

# Welsh Language Schemes

*Their preparation and approval  
in accordance with the  
Welsh Language Act 1993*

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WELSH  
LANGUAGE  
BOARD

# CONTENTS

	Page
<b>Foreword: Lord Elis-Thomas</b>	<b>3</b>
<b>This document</b>	<b>4</b>
<b>PART I: INTRODUCTION</b>	
Welsh language schemes: by whom?	<b>6</b>
Welsh language schemes: for whom?	<b>7</b>
The Welsh language and service provision	<b>8</b>
Appropriate in the circumstances and reasonably practicable	<b>9</b>
Scheme preparation and approval	<b>10</b>
<b>PART II: FROM GUIDELINES TO SCHEMES</b>	<b>15</b>



**“... Welsh is an official language in this country.  
That does not have to be stated in law.  
It is not stated in law in respect of English.  
English is also an official language.”**

***The Right Honourable Sir Wyn Roberts M.P.***  
*(Minister of State at the Welsh Office at the time)*  
*(House of Commons, 15 July 1993)*



Around a year ago, the Welsh Language Board issued a draft version of this document for consultation. We were very heartened by the response, and grateful for the many, helpful suggestions we received. We are grateful also to the numerous organisations who have worked with us through the process of preparing Welsh Language Schemes. This has all been valuable in finalising this document.

In issuing it, I'm conscious of the enormous responsibility the Welsh Language Act places on the Board. First, there is the task of dealing with so many, often very different public sector bodies. Then we have to balance the duty to be objective and consistent in our approach with the need to be realistic and flexible in our expectations in different parts of Wales. We have to decide whether to approve or refuse Welsh language schemes, but we also have a duty to advise those who prepare them. And, of course, we have the responsibility to ensure that schemes respect the central principle of equality between Welsh and English embodied in the Act. We will try to achieve all of these aims as we use this document and take schemes forward.

But the Act also places a responsibility on public sector bodies. They need to respond positively to the growing expectations of Welsh speakers - gone hopefully are the days when protests are necessary before public bodies make services available in Welsh. There is the responsibility also to strive always towards giving full effect to the principle of equality, and to offer real language choice as they provide services to the public in Wales. For many organisations, this will undoubtedly mean a significant shift in thinking. Across the public sector it means a long term investment in bilingual services.

And of course, there is the responsibility on Welsh speakers themselves - to use the Welsh language services as they become increasingly available, and to understand that sometimes what they expect to see cannot all happen overnight.

The Welsh Language Act, therefore, requires that we share the responsibility for taking it forward. I believe that the spirit of that responsibility, indeed the spirit of the Act itself, is contained in the word that probably appears more often than any other in this document - the word "should". It signifies what should happen if the principle of equality is to be respected and given effect. It conveys that, together, we need consciously to come to a decision about what should be provided. And it also conveys a sense of time - an opportunity to confirm that what can't be done today will be achieved tomorrow.

I'm sure this document will assist public sector bodies - whatever their size or activities - to prepare and implement their schemes. I hope that the advice and good practice within it will also be widely adopted by those working in the voluntary and private sectors in Wales, as they respond of their own accord to the principle of equality in the Act.

My message to all those who use this document is simply this: "Plan for two languages, and provide for two languages".



**Lord Elis -Thomas**

*Chairman*

March 1996



The Welsh Language Act 1993 established the principle that in the conduct of public business and administration of justice in Wales the English and Welsh languages should be treated on a basis of equality. The Act also made provisions for the preparation and approval of Welsh language schemes.

Under section 9 of the Act, the Welsh Language Board has a duty to issue guidelines to public and Crown organisations as to the form and content of their Welsh language schemes. These schemes should specify what measures they propose to take as to the use of Welsh in connection with the provision of their services, in order to give effect to the Act's principle of equality so far as is both appropriate in the circumstances and reasonably practicable.

Under section 3 of the Act, the Board has a duty also to advise public and Crown organisations on the ways they may give effect to the principle of equality when providing services to the public in Wales, and to advise them on the use of Welsh in their dealings with the public in Wales.

In this document, the Board is issuing both the guidelines and accompanying advice which, together, provide a practical and flexible framework for preparing schemes in accordance with the Act. This framework has been developed to accommodate the circumstances of the broad range of public and Crown organisations - from community councils to government departments - who will prepare schemes. Given that hundreds of different organisations will prepare schemes over the coming years, it is impracticable for the Board to produce a separate framework relating to individual organisations, or categories of them. Indeed, the Act makes this a matter for consideration in the context of individual Welsh language schemes, by applying the test of what is "appropriate in the circumstances and reasonably practicable" set out in section 5(2) of the Act.

The Board's approach, therefore, is that if a particular guideline or section of advice is relevant to any organisation who will prepare a scheme, it has been included as part of the framework. This does not, of course, mean that the guideline or advice then becomes applicable to every organisation. It is a matter for consideration by organisations when schemes are being prepared, and for the Board to consider when schemes are submitted for approval. The guidelines and the accompanying advice together, therefore, set out those matters that organisations should consider in preparing their schemes. They need to select those matters which are applicable to their circumstances. In accordance with the Act, the Board expects them to do so in an objective manner. In addition, the Board recognises that there could well be circumstances which fall outside the Advice in this document. When preparing their schemes, some organisations no doubt will come across other ways of giving effect to the principle of equality. The Board will welcome their suggestions.

For its part, when considering schemes submitted to it for approval, the Board will have due regard to the nature, size, location and activities of each organisation, and its relationship with the public in Wales, to determine in an objective manner which guidelines and advice are applicable, and what types of measures should appropriately be included in the scheme. In doing so, it will be applying the test of what is "appropriate in the circumstances and reasonably practicable" set out in section 5(2) of the Act.



By applying the framework of guidelines and advice in this flexible and objective manner, the Board will be recognising the differences between organisations and between different parts of Wales. Clearly, the Board will not expect organisations to include measures that are not appropriate. Neither will the Board, in many cases, expect every measure included in a scheme to be implemented immediately. As required by section 12(2)(a) of the Act, schemes will include a timetable for giving effect to the measures that organisations propose to take. Schemes can therefore be developmental, where the organisations concerned are working within an agreed timetable towards implementing the principle of equality in the Act, so far as is appropriate to the circumstances of their activities.

This summarises the framework of guidelines and advice in this document. The framework provides the most appropriate approach within the provisions laid out in the Act for accommodating the great variety of organisations who will prepare Welsh language schemes.



**Welsh language schemes: by whom?**

1.1 Under section 7 of the Welsh Language Act 1993 (“the Act”) the Welsh Language Board (“the Board”) may give notice to a public body, as defined in section 6 of the Act, requiring it to prepare a scheme in accordance with section 5 of the Act. Section 5 states:

- “5 (1) *Every public body to which a notice is given under section 7 below and which -*  
(a) *provides services to the public in Wales, or*  
(b) *exercises statutory functions in relation to the provision by other public bodies of services to the public in Wales,*  
*shall prepare a scheme specifying the measures which it proposes to take, for the purpose mentioned in subsection (2) below, as to the use of the Welsh language in connection with the provision of those services, or of such of them as are specified in the notice.*
- (2) *The purpose referred to in subsection (1) above is that of giving effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality.*
- (3) *In preparing a scheme under this Part of this Act a public body shall have regard to any guidelines issued by the Board under section 9 below”.*

1.2 The Board’s statutory guidelines issued under section 9 of the Act are included in Part II of this document.

1.3 Section 21 of the Act sets out those provisions which apply to persons acting as servants or agents of the Crown, such as government departments and Crown bodies. Crown bodies include, for instance, government agencies, government advisory bodies, and the Courts. Government departments include departments outside Wales, such as the Home Office and Lord Chancellor’s Department, whose functions relate to providing services to the public in Wales. Section 21 requires persons acting as servants or agents of the Crown also to have regard to guidelines issued by the Welsh Language Board under section 9 of the Act, when preparing Welsh language schemes.

1.4 Although government departments and Crown bodies are not under a statutory duty to prepare schemes, the Government has given an undertaking that they will do so. During the Welsh Language Bill’s second reading in the House of Lords, the Minister of State at the Home Office at the time (Earl Ferrers) said:

*“Both government departments and Crown bodies will produce schemes, and their schemes will be prepared in exactly the same way and to the same standards as those of other public bodies.”*  
*(Hansard 19 January 1993)*

During the same debate, Earl Ferrers also explained that:

*“Government departments will also submit schemes to the Welsh Language Board just as if the legislation places them under an obligation to do so. These schemes will have regard to the same guidelines as those which will apply to all other public bodies.”*  
*(Hansard 19 January 1993)*



Government departments, Crown bodies and public bodies (who are referred to collectively as “organisations” in the remainder of this document) are therefore under an obligation to prepare Welsh language schemes. Every organisation preparing a scheme must have regard to guidelines issued by the Board.

- 1.5 The Board may issue notices under section 7 of the Act in connection with the provision of some, or all, of the services provided by individual public bodies. The Board may also issue separate or additional notices for individual services. This will provide an opportunity to tailor schemes to match the circumstances of those required to prepare them, and the Board may issue further advice under section 3 of the Act specifically related to particular services.

#### **Welsh language schemes: for whom?**

- 1.6 Welsh language schemes relate to the provision of services to the public in Wales. The term “public” extends to individuals, legal persons and corporate bodies. It includes the public as a whole, or a section of the public, as well as individual members of the public. The term includes voluntary organisations and charities whether or not they have been incorporated with limited liability since they, too, will form a section of the public. Directors and others representing limited companies are also within the meaning of the term “the public”. For the purposes of sections 5 and 21 of the Act, therefore, the public means those persons with whom an organisation has dealings in the course of discharging its functions. It does not, however, include dealings with persons who are acting in a capacity which is representative of the Crown, government or the State. Consequently, persons who fulfil official functions of a public nature, even though they are legal persons, do not come within the meaning of the word “public” when they are fulfilling those official functions.
- 1.7 As explained above, Welsh language schemes will need to set out the measures organisations propose to take in order to treat Welsh and English on a basis of equality whilst providing services to the public in Wales. This covers those activities which are carried out for the benefit of the public at large as well as for the benefit of an identifiable individual or individuals. The meaning includes supplier/customer relationships between organisations and the public, where services are provided directly to members of the public and individuals. It also includes, for example, the keeping of law and order, and regulatory functions such as planning and building control, health and safety regulation, and other functions where there will frequently not be an identifiable customer or consumer.
- 1.8 Reference at section 5 of the Act to the words “in Wales” in relation to providing services to the public means that organisations must prepare their schemes in relation to those services they provide which are for the benefit of the public in Wales (as discussed at paragraph 1.7 above). This does not mean, of course, that the organisation must be physically “in Wales”.
- 1.9 In normal circumstances, organisations will not be required to operate in accordance with their Welsh language schemes when providing services to people who are part of the public in Wales when those people are not physically in Wales (for instance, should a person from Wales visit a museum in London). Their schemes will apply, however, in cases where the public in Wales are obliged to leave Wales to obtain that service, such as having to attend court. The Board,





however, encourages organisations to provide services through the medium of Welsh whatever the location of their customers (for instance, the Board would consider it difficult for an organisation to justify refusing to correspond through the medium of Welsh with persons located outside Wales whilst, at the same time, providing such a service within Wales). In addition, organisations in England who are required to provide a service which covers a part of Wales (for example, some hospitals) should do so in Welsh whenever reasonably practicable. In these cases, while the point of delivery of the service is outside Wales, some of those who are in receipt of the benefit of the service are part of the public in Wales. Where the remit of the organisation specifically includes Wales or parts of Wales, it would be artificial to exclude it from the need to prepare a Welsh language scheme simply on the ground that part of the service is delivered outside Wales.

### **The Welsh language and service provision**

- 1.10 The starting point for all schemes will be the principle of equality laid down in the Act. In preparing their schemes, organisations need to consider how they will give effect to that principle when providing services to the public in Wales. They should approach the provision of services in Welsh as they do in English, by setting the same objectives and professional standards.
- 1.11 Service provision revolves around communication between organisations and the public, and between the public and organisations. Organisations therefore need to cater for those who wish to deal with them in Welsh. In planning their services, they should not rely on current demand for services through the medium of Welsh. This consideration alone would not be sufficient since it is likely that demand will increase as schemes are implemented, and as the public becomes increasingly aware and confident that it can receive as efficient a service in Welsh as in English.
- 1.12 It is acknowledged that, in the past, many Welsh speakers turned to English in dealing with public organisations. There are a number of reasons for this. They were encouraged or obliged to deal in English only, or were not informed what services were available in Welsh. They were also concerned that a request for service in Welsh would reflect badly on them, and that using Welsh could lead to delay or a lower standard of service. Through their schemes, organisations need to ensure this will not be the case.
- 1.13 They can do so by adopting and implementing the following approach which respects the principle of equality in the Act:
- offering the public in Wales the right to choose which language to use in their dealings with the organisation;
  - recognising that members of the public can express their views and needs better in their preferred language;
  - recognising that enabling the public to use their preferred language is a matter of good practice, not a concession;
  - and that denying them the right to use their preferred language could place members of the public at a real disadvantage.

These principles are relevant to all public services, but are particularly appropriate for organisations providing services to people who are in vulnerable situations, such as services



involving counselling and care. It should no longer be the case, therefore, that Welsh speakers have to press for a service in Welsh. The onus is on organisations to offer the public in Wales a genuine choice of language in their dealings with them. A request to use Welsh, therefore, should become no more than making a choice.

1.14 Whatever their approach and experience to date, organisations should plan for an increase in demand, and prepare to respond accordingly in a manner which respects the principle of equality in the Act. The level of demand, of course, will vary between organisations and from one area to another, reflecting the linguistic profile of the population.

1.15 Organisations should also bear in mind the expectations of Ministers. In a letter dated 16 February 1993 to Lord Hooson, (copied to twelve other Peers including the Board's Chairman, Lord Elis-Thomas), Earl Ferrers stated that:

*“The Government certainly intends that the implementation of this principle [the principle of equality] should result in far reaching changes to the Welsh language services that are available right across the public sector.”*

Organisations should therefore always seek to adopt the best possible practice with regard to the use of Welsh. No organisation should leave itself open to criticism for delivering a minimum level of service in Welsh to Welsh speakers.

#### **Appropriate in the circumstances and reasonably practicable**

1.16 As stated previously, the starting point for all schemes will be the principle of equality laid down in the Act. Organisations preparing a scheme should strive towards giving full effect to that principle so far as is appropriate in the circumstances and reasonably practicable. These qualifying phrases apply to individual schemes and measures, and not to the underlying principle itself.

1.17 The question of whether the measures in an organisation's scheme (taken individually or collectively) give effect to the principle of equality “so far as is appropriate in the circumstances and reasonably practicable” is one which is central to the Board's task of considering each scheme submitted to it for approval. This consideration has to be made in an objective manner in every case. It will not be acceptable for those preparing schemes to adopt a highly subjective and restricted view of what is appropriate in their circumstances or reasonably practicable.

1.18 The circumstances which are relevant to an organisation's consideration of what is “appropriate in the circumstances” are those circumstances which relate to the nature of the service provided by the organisation, and the nature of the public to which it provides that service (for example, where that service covers a part of Wales only, the linguistic profile of that area) ascertained in an objective manner.

1.19 Having determined what is “appropriate in the circumstances”, organisations should then consider how far it would be reasonably practicable for the measures that have been deemed as appropriate to be taken. In this context, the meaning of the term “reasonably practicable” as defined in Halsbury's Laws, (volume 20, paragraph 553) is narrower than “physically possible” and implies that a computation must be made. In the case of Welsh language schemes, the



benefits of each measure as to the use of Welsh can be considered against the cost of taking it, in terms of money or other resources. Beyond this, if something is not physically possible then, clearly, it is also not reasonably practicable. Even so, the need to strive towards giving full effect to the principle of equality remains. This need is reflected by section 12 of the Act, which states:

*“A scheme shall include provisions specifying a time-table for giving effect to the measures proposed in the scheme ...”*

This recognises that while it may not be reasonably practicable (or indeed physically possible) for a measure to be implemented at the time a scheme is prepared, this should not necessarily be the case in the future. Schemes should, therefore, include provisions to enable those measures which are appropriate, but not initially reasonably practicable, to be implemented within a specified timetable.

1.20 As with the rule in civil proceedings, the onus will be on the organisation preparing the scheme to demonstrate that what it proposes will give effect so far as is reasonably practicable to the principle of equality.

1.21 The intention of the two qualifying phrases “appropriate in the circumstances” and “reasonably practicable” was made clear by the Government during the Welsh Language Bill’s second reading. Earl Ferrers, speaking for the Government, said:

*“... as I have already made clear, public bodies will not be able to take a subjective view of what they believe to be appropriate in the circumstances and reasonably practicable. The interpretation will need to be objective in every case. It will need to have been agreed by the Welsh Language Board, and public bodies must be able to demonstrate that they have had regard to the Board’s guidelines.”*  
*(Hansard 2 February 1993)*

### **Scheme preparation and approval**

1.22 The statutory process for preparing and approving schemes is set out in PART II of the Act. As stated in paragraph 1.4 above, government departments and Crown bodies will prepare schemes and submit them to the Board for approval in exactly the same way as other public bodies. Paragraphs 1.23 to 1.37 below are applicable therefore to all organisations preparing schemes.

#### *Starting the process*

1.23 The statutory process is triggered when the Board notifies an organisation in writing of the need to prepare a scheme, and in doing so, gives a date by which time the scheme needs to be submitted to the Board for approval. The period given to prepare and submit the scheme will include a period for public consultation in accordance with section 13 of the Act. Public consultation is discussed in more detail below. A closing date for objecting to the timetable will also be given, together with an offer to explain and discuss the Board’s expectations.

1.24 If the organisation is unhappy with the proposed timetable, it may object in writing but will need to do so by the given date, and give reasons for its objection. After giving due consideration to those reasons, the Board may offer to extend the timetable, or re-affirm the original date. If, following further communication, the Board and the organisation cannot agree the date for scheme submission, the Board will refer the matter for the Secretary of State to determine.



- 1.25 The Board, in many cases, will have discussed the proposed timetable with each organisation in advance of starting the statutory process.

*Scheme preparation*

- 1.26 For many organisations, the need to plan and organise their services with two languages in mind will perhaps be a new concept. Scheme preparation will involve preparing the organisation as well as drafting the scheme. A scheme will have considerable impact right across many organisations; for others, the impact will be less. Whatever the scale of Welsh language provision, organisations will need to invest in creating awareness, understanding and support among their personnel, and disciplines and controls in their business systems.

- 1.27 The following are examples of steps organisations may wish to take to assist with their schemes:

- (i) By using this document as a framework, organisations may wish to conduct an “audit” of their activities, duties and contact with the public in Wales. For instance, if they communicate in writing or over the phone, or if they publish leaflets and other documents, their schemes will need to include measures for dealing with these situations. This analysis may also be extended to agents and contractors who regularly provide services to the public in Wales on the organisation’s behalf. This exercise will help identify what needs to be covered in the scheme. At the same time organisations may wish to establish, in a systematic way, what is already being achieved.
- (ii) This exercise may also include an analysis of existing linguistic skills in the organisation. Advice on how this should be undertaken is included with Guidelines 8(i) and 8(ii) in Part II of this document.
- (iii) By using this document, an organisation can also establish where in its business systems it needs to apply the disciplines and controls necessary to support the scheme.
- (iv) In larger organisations, it may be useful to establish a co-ordinating team drawn from various departments under the leadership of the director or manager responsible for preparing and implementing the scheme. This team may oversee the exercises described above, and begin preparing the organisation for any changes that are required. Its members may also act to raise awareness and understanding among staff, and explain what lies ahead.
- (v) In its Explanatory and Financial Memorandum to the Welsh Language Bill, the Government recognised that responding to the legislation could have financial implications for organisations:

*“ . . . whether this will result in additional costs for particular public bodies will depend on their current and planned levels of Welsh language services and the recommendation of the Welsh Language Board. At present it is therefore not possible to produce a realistic estimate of the overall financial implications of the legislation; but where there are additional costs these will be accommodated within mainstream budgets.”* *(HL Bill 54)*

Organisations are therefore advised to take into account the measures proposed in their scheme when considering future budgetary requirements.



- (vi) Organisations providing the same or similar services, such as local authorities or colleges, may wish to explore opportunities for sharing information, networking and avoiding duplicative costs.

The Board has an outline questionnaire for use in conjunction with steps (i) to (iv) above. This will be made available for organisations to use or adapt as they wish.

- 1.28 During scheme preparation, organisations may wish to consult with the Board. The Board will welcome such approaches, and will respond in accordance with its duty to give advice under section 3 of the Act. This will include commenting on draft versions of schemes in advance of public consultation. Organisations will need to allow sufficient time for the Board to respond. Any advice given, however, will be without prejudice so as not to compromise the public consultation process or the Board's final decision either to approve or reject schemes when they are formally submitted.

*Public consultation*

- 1.29 Section 13 of the Act places a duty on organisations to issue their draft schemes for public consultation. Section 13 states:

*“13 (1) [An organisation] preparing a scheme for submission to the Board shall carry out such consultations as may be appropriate in order to ascertain views representative of both Welsh-speaking and other members of the public who may be affected by the scheme.*

*13(2) [An organisation] shall comply with any directions given to it by the Board in connection with the duty under subsection (1) above.”*

- 1.30 The nature of the consultation will vary between organisations, depending on the nature and geographical span of their activities. The Board will wish to discuss and agree the consultation programme with each organisation in advance, and organisations should not consult publicly on their scheme proposals without first obtaining the Board's consent in writing. The aim will be to ensure that members of the public in Wales have sufficient time and opportunity to make their views on the scheme known.

- 1.31 In order to assist organisations to plan their consultation programme, the following sub-paragraphs describe the framework within which they should propose their consultation plans to the Board. The Board may also give other directions regarding consultation to individual organisations.

- (i) The draft scheme issued for consultation should be the version the organisation intends to submit formally to the Board for approval. It should be published in Welsh and English as one document.
- (ii) The consultation period should be between 8 and 13 weeks. The actual period will depend on the type of consultation, the nature of the organisation, and the timing of the consultation.
- (iii) A notice will need to be inserted in newspapers circulating in Wales. The notice will be bilingual, in a form prescribed by the Board. It will give the purpose of the consultation, the consultation period, the deadline for making representations, and where they should be sent. It will also state how a copy of the scheme can be obtained free of charge, and where a copy is available for examination.



- (iv) The choice of newspapers will reflect the operational area of each organisation, and will include daily papers distributed mainly in Wales or weekly regional papers, or both types, as appropriate to each organisation. The Welsh language version of the notice will normally also need to be inserted in the weekly Welsh language papers.
- (v) The notice will normally need to appear at least twice in these papers, in the week before the consultative period begins and the following week. Where the notice is to appear in both daily and weekly regional papers which cover the same area, it may be inserted in the daily papers one week and in the weekly papers the following week.
- (vi) Wales has a network of monthly Welsh-language community newspapers known as “papurau bro”, each with its own geographical area. A press release or letter drawing attention to the consultation, and giving the information set out in sub-paragraph (iii) above, should be issued to all or some of those papers, the selection to mirror the operational area of the organisation. Their names and addresses will be made available by the Board.
- (vii) The Board will provide each organisation with a list of consultees who are to be sent a copy of the draft scheme. The Board will also provide a list of consultees for organisations to consider. These consultees include those whose interests lie in a particular service or profession as well as Welsh-language interest groups.
- (viii) Organisations will also need to consider other channels for consulting the public, such as contacting local radio stations, placing copies of the draft scheme in their local offices, in libraries, or health centres, issuing a “flier” with correspondence and literature, and using notice boards or electronic screens. For some organisations, holding public meetings may also be appropriate.
- (ix) Organisations will also wish to consider how they should consult with staff, and whether to consult with others such as voluntary groups who may be on their standard consultation list.
- (x) It is possible organisations may wish to send copies to other public bodies in the area, or to organisations providing the same services or having the same interests. They should bear in mind, however, that the objective is “to ascertain views representative of both Welsh-speaking and other members of the public who may be affected by the scheme”, and not to ascertain the views of other public organisations.

1.32 Following the consultation, organisations will need to provide the Board with a report on representations made by the public in Wales. This report will need to summarise how the organisation consulted with the public, and how many copies of the scheme were distributed, and who received them. It should also analyse those who have commented, and analyse and categorise their views. The Board may ask to see copies of their representations. The report will need to reach conclusions regarding any changes to be made to the scheme following public consultation. It will be advisable, therefore, to plan and co-ordinate the consultation exercise in a way that facilitates compiling and writing this report. For instance, organisations may wish to consider issuing a standard bilingual “form” with each copy of the scheme, inviting the public



to use it to make their representations. Minutes should be taken of public meetings or discussions. The Board may require an organisation to consult with the public again if it sees that it has not consulted properly as approved.

- 1.33 Sufficient time needs to be reserved at the end of the consultation exercise to analyse representations, to consider and (if necessary) make changes to the draft scheme, to compile the report to the Board (allowing time for translation), and to follow any approval processes within the organisation, such that the report and the final draft version of the scheme can be submitted to the Board by the date agreed at the start of the process.

#### *Approving schemes*

- 1.34 Having received the organisation's final draft scheme and report, the Board will consider whether or not to approve the scheme by applying the approach set out at the beginning of Part II to this document. It will also want to ensure that the Welsh and English versions of the scheme are consistent with each other. Where the Board has reservations, it will discuss the scheme with the organisation and seek appropriate modifications.
- 1.35 If a scheme appears to the Board to be satisfactory, either as submitted or with subsequent modifications, the Board will approve the scheme and notify the organisation in writing of its decision, giving the effective date of approval. This will authorise the organisation to publish its scheme in the form approved by the Board. The form is described in Part II of this document.

#### *Disagreement*

- 1.36 Section 14 of the Act sets out provisions for dealing with situations where the Board and organisations cannot agree the content of schemes, or where organisations have failed to submit their schemes to the Board for approval by the agreed date. In both cases, the matter may be referred to the Secretary of State.
- 1.37 The Secretary of State may request the Board and the organisation to try once more to reach agreement on the terms of the scheme before a date specified by him. Alternatively, the Secretary of State may himself decide upon the terms of the organisation's scheme.



### **The framework of guidelines, advice and measures**

In this Part of the document, the Board sets out the guidelines as to the form and content of schemes issued under section 9 of the Act. Each guideline is accompanied by advice relating to it, issued under section 3 of the Act. The advice includes a list of measures to help organisations prepare and present their schemes based on the guidelines.

The guidelines and advice, together, set out those matters which organisations should consider and the types of measures they should take in order to give effect to the principle of equality in the Act. As previously explained, this does not mean that each guideline, section of advice or measure then becomes applicable to every organisation. Where organisations propose not to include all of these measures, however, they will need to demonstrate, for each measure not included, why it would not be 'appropriate in the circumstances' or 'reasonably practicable' to include that measure.

For its part, the Board will have due regard in its consideration of schemes to the nature, size, location and activities of each organisation, and its relationship with the public in Wales. For each scheme proposal, therefore, the Board will consider the circumstances of the organisation to determine which guidelines are applicable, and whether the measures put forward are acceptable. In doing so, it will be governed by the test of what is 'appropriate in the circumstances and reasonably practicable' set out in section 5(2) of the Act.

To assist those concerned with the preparation of Welsh language schemes, the guidelines, and the accompanying advice and measures are set out together in the following paragraphs.





### GUIDELINE 1

**The scheme should be presented in Welsh and in English and in a form which is suitable for publication to the members of the public with whom the organisation has dealings.**

**ADVICE** The scheme should be published bilingually by the organisation, with Welsh and English versions in the same document. It should be presented in a form which is suitable for issue to members of the public. For some organisations, the size of the document may be such that they may wish to issue a summary of the scheme as well. That is discussed further in the advice on section 12(2)(b) of the Act later in this document.

### MEASURES

The scheme should take the form of a bilingual document, suitable for publication, and be presented as follows:

- (1) The cover of the document should include the name of the organisation and the words “Welsh Language Scheme prepared under the Welsh Language Act 1993”.
- (2) The first facing page in the document should include a statement confirming, as applicable:
  - (i) (in the case of public bodies) that the scheme has received the approval of the Board under section 14(1) of the Act, and giving the date of that approval; or,
  - (ii) (in the case of public bodies) that the scheme has been decided by the Secretary of State under section 14(5) of the Act, and giving the date of that decision, and explaining why the scheme was not approved by the Board; or,
  - (iii) (in the case of government departments and Crown bodies) that the scheme has been prepared in accordance with section 21(3) of the Act, and either
    - ◆ has received the Board’s full endorsement, and giving the date of that endorsement, or
    - ◆ has been adopted by the organisation (giving the date) without receiving the Board’s full endorsement, and explaining why that was the case.
  - (iv) Where the Board has approved the scheme under section 14(1), or has given its full endorsement under section 21, the organisation should also show the Board’s logo immediately below the statement. If the scheme has not been approved or endorsed fully by the Board, the Board’s logo cannot be reproduced in the document.
- (3) At the beginning of the document there should also be a statement recognising the principle of equality in the Welsh Language Act 1993 by the words:

“(Name of organisation) has adopted the principle that in the conduct of public business [and the administration of justice \*] in Wales, it will treat the English and Welsh languages on a basis of equality. This scheme sets out how (name of organisation) will give effect to that principle when



providing services to the public in Wales.”

[\* These words in square brackets to be included where applicable]

- (4) The document should include an introductory section which describes the nature, size, location, responsibilities and activities of the organisation.
- (5) This should be followed by sections which set out clearly and in detail the measures to be taken by the organisation to give effect to the principle of equality set out in the Act, presented in the order of the Board’s guidelines.
- (6) The document should either separately contain a summary of the measures to be taken with a timetable for giving effect to each measure, or the date for implementation should be stated with each measure in (5) above.
- (7) The document should finally explain who in the organisation can be contacted about the scheme, and how they can be contacted.

## THE CONTENT OF SCHEMES

## GENERAL

**The scheme should specify the measures an organisation proposes to take in order to give effect to the principle of equality set out in section 5 of the Act, and how the organisation proposes to implement each measure.**

GUIDELINE  
2

A Welsh language scheme should be more than a policy; it should be a strategy or action plan containing clear policy commitments and descriptions of the steps to be taken and arrangements to be made for implementing those commitments and for monitoring them. The measures specified in an organisation’s scheme, when linked to a timetable and taken together, should therefore comprise a comprehensive strategy for using Welsh in connection with providing services to the public in Wales in order to give effect to the principle of equality.

ADVICE

The key to providing a high quality service through the medium of Welsh is to make the language a natural, integral part of the planning and delivery of that service. An integral approach will reap its rewards in a number of ways, not least in public satisfaction and in administrative and financial efficiency.

The scheme should be presented as a strategy or action plan which includes measures which:

MEASURES

- ◆ make policy commitments consistent with the principle of equality;
- ◆ set longer-term aims where policy commitments cannot be implemented fully or where services in Welsh are not available immediately;
- ◆ describe the services available in Welsh;
- ◆ describe the arrangements for planning, delivering and administering those services;
- ◆ set out an implementation and monitoring framework for the scheme;
- ◆ include a timetable for implementing the scheme measure by measure.



GUIDELINE  
3

**The scheme should specify the measures an organisation proposes to take when assessing the impact of new policies and initiatives and when implementing them.**

**ADVICE** Organisations will need to ensure that, when new policies and initiatives are being formulated, the linguistic consequences are being assessed. New policies and initiatives should be consistent with the measures contained in the scheme and should, whenever possible, promote and facilitate the use of Welsh. Indeed, the requirement to give effect to the principle of equality in the Act makes it necessary for organisations to take every opportunity afforded by new policies and initiatives to do so. Organisations should, therefore, ensure that staff and advisers involved in policy formulation are aware of their scheme and are taking it into account. These considerations extend to organisations exercising statutory functions which influence the activities of others, such as other persons acting as servants or agents of the Crown or other public bodies. They apply to proposals and provisions arising from legislation, including regulations, circulars, advice and guidance.

It may be appropriate to adopt a standing directive that papers presenting new proposals for approval carry an assessment of the likely impact they will have on the organisation's scheme and, where relevant, on the ability of other organisations to provide services in Welsh.

Organisations should, in addition, ensure that the measures contained in the scheme are applied to new policies and initiatives when they are implemented.

MEASURES

- ◆ A commitment to assess the linguistic consequences of any new policies and initiatives when formulating them.
- ◆ A commitment that new policies and initiatives:
  - will promote and facilitate the use of Welsh wherever possible;
  - will move the organisation closer to implementing the principle of equality at every opportunity.
- ◆ A commitment to ensure that new policies and initiatives are consistent with the scheme, and do not undermine it.
- ◆ A commitment to consult with the Board in advance regarding proposals which will affect the scheme, or will affect the schemes of other organisations.
- ◆ A commitment not to alter the scheme without the Board's agreement.
- ◆ A commitment to ensure that staff and advisers involved in policy formulation are aware of the scheme and the organisation's responsibilities under the Act.
- ◆ A commitment to ensure that the measures contained in the scheme are applied to new policies and initiatives when they are implemented.
- ◆ A description of the arrangements to implement these commitments.



The scheme should set out how the organisation proposes to provide the specific services for which it is responsible (for instance - education, health care or social services) through the medium of Welsh. As part of this, it should describe how it intends to plan and organise its services to take into account the needs of Welsh speakers. The conclusions it reaches will depend on the area it serves and the nature of its services. Multi-service organisations, such as local authorities, will need to consider whether different plans and arrangements are required from one service to another.

ADVICE

Some organisations will be able to deliver bilingual services naturally and fully across the organisation. Others will need more specific arrangements, and the following are examples which organisations should consider according to their circumstances:

- setting up a discrete team within the service to deliver services to Welsh speakers;
- establishing a specialist team to support those who are delivering the organisation's various services to the public;
- organising the service team so that Welsh-speaking staff are able to deal with the Welsh speaking public;
- Welsh-speaking officers in one regional office being made available to assist another office when required;
- sharing services for Welsh speakers with neighbouring organisations providing the same services, or purchasing the service from them;
- adopting procedures or systems which facilitate service provision in the language chosen by the service user;
- establishing a peripatetic service to Welsh speakers;
- employing professional external translators.

Separate arrangements may be needed for different services, or for different offices. The way services are organised will depend on their nature, on the linguistic profile of the public who receive them, and on the availability and location of Welsh speakers in the organisation. The aim should be to provide services in the language chosen by the service user. The arrangements may need to develop as the scheme is being implemented.

The Board proposes to publish further advice, as necessary, about the provision of some specific services to assist in the preparation of schemes. In addition, the Board may exercise the option provided in the Act to require organisations to prepare separate schemes in respect of different services.

Some organisations have a responsibility for providing services to the public in Wales but do not deliver some or any of those services directly themselves. These are organisations who exercise statutory functions, such as government departments and public bodies with supervisory, funding or regulatory responsibilities. The services may be delivered by other public bodies or by other "persons acting as servants or agents of the Crown" such as government agencies and regulators. (They may also be delivered by voluntary bodies or private companies - for those situations, refer to the Advice under Guideline 8(v)). The measures these organisations should take will depend on their responsibilities and activities, the nature of their



relationship with the party delivering the service, and the nature of that service. In relation to other public or Crown bodies, they are likely to include one or more of the following measures:

- encouraging them to respond positively to the Act, and to prepare and implement schemes;
- enabling them to implement the commitments made in their schemes;
- removing obstacles which prevent them using Welsh when delivering services to the public in Wales, such as amending prescribed forms, amending regulations, rules or procedures, or allowing services to be organised and delivered in a way that facilitates the use of Welsh, by organisations and by the public;
- including measures as to the use of Welsh in service plans, service contracts, good practice guides and other documents which relate to the delivery of services to the public in Wales.

The Board recognises that organisations regularly face the need to change the way they provide their services to keep pace with new government policies or public expectation, or to facilitate their own policies and initiatives. This should not however lead to scheme proposals which, in the search for flexibility, lack clarity and certainty. Where future changes to services have a material effect on schemes, organisations may propose amendments under section 16 of the Act. The Board will consider each proposal on its merit.

## MEASURES

- ◆ In relation to services delivered to the public in Wales by the organisation itself, a description of how the organisation proposes to organise and provide those services through the medium of Welsh, in accordance with the Advice above.
- ◆ In relation to services delivered to the public in Wales by other organisations, a description of the steps which the organisation proposes to take to supervise, encourage, enable, facilitate or support the use of Welsh in the delivery of those services.

## GUIDELINE 5

**The scheme should specify what standards of quality are to be achieved in the delivery of services in Welsh, including having regard to the principles of the Citizen's Charter presented to Parliament on 22 July 1991.**

**ADVICE** There should be a firm commitment throughout the organisation to delivering an equally high quality service in both languages. This central principle should be stated in key documents such as corporate and business plans and annual reports, as well as in the scheme itself. It should also be stated on recruitment adverts, in personnel literature and in other situations where statements on equal opportunities and service quality are made. The principles of the Citizen's Charter also are as applicable to the provision of services in Welsh as in English.

Explicit standards relating to the organisation's provision of services and dealings with the public in Welsh should be set, publicised, and regularly monitored. Such standards should, for instance, include having the same response deadlines for correspondence or for processing



claims in Welsh as in English. This is discussed further in the advice for Guidelines 8(vii) and 8(viii).

Organisations who provide services in different parts of Wales should ensure consistency in the standard of services available in Welsh. While the degree to which organisations deal with the public in Welsh may vary between localities, the quality of their service should not.

- ◆ A commitment from the organisation to deliver an equally high quality service in Welsh and English.
- ◆ A commitment to state this publicly and a description of where and how this is to be stated.
- ◆ A commitment to apply the principles of the Citizen's Charter to the provision of services in Welsh as in English.
- ◆ A commitment to set specific standards as to the use of Welsh relating to the provision of services and dealings with the public.
- ◆ A commitment to monitor these standards, as well as monitoring their implementation.
- ◆ A commitment to ensure consistency in the standard of services in Welsh provided by the organisation in different localities.

MEASURES

## DEALING WITH THE WELSH SPEAKING PUBLIC

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to corresponding with the public.**

GUIDELINE  
6(i)

Organisations should welcome letters and other written correspondence in Welsh just as they do in English. In order to make this generally known, a short statement can be included on official notepaper and publications confirming that communication is welcomed in both languages. When the public choose to use Welsh, correspondence should be dealt with as follows:

ADVICE

- Corresponding through the medium of Welsh should not of itself lead to a delay;
- Letters received in Welsh should receive a signed reply in Welsh, whenever a reply is required;
- Correspondence initiated by an organisation following face-to-face or telephone communication in Welsh should be in Welsh, unless the member of the public has indicated otherwise;
- Correspondence initiated by an organisation should be bilingual if the language of the recipient is not known;
- Correspondence should be initiated in Welsh with those who are known to prefer corresponding through the medium of Welsh;
- Circular and standard letters to the public in Wales should be issued bilingually.



Correspondence can represent the sharp-end of an organisation's dealings with the outside world. It is often the point at which people put their interests in the hands of the organisation. It is vital, therefore, that any necessary translation work is given high priority. Deadlines set for responding to correspondence in Welsh should not differ from those set for responding to correspondence in English. In order to achieve this level of performance, procedures for dealing with correspondence should include instructions for dealing with documents written in Welsh. Organisations should consider adopting the following approach:

- Staff responsible for receiving mail and faxes (for instance, in post rooms and registries) should allocate Welsh correspondence for action as promptly as they would do with English material. If those staff are unable to read Welsh themselves, Welsh speaking colleagues should be consulted, or the correspondence should be copied or faxed to a translator for advice on content, to enable prompt and appropriate decisions to be taken on allocation and destination;
- Welsh correspondence should then reach its destination in the organisation as soon as possible, together with any advice on content or translation already obtained;
- In considering the need to commission a translation into English, the following should be borne in mind:
  - the linguistic ability of the staff member (and colleagues) dealing with the correspondence;
  - the degree of detail and difficulty presented by the correspondence;
  - whether an English translation is required for the record;
- Providing standing instructions and arrangements for obtaining translation of incoming and outgoing correspondence should be considered, to simplify and speed up authorisation, and avoid unnecessary translations;
- Translators should be given deadlines that enable the organisation's response targets to be met. Whenever possible and necessary, a fax, e-mail or modem link should be established with translators, thereby saving valuable time in meeting response deadlines;
- Where translations are re-typed by the organisation, the work should be checked against the translator's version to ensure accuracy, or checked by the translator;
- Staff dealing with out-going correspondence should have access to support and a means of checking linguistic accuracy. Organisations may be interested in installing "Cysill" - the Welsh spellchecker software package - which is available from the Board;
- Where staff who cannot understand Welsh are signing letters of a sensitive or contractual nature, they may wish to send an English version also.

Arrangements of this kind should reduce delay, ensure quality, and minimise unnecessary translation costs. Organisations will need to tailor them to suit their own circumstances. Translation services are discussed further under Guideline 8(iv).

Data-bases can be established to record the details of those who wish to deal with the organisation in Welsh. This can be linked by way of computerised coding to forms and other publications as well as to personal and general correspondence. Others, for instance mixed-language families, may wish to receive bilingual correspondence. This type of approach can radically improve the Welsh language service that organisations can offer.



- ◆ A commitment to welcome correspondence in Welsh as in English.
- ◆ A commitment that corresponding through the medium of Welsh will not of itself lead to a delay.
- ◆ A commitment that letters received in Welsh will receive a signed reply in Welsh.
- ◆ A commitment to correspond in Welsh following face-to-face or telephone communications in Welsh.
- ◆ A commitment to initiate correspondence in Welsh with those who are known to prefer corresponding through the medium of Welsh.
- ◆ A commitment to issue circular and standard letters to the public in Wales bilingually.
- ◆ A description of the arrangements to be made, in accordance with the Advice above, so that these correspondence commitments can be implemented. For example:
  - providing guidance to staff;
  - making translation service arrangements;
  - establishing data-bases of those who wish to deal with the organisation in Welsh.

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to telephone communication with the public.**

GUIDELINE  
6(ii)

Telephone calls in Welsh should be welcomed, just as they are in English. A way of conveying this to the caller needs to be adopted. A telephone call will often be a person's first contact with an organisation. Callers may not know to whom they are speaking, and may be uncertain whether to speak Welsh. There is a need therefore to welcome and normalise the use of Welsh in these situations, and to offer language choice to the caller even though staff answering the phone may not themselves speak Welsh. At the same time, arrangements should be in place to transfer calls if the person taking a call cannot speak Welsh.

ADVICE

For instance, Welsh-speaking staff who answer telephone calls, whether as switchboard operators or taking direct-line calls, could adopt a short greeting in Welsh (such as "Bore da") followed by the name of the organisation bilingually in order to make it clear to callers that they are welcome to speak Welsh. Their use of such a greeting should serve to convey their linguistic ability to the caller.

Non Welsh-speaking staff based in Wales should give as a minimum the name of the organisation bilingually. This is to convey that the organisation is offering language choice to the caller. If the caller speaks Welsh, then staff should explain that they cannot speak Welsh themselves. However, by speaking in Welsh, the caller has indicated a wish to deal with the organisation in Welsh, and this should be respected by offering to transfer the call to a Welsh speaker, or by arranging for a Welsh speaker to phone back as soon as possible. If this proves impossible, the caller should be offered the option of either continuing the call in English, or to write to the organisation in Welsh. Callers should not be made to feel a nuisance or inconvenienced because they want to speak Welsh.





The following steps to assist Welsh speakers to deal with organisations in Welsh over the telephone should be considered:

- employing bilingual switchboard operators, or training existing switchboard operators to deal with incoming calls bilingually;
- providing an internal directory of Welsh speakers in the organisation to whom calls can be transferred, or indicating linguistic ability in standard internal directories;
- allocating Welsh-speaking staff to workplaces which frequently receive calls from the public;
- providing all staff with guidance on handling telephone calls from Welsh speakers, and ensuring staff are familiar with them;
- naming staff able to deal in Welsh on leaflets, forms or other literature;
- providing a dedicated line (such as a “help line”) for Welsh speakers.

For many organisations, indicating Welsh speakers on internal directories has the added benefit of increasing awareness among staff throughout the organisation of colleagues who can deal with the public in Welsh. Clearly, it may not always be possible to place a call with a Welsh speaker able to deal in full with an enquiry. However, organisations should seek to ensure that calls can at least be transferred to a Welsh speaker who can act as an intermediary.

If a dedicated line is provided, it should be publicised on leaflets, letterheads and other materials, and inserted in telephone books.

The use of bilingual greetings and messages should also extend to answer-phones.

## MEASURES

- ◆ A commitment to welcome telephone calls in Welsh as in English, and to adopt a means of conveying choice of language to those who are telephoning.
- ◆ A description of the arrangements to be made to deal with telephone calls in Welsh in accordance with the Advice set out above.

## GUIDELINE 6(iii)

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to public meetings (including hearings, inquiries and other legal proceedings).**

**ADVICE** When public meetings (including hearings, inquiries and other legal proceedings), conferences and similar events are held in Wales, it should be made clear to those attending that they will be able and welcome to contribute through the medium of Welsh or English. There will of course be circumstances where it is appropriate to conduct the entire proceedings bilingually or in either Welsh or English.

Given the high profile of these events, it is important to adopt a method of establishing language choice when making the arrangements. Where Welsh speakers are among those invited or it is known that Welsh speakers are attending, meetings should be conducted bilingually.



Where meetings are open to the public, it is acknowledged that it can be difficult to know which language those attending will wish to speak. Organisations who anticipate that the meeting will be conducted in English should consider adopting the following approach:

- public notices, invitations and other papers setting out the arrangements for these events should make it clear that the public are welcome to contribute in Welsh or English without any need for prior notice;
- however, such notices, invitations and papers could invite those proposing to attend to let the organisers know beforehand should they wish to speak Welsh;
- those organising the event should determine whether translation facilities are required having regard to the location of the event, who is likely to attend, the subject under consideration, and whether the organisation has been informed of any one (or is aware of someone) who wishes to use Welsh;
- at the commencement of daily proceedings, those wishing to speak in Welsh should once more be invited to contact the organisers then;
- if translation facilities have not been provided, there should be arrangements in place to obtain translation facilities at short notice for those attending who are not bilingual.

When meetings are to be conducted in Welsh, the approach set out above can be used, but with non-Welsh speakers being invited to contact the organisers.

Translation should normally be provided by simultaneous interpretation as opposed to consecutive interpretation. Simultaneous interpreting involves translating whilst someone is speaking. It makes it possible for meetings to be held using more than one language without wasting time and without depriving anyone of the right to choose which language to use. Translation equipment is required, including earphones and microphone for delegates. Simultaneous translation equipment can be purchased, or hired from many places including from the Board. Organisations whose premises are likely to be in frequent use for public meetings in which both Welsh and English are spoken, should consider installing simultaneous translation facilities. Some organisations may then wish to hire out these premises to others, or to offer them as a public facility.

Consecutive interpreting does not require special equipment, but meetings will take longer. At intervals the speaker, or the interpreter, gives a full version or a summary in the other language.

It is helpful if interpreters can receive documents in advance and, if possible, a briefing before the meeting or event takes place. This briefing could include background papers and meeting papers and a list of delegates, in order that interpreters have adequate opportunity to prepare themselves.

The need to make arrangements such as those described above is underlined by section 22(1) of the Act which states that:-

*“In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a court other than a magistrates’ court to such prior notice as may be required by rules of court; and any necessary provision for interpretation shall be made accordingly.”*

In addition to translation facilities, organisations should assess the need for Welsh-speaking members of staff to be present to welcome the public and deal with their queries on arrival.



If the organisation does not have a Welsh-speaking member of staff available, it should consider employing the services of a Welsh speaker specifically for the meeting. Alternatively, a translator may be able to assist with other duties related to public meetings. If welcoming the public and dealing with their queries in Welsh is a frequent occurrence, then the organisation should consider whether it would be more appropriate to employ a member of staff for those duties.

Those representing the organisation should make clear their linguistic ability when meeting the public (for instance, by greeting people bilingually and using the Board's "Working Welsh" badges).

## MEASURES

- ◆ A commitment to ensure that people who are attending the organisation's public meetings are able and welcome to contribute through the medium of Welsh or English, and to let them know in advance they are able to do so.
- ◆ A description of the arrangements to be made to realise this commitment in accordance with the Advice set out above.

## GUIDELINE 6(iv)

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to other meetings with the public.**

## ADVICE

Organisations should ensure that those who wish or are required to have face-to-face dealings with them know they are able and welcome to do so in Welsh, as they are in English. A face-to-face meeting, whether 'over the counter', 'in the home' or elsewhere can be the most personal way in which an organisation deals with the public. Indeed, in circumstances where stress, vulnerability, illness or disability are key factors, not being able to communicate in their first language may place those concerned at a personal disadvantage. Given the sensitive nature of many of these discussions, it is important to offer language choice whenever possible.

The approach to the use of Welsh will require a degree of flexibility to reflect the range of situations that can arise. In all cases, however, organisations should seek to make arrangements to cater for the needs of Welsh speakers. This should be considered when arrangements are being made, which will help ensure that those attending will be able to discuss matters in Welsh, should they wish.

The following options should be adopted, together with those set out in the Advice under Guidelines 4 and 6(iii), as appropriate to each organisation and situation:

- making it known generally, in writing and in discussion, that the public may choose which language to use in meetings and discussions with the organisation;
- offering language choice every time a meeting is arranged;
- offering to make provision for a bilingual meeting when it is thought possible that a person attending may wish to speak in Welsh;
- having arrangements in place to enable the organisation to respond to requests for a meeting in Welsh;



- allocating Welsh-speaking staff to workplaces where members of the Welsh-speaking public often wish to discuss matters with the organisation (for instance, counter services, counselling points and reception duties);
- organising service teams so that Welsh-speaking staff are available to deal with Welsh-speaking clients (for instance, in the provision of health care or giving personal advice).

The degree to which this is necessary will, of course, vary from area to area and from service to service. The scheme, however, will need to set out arrangements for conducting discussions in Welsh. They will need to be made known to the public and readily understood by both the public and staff. As in the case of public meetings, those representing the organisation should make clear their linguistic ability when attending “other meetings” with the public. Even in areas where the numbers of Welsh speakers are low, if at all possible, arrangements should be made to enable those who choose to deal with organisations in Welsh to do so.

- ◆ A commitment to ensure that those who wish or are required to have face-to-face dealings with the organisation are able and welcome to do so in Welsh as in English, and to let them know in advance they are able to do so.
- ◆ A description of the arrangements to be made to realise this commitment in accordance with the Advice above, including different arrangements according to location or type of service, if necessary.

MEASURES

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to other dealings with the public.**

GUIDELINE  
6(v)

Guidelines 6(i) to 6(iv) above and the accompanying advice discuss methods of dealing with the public which are common to all organisations. Individual organisations, however, may have dealings with the public in Wales which are more specific, and which are not covered above. For instance, they may deal with the public using computerised communication or televideo links or by using public address systems. However they may deal with the public in Wales, organisations should consider how they can best meet the needs of Welsh speakers and include provisions in their scheme for doing so.

ADVICE

- ◆ A commitment to deal with the public in Welsh and to enable people to deal with the organisation in Welsh via computerised communication, televideo links, or other means.
- ◆ A description of the steps to be taken to realise this commitment.

MEASURES



### GUIDELINE 7(i)

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to the corporate identity of the organisation in Wales.**

**ADVICE** Organisations should adopt and present a fully bilingual corporate identity in Wales. Corporate identity includes the organisation's name, address, logo, visual identity, corporate slogan, and other standard information used on its materials and goods, (such as on letterheading, fax paper, business cards, identity badges, displays and publications), and in other circumstances such as on signs, vehicles and buildings.

Guidance should be provided to staff and designers to ensure the principle of equality is given effect consistently across the organisation's public face. This should extend to publishers, agents, contractors and others who reproduce or use the organisation's corporate image.

The Board will agree a deadline for implementing this objective with each organisation.

### MEASURES

- ◆ A commitment to adopt and present a fully bilingual corporate identity in Wales.
- ◆ A description of the steps to be taken to realise this commitment in respect of the organisation's name, its address, its logo, its visual identity, its corporate slogan, and any other standard information.
- ◆ A description of the steps to be taken to present the organisation's bilingual corporate identity in accordance with the Advice above, which includes a timetable for doing so.

### GUIDELINE 7(ii) & 7(iii)

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to:**

- **information signs within the curtilage of property in Wales owned or occupied by the organisation, including internal areas to which the public has access;**
- **other public information signs located in Wales, and for which an organisation is responsible.**

**ADVICE** Information signs within the curtilage of an organisation's property in Wales, including internal areas to which members of the public have access, should be fully bilingual. Other signs (for instance, highway signs and public information signs) for which the organisation is responsible should be fully bilingual.

The size, quality, legibility and prominence of text on signs should respect the principle of



equality. When separate Welsh and English signs are provided, they should be equal in terms of format, size, quality, legibility and prominence. There should be processes in place to ensure accuracy, and this will need careful co-ordination and monitoring, especially where this work is contracted out.

The Board will wish to agree a realistic timetable with each organisation for achieving this objective, setting priorities as necessary. In the meantime, new or replacement signs erected in Wales should be fully bilingual.

- ◆ A commitment to provide fully bilingual information signs within the curtilage of the organisation's property in Wales, including internal areas to which the public has access.
- ◆ A commitment to ensure that other signs (e.g. highways signs and public information signs) for which the organisation is responsible will be fully bilingual.
- ◆ A commitment that the size, quality, legibility and prominence of text on signs will respect the principle of equality.
- ◆ A commitment that when separate Welsh and English signs are provided, they will be equal in terms of format, size, quality, legibility and prominence.
- ◆ A description of the steps to be taken to give effect to these commitments, including a timetable for implementing them.

MEASURES

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to publishing and printing material directed at the public in Wales.**

GUIDELINE  
7(iv)

The way in which organisations deal with publications can serve as a tangible example of their commitment to the Welsh language and the Act.

ADVICE

It is recommended that publications should be dealt with as follows:

- published material aimed at the public should be produced bilingually, with Welsh and English versions together in one document;
- when a priced document is issued in bilingual format, its price should not be greater than had the document been published in a single language format;
- the price of the Welsh version of a document should not be greater than the price of the English version.

The starting point should be a presumption in favour of bilingual documents rather than separate Welsh and English versions. Providing bilingual material is normally easier administratively (in terms of stock management and distribution) than providing separate English and Welsh documents. It also has advantages in terms of meeting the needs of mixed-language families, other mixed audiences and Welsh learners. It also ensures that both versions of a document are equally accessible, and avoids the unacceptable and much criticised practice



of issuing English documents accompanied by a message that the Welsh version will be made available on request.

It is accepted, however, that in certain cases cost and practicality may make the issue of separate English and Welsh versions unavoidable. If publishing separately is the only option, the Welsh and English versions of any document should be issued simultaneously, distributed together and be equally accessible, and should both carry a message saying “This (leaflet) is also available in (Welsh)” and “Mae'r (daflen) hon ar gael hefyd yn (Saesneg)”. Where such material is distributed by hand, such as over the counter or at the exhibition, the public should be asked which version they would like. Leaflets and other material having a wide and general distribution should always be published bilingually as one document.

The measures specified in the scheme will need to reflect such matters as the size and nature of the target audience for the publication, the size and nature of the document and how widely it will be distributed, cost, timing, likely demand, prestige, value for money and other matters. This will be a matter for each body to consider and put forward in its scheme. The Board will want to see in the scheme as much certainty as is possible in terms of defining those types or categories of publications that will be published bilingually, and the criteria the organisation is using to select and prioritise them.

Some organisations, especially Crown bodies operating in Wales, can face difficulties when seeking to issue documents in parallel with sister organisations in England. The objective here, however, should be for organisations to work together to secure simultaneous publication of the English and Welsh versions in both England (English version only) and Wales. The responsibility to plan and co-ordinate in order to achieve that objective is one they should share. Where for good reasons simultaneous publication is impossible, the following options (although less than ideal) can be considered in order of preference:

- subsequent issue of bilingual documents in Wales, but as soon as possible. This option should be treated with caution where documents could directly affect the interests of individuals. If they bring some benefit to individuals, people living in England could enjoy those benefits first, and this could lead to criticism in Wales. Similar criticism could be seen in cases where benefits were reduced, if that happened first in England;
- simultaneous issue of English documents in England and Wales, followed at a later date by a Welsh translation. This option, however, does not constitute treating the two languages on a basis of full equality. This second option should, therefore, be adopted only as a last resort, and only when the concerns outlined under the first option above apply in any particular case.

Organisations working in different parts of Wales but otherwise undertaking identical or similar work should explore the benefits of working together when producing bilingual material for publication. The potential benefits in terms of consistency and cost-saving, particularly when producing bilingual material, are self evident.

Where organisations do not have staff with the skills to proof-read Welsh text, any draft publications should be checked by the translator. This, of course, will also be necessary in respect of forms, job adverts, and other material for publication or display.

It is recommended that organisations should have written procedures and specifications for



producing and dealing with bilingual publications, which are clear for staff, consultants, designers and publishers to follow. Their purpose should be to ensure that bilingual publications can be produced to a high quality within the allocated timetable in a streamlined and cost effective manner. They should also serve to ensure that the organisation's commitment to equality in the standards and timing of publications in Welsh and English are being consistently implemented.

For the purpose of this document, examples of "publications" include:

Annual reports and accounts	Consultation documents	Procedures
Brochures and leaflets	Green Papers	Public notices
Bye-laws	Guidance notes	Rules and regulations
Cards	Maps	Statistical publications
Certificates	Marketing adverts	Statutory instruments
Circulars	Posters	White Papers
Codes of practice		

The advice set out above should also be considered in relation to other types of printed material, whether printed on paper or any other material. This would include for instance, the credit card form of driving licence and national insurance card, donor cards, identity cards and badges, goods bearing text, and other printed goods.

- ◆ A commitment to publish or print bilingually all material directed at the public in Wales, with a presumption in favour of single bilingual documents rather than separate Welsh and English versions.
- ◆ A commitment that, when Welsh and English versions are published separately, they will be issued simultaneously, distributed together, and be equally accessible.
- ◆ A commitment that, when a priced document is issued in bilingual format, its price will not be greater than a single language version of that document.
- ◆ A commitment that the price of the Welsh version of a document will not be greater than the price of the English version.
- ◆ Confirmation of those types or categories of publications which:
  - will be bilingual in one document;
  - will be published simultaneously as separate Welsh and English versions;
  - will be a matter for consideration at the time, including the criteria to be applied in coming to a decision.
- ◆ A description of the arrangements for dealing with separate versions of the same or similar document in England and Wales in terms of planning ahead, co-operation between organisations, timing of publications and so on.
- ◆ Confirmation that staff, consultants, designers and publishers will be provided with written guidance for dealing with bilingual publications.
- ◆ A commitment to provide other types of printed material bilingually, whether on paper or any other material.

MEASURES





**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to all forms and associated explanatory material for use by the public in Wales.**

ADVICE All forms and associated explanatory material for use by the public in Wales should be fully bilingual. This should normally be done by putting both language versions together in the same document. In certain cases, however, (for instance, due to the complexity of the form) separate English and Welsh versions could be more appropriate. In such cases, both Welsh and English versions should

- be published simultaneously, and
- should be equally available in offices and other distribution points, and
- should normally be distributed together (whether 'in the post' or 'over the counter'), and
- should carry a message (as stated under Guideline 7(iv)) confirming the form is also available in the other language

in order that the public can receive, read and complete the version of their choice. In addition, organisations should attempt to establish language choice through including a "language-preference question" on the first form in a sequence, through asking the public before issuing a form at the counter, or by other means. Where the preferred language of the recipient is known (for instance, as recorded on a database) then the Welsh or English version, or both, can be issued as appropriate.

Forms should be designed with the two languages in mind. Organisations producing forms for use in England and Wales should plan and co-ordinate their production carefully. This will be to ensure bilingual or Welsh versions can be produced for use in Wales, and that they are available at the same time as the English versions. This may impact on computer programmes if forms are computer generated. Where forms are prescribed by regulation, it should be stated in the regulation that they may be reproduced in Welsh and that Welsh or bilingual versions will be equally valid.

The Board will agree a timetable with each organisation for the introduction of bilingual or separate Welsh forms which takes account, where necessary, of computer programme adjustment and amendments to forms prescribed by statute.

As with publications, organisations with separate geographical operational areas but otherwise providing identical or similar forms and explanatory material should consider working together. Many forms (for instance, electoral forms, bills, licence applications and planning application forms) can be used with minor modifications throughout Wales. By producing these together, it will be possible to avoid duplicating the translation and production costs, and to ensure consistent standards.

Organisations are advised to issue written guidance to staff and others involved in designing and producing forms.



- ◆ A commitment to provide fully bilingual forms and explanatory material for the public in Wales with a presumption in favour of single bilingual versions.
- ◆ A commitment that, where Welsh and English versions are provided separately, they:
  - will be issued simultaneously;
  - will be equally available in offices and other distribution points;
  - will be distributed together ‘in the post’, or ‘over the counter’; and
  - will carry a message confirming the form is also available in the other language.
- ◆ A description of the steps to be taken and arrangements to be made to implement these commitments in accordance with the Advice above.

## MEASURES

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to press notices for distribution in Wales.**

## GUIDELINE 7(vi)

For many organisations, issuing press notices is one of their principal means of communication with the outside world. They are aimed at the widest possible public audience, including Welsh language press, radio and television services and others who might have a direct interest in the topic. The Welsh language press includes weekly and monthly newspapers and journals whose publishing timetables are such that they may include press notices even though articles have appeared already in the daily press. Press notices are very much part of the public face of organisations and should, therefore, normally be issued bilingually.

## ADVICE

- ◆ A commitment to issue bilingual press releases and notices to the press and media in Wales.

## MEASURES

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to:**

- publicity material for distribution in Wales;
- advertising campaigns and exhibition material directed at the public in Wales;
- material used for direct marketing campaigns in Wales;
- response mechanisms linked to publicity activities in Wales.

## GUIDELINE 7(vii),(viii), (ix), and (x)

Advertising and publicity activities are, by their nature, a very public part of an organisation’s activities. It will be most important, therefore, to show that the Welsh and English languages

## ADVICE

are being treated in a way which respects the principle of equality, when these activities are being undertaken.

In approaching the planning and implementation of advertising and publicity campaigns, therefore, organisations should seek to implement the following objectives:

- All publicity literature for use in Wales should be produced in Welsh and English;
- Press advertising campaigns in Wales should be run in Welsh and English;
- Television and radio publicity campaigns and information bulletins broadcast to the public in Wales should be in Welsh and English;
- Advertising on posters and hoardings and using electronic messages in Wales should be in Welsh and English;
- Public surveys in Wales, whether conducted ‘through the post’, ‘from door-to-door’, ‘on the street’ or otherwise, should be conducted bilingually;
- Direct marketing campaigns in Wales should be conducted in Welsh and English;
- Response mechanisms linked to advertising and publicity activities in Wales should enable communication through the medium of Welsh;
- Exhibitions and public information stands in Wales should be bilingual.

The Board proposes to issue further advice about the use of Welsh in publicity and advertising campaigns in Wales. In the meantime, organisations should adopt a general presumption in favour of bilingual campaigns, and this should be reflected in their schemes. The Board recognises, however, that each advertising and publicity campaign will need to be considered on its merits, bearing in mind matters such as the size and nature of the target audience, the circumstances surrounding the campaign, timing, prestige, demand and value for money. All of this, however, should be considered in the context of the need to treat Welsh and English on a basis of equality.

For the purpose of these guidelines, “Publicity” and “Advertising” include (but are not limited to) the following:

- (1) Literature: brochures, booklets and leaflets designed for instance to promote, publicise, or explain schemes, policies, procedures, legislation or services;
- (2) Films, videos, tapes, and audio visual materials: with the same aims as those described under (1) above;
- (3) Exhibitions, conferences and seminars: associated display materials;
- (4) Advertising: via television, radio, cinema, electronic messages, public address systems, posters, hoardings and the press, whether national, local or specialist;
- (5) Direct mail: including promotional material;
- (6) Response mechanisms: such as telephone helplines used in conjunction with promotional campaigns and information services;
- (7) Market research: market research, either in advance (e.g. creative development) of a promotion or subsequently to monitor and assess its effectiveness.

## MEASURES

- ◆ A commitment to conduct advertising and publicity activities in Wales bilingually, in a way that treats the two languages on a basis of equality.
- ◆ A description of the commitments and provisions to be made for each of the publicity and advertising activities listed in the Advice above.



- ◆ A description of the steps to be taken and arrangements to be made to ensure these commitments are implemented.

**The scheme should specify the measures to be taken in order to give effect to the principle of equality set out in the Act in relation to official notices, public notices and staff recruitment advertising in Wales.**

GUIDELINE  
7(xi)

Official notices, public notices and recruitment adverts in Wales whether in the press, on notice boards or otherwise should normally appear with Welsh and English versions shown together. They should be equal in terms of format, size, quality, legibility and prominence. The word 'press' above includes those editions of daily and weekly regional newspapers and journals which are distributed mainly or solely in Wales.

ADVICE

Organisations should also consider placing bilingual adverts in papers and journals circulating generally in Wales and England, especially where the objective is to attract Welsh speakers to the workforce.

Welsh-only adverts may be appropriate in the Welsh language press. In addition, where posts are being advertised for which the ability to speak Welsh is deemed essential, a Welsh-only advert in the English language press may be appropriate with a footnote in English explaining the purpose of the advert.

- ◆ A commitment that official notices, public notices and recruitment advertisements will appear in Wales with Welsh and English versions shown together and be equal in terms of format, size, quality, legibility and prominence, be that 'in the press', on notice boards or otherwise.
- ◆ A description of the steps to be taken to implement this commitment in accordance with the Advice above.

MEASURES



### GUIDELINE 8(i) & 8 (ii)

#### The scheme should specify:

- **measures to ensure that workplaces which have contact with the public in Wales seek access to sufficient and appropriately skilled Welsh speakers to enable those workplaces to deliver a full service through the medium of Welsh;**
- **measures to identify those posts where the ability to speak Welsh is considered to be essential and those where it is considered to be desirable in order to deliver a full service through the medium of Welsh.**

**The Advice below which accompanies Guideline 8(i) and 8(ii) has been prepared in consultation with the Commission for Racial Equality.**

**ADVICE** For many organisations, the quality and efficiency of their Welsh-medium services will be dependent on having sufficient access to appropriately skilled Welsh speakers. The way each organisation achieves this will, of course, be a matter for the organisation itself to determine in the context of delivering the measures set out in its scheme. In many situations, there may be a need to allocate Welsh-speaking staff to designated posts, or as members of an area or office team providing a particular service. The degree to which this may be necessary or possible will vary between organisations and geographical locations.

Staffing arrangements introduced to support schemes need to be handled in a sensitive manner. Organisations should foster supportive attitudes towards providing bilingual services, and encourage staff to participate. Non-Welsh speakers should not feel threatened or disadvantaged, nor should Welsh speakers be pressurised to move against their will into scheme-related posts. While schemes should not be implemented at the expense of any member of staff, organisations need to be alert to opportunities for implementing aspects of their schemes when suitable training, transfer, or recruitment opportunities arise. In this, they should treat linguistic skills in a similar manner to any other skills required in the workplace.

As part of their scheme, organisations should specify the measures they propose to take as part of their staffing strategy to reach a position, as soon as possible, where they are able to deliver their full range of services through the medium of Welsh. Where possible, this should be linked to the timetable in the scheme. In assessing their staffing requirements, organisations should make provision for a potential increase in demand for services through the medium of Welsh as schemes are implemented, and Welsh speakers take up the offer to deal with organisations in Welsh. With that in mind, organisations should follow the approach set out below:

- (1) by considering in detail the nature of its activities and relationship with the public in Wales, the organisation should identify, in an objective manner, those workplaces and posts where an ability to speak or write in Welsh is an essential skill and those where it is desirable, and the level of proficiency required. Where necessary, team and job specifications should be drawn up accordingly;
- (2) the organisation should also establish how many of its staff speak or are learning Welsh



- and their level of proficiency, and how many of them are currently in those workplaces or posts identified in accordance with (1) above. The results of this exercise should then be compared with the conclusions of (1) above to identify areas for action;
- (3) the organisation should then consider how best it may achieve the remainder of its staffing objectives identified in (2) above. The options available may include transferring Welsh-speaking staff into designated workplaces or posts, Welsh language training for staff, and recruitment of Welsh speakers to specific workplaces or posts;
  - (4) an implementation programme should be adopted by the organisation in which priorities are specified. Managers and others responsible for staff recruitment, training and supervision should be familiar with the programme and tasked with implementing it;
  - (5) progress in implementing the programme should be monitored as part of monitoring the scheme, which will also highlight the action to be taken should the number of Welsh speakers in scheme-related posts begin to decline.

The need for workplaces to have access to Welsh-speaking staff as set out above should be seen as a goal. It is acknowledged that some organisations will have more difficulty than others in achieving this goal, because of their geographical location or the specialist nature of their service. Their ability to do so quickly may depend in part on the existing complement of Welsh speakers, and the extent to which it may be possible to redeploy them, if necessary, in accordance with the above goal. Much will also depend on the degree to which staff will be willing and able to learn Welsh to the level of proficiency required for the post - and to what extent time and other resources can be set aside for that purpose. Where difficulties are envisaged, the Board will have regard to them when assessing what is reasonably practicable for organisations to provide and implement in their schemes in the short and longer term. In some service areas, organisations may need to have specific recruitment strategies, and to take steps in partnership with colleges and professions to attract Welsh speakers to the service.

- ◆ A commitment to ensure that workplaces which have contact with the public in Wales seek access to sufficient and appropriately skilled Welsh speakers to enable those workplaces to deliver a full service through the medium of Welsh.
- ◆ A commitment to identify those workplaces and posts where the ability to speak Welsh is essential and those where it is desirable, to identify the level of proficiency required in each case, and to formulate team descriptions and job descriptions accordingly.
- ◆ A description of the steps to be taken as part of the organisation's staffing strategy to try to realise these commitments as quickly as possible. This should include identifying priorities, existing resources, and any long-term action needed to tackle anticipated shortfalls, as described in the Advice above.
- ◆ A commitment that the programme will be implemented by managers and others responsible for staff recruitment, training and supervision.
- ◆ A commitment to monitor progress in implementing the programme and to take action should the numbers of Welsh speakers in scheme-related posts begin to decrease.

## MEASURES



## Learning Welsh

It is hoped that organisations will wish to support their scheme by encouraging and supporting existing members of staff to learn Welsh. They should not, however, press those staff to learn Welsh against their wishes. Where staff choose to learn Welsh on a voluntary basis in response to their employer's encouragement, this should be progressed as a partnership between them. Work programmes need to allow sufficient time for staff to follow their courses on a regular basis.

The resource implications in training staff to a level where they are able to converse comfortably in Welsh can be significant, both in financial terms and the time commitment required. It is important, therefore, that training programmes are planned carefully and resources are focused on those areas of service delivery where there will be frequent communication with Welsh speakers, whether face-to-face, by telephone or by other means. It is also helpful if Welsh learners are aware of colleagues who speak Welsh or are learning to speak it. The internal directory (as mentioned under Guideline 6(ii)) may be one way of achieving this. Organisations should encourage their staff to speak Welsh with each other to assist those learning the language.

Further training (for instance, refresher courses) for staff who already speak some Welsh should offer a quick route to increase the pool of Welsh speakers able to deal with the public in Welsh, and by a method which should provide good value for money. Dictionaries, tapes and other reference material should be made available to help staff with language training, as necessary. The aim should be for general managers, personnel managers and staff responsible for training, to encourage staff to undertake language courses - and to support staff while they learn the language - for the benefit of the employer and the public. These benefits include:

- direct access to staff able to speak to visitors or service users in Welsh (for example, by telephone or in reception areas, and whilst attending meetings, conferences, seminars and public exhibitions);
- having staff able to understand and draft Welsh correspondence and documents, thereby enabling action to be taken immediately, without having to wait or pay for an English translation;
- having staff able to check Welsh translations of documents, prior to issue, to ensure that translators have conveyed the desired nuances and meaning.

With regard to the courses themselves, the following should be considered for each member of staff wishing to learn Welsh:

- what objectives should be set for staff learning Welsh. (These objectives should reflect the fact that the fluency in spoken or written Welsh required to undertake work to a satisfactory level may vary from one post to another, as it does in English);
- which courses are best suited (reflecting the time available for study and individual staff members' prior knowledge of Welsh);
- which courses are geared specifically for Welsh speakers to improve their grasp of standard written Welsh;
- how to utilise each member of staff's new skills in the workplace.

Organisations should also consider making distance learning packages available to staff, which can offer a relatively inexpensive introduction to learning Welsh. In this context, organisations should again seek out the best available packages and consider setting objectives and evaluating progress.



Further, more specific advice on courses for Welsh learners can be obtained from the National Welsh for Adults Officer at the Welsh Joint Education Committee, 245 Western Avenue, Cardiff CF5 2YX. [telephone number (01222) 555446].

- ◆ A commitment to encourage members of staff to learn Welsh or to improve their ability to speak Welsh, and to support and enable those who wish to do so.
- ◆ A commitment to arrange learning and training programmes that focus on workplaces and posts which are important to the implementation of the scheme.
- ◆ A description of the steps to be taken to implement these commitments in accordance with the Advice above.

MEASURES

## Recruitment

Ensuring that workplaces needing to have access to Welsh-speaking staff are able to do so will also, to some extent, depend on organisations' success in recruiting Welsh speakers. In general terms, of course, there are many skills that need to be borne in mind when making appointments, and linguistic ability will be one of those. Some organisations may need to adopt positive action strategies which publicise the fact that job applications from Welsh speakers are welcomed. This will reflect the fact that Welsh will increasingly be a regular part of public life - especially as organisations implement the requirements of the Welsh Language Act through their individual Welsh language schemes.

The need to link linguistic skills to certain posts reflects the reality of being an employer whose objective is to seek to deliver a quality service through the medium of Welsh. There will be some posts where the ability to speak or write in Welsh is essential. There will be other posts where, at a given point in time, it may be desirable for the office or service to be strengthened by an additional Welsh speaker, but the ability to speak Welsh is not essential to the individual post being advertised. In future, there may be a decline in the number of Welsh speakers in the team, and the same post may then need to be advertised with the ability to speak Welsh an essential requirement for that post. This is because, in order to deliver services to the public in Welsh in accordance with its scheme, the organisation will need to monitor its pool of Welsh speakers as it would any other skill requirement, and take appropriate steps to remedy any shortfall.

When recruiting staff to posts where the ability to speak Welsh is considered to be essential, organisations need to be mindful of the implications of the Race Relations Act 1976. First, it should be borne in mind that, as a matter of law, the Welsh are one racial group. They are not comprised of two racial groups, the one being Welsh speaking and the other being English speaking. Distinguishing between Welsh people on the grounds of their ability or inability to speak Welsh does not, therefore, amount to unlawful racial discrimination. However, organisations should not arbitrarily distinguish between Welsh people on the basis of language. This would be contrary to good practice.

Considering linguistic ability as an essential condition for appointment could, however, constitute indirect racial discrimination if it were done to distinguish between Welsh people and others. This is because the condition is likely to be more easily met by Welsh people than by others. In this context, by stipulating that an employee or prospective employee must be able to speak Welsh, an employer would be applying a "condition or requirement" which could





amount to indirect discrimination unless the condition or requirement can objectively be shown to be justifiable when the reasonable needs of the employer are weighed against any discriminatory effect.

In the context of schemes prepared under the Welsh Language Act, organisations will be meeting a statutory obligation to provide services in Welsh. Their schemes will, in effect, amount to a public promise of performance in that regard. If they conclude that they cannot reasonably meet their obligations under the Welsh Language Act without having Welsh speakers in certain posts then, as a general rule, organisations will be able to demonstrate that appointing persons able to speak Welsh to those posts is justifiable. In each case, however, organisations should consider the relevance of linguistic ability to the duties of the post in question, and take legal advice if they are uncertain so as to avoid potential discrimination under the Race Relations Act.

If, on the other hand, the ability to speak Welsh is considered to be desirable but not essential, and one of a number of desirable factors to be taken into account when assessing suitability for a post, then this would not amount to a “condition or requirement”, and would not on its own amount to indirect discrimination under the Race Relations Act.

European Law, which provides for the freedom of movement of workers within the European Economic Area, does not prevent member States and public bodies within those States from applying a condition relating to linguistic ability where linguistic ability is required due to the nature of the post to be filled. [Regulation (EEC) No 1612/68. Article 3, paragraph 1].

Whether the ability to speak Welsh is considered essential or desirable, what is important is that organisations need to adopt and apply objective criteria to ensure appointments are made in each case on a fair and consistent basis, and reflect the identified skill needs of the post.

It may on occasion be necessary, where difficulty has been experienced in recruiting staff with the necessary skills, to appoint a non-Welsh speaker to a post where the ability to speak Welsh is considered essential. However, such posts should be advertised and offered on the understanding that non-Welsh speakers will need, as a condition of employment, to learn Welsh and attain a satisfactory level of fluency within a specified reasonable timescale. The level of fluency specified should be that which is required to fulfil the responsibilities of the post, and this should be made clear to applicants in the job details, as should the organisation's support for learning the language.

Organisations proceeding on this basis should provide the time and support necessary to enable the member of staff to meet the condition, and should ensure, if at all possible, that the member of staff is not disadvantaged in other ways as a result of meeting the condition (such as losing out on other training opportunities which are relevant to the post). The learning programme needs to be planned and regularly monitored to ensure that both the employer and employee are honouring the commitment. This should be part of ensuring that the organisation as a whole has an adequate number of Welsh speakers in post to deliver the services set out in its scheme.

Organisations should bear in mind that, when they attach linguistic skills to individual posts, and recruit and assess performance on that basis, they need to take care to explain to staff and



applicants why this is necessary and important to the organisation. Providing staff with the opportunity to learn or improve their Welsh will also give them an opportunity to play an active part in the scheme.

- ◆ A commitment that where linguistic ability is considered to be essential or is desirable for any post, this will be specified when recruiting to that post.
- ◆ A description of the steps to be taken to set priorities and publicise (where necessary) the fact that Welsh speakers are welcome to join the workforce.
- ◆ A commitment to ensure that when a non-Welsh speaker is appointed to a post where the ability to speak Welsh is considered essential, a condition of employment will be to learn the language to the required level within a reasonable agreed period, with the full support of the organisation.
- ◆ A description of the arrangements to be made to implement these commitments in accordance with the Advice above.

MEASURES

**The scheme should specify measures to assess the need for specific vocational training through the medium of Welsh and measures for meeting that need.**

GUIDELINE  
8(iii)

Organisations should consider the need to offer training courses to develop the ability of Welsh speakers to operate through the medium of Welsh. This will involve evaluating existing speaking and writing skills, and linking them to the needs of the workplace. These needs could be informal, such as dealing “face-to-face” or “over the phone”, or more demanding situations such as formal presentations or media interviews. As well as communication skills, there may be a need for training linked to word-processing and general typing, as well as courses designed to enable staff to become familiar with the use of Welsh in specialist fields such as accountancy, law, health, education and other service areas. Simultaneous translation and translating paperwork are also specialist skills.

Advice about training courses can be obtained from colleges and training establishments in the further and higher education sector in Wales. Where courses are not available “off-the-shelf”, organisations should pursue custom-made courses (such as those arranged by the National Language Centre at Nant Gwrtheyrn) and consider arranging seminars and workshops, or networking with other organisations.

The training courses above need not have significant resource implications, but organisations need to direct sufficient training resources towards such courses to meet the aims and objectives of their schemes. In doing so, they will not only be investing in their staff and the services they provide to the public, but also potentially saving on translation and other costs.

In their approach to training and courses, organisations may wish to follow the type of process suggested by the Languages Lead Body. It is, in essence, a framework intended for use by bodies



and companies wishing to strengthen the use of languages other than English in their activities. By using this type of approach, staff skills may be evaluated, and the results could prove useful for recruitment, appraisal and job specification purposes. The Languages Lead Body can be contacted c/o CILT, 20 Bedfordbury, London WC2N 4LB [telephone number - 0171 379 5134].

Colleges of further and higher education and other organisations that provide training along with advice on training and career development, will need to consider the range and content of vocational courses they provide in order to meet the demand for people with professional or other skills who can provide services through the medium of Welsh. While this should be addressed in the context of their own schemes, they could also explore networking arrangements whereby students wishing to receive tuition in Welsh have access to distance learning packages and course modules provided by other colleges and course providers.

## MEASURES

- ◆ A commitment to assess the need for vocational training through the medium of Welsh.
- ◆ A commitment to provide vocational training to facilitate implementation of the scheme.
- ◆ A description of the steps to be taken to implement these commitments, in accordance with the Advice above.

## GUIDELINE 8(iv)

**The scheme should specify the administrative arrangements the organisation will make to facilitate its scheme.**

## ADVICE

The successful implementation of a scheme will depend greatly on the administrative arrangements that are put in place to support and facilitate it. Whilst the use of Welsh requires specific consideration at all levels of service planning and delivery, this should not lead to divorced arrangements for implementing the scheme. The emphasis should be on integrating Welsh language aspects of the service within the organisation's normal administrative processes, whenever possible.

The administrative arrangements will vary between organisations, reflecting their size and the nature of their activities and dealings with the public in Wales. The detail of those arrangements are a matter for the organisations themselves to determine. However, the scheme should specify in broad terms what arrangements will be made in accordance with the advice set out below.

- 1) **Authority**  
The measures in the scheme should be approved at the highest level and carry the full authority of the organisation in their implementation.
- 2) **Responsibility**  
In larger organisations, the task of ensuring that the scheme is being implemented should be the specific responsibility of a senior officer. However, managers should be



given responsibility for implementing those aspects of the scheme relevant to their own departments. If a “Welsh language section” is created to service the scheme, control should be exercised to ensure that implementation “belongs” to the organisation as a whole. It may be appropriate to establish a co-ordinating team drawn from different parts of the organisation, particularly in the period when the scheme is being established.

In smaller organisations, responsibility may well rest with one person who co-ordinates, services and monitors the scheme. The need to instill a sense of ownership and responsibility among other staff, however, is just as relevant in these circumstances.

3) **Instructions and Guidance**

The scheme should be supported by written instructions and guidance. The type of instructions and guidance has been outlined previously under individual guidelines. This will ensure consistency and quality in application across the whole organisation. For instance, in most organisations, it will be essential to have written guidance for dealing with matters such as correspondence, arranging meetings or answering the telephone. More detailed specifications will be necessary for other measures such as corporate housestyles, publications, computer programme procurement and form design. As well as written guidance, training or briefing sessions may also be appropriate. The scheme need not set out all the instructions and guidance in detail; it should however describe what documentation will be issued and its purpose in relation to the measures in the scheme.

Staff not involved directly in implementing the scheme will nevertheless need to have an adequate level of awareness and understanding to appreciate the impact of the scheme on their work, and vice versa. This will be particularly relevant for those involved in forward planning and procurement. In particular, the need to produce bilingual material for use in Wales should be an integral consideration for computer programme planning and procurement. Computerised business systems will increasingly hold the key to meeting the requirements of schemes as documentation becomes computer generated. Where existing systems cannot be adapted, the scheme should state what steps will be taken to ensure that bilingual provision will be made available as soon as possible. It should also set out how the organisation will provide services in Welsh in the meantime.

4) **Translation Services**

Securing adequate translation services will, for many, form a crucial element in successfully delivering their Welsh language schemes. This will be of particular interest to staff who are responsible for developing and supervising the use of Welsh by the organisation (for instance, in its publications and in meetings), and for monitoring the scheme. Translation work involves a specialist skill, and cannot be done by every bilingual employee. Organisations are advised, therefore, to ensure that any translators they employ (whether internally or as agents) are suitably qualified and able to provide a high quality service.



Where internal translators are not employed, translation services can be obtained from agent translators (either self-employed, through a translation agency or by using the services of translators employed by other organisations). When seeking to use agent translators, it may be helpful to tender for the service periodically. The potential advantages of a formal arrangement are:

- prices should be more competitive (especially if contracts are agreed with a handful of suppliers);
- delivery times should be guaranteed;
- those providing the service could be encouraged to use information and other technology to deliver a speedy and efficient service (for instance, using fax machines, and links between word processing terminals);
- confidentiality should be better ensured;
- appropriate indemnity cover from translators should be secured;
- translators providing services on a regular basis should become familiar with the subject matter and the technical vocabulary used by the organisation.

Staff should familiarise themselves with the time required on average to translate documents. This is a vital part of planning when, for instance, preparing documents for publication. It will also enable realistic deadlines to be set whenever translation work is commissioned. More advice on working with translators and commissioning their services can be obtained from the Association of Welsh Translators, and from the Board's "Directory of Translators".

## MEASURES

- ◆ Confirmation that the commitments and arrangements set out in the scheme have been approved at the highest level and will carry the full authority of the organisation in their implementation.
- ◆ A commitment to give co-ordinating responsibility for the scheme to a senior officer, but with managers being given responsibility for implementing those aspects of the scheme relevant to their own departments.
- ◆ A commitment to ensure everyone in the organisation is familiar with the scheme, and that staff know how it should be implemented, and what is expected of them.
- ◆ A commitment to integrate Welsh language aspects of the organisation's services within its normal administrative processes.
- ◆ A commitment to ensure the specifications for new, replacement or adapting computer programmes will enable the organisation to implement the commitments in its scheme.
- ◆ A commitment to ensure that the organisation's translators are suitably qualified and able to provide a high quality service.
- ◆ A description of the steps to be taken to ensure the scheme will be implemented in a comprehensive and consistent manner across the organisation.
- ◆ Where existing computer systems cannot be adapted to facilitate the scheme, a description of the interim arrangements to be made until new systems are in place.



**The scheme should specify the steps to be taken to ensure that any agreements or arrangements made with third parties which relate to the provision of services to the public in Wales are consistent with the terms of the scheme. This includes (without limitation) services which are contracted out.**

GUIDELINE  
8(v)

When any new or existing services to the public in Wales are put out to contract, or are subject to market testing, the organisation will need to ensure through its contracting arrangements that the agent or contractor, and any sub-contractor, implements any relevant elements of the organisation's scheme when dealing with the public. This is because the statutory responsibility for the service normally remains with the public sector organisation, and therefore remains a matter to be included in the scheme.

ADVICE

This requirement has been repeatedly stated by the Government. For instance Earl Ferrers confirmed during the passage of the Act through Parliament (Hansard 2 February 1993):

*“If the public body contracts one of its services and has an obligation to fulfil certain elements of the scheme it will be up to that public body to ensure that the contractor is able to carry out those obligations, will carry them out and has carried them out.”*

Organisations will therefore need to provide written procedures to their staff for dealing with agents and contractors who are delivering services to the public on their behalf or under their supervision, and to ensure their staff are observing them. For instance, the requirements as to the use of Welsh will need to be specified in tendering documents, contracts and grant or loan conditions. Implementation will need to be monitored, and regular performance reports should be received from agents and contractors which can be incorporated within the organisation's own scheme monitoring and reporting processes.

The administration of regulatory or statutory functions (such as granting licences and permissions or purchasing services on behalf of the public) is part of providing services to the public, and administering organisations should include measures in their schemes regarding the use of Welsh in connection with exercising those functions. The measures these organisations should take will depend on their responsibilities and activities, the nature of their relationship with the party delivering the service, and the nature of that service. They are likely to include one or more of the following measures:

- encouraging other parties to develop their use of Welsh when delivering services to the public in Wales;
- supporting those wishing to deliver bilingual services, such as when providing funds towards the costs of care services by the voluntary sector;
- facilitating the use of Welsh by others, such as providing translation facilities or advice;
- including measures as to the use of Welsh in service agreements, service licences or other regulatory documents.

This would include, for instance, encouraging health care providers, housing associations and others delivering social and care services, to use Welsh when providing services to the public in Wales.

They may also wish to consider other ways such as, for instance, encouraging planning



applicants to erect bilingual signs on premises such as offices and shops, and drawing their attention to grants that may be available for that purpose (such as from the Board, and from the Wales Tourist Board under their “A Sense of Place” scheme).

## MEASURES

### **For all organisations:**

- ◆ A commitment to ensure that any agreements or arrangements made with third parties which relate to the provision of services to the public in Wales are consistent with the terms of the scheme. This to include (without limitation) services which are contracted out.
- ◆ A commitment to ensure through contracting arrangements that the agent or contractor can, will and does implement any applicable elements of the organisation’s scheme when providing services to the public on its behalf or under its supervision.
- ◆ A description of the steps to be taken to implement these commitments, including:
  - providing written procedures to staff for dealing with agents and contractors, and processes for ensuring that staff are observing them;
  - specifying the requirements as to the use of the Welsh language in tendering documents, contracts and grant or loan conditions;
  - monitoring the implementation of the scheme by agents and contractors;
  - obtaining regular performance reports from contractors and agents.

### **For organisations exercising statutory functions:**

In relation to services delivered to the public in Wales by other parties, a description of steps to be taken to encourage, enable, facilitate or support the use of Welsh in the delivery of those services.

## GUIDELINE 8(vi)

**The scheme should specify the steps to be taken to monitor implementation of the scheme.**

**ADVICE** Organisations should monitor implementation of their Welsh language schemes. Each scheme should describe those aspects of the organisation’s scheme which are to be monitored, and how they are to be monitored.

Responsibility for monitoring and reviewing the scheme should be specifically allocated at a senior level. The identity of the person with overall responsibility should be made known, as appropriate, to other staff and any agents or contractors employed by the organisation, as well as to the public. It may also be helpful to publicise the names of others with a specific responsibility, such as branch and public relations managers. If possible, the person with overall responsibility for monitoring should not be involved in scheme implementation on a day to day basis.

As with the organisation’s monitoring work in general, monitoring of the scheme should be a structured and continuing activity. It should extend to those who provide or administer services



on behalf of the organisation. It should also include periodically seeking the views of Welsh speakers about the range and quality of services in Welsh provided by the organisation.

As part of the organisation's arrangements for monitoring the scheme, an appropriate complaints procedure should be adopted to deal with grievances regarding the scheme. Such a procedure should be easy to use and publicised, to ensure that the public have easy access to someone in the organisation able to deal with their problems. Another option is to use the organisation's normal complaints procedure within which grievances regarding the scheme can be specifically monitored.

Suggestions for improvements should be welcomed and recorded, and the public should be informed how they should make their views known, and to whom, and how the organisation will then deal with them.

The Board will wish to receive periodic reports from organisations on their progress in implementing the scheme. This will include reporting on the nature of any complaints and suggestions for improvements to the scheme put to them by the public. Normally, the Board will ask for an annual report.

- ◆ A commitment to monitor the implementation of the scheme.
- ◆ A description of those aspects of the scheme which are to be monitored and how that is to be done. This will include matters such as the following:
  - **forward planning and procurement:** ensuring that new policies or procedures, or new publications and computer programmes, will be compatible with the delivery of bilingual services on a basis of equality;
  - **organising and delivering services:** monitoring the implementation of arrangements made to deliver the organisation's services in Welsh, and their effectiveness; monitoring how well the organisation is encouraging and facilitating the use of Welsh by other parties;
  - **dealing with the Welsh speaking public:** monitoring response times for Welsh correspondence; monitoring the quality of simultaneous translation services; monitoring the arrangements for meetings;
  - **the organisation's public face:** monitoring implementation of the organisation's corporate image; monitoring the introduction of bilingual publications, forms, signs, notices and other published material;
  - **staffing:** monitoring the implementation of staffing and training measures set out in the scheme;
  - **agents and contractors:** monitoring the provision and administration of services by the organisation's agents and contractors to ensure compliance with the Welsh language terms of their agreements or arrangements;
  - **timetable:** monitoring achievement against the timetable in the scheme;
  - **grievances:** monitoring the incidence and nature of complaints relating to the organisation's Welsh language service.
- ◆ Confirmation that the responsibility for monitoring and reviewing the scheme will be specifically allocated to a senior officer, whose identity will be made known, as appropriate, to other staff and any agent or contractors

## MEASURES





employed by the organisations, as well as the public.

- ◆ A commitment to ensure that monitoring of the scheme will be a structured and continuing activity, and will extend to those who provide or administer services on behalf of the organisation.
- ◆ A commitment to conduct periodic opinion surveys to test the views of Welsh-speaking service users about the range and quality of services in Welsh provided by the organisation.
- ◆ A commitment to adopt a complaints procedure to deal with grievances regarding the scheme, either as part of the organisation's general complaints procedure or separately.
- ◆ A commitment to welcome and record suggestions for improvements, and to advise the public how they should make their views known, and to whom, and how the organisation will then deal with them.
- ◆ A commitment to provide the Board with an annual report in a form approved by the Board, which describes progress in implementing the measures in the scheme against the approved timetable and standards, and which analyses the number and nature of any complaints and suggestions for improvements received from the public.
- ◆ A description of the steps to be taken to implement these commitments in accordance with the Advice above.

GUIDELINE  
8(vii)

**The scheme should specify targets against which implementation of the scheme can be measured.**

ADVICE Targets will take varying forms, depending on the nature of the activity or objectives within the scheme. At all times they should be clear, unambiguous and relevant.

Under section 12 of the Act, the scheme needs to include a timetable for giving effect to the measures proposed in the scheme. The timetable will, in itself, establish targets for implementation.

In addition, individual measures within the scheme should carry targets relating to the promptness with which matters are dealt with, or the standards that should be achieved. This will include, for instance, response times for correspondence, deadlines for arranging meetings, or the expectations set for publishing and distributing separate Welsh and English versions of publications and forms.

MEASURES

- ◆ A description of the targets against which implementation of the scheme can be measured. These to be clear, unambiguous and relevant.



**The scheme should specify the steps to be taken to publish information comparing the organisation's performance with the standards set out in the scheme.**

GUIDELINE  
8(viii)

The monitoring arrangements should enable actual performance against standards and targets to be published regularly. This could be achieved through placing appropriate entries in the Annual Report or other documents where performance against standards is reviewed. The Board may also ask for a specific report on performance to be published. There are also other ways of reaching customers and staff which may be considered, such as newsletters and posters in public areas within offices.

ADVICE

The method will vary with the nature of the organisation's activities. It should include, as appropriate, matters such as:

- the percentage of responses to Welsh correspondence achieved within stated deadlines;
- the percentage of publications issued bilingually, and compared against the criteria in the scheme;
- performance in meeting deadlines for processing claims and applications made in Welsh;
- the percentage of Welsh speakers in posts where the ability to speak Welsh is specified as desirable.

If published standards are not being met, the organisation will need to explain the reasons why, and explain what steps it will take to put things right.

The Board will advise organisations how performance against standards and targets should be reported to the Board and published.

- ◆ A commitment to regularly publish information comparing performance with standards and targets set out in the scheme.
- ◆ A description of the steps to be taken to implement this commitment in accordance with the Advice above.
- ◆ A commitment to explain the reasons for not meeting the published standards and targets, and to explain the steps to be taken to put matters right.

MEASURES



## OTHER STATUTORY REQUIREMENTS

In addition to the need for organisations to have regard to the Board's guidelines, they have further statutory duties relating to the preparation and implementation of schemes. These are set out below, with accompanying advice.

**STATUTORY DUTY: SECTION 12(2)(b) OF THE ACT**  
**A scheme shall include provisions specifying the ways in which the [organisation] will ensure that the scheme is publicised.**

**ADVICE** Organisations also have a statutory duty to publicise the scheme. Quite apart from publication of the scheme itself (Guideline 1), the scheme should describe how the organisation will publicise its Welsh language services, both on an initial and continuing basis.

Publicity arrangements should ensure that people who deal with the organisation are aware of the scheme and its contents, and how they are able to deal with the organisation in Welsh. It should inform the public what services in Welsh are available, and where and when they are available. This should reflect the timetable for implementing the measures in the scheme.

The methods chosen for publicising the services will vary with the organisation concerned, but the usual channels for contacting the public should be used, ranging from leaflets and charter-type posters to electronic messages and television or radio information bulletins, as appropriate. If organisations wish to issue a summary of the commitments in their scheme, they will need to obtain the Board's approval to that document in advance.

Employees and agents of the organisation (particularly those who are contributing directly to the scheme's implementation) should be made familiar with the measures contained in the scheme to ensure that the measures are taken into consideration in all appropriate circumstances.

### MEASURES

- ◆ A description of what the organisation will do to ensure publicity for the scheme.
- ◆ A description of how the organisation will publicise its Welsh language services to the public, and to employees and agents, on an initial and continuing basis, in accordance with the Advice above.



**STATUTORY DUTY: SECTION 12(2)(a) OF THE ACT**  
**A scheme shall include provisions specifying a timetable for giving effect to the measures proposed in the scheme.**

Organisations have a statutory duty to include a timetable in their schemes for giving effect to the measures they propose to take. Without limiting the generality of Guideline 2, the Board recognises that it may not be possible to implement all the proposed measures immediately. There will be some commitments which can only be actioned at a specified future date. Others may be longer-term objectives towards which the organisation will be progressing, as set out in its scheme.

ADVICE

The Board will want to see a clear commitment, expressed in the form of a timetable giving target dates for implementation against each measure. Where firm dates for implementation cannot be given, organisations should describe the steps they propose to take to progress matters, and what they aim to achieve within a specified period. The Board will need to agree a specific timetable with each organisation.

- ◆ A timetable for giving effect to the measures in the scheme, including target dates for implementing individual measures which cannot be implemented immediately, or implemented fully.

MEASURES



## WELSH LANGUAGE BOARD



The Welsh Language Board was established under the Welsh Language Act 1993 to promote and facilitate the use of Welsh. The Board's work includes:

- developing and implementing strategies and policies to secure the continued prosperity of the Welsh language into the future;
- ensuring that public bodies providing services to the public in Wales treat the Welsh and English languages on a basis of equality when doing so;
- encouraging private and voluntary sector organisations to increase their use of Welsh;
- maintaining a strategic overview in the field of learning Welsh as a second language and Welsh-medium education at every level;
- the distribution of grants annually to promote and facilitate the use of Welsh;
- the development of goods and services aimed at facilitating the use of Welsh (including Welsh language word processing software);

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