record keeping
Template 5	A guide for producing a 'Welsh Language Standards Annual Report'	158, 164 and 170	Supplementary matters

Template 1: Standards 88-90 and 150

1	Name of policy	
2	New (i) policy, reviewed (ii) policy or revised (iii) policy	
3	The decision(s) under consideration during the formative period	
4	Record of possible effects of the decision(s) on opportunities for persons to use the Welsh language: Positive / Adverse / No effects	
5	Record of possible effects of the decision(s) on treating the Welsh language no less favourably than the English language: Positive / Adverse / No effects	
6	Record of mitigation in order to secure positive or more positive effects (based on the outcomes of rows 4 and 5 above)	
7	Record of mitigation in order to avoid adverse effects or secure less adverse effects (based on the outcomes of rows 4 and 5 above)	
8	Record of recommendations in relation to the Welsh language for policy decision makers	
9	Record of decision in relation to the Welsh language	
10	Record of all of the information and evidence which forms the basis of the decision	

Template 2: Standards 91-93 and 150

1	Name of consultation	
2	The decision(s) under consideration during the consultation	
3	Record of the way in which the consultation document sought views on the possible effects of the proposed policy on opportunities for persons to use the Welsh language in accordance with the requirements of standards 91-93	
4	Record of the way in which the consultation document sought views on the possible effects of the proposed policy on treating the Welsh language no less favourably than the English language in accordance with the requirements of standards 91-93	
5	Record of the number of responses commenting on effects on the Welsh language	
6	Record of mitigation following examination of responses during the consultation in relation to the Welsh language	
7	Record of reasons for non-mitigation following responses in relation to the Welsh language	
8	Following the consultation, a record of recommendations in relation to the Welsh language presented for policy decision makers	
9	Record of the decision made in relation to the Welsh language	
10	Record of all of the information and evidence which forms the basis of the decision	

Template 3: Standards 94 and 150

1	Name of grant	
2	Name of person(s) conducting a Welsh language impact assessment before awarding a grant	
3	Record of possible effects of awarding a grant on opportunities for persons to use the Welsh language: Positive / Adverse / No effects	
4	Record of possible effects of the awarding a grant on treating the Welsh language no less favourably than the English language: Positive / Adverse / No effects	
5	Record of grant conditions recommended for inclusion before awarding a grant in order to secure positive or more positive effects (based on the outcomes of rows 3 and 4)	
6	Record of grant conditions recommended for inclusion before awarding a grant in order to avoid adverse effects or secure less adverse effects (based on the outcomes of rows 3 and 4 above)	
7	Record of the language conditions included in the grant award in relation to the Welsh language	
8	Record of the person(s) making the decision to award the grant	
9	Record of all of the information and evidence which forms the basis of the decision	

Template 4: Standards 95-97 and 150

1	Name of research to be conducted	
2	Record of possible effects of policy on opportunities for persons to use the Welsh language: Positive / Adverse / No effects	
3	Record of possible effects of policy on treating the Welsh language no less favourably than the English language: Positive / Adverse / No effects	
4	Record of aspects which should be researched and included in the research specification before commencement in order to secure positive or more positive effects (based on the outcomes of rows 3 and 4)	
5	Record of aspects which should be researched and included in the research specification before commencement in order to avoid adverse effects or secure less adverse effects (based on the outcomes of rows 3 and 4)	
6	Record of the content of the research specification in relation to the Welsh language	
7	Record of the person(s) making the decision in relation to the research specification	
8	Record of all of the information and evidence which forms the basis of this assessment	

Template 5: Welsh Language Standards Annual Report

1.	Foreword	
1.1	Purpose of the report	
1.2	Self-assessment statement	
1.3	Publication date	
1.4	Contact details for enquiries	
2.	Compliance Oversight Arrangements	
2.1	Details of responsible senior officer	
2.2	Deputising arrangements for operational arrangements	

2.3	Report approval	
2.4	Adopting and publishing compliance oversight arrangements	
2.5	Compliance oversight arrangements	
3.	Compliance Assessment	
3.1	Quality of Welsh language services	
3.2	Policy Decisions	
3.3	The use of the Welsh language as part of the body's internal administration	

3.4	Employees' Welsh Language Skills	
3.5	Welsh Language Training for Employees	
3.6	Awareness of linguistic needs	
3.7	Filling new posts and vacancies	
3.8	Promoting the Welsh language	
3.9	Complaints	

3.10	Compliance oversight arrangements	
4.	Securing Compliance	
4.1	Self-assessment of risk levels and likelihood of failing to comply with the standards (where the imposition day has not passed).	
4.2	Special measures implemented by the body as a result of enforcement action ⁵⁹ .	
4.3	Progress made to achieve the action plan and/or take steps to ensure compliance as a result of a settlement agreement ⁶⁰ .	
5.	Applicable Duties	
5.1	Change in compliance requirements.	

⁵⁹ in accordance with section 79 of the Welsh Language (Wales) Measure 2011 and as interpreted in sections 110 (a)—(e)

⁶⁰ in accordance with section 91 of the Welsh Language (Wales) Measure 2011



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