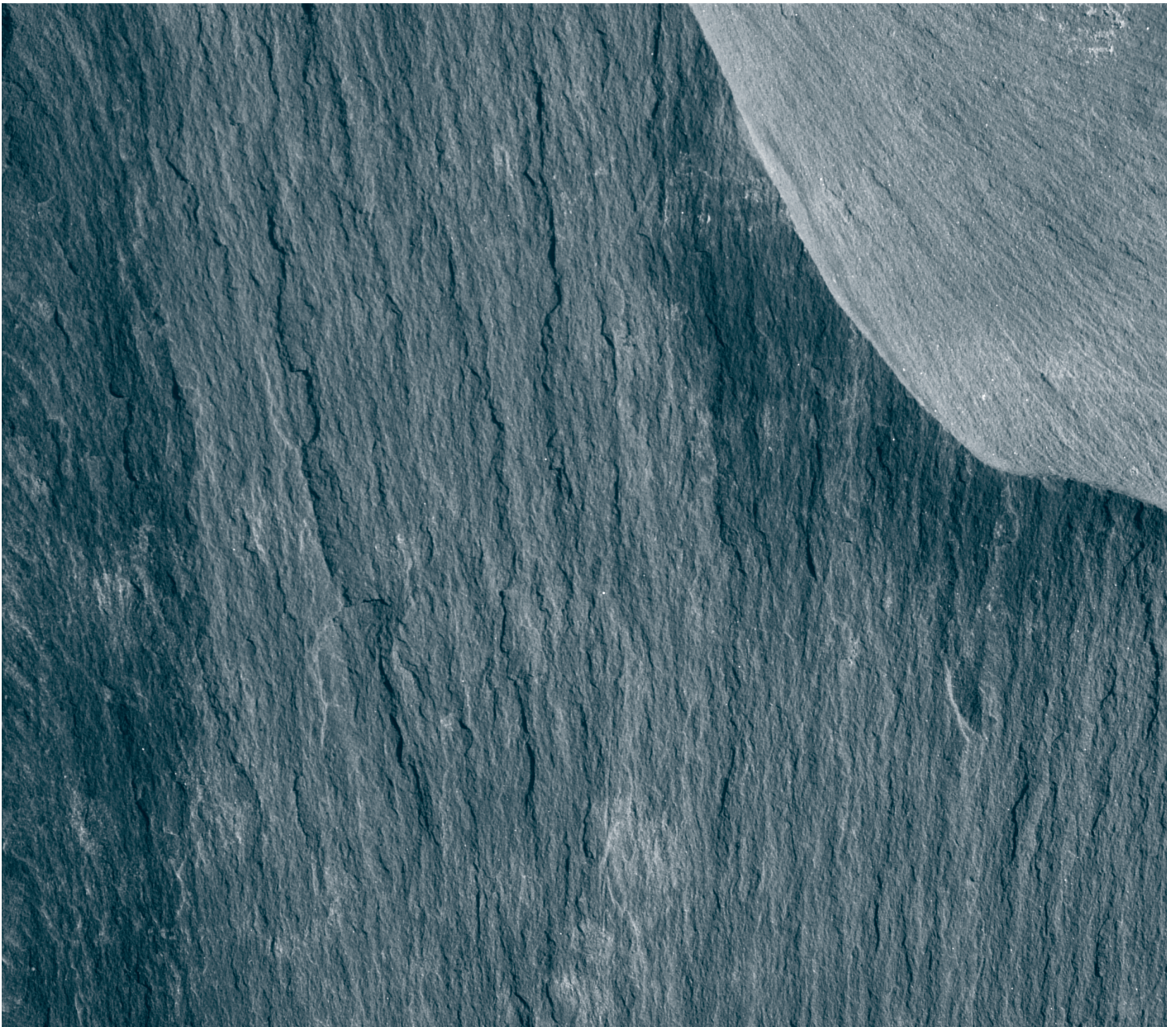

Standards and the Welsh language: What are your views?



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

May 2012



A non statutory consultation exercise led by the Welsh Language Commissioner to encourage discussion in advance of the formal introduction of Standards as set out in the Welsh Language (Wales) Measure 2011.

Background

1

The principal aim of the Welsh Language Commissioner, an independent organization established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate use of the Welsh language. This will entail raising awareness of the official status of the Welsh language in Wales and imposing Standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so

Contacting the Welsh Language Commissioner

Welsh Language Commissioner
Market Chambers
5–7 St Mary St
Cardiff CF10 1AT

0845 6033 221
post@welshlanguagecommissioner.org
Correspondence welcomed in
Welsh and English

welshlanguagecommissioner.org

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Foreword

As the Welsh Language Commissioner, I am pleased to commence a wide consultation on draft Standards under the Welsh Language (Wales) Measure 2011. The Measure does not require such a consultation on the draft Standards prior to submitting them to the Welsh Ministers. Nevertheless, bearing in mind the importance of what needs to be done in terms of promoting and facilitating the use of the Welsh language, I am very eager to conduct such a consultation exercise.

I welcome all comments submitted in response to this consultation. I'm eager that this exercise should enable us to identify Standards which, once adopted, will be a successful statutory tool in the task of creating opportunities to use the Welsh language and to strengthen its position in all aspects of Welsh life.

Some of the proposals in these consultation papers will appear challenging. It is not intended that any person should be asked to undertake unnecessary commitments; nevertheless there must be a willingness to improve on past performance if we are to reach our goal. We must lead the way by setting clear and consistent Standards: Standards that will remove uncertainty in people's minds in relation to the opportunities which exist to use the Welsh language.

This consultation is critical as it provides everyone, citizens in particular, with an opportunity to state what their needs are and how Standards can overcome the difficulties faced.

I would also wish to encourage public authorities to take advantage of this opportunity to contribute, as they implement statutory Welsh language schemes and are experienced, particularly in an administrative context, in carrying out and developing bilingual services. They are aware of the practical demands associated with this. They are also accustomed to responding to complaints from the public and are, as such, able to provide information concerning areas whereby Standards may contribute towards their improvement. Their contribution to this consultation is therefore twofold.

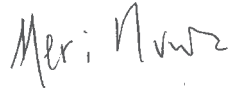
It should be noted that Standards can only be imposed on Crown bodies with the consent of the Secretary of State for Wales. Many of the services received by the public in Wales are not devolved. At the time of conducting this consultation, the limitations upon me as Welsh Language Commissioner must be understood with regard to bringing Crown bodies within the remit of Standards. I wish to make my position clear: I am of the view that the Secretary of State for Wales should make arrangements to ensure that anyone in Wales wishing to communicate through the medium of Welsh in their dealings with the UK Government should be able to do so.

No doubt organizations tasked with promoting the Welsh language will have an interest in this discussion. These organizations have taken an interest in legislative developments surrounding the Welsh language for decades and I very much hope that this will continue to be the case.

I do not wish to reopen discussion about the scope of the Measure itself during this consultation; nevertheless I am keen to hear the views of private sector companies and third sector organizations on the proposed Standards and am intent on ascertaining the relevance of these Standards to their circumstances. We know very well that Standards will not encompass all private sector companies and third sector organizations. Where Standards are not applicable I will advise companies and voluntary organizations alike as they may move closer towards bilingual practice. I expect everyone, in all sectors, to demonstrate their respect towards the fact that the Welsh language has official status in Wales.

I am particularly keen to hear from young people during this consultation and I intend to make a special effort to convene groups to hear their specific needs.

In considering and making recommendations to the Welsh Ministers on the course to follow in relation to Standards I will have to take account of all responses submitted to this consultation objectively. Whilst attention has been drawn to certain key stakeholders in my introduction, this consultation is a means of reaching out to all who wish to express an opinion with a view to establishing a constructive relationship. I appeal to you respond to this consultation by reflecting on what we can rightly and reasonably accomplish through Standards within the Welsh legal context.



Meri Huws
Welsh Language Commissioner

1 Introduction

The post of Welsh Language Commissioner was created under the Welsh Language (Wales) Measure 2011. The Measure sets a legal framework in place in order to introduce duties whereby organizations comply with statutory Standards relating to the Welsh Language.

They specify how organizations are expected to treat and use the Welsh language. Standards are intended to provide more clarity as to the Welsh language services people should expect to receive, as well as consistent service provision. Standards will be one of the methods used to give legal effect to the official status of the Welsh language.

Over time, new powers enabling the setting and enforcement of Standards will come to force by way of subordinate legislation. Until that time the Welsh Language Commissioner will continue to monitor statutory Welsh language schemes having inherited powers under Section 2 of the Welsh Language Act 1993.

The Commissioner may investigate failure to implement Welsh Language Schemes; allegations of interference with an individual's freedom to use Welsh in Wales and, in future, complaints relating to the failure of organizations to comply with Standards.

The Commissioner will be able to use Standards to regulate organizations in a firm and consistent manner, and will be able to set a civil penalty unless an organization complies with a relevant requirement.

2

Consultation on Standards

Purpose and scope of the consultation
2.1 The aim of this consultation on draft Standards is to provide an opportunity for anyone to state their opinion on the Standards and what is to be achieved by way of Standards. The Commissioner is eager to receive comments and opinions from organizations and the general public on the draft Standards.

Length of the consultation period
2.2 The consultation period will commence on 16 May 2012.

2.3 The consultation period will end on 11 August 2012.

How to respond to the consultation
2.4 We welcome your responses to this consultation. You may respond using the form at the end of this document. There are nine questions and respondents are also welcome to submit additional comments.

2.5



Comments may be submitted as follows:

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

consultation@welshlanguagecommissioner.org
welshlanguagecommissioner.org

2.6

Accessibility

The Welsh Language Commissioner operates a language policy which refers to the languages of publications and documents to be published. This consultation document will be published bilingually, in Welsh and English.



Requests can be made to the Welsh Language Commissioner to receive documents in other formats, e.g. large print version

0845 6033 221
post@welshlanguagecommissioner.org

Privacy

- 2.7 After the consultation has closed, the Commissioner will publish a report summarising all responses received. Information you supply in your response to the consultation may be published or otherwise made known, in accordance with the Freedom of Information Act 2000. Information supplied in responses to this consultation, including personal information, may be published or revealed according to access to information legislation, including the Freedom of Information Act 2000.
- 2.8 If you wish the information you supply to be treated in confidence, you should be aware that we must comply with the Freedom of Information Act's statutory Code of Practice. Amongst other things, this Code deals with matters of confidentiality. Therefore, it would be useful if you could provide a concise explanation of why you wish the information you provide to remain confidential. If we receive an application to disclose the information, we will give full consideration to your explanation, but we cannot guarantee confidentiality in every eventuality.
- 2.9 Please note that anonymous responses, be they in hard copy or electronic format, will be treated in the same way as other responses.
- 2.10 The Commissioner will not publish any malicious or insulting responses.
- The result of this consultation**
- 2.11 The Welsh Language Commissioner will, in the autumn, publish a report providing a summary of all responses received to this consultation. The document will be published on the Welsh Language Commissioner's website; you may also request hard copies.

3

Proposed model for the introduction of Standards

Sections 4–8 of this consultation document present proposals relating to the introduction of Standards. Other than section 8, the model falls into 3 elements which include an element relating to the Standards themselves, a sub section on activities (or areas) which relate to Standards and lastly compliance arrangements.

Standards

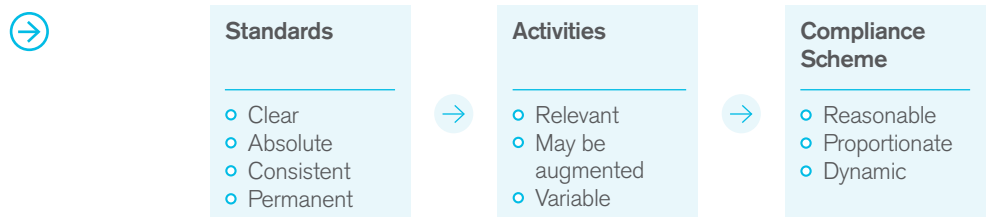
In each section, the Standards suggested in the proposed model are high-level Standards and deal with principles. We believe they are clear and absolute, consistent and permanent.

Activities

In sections 4–8 a list of activities (or areas) is proposed alongside the Standards. Organizations will have to ensure that all activities listed, and practised by them as part of their normal functions, comply with all Standards. In the first instance, the organization will decide on this (in accordance with guidelines to be provided by the Commissioner). After receiving a strategy, and if the Commissioner disagrees with the interpretation, the matter may be investigated under Section 61 or 71 of the Measure.

Compliance arrangements

In sections 4–8, a possible model of compliance arrangements is introduced. In the proposed model it is intended that section 27(4) of the Measure be used to facilitate this and ensure compliance with Standards.



4

Service Delivery Standards

What are Service Delivery Standards?

As defined in Section 28, Welsh Language (Wales) Measure 2011

(1) In this Measure “service delivery standard” means a standard that –

- (a) relates to a service delivery activity, and
- (b) 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.

(2) In this section “service delivery activity” means a person –

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

Who will be required to implement Service Delivery Standards?

- i. Those who provide services directly or under an agreement or in accordance with other arrangements or who receive public money amounting to £400,000 or more in a financial year
- ii. Regulators
- iii. Providers of social housing
- iv. Sections of the private sector including gas, water or electricity companies; companies providing postal services or post offices; telecommunications services; bus or railway services
- v. Providers of education and training including those who encourage, enable or assist participation in education, training or career guidance, and those who award educational or vocational qualifications
- vi. Those who choose to comply with Standards

What are the requirements?

The requirement is to promote and facilitate the use of Welsh language and to treat the Welsh language no less favourably than English in correspondence; dealing with telephone calls; providing help-lines and call-centres; personal meetings and public meetings; publicity and advertising; public exhibitions; publications; forms; websites and online services; signage; reception of visitors; official notices; awarding grants; awarding contracts and in raising awareness of Welsh language services that are available.

It should be noted that it is possible to amend and add to this list of activities through regulations under section 39. Welsh Ministers may, by order, amend Schedule 9 by adding, omitting or amending a reference to an activity.

Service Delivery Standards

In these Standards, “service” is defined as any service, goods or work the organization directly provides for and/or on behalf of and/or for the benefit of any person, persons or other organization. When reference is solely made to a person, persons or organization in these Standards it should be taken that reference is made to all of them, unless stated otherwise.

No.	Standard
1	The Welsh language must be treated no less favourably than the English language in the delivery of services.
2	Services must be delivered bilingually, if the person’s chosen language is unknown.
3	It must be made proactively evident to service users that they are welcome to communicate in Welsh or English by means of prior notice.
4	The service user’s chosen language must be identified and recorded as soon as possible, where it is practical and reasonable to do so. All relevant data legislation must be complied with when obtaining language choice data.
5	Having established and recorded that the service user chooses to use the Welsh language, it must be ensured, from the date of the record onwards, that the delivery of all services provided by the organization are supplied through the medium of Welsh. To that service user from the beginning onwards.
6	Arrangements must be made to meet the service delivery needs of person[s] or organizations that have chosen to use Welsh including in circumstances where a member of staff is unable to communicate in Welsh.
7	Those who choose to communicate in Welsh must have their language choice respected and they must be dealt with effectively and politely.
8	All materials published (on paper or on any other material or electronically) which deliver services, involve services or assist service users, must be available in Welsh and English.
9	The Welsh language must be treated no less favourably than the English language in terms of the size, quality, clarity and prominence of text or correspondence.
10	The Welsh language must be treated no less favourably than the English language with regards to the publishing timetables of text or of sending communications.
11	When text or material is published with a price attached, the price of the Welsh version shall be no higher than that of the English version, and the price of a bilingual version shall be no higher than that of a single language version.
12	When a fee is charged for using a service, the price of the Welsh service shall be no higher than that of the English service.

No.	Standard
13	Conditions must be included in any contracts or agreements involving service or goods delivery, or which assist service users, binding the third party to the contract to all relevant Service Delivery Standards. It should also be ensured that the result shall be no less favourable to service users than that which could have been expected had the service or goods been delivered directly by a consenting institution.
14	Before awarding a service contract to a third party, in setting the contract, and in monitoring the contract, the third party's ability to comply with any relevant Service Delivery Standards must be ensured.
15	In awarding grants, loans or sponsorship to a third party, and before and subsequent to awarding it, the third party's ability to comply with any relevant Service Delivery Standards must be ensured.
16	Awareness must be raised of available Welsh language services and all reasonable steps must be taken to accomplish this.
17	The quality and level of the organization's compliance and third party compliance with all relevant Service Delivery Standards must be monitored by the organization itself and/or any third party acting on its behalf.

Relevant activities

All activities must comply with all the above-mentioned Standards to the extent that they are relevant to the specified activity.

- i. Correspondence
- ii. Telephone calls
- iii. Help-lines and call centres
- iv. Personal meetings
- v. Public meetings
- vi. Publicity and advertising
- vii. Public exhibitions
- viii. Publications
- ix. Forms
- x. Websites and on-line services and all kinds of electronic communication
- xi. Signage
- xii. Reception of visitors
- xiii. Official notices
- xiv. Awarding grants
- xv. Awarding contracts
- xvi. Raising awareness of Welsh language services that are available
- xvii. Care for individuals (medical and/or non-medical)
- xviii. Protection for individuals
- xix. Meeting in a legal environment including (but not limited to) courts, tribunals and inquiries
- xx. Provision of translation
- xxi. Arrangements for meeting the need for a service
- xxii. Meeting for educational purposes including (but not limited to) classes, lectures, tutorials, discussion groups, workshops, training sessions and awareness raising sessions
- xxiii. Service design
- xxiv. Youth activities
- xxv. Face-to-face service provision
- xxvi. Public image
- xxvii. Statutory and regulatory functions
- xxviii. Working in partnership

Compliance Strategy

All organizations have a duty under section 25 to comply with the above mentioned Service Delivery Standards must also comply with all of the following within the specified timescale in accordance with section 27(4).

No.	Strategy/Timescale
1	<p>A strategy and/or plan must be formed to comply with each of the relevant Standards and sent to the Commissioner within the timescale.</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>
2	<p>Procedures must be created and followed to ensure compliance with Standards across the organization and sent to the Commissioner within the timescale.</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>
3	<p>Information must be collected about the use of Welsh and English in relation to specified behaviour, including:</p> <ul style="list-style-type: none"> i. the number and percentage of users who receive the service in Welsh and in English; ii. the number and percentage increase/decrease since the last report; iii. the quality of the Welsh-medium services, paying attention to (i) timing, (ii) consistency relating to the implementation of Standards across the organization in general and (iii) user experience; iv. any complaints by service users referring to difficulties in using the service through the medium of Welsh over the last reporting period; v. any other relevant comments. <p>The above information must be sent to the Commissioner within the timescale</p> <p>⌚ Every 12 months and as required</p>
4	<p>Information must be collected about operational changes and awareness raised of Welsh-language services, including:</p> <ul style="list-style-type: none"> i. the specific steps taken since the last report to raise awareness of the Welsh language services; ii. how staff have been organized to provide the services in Welsh and English; iii. any changes made or anticipated to the means of providing the service as a result of any steps to raise awareness and, if relevant, the timetable for their implementation; iv. any complaints by staff referring to difficulties in providing the service in accordance with the Service Delivery Standards over the last reporting period; v. any other relevant comments. <p>⌚ Every 12 months and as required</p>

No.	Strategy/Timescale
5	<p>The information collected under standard 17 above, regarding the monitoring of quality and compliance levels, must be sent to the Commissioner within the timescale.</p> <p>⌚ Every 12 months and as required</p>
6	<p>A list of all relevant Standards and the organization's compliance strategy must be published and made readily available and in open access format to service users.</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>

5

Policy Making Standards

What are Policy Making Standards?

As defined in Section 29, Welsh Language (Wales) Measure 2011:

(1) In this Measure “policy making standard” means a standard that –

- (a) relates to a policy decision, and
- (b) is intended to secure, or to contribute to securing, one or more of the following results.

(2) The first of those results is that the person making the policy decision considers what effects, if any, (whether positive or adverse) the policy decision would have on –

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

(3) The second of those results is that the person making the policy decision considers how the decision could be made so that the decision has positive effects, or increased positive effects, on –

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

(4) The third of those results is that the person making the policy decision considers how the decision could be made so that the decision does not have adverse effects, or has decreased adverse effects, on –

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

(5) In this section a reference to positive or adverse effects is a reference to such effects whether direct or indirect.

(6) In this section “policy decision” means a decision by a person about –

- (a) the exercise of the person's functions, or
 - (b) the conduct of the person's business or other undertaking.'
-

Who will be required to implement Policy Making Standards?

- i. Those who provide services directly or under an agreement or in accordance with other arrangements or who receive public money amounting to £400,000 or more in a financial year
- ii. Regulators
- iii. Providers of social housing
- iv. Those who choose to comply with Standards

What are the requirements?

To secure, or contribute to securing, one or more of the following results:

- i. Considering what effects if any – whether positive or adverse – the policy decision would have (29(2))
- ii. Considering how the decision could be made so that the decision has positive effects or increased positive effects (29(3))
- iii. Considering how the decision could be made so that the decision does not have adverse effects or has decreased adverse effects (29(4)).

Consideration must be given to the effect “on opportunities for other persons to use the Welsh language or treating the Welsh language no less favourably than the English language” (29 (2-4)).

Policy Making Standards

In this standard “policy decision” is defined as any decision by a person regarding the exercise of functions, or regarding the conduct of business or other undertaking.

In this standard a reference to “positive effects” or “adverse effects” includes direct or indirect effects.

No.	Standard
1	In making or amending a policy decision, consideration must be given to the effects (positive or adverse) the policy decision would have on opportunities for other persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language.
2	In making or amending a policy decision, consideration must be given to how the decision could be made so that the decision has positive effects, or increased positive effects, on the opportunities for other persons to use the Welsh language, or on treating the Welsh language no less favourably than the English language.
3	In making or amending a policy decision, consideration must be given to how the decision could be made so that it does not have adverse effects, or has decreased adverse effects, on the opportunities for other persons to use the Welsh language, and so that the Welsh language is treated no less favourably than the English language.
4	The Welsh language must be mainstreamed into policymaking, with consideration given to the needs of Welsh speakers and the well-being of the Welsh language in all aspects of policy decision-making. This must be done with the aim of promoting and facilitating the use of the Welsh language and treating the Welsh language no less favourably than the English language.

No.	Standard
5	It must be ensured that Welsh language issues are included as relevant crosscutting elements in the development of policies across all the organization's responsibilities.
6	In consultation during the policy development period, it should be ensured that the consultation sample is representative of Welsh-speaking service users. If consultation is restricted to selected organizations, it should be ensured that appropriate language planning bodies are involved in the process.
7	It must be ensured that the staffing structure and profile of any new service or enterprise facilitates the provision of services and delivery of relevant activities in the Welsh language.
8	<p>In order to ensure sufficient Welsh speakers with the appropriate skills to enable the organization to operate in accordance with specified Standards a bilingual workforce must be promoted and facilitated by making suitable policies, including (without exception):</p> <ul style="list-style-type: none"> <li data-bbox="659 835 1455 925">i. implementing recruitment and selection measures to ensure that Welsh speakers are recruited to posts with Welsh language requirements; <li data-bbox="659 936 1455 1025">ii. earmarking those posts where Welsh language skills are considered essential and those where Welsh language skills are considered desirable; <li data-bbox="659 1037 1455 1160">iii. planning and offering suitable linguistic training and appropriate aftercare to staff as part of the organization's corporate development arrangements in order to ensure appropriate skill levels; <li data-bbox="659 1171 1455 1283">iv. planning and providing appropriate training to ensure that managers within the organization have the necessary management competencies to work in an organization where two languages are used.
9	<p>All reasonable and appropriate steps must be taken to make or to strengthen specific policies and enterprises that create or promote opportunities to use Welsh as a community language, which may include:</p> <ul style="list-style-type: none"> <li data-bbox="659 1485 1455 1541">i. working alongside community and voluntary bodies to make use of the Welsh language; <li data-bbox="659 1552 1455 1608">ii. encouraging companies to use the Welsh language in their dealings with the organization; <li data-bbox="659 1619 1455 1675">iii. working with specified target groups to increase the use of Welsh; <li data-bbox="659 1686 1455 1742">iv. creating contacts with Welsh language specific interest groups and other partners to strengthen Welsh as a community language; <li data-bbox="659 1753 1455 1798">v. seeking opportunities to use the Welsh language in the workplace; <li data-bbox="659 1809 1455 1809">vi. raising awareness and increasing opportunities for non-Welsh speakers.
10	All materials published (on paper or on any other material or electronically) which deal with a policy decision must be available in Welsh and English.
11	The organization must adopt and present a fully bilingual corporate image, including a name, address, logo, corporate slogan, visual identity and any other standard information used on materials and goods.

No.	Standard
12	It must be ensured that consistent and suitable arrangements are in place to assess a policy decision's effect and consequences on the Welsh language before the decision is made (and in amending policy) and periodically as the policy is enacted.
13	<p>The results of any assessment of impact on the Welsh language must be considered by a policy decision (in accordance with standard 12) and appropriate measures included to alleviate any adverse effects or to improve the positive elements.</p> <p>When considering the consequences and the appropriate measures an assessment of all key factors should be included, which should include (without exception):</p> <ul style="list-style-type: none"> i. the actual need (rather than the identified/potential demand); ii. how to plan the benefit to the Welsh language into the process; iii. location; iv. timing.
14	The quality and level of compliance with all Policy Making Standards by the organization itself and/or any third party acting on its behalf must be monitored.

Specified policy areas

All areas must comply with all the above mentioned Standards to the extent that they are relevant to the specified area.

- i. Provision of services to the public
- ii. IT
- iii. Resource Planning
- iv. Finance Planning
- v. Health
- vi. Social Care and Welfare
- vii. Children and Young People
- viii. Development Planning
- ix. Art, Language and Culture
- x. Grant Schemes
- xi. Structure, restructuring and relocation
- xii. Joint services and Collaboration
- xiii. Leisure and Regeneration
- xiv. Education
- xv. Risk and emergency planning
- xvi. Transport
- xvii. Environment and Waste
- xviii. Legal, Incorporated and Procurement
- xix. Human Resources, Equality and Diversity
- xx. Corporate Image, Media and Public Relations
- xxi. Crime, Penalty System and Community Safety
- xxii. Inspection and Quality Assurance
- xxiii. Marketing and use of data
- xxiv. Regulatory and Standards
- xxv. Economic Development
- xxvi. Housing
- xxvii. Tourism
- xxviii. Agriculture

Compliance Strategy

All organizations that have a duty under section 25 to comply with policy making Standards must also comply with all of the following within the specified timescale in accordance with section 27(4).

No.	Strategy/Timescale
1	<p>A strategy and/or plan must be formed for compliance with each of the relevant Standards and sent to the Commissioner within the timescale.</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>
2	<p>Procedures must be created and followed to ensure compliance with Standards across the organization including (without exception):</p> <ul style="list-style-type: none"> i. a system for providing appropriate staff with advice and guidance to ensure awareness of their responsibilities with regards to the mainstreaming of the Welsh language into policy decisions and sent to the Commissioner within the timescale <p>⌚ 6 months from the date of inclusion in the compliance notice</p>
3	<p>Information must be collected about the use of Welsh and English in relation to specified behaviour, including:</p> <ul style="list-style-type: none"> i. the number and percentage of persons who have benefited linguistically from a Welsh language point of view due to the policy decisions; ii. the percentage increase/decrease since the last report; iii. any complaints by a person referring to obstacles to the use of Welsh over the last reporting period; iv. any other relevant comments. <p>The above information must be sent to the Commissioner within the timescale</p> <p>⌚ Every 12 months</p>
4	<p>Information must be collected about specific policies and enterprises which are new, or have been modified that create or promote opportunities to use Welsh as a community language, including:</p> <ul style="list-style-type: none"> i. the specific steps taken since the last report to raise awareness of the relevant Welsh-language enterprises and opportunities; ii. any changes made or anticipated as a result of any new steps and enterprises and, if relevant, the timetable for their implementation; iii. any other relevant comments. <p>⌚ Every 12 months and as required</p>
5	<p>The information collected under standard 14 above regarding monitoring quality and compliance levels must be sent to the Commissioner within the timescale.</p> <p>⌚ Every 12 months and as required</p>
6	<p>A list of all relevant Standards and the organization's compliance strategy must be published and made readily available and accessible.</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>

6

Operational Standards

What are Operational Standards? As defined in Section 30, Welsh Language (Wales) Measure 2011

(1) In this Measure “operational standard” means a standard that –

- (a) relates to the relevant activities of a person (A), and
- (b) is intended to promote or facilitate the use of the Welsh language –
 - (i) by A in carrying out A's relevant activities,
 - (ii) by A and another person in dealings between them in connection with A's relevant activities, or
 - (iii) by a person other than A in carrying out activities for the purposes of, or in connection with, A's relevant activities.

(2) In this section –

- (a) “relevant activities” means –
 - (i) functions, or
 - (ii) a business or other undertaking;
- (b) a reference to the carrying out of relevant activities is to –
 - (i) the exercise of functions, or
 - (ii) the conduct of a business or other undertaking.’

Who will be required to implement Operational Standards?

- i. Those who provide services directly or under an agreement or in accordance with other arrangements or who receive public money amounting to £400,000 or more in a financial year
 - ii. Regulators
 - iii. Providers of social housing
 - iv. Those who choose to comply with Standards
-

What are the requirements?

The requirement is to promote and facilitate the use of Welsh in relation to an organization's internal activities. There are numerous examples of acts that enact duties in relation to the use of language in the workplace including the 1988 Official Languages Act (Canada); the Catalunya Language Policy Act 1998; the Charter of the French Language 2002 (Quebec); the Inuit Language Protection Act 2008.

These acts make provisions, amongst other things, in relation to the right of the individual to work through the medium of their language of choice; requirements on governments and public organizations to carry out internal arrangements in one or more languages; requirements on organizations to ensure that management teams can implement operational arrangements in a specific language or languages; requirements on organizations to actively offer language choice to employees at the start of their employment; requirements on organizations to implement measures to eliminate barriers to the use of a minority language.

In Wales the majority of organizations will be expected to increase opportunities to use the Welsh language in their internal arrangements.

Operational Standards

In these Standards, "relevant activities" are defined as functions or business or other undertakings by an organization. Reference to carrying out relevant activities is a reference to the practice of functions or the conduct of business or other undertaking.

Person (A) includes directors, staff and contractors for the organization or any other person who undertakes the organization's relevant activities and is under its management.

No.	Standard
1	The relevant activities of person (A) must be able to be carried out in Welsh in accordance with A's choice – i. by A; and/or ii. by A and another person; and/or iii. by a person other than A in carrying out activities for the purposes of, or in connection with, A's relevant activities.
2	It must be made evident by means of prior notice to A in undertaking relevant activities that they are welcome to carry out the relevant activities in Welsh.
3	A's chosen language must be identified and recorded as soon as possible. In identifying the chosen language all necessary steps must be taken to obtain any consent/notification required to record data.
4	Any record of A's language choice must be used to enable the carrying out of relevant activities in Welsh from the outset for persons who choose to communicate through the medium of Welsh from the date of the record onwards.
5	Where A carries out his relevant activities through the medium of Welsh it should be ensured that the same opportunities and features are available for him to do so as would have been available had he chosen to carry out his relevant activities through the medium of English.

No.	Standard
6	Where A carries out his relevant activities through the medium of Welsh, an infrastructure must be in place to support A to do so including Welsh-language information technology facilities, central services and human resources.
7	Those who choose to communicate in Welsh must have their language choice respected and must be dealt with effectively and politely.
8	The Welsh language must be treated no less favourably than the English language with regards to achievement times for responding to or dealing with person (A) who chooses to carry out their relevant activities through the medium of Welsh rather than through the medium of English.
9	All materials published (on paper or on any other material or electronically) which involve A's relevant activities, or which assist A to carry out his relevant activities, must be available in Welsh and English.
10	Positive action must be taken to eliminate obstacles that prevent A from carrying out his relevant activities through the medium of Welsh.
11	Awareness must be raised of the relevant procedures and opportunities that are available to support persons in carrying out their relevant activities in Welsh, and all reasonable steps must be taken to accomplish this.
12	The quality and level of the organization's compliance with all Operational Standards must be monitored by the organization itself and/or any third party acting on its behalf.

Relevant activities

- i. Recruitment, including publishing a job description, person specification, application form, and conducting an interview
 - ii. Publish information relating to A's relevant activities, including an employment contract and associated documents
 - iii. Provide A with human resources services, including advice and documents such as forms
 - iv. Provide A with corporate services, including materials relating to A's financial matters
 - v. Provide resources or materials which assist A to achieve his relevant activities
 - vi. Provide training for A, including training provided internally or via an external provider
 - vii. Publish internal policies, directions and guidelines
 - viii. Share information with A orally, including information relating to corporate matters
 - ix. Share information with A in writing, including information relating to corporate matters
 - x. Procure, develop or provide information technology systems for use by A, including online systems such as intranets
 - xi. Undertake an assessment of A's Welsh language skills
 - xii. Undertake planned arrangements for supervising A, including performance assessment
 - xiii. Follow disciplinary procedures
 - xiv. Provide opportunities for A to improve his Welsh language skills
 - xv. Receive complaints from A
-

Compliance Strategy

All organizations that have a duty under section 25 to comply with operational Standards must also comply with all of the following within the specified timescale in accordance with section 27(4).

No.	Strategy/Timescale
1	<p>A strategy and/or plan must be formed for compliance with each of the relevant Standards and sent to the Commissioner within the timescale.</p> <p>⏪ 6 months from the date of inclusion in the compliance notice</p>
2	<p>Procedures must be created and followed to ensure compliance with Standards across the organization and sent to the Commissioner within the timescale.</p> <p>⏪ 6 months from the date of inclusion in the compliance notice</p>
3	<p>Information must be collected about the use of Welsh and English in relation to specified behaviour, including:</p> <ul style="list-style-type: none"> i. the number and percentage of persons who carry out their relevant activities in Welsh and in English; ii. the number and percentage increase/decrease in the number of people who carry out their relevant activities in Welsh and in English since the last report; iii. any complaints by person (A) referring to difficulties in carrying out their relevant activities through the medium of Welsh over the last reporting period; iv. any other relevant comments. <p>The above information must be sent to the Commissioner within the timescale.</p> <p>⏪ Every 12 months and as required</p>
4	<p>Information must be collected about operational changes and awareness must be raised of the relevant procedures and opportunities that are available to support persons in carrying out their relevant activities in Welsh, including:</p> <ul style="list-style-type: none"> i. the specific steps taken since the last report to raise awareness of the relevant Welsh-language procedures and opportunities that are available to support persons in carrying out their relevant activities in Welsh; ii. any changes made or anticipated as a result of any steps to raise awareness and, if relevant, the timetable for their implementation; iii. any other relevant comments. <p>⏪ Every 12 months and as required</p>
5	<p>The information collected under standard 12 above, regarding monitoring quality and compliance levels, must be sent to the Commissioner within the timescale.</p> <p>⏪ Every 12 months and as required</p>
6	<p>A list of all the Standards relevant to the organization and its compliance strategy must be published and must be made readily available and accessible.</p> <p>⏪ 6 months from the date of inclusion in the compliance notice</p>

7

Promotion Standards

What are Promotion Standards?

As defined in Section 31, Welsh Language (Wales) Measure 2011

'In this Measure "promotion standard" means a standard (relating to any activity) that is intended to promote or facilitate the use of the Welsh language more widely.'

Who will be required to implement Promotion Standards?

- i. Welsh Ministers
- ii. Welsh county councils and county borough councils
- iii. National Park Authorities

What are the requirements?

The requirement is to act positively in promoting the Welsh language more widely in specified areas.

Promotion Standards

No.	Standard
1	Positive steps must be taken to promote or join in activities that promote or facilitate broader use of the Welsh language.
2	Use of the Welsh language must be promoted and facilitated in general when dealing with others, with particular consideration given to the way the aims and objectives of the Welsh Government's Welsh Language Strategy can be promoted or delivered by your organization.
3	All reasonable and appropriate steps should be taken to promote opportunities to use Welsh as a community language, which may include: <ol style="list-style-type: none">i. working alongside community and voluntary bodies to make use of the Welsh language;ii. encouraging companies to use the Welsh language in their dealings with the organization;iii. working with specified target groups to increase the use of Welsh;iv. creating contacts with Welsh language specific interest groups and other partners to strengthen Welsh as a community language;v. seeking opportunities to use the Welsh language in the workplace;vi. raising awareness and increasing opportunities for non-Welsh speakers.
4	The quality and level of compliance with all Operational Standards by the organization itself and/or any third party acting on its behalf must be monitored.

Relevant activities

- i. Education and skills
- ii. Language transmission
- iii. In relation to children and young people
- iv. The community
- v. A supporting infrastructure for the Welsh language

Compliance Strategy

All organizations that have a duty under section 25 to comply with promotion Standards must also comply with all of the following within the specified timescale in accordance with section 27(4).

No.	Strategy/Timescale
1	<p>A strategy and/or plan must be formed for compliance with each of the relevant Standards and must be sent to the Commissioner within the timescale</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>
2	<p>Procedures must be created and followed to ensure compliance with Standards across the organization and must be sent to the Commissioner within the timescale</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>
4	<p>Information must be collected about any steps taken to promote or facilitate broader use of Welsh, including:</p> <ul style="list-style-type: none">i. the specific steps taken since the last report;ii. any changes made or anticipated as a result of the last report and, if relevant, the timescale for their implementation;iii. any other relevant comments. <p>⌚ Every 12 months and as required</p>
5	<p>The information collected under standard 4 above regarding monitoring quality and compliance levels must be sent to the Commissioner within the timescale.</p> <p>⌚ Every 12 months and as required</p>
6	<p>A list of all relevant Standards and the organization's compliance strategy must be published and made readily available and in open access format.</p> <p>⌚ 6 months from the date of inclusion in the compliance notice</p>

8

Record Keeping Standards

What are Record Keeping Standards?

As defined in Section 32, Welsh Language (Wales) Measure 2011

'(1) In this Measure "record keeping standard" means a standard relating to the keeping of –

- (a) records about other specified Standards, and
- (b) records about –
 - (i) complaints concerning a person's compliance with other specified Standards, or
 - (ii) other complaints concerning the Welsh language.'

Who will be required to implement Record Keeping Standards?

- i. Those who provide services directly or under an agreement or in accordance with other arrangements or who receive public money amounting to £400,000 or more in a financial year
- ii. Regulators
- iii. Providers of social housing
- iv. Sections of the private sector including gas, water or electricity companies; companies providing postal services or post offices; telecommunications services; bus or railway services
- v. Providers of education and training including those who encourage, enable or assist participation in education training or career guidance, and those who award educational or vocational qualifications
- vi. Those who choose to comply with Standards

What are the requirements?

Persons are expected to keep records relating to the implementation of specified Standards. Those required to implement Standards will be expected to keep records related to Service Delivery Standards and any related complaints. Those required to implement policy making, operational and Promotion Standards will also be required to keep records in relation to those Standards.

Record Keeping Standards

No.	Standard/Timescale
1	<p>Records must be kept of all matters under the Compliance Strategy section of the Service Delivery Standards, Operational Standards, policy-making Standards and/or Promotion Standards of when the institution is required to comply with those Standards.</p> <p>A copy of the records must be sent to the Commissioner within the timescale.</p> <p>◀ According to the timescale in the Compliance Strategy section of the relevant Standards</p>
2	<p>Detailed records must be kept regarding:</p> <ul style="list-style-type: none"> i. the number and percentage of the workforce competent to carry out their work in the Welsh language; ii. arrangements for assessing the need to develop staff's Welsh-language skills, and provisions to respond to the need; iii. translation provision, including the use of staff from within the institution or external providers. <p>A copy of the records must be sent to the Commissioner within the timescale.</p> <p>◀ Every 12 months and as required</p>
3	<p>Records must be kept regarding complaints about a person's compliance with specified Standards or other complaints regarding the Welsh language, including a record of:</p> <ul style="list-style-type: none"> i. the nature of the complaint; ii. the action taken by the institution to deal with the complaint; iii. any amendments to the institution's strategy or plan or procedures that were deemed necessary as a result of the complaint in order to avoid a similar complaint in future. <p>A copy of the records must be sent to the Commissioner within the timescale.</p> <p>◀ A copy of the nature of the complaint to be provided to the Commissioner within 20 days of receipt of the complaint. A full copy of the complaints record to be provided to the Commissioner every 3 months and as required</p>
4	<p>All records must be complete and be updated regularly.</p> <p>◀ Every 12 months and as required</p>
5	<p>The institution must send any records to the Commissioner on request and/or enable the Commissioner to review the records.</p>

Response form

1 Service Delivery Standards

The Service Delivery Standards are clear enough for users to know what can be expected with regard to Welsh-language services.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please note your comments:

2

The Service Delivery Standards reflect the experience of service users in Wales.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please note your comments. (If you disagree, please identify what other areas should be included in your opinion):

3

The list of relevant activities related to the Service Delivery Standards reflects all the functions of:

a) Third sector organizations

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

b) Private companies

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please note your comments:

**4
Operational
Standards**

These Standards will increase the ability of workforces to use the Welsh language.

Please note your comments:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

**5
Policy-Making
Standards**

These Standards will ensure that organizations consider the impact on the Welsh language and Welsh speakers in all aspects of policy development.

Please note your comments:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

**6
Promotion
Standards**

These Standards will provide an opportunity to promote and facilitate the use of Welsh more widely.

Please note your comments:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

**7
Record Keeping
Standards**

These Standards will ensure sufficient public accountability and transparency in implementing Standards.

Please note your comments:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

**8
Additional
Standards**

Should any other Standards be included in the above 5 areas?

Please note your comments

- Yes
- No



**Comisiynydd y
Gymraeg
Welsh Language
Commissioner**