



Ein cyf/Our ref MA - L/EM/0587/19

Helen Mary Jones AM
Chair
Culture, Welsh Language and Communications Committee
Tŷ Hywel
Cardiff Bay
Cardiff
CF99 1NA

16 March 2020

Dear Helen,

Following my written statement to Members today, I am pleased to enclose a copy of The Welsh Language Standards (No.8) Regulations which have been published for consultation.

These Regulations seek to set out Welsh Language Standards for the following nine bodies:

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

This consultation has been scheduled for some time and I have decided to go ahead with it as planned. However I am very aware that all stakeholders are under considerable strain and are facing a period of uncertainty due to the current Coronavirus situation, none more so than health sector bodies. We will therefore review the closing date in due course to ensure that all stakeholders have a fair opportunity to give the consultation their full consideration.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Over the past months we have been undertaking a review of Welsh Language Standards. The aim of the review was to carefully consider how best to adapt the Standards within the legislative framework of the Welsh Language Measure in accordance with the Committee's recommendations following the inquiry '*Supporting and promoting the Welsh Language*'.

I'm pleased that officials have already offered a technical briefing to the Committee to discuss the findings of the review and to set these Regulations in the context of the work the Committee has been taking forward.

For information, I am also sending a copy of this letter to Dai Lloyd, Chair of the Health, Social Care and Sport Committee and Mick Antoniw, Chair of the Legislation, Justice and Constitution Committee as both Committees have expressed an interest in the progress of Welsh Language Standards.

Before I conclude, it would be remiss not to place on record my thanks to the Committee for their efforts and recommendations that have supported us in getting this far. I look forward to reviewing the outcomes of the consultation.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AC/AM

Gweinidog y Gymraeg a Chysylltiadau Rhyngwladol
Minister for International Relations and the Welsh Language

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

DRAFT WELSH STATUTORY
INSTRUMENTS

20[xx] No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
(No. 8) Regulations 20[xx]**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations specify standards in relation to the conduct of the bodies listed in Schedule 6 to the Regulations. The listed bodies are:

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

Amongst other things, these bodies (apart from the Professional Standards Authority for Health and Social Care) may make decisions in respect of legal

proceedings brought before them. The Welsh Language Act 1993 makes provision about speaking Welsh in legal proceedings in Wales.

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

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

Using the flexibility provided by section 44 of the 2011 Measure the Commissioner may (if it is reasonable and proportionate, and the Commissioner wishes to do so) require a body to comply with one standard in some circumstances and another standard in other circumstances. For example, if a standard is specifically applicable to a body the Commissioner may require the body to comply with the standard in some circumstances but not others, or require it to comply with the standard only in some areas. Similarly if two or more standards relate to a specific conduct (for example, standards 8 to 11 in relation to answering telephone calls), the Commissioner may (by way of a compliance notice) require a body to comply with one of those standards only, or with different standards at different times, in different circumstances, or in different areas; as is appropriate for the body. The Commissioner is not, therefore, obliged to require every body to comply with every standard.

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

Where a standard specified in these Regulations requires written material to be displayed or provided in Welsh, or for a service to be provided in Welsh, this does not mean that the material must be displayed or provided in Welsh only, or that the service must

only be provided in Welsh (unless that is specifically stated).

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

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

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

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

- (a) by A in carrying out A’s relevant activities,
- (b) by A and another person in dealings between them in connection with A’s relevant activities, or
- (c) by a person other than A in carrying out activities for the purposes of, or in connection with, A’s relevant activities.

Schedule 4 to the Regulations specifies **record keeping standards**. Section 32 of the 2011 Measure provides that a “record keeping standard” is a standard relating to the keeping of records about other specified standards, records about complaints concerning compliance with other specified standards, or records about other complaints concerning the Welsh language.

Schedule 5 to the Regulations specifies **standards that deal with supplementary matters**. These are specific forms of service delivery standards, policy making standards, operational standards and record keeping standards that deal with the matters referred to in section 27(4) of the 2011 Measure (which are supplementary to the matters dealt with in Schedules 1 to 4).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Language Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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

DRAFT WELSH STATUTORY
INSTRUMENTS

20[xx] No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
(No. 8) Regulations 20[xx]**

Made

Coming into force

The Welsh Ministers, in exercise of the powers conferred upon them by sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011(1), having received the approval of the National Assembly for Wales in accordance with section 150(2) of that Measure, make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Welsh Language Standards (No. 8) Regulations 20[xx].

(2) These Regulations come into force on [].

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

a “body” (“*corff*”) means a person listed in Schedule 6;

an “individual” (“*unigolyn*”) means a natural person ordinarily resident in Wales acting in their personal capacity but, does not include a registrant acting in their capacity as a registrant.

a “member of staff” (“*aelod o staff*”) means an employee of a body or a natural person working for a body but not a person appointed to a body by the Privy Council (and “staff” (“*staff*”) must be construed accordingly);

(1) 2011 nawm 1.

“registered” (“*wedi ei gofrestru*”) means registered in a register that the body maintains by virtue of any enactment;

a “registrant” (“*un sydd wedi cofrestru*”) means a person ordinarily resident in Wales registered with a body or applying to be registered with a body.

(5) In these Regulations—

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

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

Standards specified

2.—(1) In Schedule 1—

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

(2) In Schedule 2—

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

(3) In Schedule 3—

- (a) Part 1 specifies operational standards;
- (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;

- (c) Part 3 defines a number of words and expressions.
- (4) In Schedule 4—
 - (a) Part 1 specifies record keeping standards;
 - (b) Part 2 defines a number of words and expressions.
- (5) In Schedule 5—
 - (a) Part 1 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 to 4;
 - (b) Part 2 makes provision about interpreting the supplementary standards.

Standards that are specifically applicable

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

(2) But the Commissioner is not authorised to give a compliance notice to the Professional Standards Authority for Health and Social Care requiring them to comply with standards 23 to 26.

Name

Minister for International Relations and the Welsh Language, one of the Welsh Ministers

Date

SCHEDULE 1 Regulation 2(1)
Service delivery Standards

PART 1
THE STANDARDS

1 Standards relating to correspondence sent by a body

(1) When a body replies to correspondence

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

(2) When a body initiates correspondence with several individuals

Standard 2: When you send the same correspondence to several individuals, you must send a Welsh language version of the correspondence to the individuals at the same time as you send any English language version.

(3) General standards relating to correspondence

Standard 3: If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

Standard 4: You must state—
(a) in correspondence, and
(b) in publications and

notices that invite persons in Wales to respond to you or to correspond with you,

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

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

Standard 5: When an individual contacts you on your main telephone number (or numbers), or on any helpline numbers or call centre numbers, and that individual requests that you deal with the call in Welsh, you must deal with the call in Welsh if a Welsh speaking member of staff is available (by transferring the call if necessary), until such point as—

(a) the Welsh speaking member of staff cannot provide a service on a specific subject matter; and

(b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

Standard 6: Any automated telephone systems that you have must provide the complete automated service in Welsh.

Standard 7: When you advertise an automated telephone service number you must not treat the Welsh language less favourably than the English language.

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

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

Standard 8: If you invite one individual only (“A”) to a meeting (and no other

persons)—

- (a) you must ask A whether A wishes to use the Welsh language at the meeting, and inform A that you will conduct the meeting in Welsh or if necessary, provide a translation service from Welsh to English for that purpose, and
- (b) if A has informed you that A wishes to use the Welsh language at the meeting, you must conduct the meeting in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

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

Standard 9: If you invite more than one person to a meeting in Wales, you must ask each individual invited whether they wish to use the Welsh language at the meeting.

Standard 9A: If you have invited more than one person to a meeting in Wales, and at least 10% of the individuals invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

Standard 9B: If you have invited more than one person to a meeting in Wales, and at least 20% of the individuals invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

Standard 9C: If you have invited more than one person to a meeting in Wales, and

at least 30% of the individuals invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting.

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

Standard 10: If you arrange a meeting held in Wales that is open to the public and at which public participation by an individual is allowed you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.

Standard 11: When you send invitations to a meeting held in Wales that you arrange which is open to the public and at which public participation by an individual is allowed, you must send the invitations in Welsh.

Standard 12: If you invite persons to speak at a meeting in Wales that you arrange which is open to the public and at which public participation by an individual is allowed you must—

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

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

Standard 13: If you organise a public event in Wales you must ensure that, in promoting the event, the Welsh language is treated no less favourably than the English language (for example, in the way the event is advertised or publicised).

Standard 14: If you organise a public event in Wales you must ensure that the Welsh language is treated no less favourably than the English language at the event (for example, in relation to services offered to persons attending the event, in relation to signs you produce and display at the event and in relation to audio announcements made at the event).

6 Standard relating to a body's publicity and advertising

Standard 15: Any publicity or advertising material that you produce for an individual must be produced in Welsh and if you produce the material in Welsh and English, you must not treat the Welsh language version less favourably than you treat the English language version.

7 Standards relating to a body displaying material in public

Standard 16: Any material that you produce and display in public in Wales must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.

Standard 17: Any material that you produce and display at a public exhibition in Wales organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

8 Standards relating to a body producing and publishing

documents and forms

- Standard 18:** If you produce a form that is to be completed by an individual, you must produce it in Welsh.
- Standard 19:** If you produce an application form that you make available for a registrant to be included on the register maintained by you, you must produce it in Welsh.
- Standard 20:** If you produce a document (but not a form) which is available to one or more individuals, you must produce it in Welsh—
- (a) if the subject matter of the document suggests that it should be produced in Welsh, or
 - (b) if the anticipated audience in Wales, and their expectations, suggests that the document should be produced in Welsh.
- Standard 21:** If you produce a document or a form in Welsh and in English you must—
- (a) not treat any Welsh language version less favourably than you treat the English language version (whether separate versions or not);
 - (b) not differentiate between the Welsh and English version in relation to any requirements that are relevant to the document or form (for example in relation to any deadline for submitting the form, or in relation to the time allowed to respond to the content of the document or form); and
 - (c) ensure that the English language version clearly states that the document or form is also available in Welsh.

Standard 22: You must state in publications, guidance and notices that you produce informing persons about legal proceedings that they may submit forms and documents and make written representations to you in Welsh.

Standard 23: Where a registrant contacts you to respond to legal proceedings, you must ask the registrant to indicate whether the registrant wishes to speak in Welsh in any legal proceedings⁽¹⁾.

Standard 23A: If a registrant (“R”) has informed you that R wishes to use the Welsh language in any legal proceedings held in England, you must conduct the legal proceedings in Welsh or, if necessary, arrange for a simultaneous or consecutive translation service from Welsh to English to be available at the meeting.

Standard 24: Where a registrant (“R”) contacts you for the first time to respond to legal proceedings, you must ask R to indicate whether R wishes to receive copies in Welsh of forms and documents that you produce and which are to be available to R (including, for example, written determinations or orders in relation to those legal proceedings).

Standard 24A: Where a registrant (“R”) contacts you to respond to legal proceedings, and R indicates that they wish to receive copies in Welsh of forms and documents that you produce and which are to be made available to R, you—

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

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

documents you produce in English.

Standard 25: Where you receive forms or documents in Welsh from a registrant (“R”) responding to legal proceedings, you must not treat those forms or documents less favourably than ones that you receive in English (including amongst other matters, in relation to the timescale for receiving such forms and documents and informing R of decisions).

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

Standard 26: You must designate and maintain a page (or pages) on your website which provides information (in Welsh) on—

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

Standard 27: If you have a Welsh language web page that corresponds to an English language web page, you must state clearly on the English language web page that the page is also available in Welsh, and you must provide a direct link to the Welsh page on the corresponding English page.

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

Standard 28: If a person contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

12 Standards relating to official

notices made by a body

Standard 29: Any official notice that you publish or display in Wales and which relates to a service provided in Wales must be published or displayed in Welsh, and you must not treat any Welsh language version of a notice less favourably than an English language version.

Standard 30: When you publish or display an official notice in Wales that contains Welsh language text as well as English language text, the Welsh language text must be positioned so that it is likely to be read first.

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

Standard 31: You must promote any Welsh language service that you provide, and advertise that service in Welsh.

Standard 32: If you provide a service in Welsh that corresponds to a service you provide in English, any publicity or document that you produce, or website that you publish, which refers to the English service must also state that a corresponding service is available in Welsh.

14 Standard relating to a body's corporate identity

Standard 33: When you form, revise or present your corporate identity, you must not treat the Welsh language less favourably than the English language.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

15 When a compliance notice requires a body to comply with one of the standards listed on a specific row

in column 1 of Table 1, that compliance notice must also require that body to comply (in whatever way the Welsh Language Commissioner considers appropriate) with the standard or standards listed in column 2 of that row (or with one or more of those standards where that is stated).

TABLE 1

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
(1)	Replying to correspondence Standard 1	Standard 4
(2)	Corresponding with several persons Standard 2	Standard 3 Standard 4
(3)	Raising awareness about corresponding in Welsh Standard 4	Standard 1
(4)	Meetings with more than one person Standard 9	One or more of the following: Standard 9A Standard 9B Standard 9C
(5)	Meetings with more than one person Standard 9A, 9B or 9C	Standard 9
(6)	Documents Standard 18, 19, or 20	Standard 21
(7)	Legal proceedings	

	Standard 23	Standard 23A
(8)	Legal proceedings Standard 23A	Standard 23
(9)	Legal proceedings Standard 24	Standard 24A
(10)	Legal proceedings Standard 24A	Standard 24

PART 3

INTERPRETING THE STANDARDS

- 16** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 17** The standards only apply to the extent that a body—
- (a) delivers services to a person, or
 - (b) deals with any other person in connection with delivering services—
 - (i) to that other person, or
 - (ii) to a third person.
- 18** A body is not required to produce, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.
- 19** For the purposes of the standards—
- (a) a requirement to produce, to send, to publish, to display, to make available or to issue any written material in Welsh does not mean that the material should be produced, sent, published, displayed, made available or issued in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is

specifically stated in the standard);

- (b) a requirement to provide a service in Welsh does not mean that that service should only be provided in Welsh (unless that is specifically stated in the standard).

20

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

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

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

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

(4) In this paragraph—

- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993(1);
- (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
- (c) “the 2006 Act” means the Government of Wales Act 2006(2);

(1) 1993 c. 38.

(2) 2006 c. 32.

- (ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;
- (d) “the Assembly Commission’s Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

21 For the purpose of standards 2, 15, 18, 19 and 20, a reference to—

- (a) publicity or advertising material being produced for an individual,
- (b) a form or document being available to registrants or individuals,
- (c) a form to be completed by an individual, or
- (ch) correspondence being sent to individuals,

means publicity or advertising material, documents, forms or correspondence whether or not it is also produced for, available to, to be completed by or sent to persons outside Wales.

22 In standard 6 an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options.

23 For the purposes of the standards, “meetings” do not include legal proceedings.

24 Standard 14 does not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.

25 Standard 16 does not apply to material displayed on a body’s website.

26 (1) Subject to sub-paragraph (2), where a standard refers to material that is to be produced in Welsh, references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

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

(2) A body will not be treating the Welsh language less favourably than the English language if it does not send, display or circulate Welsh language material outside of Wales (with the exception of standard 24A).

27 (1) Standard 18 does not apply to the forms listed in sub-paragraph (2).

- (2) The forms are—
- (a) forms used by a body to recruit employees;
 - (b) forms used when submitting a tender to enter into a contract with a body.

28 For the purposes of standard 20, references to documents or other materials being available to individuals do not include documents or materials that are only

available by virtue of the Freedom of Information Act 2000⁽¹⁾.

- 29** Standards 20 and 21 do not apply to—
- (a) an enactment made by a body or to a draft enactment prepared by a body; or
 - (b) any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 30** For the purposes of standard 24 a registrant contacts a body for the first time when it contacts the body for the first time after the date on which a compliance notice has required the body to comply with the standard.
- 31** Standards 26 to 27 (websites) do not apply to—
- (a) documents to which a link is provided on a website, advertising material on a website, or to video and audio clips on a website (see standards 20 and 21 for specific provision in relation to documents and standard 15 in relation to advertising material produced by a body);
 - (b) information presented by persons (other than the body) on an interactive page published on a body's website (for example on a section for comments or on a discussion forum).
- 32** Standards 1 to 4 (correspondence) do not apply to correspondence sent by social media (see standard 28 in relation to social media).
- 33** Standard 28 (social media) does not apply to—
- (a) documents to which a link is provided through social

(1) 2000 c. 36.

media, or to video and audio clips provided through social media (see standards 20 and 21 for specific provision in relation to documents, and standard 15 in relation to advertising material produced by a body);

- (b) information presented by persons (other than the body) on a body's social media account (for example on a section for comments).

34 For the purposes of standards 29 and 30 an “official notice” does not include notices prescribed by an enactment.

35 (1) For the purposes of standard 33, the reference to a body forming or presenting its “corporate identity” includes, amongst other things, the way a body presents itself by means of visual statements, the name or names used by a body, and a body's branding and slogans (for example, branding and slogans printed on its stationery).

(2) Standard 33 does not apply to the extent that an enactment requires a body to use a legal name.

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

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

SCHEDULE 2 Regulation 2(2)

Policy making Standards

PART 1

THE STANDARDS

1 Standards relating to considering the effects of a body's policy decisions on the Welsh language

Standard 34: When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on—

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

Standard 35: When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on—

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

Standard 36: When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on—

- (a) opportunities for persons to use the Welsh language, and

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

Standard 37: When you publish a consultation document which relates to a policy decision, the document must consider, and seek views on, the effects (whether positive or adverse) that the policy decision under consideration would have on—

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

Standard 38: When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would have positive effects, or increased positive effects, on—

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

Standard 39: When you publish a consultation document which relates to a policy decision the document must consider, and seek views on, how the policy under consideration could be formulated or revised so that it would not have adverse effects, or so that it would have decreased adverse effects, on—

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

Standard 40: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research

considers what effects, if any (and whether positive or adverse), the policy decision under consideration would have on—

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

Standard 41: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would have positive effects, or so that it would have increased positive effects, on—

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

Standard 42: When you commission or undertake research that is intended to assist you to make a policy decision, you must ensure that the research considers how the policy decision under consideration could be made so that it would not have adverse effects, or so that it would have decreased adverse effects, on—

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

PART 2

INTERPRETING THE STANDARDS

2 In Part 1 of this Schedule a “policy decision” means any decision made by a body about the exercise of its functions or about the conduct of its business or other undertaking, and it includes, amongst other things (and

as appropriate to the body),
decisions about—

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

3

In Part 1 of this Schedule a reference to positive or adverse effects is a reference to such effects whether direct or indirect.

SCHEDULE 3 Regulation 2(3)

Operational standards

PART 1

THE STANDARDS

1 Standards relating to a body developing Welsh language skills through planning and training its workforce

Standard 43: You must provide training courses so that your employees can develop—

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

Standard 44: When you provide information to new employees (for example by means of an induction process), you must provide information for the purpose of raising their awareness of the Welsh language.

2 Standards relating to a body recruiting and appointing

Standard 45: When you assess the requirements for a new or vacant post, you must assess the need for Welsh language skills, and categorise it as a post where one or more of the following apply—

- (a) Welsh language skills are essential;
- (b) Welsh language skills need to be learnt when appointed to the post;
- (c) Welsh language skills are desirable; or

(ch) Welsh language skills are not necessary.

Standard 45A:

When you advertise a post which you have categorised as one where Welsh language skills are essential, desirable or need to be learnt you must—

- (a) specify that in the advertisement, and
- (b) advertise the post in Welsh.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

- 3 When a compliance notice requires a body to comply with one of the standards listed on a specific row in column 1 of Table 1, that compliance notice must also require that body to comply (in whatever way the Welsh Language Commissioner considers appropriate) with the standard or standards listed in column 2 of that row.

TABLE 1

<i>Row</i>	Column 1 <i>Main standard</i>	Column 2 <i>Reliant standard</i>
(1)	Recruitment and appointments Standard 45	Standard 45A

PART 3

INTERPRETING THE STANDARDS

- 4 The standards specified in Part 1 of this Schedule must be interpreted as follows.

- 5** For the purposes of standards 46 and 46A only—
- (a) “post” includes a public appointment;
 - (b) “public appointment” means any appointment to a public body or public office.

- 6** For the purposes of standard 45A the requirement to advertise a post in Welsh does not mean that the advertisement should be produced, sent, published, displayed, made available or issued in Welsh only.

SCHEDULE 4 Regulation 2(4)
Record Keeping Standards

PART 1
THE STANDARDS

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

Standard 46: You must keep a record, in relation to each financial year, of the number of complaints you receive relating to your compliance with standards.

Standard 47: You must keep a record, in relation to each financial year, of the number of new and vacant posts which were categorised (in accordance with standard 45) as posts where—

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

PART 2
INTERPRETING THE STANDARDS

2 The standards specified in Part 1 of this Schedule must be interpreted as follows.

3 For the purposes of standards 46 and 47 “financial year” means the body's own financial year.

SCHEDULE 5 Regulation 2(5)

Standards which deal with Supplementary Matters

PART 1

THE STANDARDS

1 A body publicising standards

Standard 48: You must ensure that a document which records the standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

2 A body publishing a complaints procedure

Standard 49: You must—

- (a) ensure that you have a complaints procedure that deals with how you intend to deal with complaints relating to your compliance with the standards with which you are under a duty to comply, and
- (b) publish a document that records that procedure on your website.

3 A body producing an annual report regarding standards

Standard 50: (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the standards with which you were under a duty to comply during that year.

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

- (a) the number of complaints that you received during the

year in question which related to compliance with the standards with which you were under a duty to comply (on the basis of the records you kept in accordance with standard 46);

- (b) the number (on the basis of the records you kept in accordance with standard 47) of new and vacant posts that you advertised during the year which were categorised as posts where—
 - (i) Welsh language skills were essential;
 - (ii) Welsh language skills needed to be learnt when appointed to the post;
 - (iii) Welsh language skills were desirable; or
 - (iv) Welsh language skills were not necessary.

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

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

4 A body providing information to the Welsh Language Commissioner

Standard 51: You must provide the Welsh Language Commissioner (if requested by the Commissioner) with any information which relates to your compliance with the service delivery standards, the policy making standards or the operational standards with which you are under a duty to comply.

PART 2

INTERPRETING THE STANDARDS

- 5 The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 6 For the purpose of standard 50, “financial year” means the body’s own financial year.
- 7 For the purpose of the standards a requirement to produce or publish any written material in Welsh does not mean that material should be produced or published in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).

SCHEDULE 6 Regulation 3

General Chiropractic Council

General Dental Council

General Medical Council

General Optical Council

General Osteopathic Council

General Pharmaceutical Council

Health and Care Professions Council

Nursing and Midwifery Council

Professional Standards Authority for Health and Social
Care

Number: WG39136



Llywodraeth Cymru
Welsh Government

Welsh Language Standards (Healthcare Regulators) Regulations

Overview

This consultation seeks views on the draft Regulations to specify Welsh Language Standards for the following bodies:

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

These Regulations will enable the Welsh Language Commissioner to place duties on them in relation to the Welsh language.

How to respond

Responses to this consultation should be completed in the response form and e-mailed/posted to the address below to arrive by **15 June 2020**.

We are very aware that all stakeholders are under considerable strain and are facing a period of uncertainty due to the current Coronavirus situation. We will therefore review the closing date in due course to ensure that all stakeholders have a fair opportunity to give the consultation their full consideration.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Address:
Welsh Language Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

email:
UnedIaithGymraegWelshLanguageUnit@gov.wales

Telephone: 03000 256333

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:
Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113
Website: <https://ico.org.uk/>

Foreword

The Welsh Government is committed to increasing the use of the Welsh language and giving rights to people to use the language when going about their everyday lives. Strengthening the provision of Welsh language services through Welsh language standards is an important contributor to achieving that aim. 122 bodies are currently complying with standards, and the next step on this journey is bringing bodies which regulate health sector professionals and the Professional Standards Authority under the standards system. Other major health sector bodies, including Local Health Boards and NHS Trusts, have been complying with standards since May 2019. Placing professional healthcare regulators within the standards system will further strengthen and mainstream the Welsh language within the health sector.

These bodies may not be ones that people deal with on an everyday basis, but if a member of the public ever finds themselves in a position where they need to complain about a healthcare professional then I believe that they should be able to do so in the language of their choice. The standards are specifically designed for these bodies, with a focus on the services they provide to members of the public. However, the standards also deal with the situation of healthcare professionals if they ever find themselves subject to a fitness to practise hearing.

Since becoming the Minister responsible for the Welsh language I have emphasised that my priority is to see more people using the Welsh language, and I am keen to use the standards system as a means to contribute to reaching that aim. I have committed to review the standards system with a view to reducing the bureaucracy and complexity around the system, but whilst preserving clarity and the rights of users. I hope that these Regulations are a step forward in this regard.

I look forward to receiving the views of stakeholders to this consultation, and will consider them before moving forward to present the final Regulations to the National Assembly for Wales for their approval.

Eluned Morgan AM
Minister for the Welsh Language and International Relations

1. Introduction

1.1 The Welsh Government is preparing Welsh Language Standards ('standards') under the Welsh Language (Wales) Measure 2011 ("the Measure") which give Welsh speakers enforceable rights to use the Welsh language when dealing with bodies. Regulations that specify standards are being introduced gradually. The draft Regulations subject to this consultation have been prepared for the following nine bodies:

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

1.2 The bodies listed above (apart from the PSA) regulate the practice of a large number of health professionals in the UK. Anyone wishing to work in these regulated professions must register with their relevant regulator who maintain a public register of practitioners. They would not be allowed to practise without being on the register, and must pay a membership fee to the regulators in order to be placed on their register. These regulatory bodies deal with complaints with regard to the practice of health professionals, and they conduct fitness to practise hearings.

1.3 The PSA has a different function to the other bodies. Its function is to oversee the other regulatory bodies, and issue guidance on regulating. They can review decisions made by regulatory bodies about practitioners' fitness to practise. They have a power to appeal decisions to the High Court if they consider decisions made by the regulatory bodies to be insufficient for the protection of the public.

1.4 The draft Regulations set out Standards for these nine bodies, and makes the Standards specifically applicable to them. This means that (subject to one exception in relation to the PSA) the Commissioner is authorised to give the bodies a compliance notice requiring them to comply with those Standards. Making these Regulations will in itself not impose any duties on the bodies. Once the Regulations are made following approval by the National Assembly for Wales, it will be for the Welsh Language Commissioner ("the Commissioner") to choose which standards to impose on individual bodies, and he will do this by issuing a compliance notice to a body. The Commissioner has flexibility in choosing which standards, and the extent to which, a body has to comply as well as setting the date by which the body is required to comply with a standard. The Commissioner sets out that information in a compliance notice which is issued to the body.

1.5 A body will be able to challenge a requirement to comply with a particular standard on the grounds of whether it is reasonable and proportionate. In the first place, a body will be able to present a challenge to the Commissioner, asking him to

determine whether the requirement upon it to comply with a particular standard in the compliance notice is reasonable and proportionate. If they are unable to resolve the dispute, there is a route of appeal available to the Welsh Language Tribunal, and thereafter to the High Court (on a question of law).

- 1.6 We have previously made six sets of Regulations. As a result of which, 122 bodies have received compliance notices from the Commissioner and are currently complying with standards. The last set of regulations specified standards for local health boards, NHS trusts, the Board of Community Health Councils, and Community Health Councils. Making these Regulations for the healthcare regulators will enable more bodies linked to the health sector to be moved from their current Welsh Language Schemes and to be placed under the standards system.
- 1.7 These 9 bodies currently provide Welsh language services to the public in accordance with their Welsh Language Schemes prepared under the Welsh Language Act 1993. The Schemes have been successful in getting these bodies to think about, plan, and provide Welsh language services. Reporting systems around the Schemes also mean that they are used to having their Welsh language provision monitored. However, moving to the standards system, and having to provide Welsh language services as a result of legal duties as opposed to commitments in a Scheme means that Welsh language services have a stronger foundation within the bodies – and the public have rights to those services. There is also a stronger enforcement system attached to the standards system.
- 1.8 These standards have been drafted with the aim of creating duties from which the Commissioner can choose what is reasonable and proportionate for each body to comply with. The Standards make it clear to the public which Welsh language services they can receive from the bodies and to the bodies what they need to do in terms of the Welsh language.

2. Background

- 2.1 Between July and October 2016 a public consultation was held on draft Welsh Language Standards Regulations for health sector bodies. As well as specifying standards for bodies such as local health boards, NHS trusts, and community health councils, those draft Regulations proposed to amend the Welsh Language Standards (No.4) Regulations 2016 so as to include the bodies listed in 1.1. The No 4 Regulations were made in March 2016 and were applicable to Welsh Tribunals and the Education Workforce Council. The proposed amendment would have meant that the standards in the No 4 Regulations would be specifically applicable to the Regulators.
- 2.2 The Welsh Ministers decided after analysing and considering responses to the consultation that they would not pursue the policy of adding the bodies to the No. 4 Regulations, and would prepare separate, specific Standards for them instead.
- 2.3 The purpose of this consultation is to consult on Regulations which have been prepared in a bespoke manner taking into account the functions and structures of these Regulatory bodies, and which services they provide to the public. We are eager to hear from anyone with an interest in the draft standards, and in the use of

Welsh by these bodies. This consultation will be open until 15 June 2020 to ensure that all interested stakeholders have ample opportunity to have their say on the Regulations.

3. The draft Welsh language standards regulations

3.1 Service delivery standards

Service delivery standards relate to the delivery of services to another person. They are intended to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favourably than English. This consultation seeks your views on the appropriateness of the service delivery standards included in the draft Regulations.

This consultation document does not discuss each individual standard, but sections 3.2-3.4 below highlight some matters which may be of particular interest to stakeholders. The draft Regulations includes standards which relate to the following activities:

Correspondence	Displaying material in public
Telephone calls	Producing and publishing documents and forms
Meetings	Legal proceedings
Public events	Websites and on-line services
Publicity and advertising	Using social media
Official notices	Raising awareness about Welsh language services
	Corporate identity

3.2 Stakeholders should note that the main policy objective of the service delivery standards in Schedule 1 are to ensure that individual members of the public are able to use Welsh when dealing with these bodies, in particular when making a complaint, accessing information regarding complaining, or accessing information on what to expect from a healthcare professional. Many service delivery standards therefore only apply when the bodies are providing services to an “individual”. Regulation 1 defines an “ ” as “

”. This means that many of the Standards will not apply when registrants are dealing with the body in their capacity as a registrant. A registrant means a person ordinarily resident in Wales who is registered or applying to be registered with the body.

3.3 In their responses to the consultation in 2016, some of the Regulatory bodies expressed a concern about the financial implications of having to provide Welsh language services to their registrants. This, coupled with the content of their current Welsh Language Schemes, have led us to prepare Standards which only apply in limited circumstances when the body deals with their registrants or a corporate body. The focus in most standards is on ensuring that members of the public can use Welsh when dealing with the bodies. The standard itself clarifies who is able to access a Welsh language service. For example, standard 1 applies to correspondence received from ‘persons’ which includes individuals, registrants and

corporate bodies. In other cases, registrants are referred to expressly – see for example the standards relating to legal proceedings (standards 22 to 25).

3.4 Due to the nature of these bodies we have prepared specific service delivery standards which relate to **legal proceedings** (standards 22-25). It is important to note that section 22 of the 1993 Welsh Language Act gives people the right to use Welsh in legal proceedings in Wales. As was the case with tribunal hearings held by those subject to the Welsh language standards (No. 4) Regulations 2016, fitness to practice hearings held by these bodies are regarded as legal proceedings and would come under the provision made in section 22 of the 1993 Act. Standards 22-25 in the draft regulations have been prepared to complement that right and ensure that registrants would be able to use Welsh throughout this sensitive and personal process. The standards would allow registrants to submit documentation and written submissions in Welsh, and places a duty on the regulators not to treat Welsh language documents less favourably than English ones. The provision in the 1993 Act only makes provision about speaking Welsh, therefore these standards would allow a registrant submit documents written in Welsh. Standard 23A also makes provision to allow a registrant to use Welsh if the fitness to practice hearing were held in England. This was included due to the fact that some Regulators do not hold hearings in Wales. If a registrant from Wales found themselves subject to a hearing in England it would not come under the provisions of the 1993 Act. The Commissioner will not be able to impose Standards relating to legal proceedings on the PSA because it does not undertake legal proceedings.

3.5 We have taken into account that these are bodies that operate across the UK. We have therefore specified that some of the standards can only apply when services are provided in Wales. For example, standards relating to meetings (standards 8-12), standards relating to displaying material in public (standards 16-17), and standards relating to official notices (standards 29-30). The Standards which relate to correspondence sent, forms and documents are not limited to material produced exclusively for individuals in Wales. They apply to material which is produced for individuals within and outside Wales. However, the Welsh language version would not have to be distributed outside of Wales (see paragraph 21 of Schedule 1).

3.6 Policy making standards

Policy making standards require bodies to consider what effect their policy decisions will have on the ability of persons to use the language and on the principle of treating Welsh no less favourably than English. We are keen to see policy making standards being made specifically applicable to all bodies that the Welsh Ministers are able to as it is a means of trying to ensure that factors concerning the Welsh language are mainstreamed through the bodies' policies. We therefore propose that nine policy making standards are included in the Regulations (standards 34-42).

The standards included in the regulations will require bodies to consider the effects of their new or amended policies on the Welsh language, and will place specific duties on bodies which will come into effect when they publish consultation documents or conduct research.

3.7 Operational standards

A body is able to challenge a standard imposed on it on the basis that the standard is not reasonable or proportionate for it to comply with. Careful consideration has therefore been given when creating the draft standards to the structures and functions of the bodies in question to ensure that the range of standards provide the Commissioner with standards which are likely to be both reasonable and proportionate for the bodies to comply with. In the case of operational standards, which generally deal with the internal use of Welsh by bodies, we also had to consider where these UK-wide bodies are located and their current staffing levels.

The General Medical Council is the only one of these bodies which has an office in Wales. Currently, that is a small office in Cardiff housed in a shared office block with no reception area which is not usually open to the public. The vast majority of its staff work in other offices outside of Wales. The other eight bodies do not have an office in Wales. It also became evident that all of these bodies currently have a low number of staff with any Welsh language skills. The priority policy outcome therefore when developing operational standards was to try to encourage these bodies to increase their capacity with regards to Welsh language skills.

Four operational standards have therefore been included in the Regulations (standards 43-45). These standards place duties on the bodies to raise awareness of the Welsh language amongst their staff, and require the bodies to assess whether Welsh language skills are required when advertising new or vacant posts. The basis for including these standards is to place duties on the bodies to consider the Welsh language when planning their workforce which will hopefully lead to the bodies being better equipped to provide Welsh language services to service users in future.

3.8 Record keeping standards and standards dealing with supplementary matters

Six standards have been prepared in these categories (standards 46-51). The number of record-keeping and supplementary standards have been reduced compared to the No 4 regulations in order to reduce the bureaucracy attached to the standards system for these bodies. Under these standards the bodies will be required to keep a record of the number of complaints made to them regarding compliance with standards, and to keep a record of how new and vacant posts were categorised in relation to Welsh language skills. Bodies will also, under their supplementary standards, be required to produce various documents including an Annual Report. They are currently committed to producing an Annual Report under their Welsh Language Schemes.

4. Regulatory Impact Assessment (RIA)

4.1 As part of the previous consultation on draft standards for the health sector in 2016, the bodies subject to these draft Regulations were asked to submit information to allow the Welsh Government to prepare a RIA to accompany the Regulations when they were being laid at the Assembly.

4.2 There are significant differences between the draft Regulations subject to this consultation and what was proposed in the consultation in 2016. We are therefore

asking the bodies to consider the draft Regulations now being consulted upon, and submit new information. The purpose of the RIA is to help the Welsh Ministers consider the impact of proposed regulations and to consider the costs and benefits of all options available to them before implementing a policy. It is also a means of presenting for scrutiny the relevant evidence on the positive and negative effects of policies.

- 4.3 The nine bodies subject to the draft regulations are asked to complete the questions attached at Annex B, below. **Annex B does not apply** to other stakeholders.

ANNEX A:

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Question 1: Do you have any comments on the service delivery standards proposed in the regulations?

Question 2: Part 3 of Schedule 1 to the Regulations includes interpretations for some of the Service Delivery Standards. Paragraphs 16-37 explains how some of the standards work and if what circumstances they apply. Do you have any comments on the interpretation of standards as set out in Part 3?

Question 3: Do you have any comments on the policy making standards proposed in the regulations?

Question 4: Do you have any comments on the operational standards proposed in the regulations?

Question 5: Do you have any comments on the record keeping standards and standards dealing with supplementary matters proposed in the regulations?

Question 6: We would like to know your views on the effects that these regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 7: Please also explain how you believe the regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:



Llywodraeth Cymru
Welsh Government

Regulatory Impact Assessment of the proposed Welsh language standards regulations.

Introduction

A Regulatory Impact Assessment (RIA) can be regarded as:-

a process to help the Welsh Ministers consider the impact of proposed regulation on the interests of individuals, groups, organisations etc.

a tool to enable the Welsh Ministers to weigh the costs and benefits of all options available to them before implementing a policy; and,

a means of presenting for scrutiny the relevant evidence on the positive and negative effects of such interventions.

It is important that the Welsh Government receives detailed and accurate information in the responses to the questionnaire below, so that we are in the best possible situation to provide full information to the National Assembly for Wales as part of the process of making standards through subordinate legislation.

The Welsh Government has published a Regulatory Impact Assessment Code, which can be read in full here:

<https://gov.wales/welsh-ministers-regulatory-impact-assessment-code-for-subordinate-legislation>

Queries regarding this document should be directed to the Welsh Language Division:

UnedlaithGymraegWelshLanguageUnit@Wales.GSI.Gov.UK

Name of the body: _____

When answering questions 1 to 7 below, please note the following:

You should identify the cost of a member(s) of staff in figures rather than in the salary bands for your body

If a member of staff works across different categories of standards please identify the cost **once only**

All costs should be to the nearest £'000

In questions 3 to 7 we require information regarding any **additional** costs associated with complying with standards, compared to the costs of complying with your current Welsh language Scheme.

Complying with the standards may mean you need to use existing resources (including staff resources) in a different way to before. While there might not be an additional financial outlay associated with this, there could still be an opportunity cost (because the resources are no longer available for their alternative/previous use). This opportunity cost should be reflected in your response (for example, by estimating the value of staff time involved).

Please note in the comments boxes below questions 3 to 7 whether you expect any additional costs identified to be transitional or ongoing costs

You may also note in the comments boxes any opportunities identified for saving costs as a result of complying with standards.

1. Are there benefits to the body in complying with the draft Welsh language standards proposed in this document?

Yes	
No	

Is yes, what are these benefits?

Type of benefit	Description of the benefit of complying with the proposed standards
Economic Benefit	
Social Benefit	

Environmental Benefit	
Linguistic Benefit	
Other – please be as specific as possible	

2. What is the annual cost of complying with the current Welsh Language Scheme?

	Cost
Costs of complying with the Welsh language scheme (staff costs should not be included)	

Further details on how the cost has been calculated:

--

3. Staffing Costs

Please note the staffing costs associated with delivering the commitments in your current Welsh Language Scheme, and any additional staffing costs that will be incurred by having to comply with the standards specified in the Regulations being consulted upon:

--

4. Service delivery standards

The service delivery standards can be seen at Schedule 1 in the draft regulations.

Are the duties in the draft service delivery standards likely to have an effect on your resources or how you use those resources?

Yes	
No	

	Cost (to the nearest £'000)
Complying with draft service delivery standards	

Further details (for examples, are there specific delivery standards which are likely to generate an additional cost to your organisation, how have you estimated the additional cost and in which year(s) do you expect the cost will be incurred?)

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5. Policy making standards

The policy making standards can be seen at Schedule 2 in the draft regulations.

Are the duties in the draft policy making standards likely to have an effect on your resources or how you use those resources?

Yes	
No	

	Cost (to the nearest £'000)
Complying with draft policy making standards	

Further details

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6. Operational standards

The operational standards can be seen at Schedule 3 in the draft regulations.

Are the duties in the draft operational standards likely to have an effect on your resources or how you use those resources?

Yes	
No	

	Cost (to the nearest £'000)
Complying with draft operational standards	

Further details

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7. Record keeping standards and standards dealing with supplementary matters

The record keeping standards can be seen at Schedule 4 in the draft regulations and standards dealing with supplementary matters can be seen at Schedule 5.

Are the duties in the draft record keeping standards and standards dealing with supplementary matters likely to have an effect on your resources or how you use those resources?

Yes	
No	

	Cost (to the nearest £'000)
Complying with draft record keeping standards and standards dealing with supplementary matters	

Further details

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