



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Welsh Language Commissioner's Standards Report – Section 64 Welsh Language (Wales) Measure 2011

Public Bodies: Government

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1 Background and context

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011 ('the Measure'), is to promote and facilitate the use of the Welsh language. This entails 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.

On 24 March 2015, the Welsh Language Standards (No.1) Regulations 2015¹ were approved in the National Assembly for Wales' Plenary Session. These standards were developed to impose duties upon county councils and county borough councils in Wales, national park authorities and Welsh Ministers. All references to standards in this standards report refer to the standards specified in the above regulations.

On introducing the regulations, the following was noted by the Welsh Government:

This is a landmark piece of legislation that will put the language on a firm footing within the organizations required to comply with them. It will encourage more use of Welsh in everyday situations, be it in receiving public services or as an employee of one of the organizations.²

The Welsh Language Commissioner's standards investigations and the Welsh Government's evidence gathering exercise for composing their regulatory impact assessment are based upon the regulations that were approved on 24 March 2015.

The Welsh Language Standards (No. 1) Regulations 2015 came into force on 31 March 2015, following a debate and vote at a Plenary Meeting of the National Assembly for Wales.

¹ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/data.pdf>

² <http://gov.wales/about/cabinet/cabinetstatements/2015/welshlangstandards/?skip=1&lang=en>

2 Standards investigation in relation to public bodies: Government

In accordance with section 62 of the Measure, an exploration notice was presented on 5 May 2015 for the attention of persons whom appear to the Commissioner to be members of the following groups of persons:

- Government Departments
- Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure.

The relevant persons who fall within the ‘Government Departments’ group in this standards report are:

- Crown Prosecution Service
- HM Revenue and Customs
- Competition and Markets Authority
- The Crown Estate
- Food Standards Agency
- National Savings and Investments
- National Crime Agency
- Office of Rail Regulation³ (ORR)
- Office for Gas and Electricity Markets (Ofgem)
- Serious Fraud Office
- Water Services Regulation Authority (Ofwat)
- Office for National Statistics
- The Charity Commission for England and Wales.

The relevant persons who fall within the ‘Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure’ group in this standards report are:

- The Advisory Conciliation and Arbitration Service (ACAS)
- The Human Tissue Authority (HTA)
- The Human Fertilisation and Embryology Authority (HFEA)

³ This relevant person has been known as 'The Office of Rail and Road' since April 2015, to reflect its additional responsibility of monitoring Highways England.

- The Health and Safety Executive (HSE).

An exploration notice is a notice in writing stating the Welsh Language Commissioner's intention to carry out a standards investigation, and which specifies the subject matter of the standards investigation. The Commissioner may not carry out a standards investigation unless she has given an exploration notice to each relevant person (organization), at least 14 days before beginning the investigation.

The subject matter of this standards investigation was to determine which standards (if any) should be specifically applicable to each relevant person within the group of persons (whether or not the standards are already specified by the Welsh Ministers under section 26(1)). The period of this standards investigation began on 26 May 2015. It ended on 18 August 2015.

As part of this standards investigation, information was collected from each of the relevant persons listed above. This was done by means of a completed questionnaire. Evidence was also collected from the Advisory Panel and the public.

A public questionnaire was placed on the Welsh Language Commissioner's website. The purpose of this questionnaire was to give members of the public an opportunity to identify what they felt was reasonable for the relevant persons to undertake and provide in Welsh, in considering the requirements related to the standards specified in regulations on 24 March 2015. Advertisements were placed in the national press during the period of the standards investigation in order to make the public aware of this questionnaire. Furthermore, a video was posted on the Commissioner's website in order to provide an introduction to the process, and to provide guidance to the public on how to respond to the standards investigation.

3 Reasonableness and proportionality

In accordance with section 63(1) of the Measure, the Commissioner must have regard to the need to secure that requirements for persons to comply with standards by virtue of section 25(1) are not unreasonable or disproportionate.

In carrying out a standards investigation, the Commissioner must consider the following:

- (a) whether, in respect of each of the activities specified in Schedule 9 which a person carries out, it is reasonable and proportionate for service delivery standards to be specifically applicable to a person, and
- (b) as respects each such activity, if it is reasonable and proportionate for service delivery standards to be specifically applicable to a person, conclude that service delivery standards should be specifically applicable to a person in relation to that activity.

In considering the question of reasonableness and proportionality, it should be noted that the Measure places a duty upon Welsh Ministers to secure that regulations provide for service delivery standards relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

But Welsh Ministers need not secure that regulations provide for service delivery standards to be specifically applicable to a person in relation to an activity specified in Schedule 9 if, or to the extent that:

- (a) a standards report under section 64 indicates that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity, or
- (b) Welsh Ministers think it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a person in relation to that activity.

This does not prevent regulations from providing for other service delivery standards to be specifically applicable to a person.

By making regulations under this Measure exercisable by statutory instrument, the Commissioner is authorised to give a compliance notice to a person.

A compliance notice is a notice given to a person by the Commissioner, which:

- (a) sets out, or refers to, one or more standards specified by the Welsh Ministers under section 26(1), and
- (b) requires a person to comply with the standard or standards set out or referred to.

The Welsh Language Commissioner will consider the evidence provided in reaching a decision on the content of a compliance notice given to a person.

The fact that a standard is made specifically applicable to a person does not mean that there is a duty to comply with that standard. A duty to comply with a standard will only be in force if the Commissioner gives a compliance notice to the person, and that notice makes it a requirement to comply with the standard on an imposition day.

The Welsh Language Commissioner will consult with the person before giving the person a compliance notice. The failure of a person to participate in a consultation will not prevent the Commissioner from giving that person a compliance notice.

After the Welsh Language Commissioner has given a compliance notice to a person, that person may apply to the Commissioner asking her to determine whether or not the requirement to comply with that standard, or to comply with it in that respect, is unreasonable or disproportionate. Should the Commissioner inform the person that the requirement to comply with the standard is not unreasonable or disproportionate, they have the right under the Measure to appeal to the Tribunal for determination.

The Welsh Language Commissioner's criteria

In reaching a conclusion on the subject of this standards investigation, in accordance with the requirements outlined in Part 4, Chapter 8 of the Measure, the following criteria were considered alongside the evidence received as part of the standards investigation. Each criterion need not be considered in each case, and no criterion is of more importance than any other.

- Is the relevant person liable to be required to comply with standards – does the relevant person come within Schedule 5 and also within Schedule 6, or do they come within Schedule 7 and also within Schedule 8?
- Is the class of standard (service delivery; policy making; operational; record keeping; promotion) potentially applicable to the relevant person?
- Does the relevant person carry out the activity⁴ in question?
- Has the relevant person already undertaken to provide the activity or action in question, in part or in full, via their Welsh language scheme?
- Does the relevant person already provide the service in Welsh (whether this corresponds exactly to the requirements included in the standard or not), or carry out the activity in accordance with the standard?
- Do the vast majority of other relevant persons within the same sector provide the service in Welsh, or carry out the activity?
- Are there any other reasons, for or against, making the standard specifically applicable to the relevant person?

⁴ This criterion will be considered in respect of service delivery standards only.

4 Evidence received from relevant persons

Evidence was received from all relevant persons listed above. This evidence included responses to 199 questions within a questionnaire, alongside further evidence provided following subsequent enquiries.

Each response was read individually and software was used to record and analyze the evidence and identify general themes. Regular meetings were held amongst officers of the Welsh Language Commissioner to analyze the evidence received from relevant persons as part of the standards investigation, along with current Welsh language schemes commitments of the relevant persons in question.

In this section an average percentage is given of the commitments in relevant persons' Welsh language schemes which correspond to the standards (whether they correspond entirely to the standards' requirements or not), for each activity.

When analyzing current Welsh language scheme commitments against the standards, it should be noted that it was not possible to match many of the standards in relation to service delivery activities, due to the detailed nature of the regulations issued by the Welsh Government. In some circumstances, it is possible that the relevant persons in question are committed to, or comply with the requirement, but that it is not stated explicitly in their Welsh language schemes.

A summary is provided of the evidence received from each relevant person included in the groups of persons noted in section 4 of this report. The evidence submitted included information regarding which activities are carried out by the persons in question, which activities they carry out through the medium of Welsh and to what extent they can comply with the standards.

On 5 May 2015, the following relevant persons did not have a Welsh language scheme approved under section 14(1) of the Welsh Language Act 1993:

- The National Crime Agency
- The Office of Rail Regulation (ORR)
- The Serious Fraud Office
- The Crown Estate
- The Advisory, Conciliation and Arbitration Service
- The Human Tissue Authority
- The Human Fertilisation and Embryology Authority.

Government Departments

Service delivery standards

Activity 1: Correspondence sent by a body

Standards relating to correspondence sent by a body [1-7]

All of the 13 relevant persons within the government departments group stated that they undertake the activity in question. Of those, ten relevant persons (77%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, all of them had commitments which corresponded, partially or fully, to one or more of the standards in question. Among those persons, the commitments corresponded to an average of 78% of standards relating to correspondence sent by a body.

All of the relevant persons in question noted that they considered making these standards specifically applicable to them was unreasonable and disproportionate, with the exception of the Crown Prosecution Service and the Food Standards Agency. The Crown Prosecution Service explained that it would be difficult to predict when standards 4-7 would be applicable to them. The Food Standards Agency did not believe that they would be able to comply with standard 7. They explained that they already correspond bilingually with members of the public.

HM Revenue and Customs noted that they already have Welsh provision but anticipated that complying with standards 2, 3, 4, 5 and 7 specifically would be unreasonable and disproportionate due to: service demand, compared to customer demography; the practicalities of updating business systems; and cost.

The Competition and Markets Authority did not believe that implementing standards 2 - 5 was practical or proportionate.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

National Savings and Investments referred to the fact that most of their business is conducted with current customers across Britain and that the number of new customers is very small. They noted that they respond to requests for Welsh correspondence but consider asking for a language choice to be disproportionate, as the majority of their customers do not speak Welsh to the best of their knowledge.

The National Crime Agency noted that they do not correspond regularly with the public and that the Agency currently considers each request to respond to Welsh correspondence in that language individually.

The Office of Rail Regulation (ORR) noted that they do not undertake the activities involved with standards 3 and 4 as they only correspond with individuals. ORR believed that the cost of complying with standard 5 would be disproportionate.

The Office of Gas and Electricity Markets (Ofgem) believed that implementing standards 4 and 7 across the organization would be unreasonable, but saw specific circumstances in which they could comply; i.e. in terms of specific activity in Wales in relation to the Welsh language. It was concluded that it was generally unreasonable for them to comply with standard 5.

The Serious Fraud Office referred to proportionality in their response, noting that they only have one office, which is located in London. They explained that they already strive to respond positively to anyone requesting a service in Welsh.

The Water Services Regulation Authority (Ofwat) noted that they did not usually start corresponding with members of the public. Whilst they were happy to refer to the fact that they welcome correspondence in Welsh, Ofwat noted that they could not guarantee that this would not cause delay. They referred specifically to standards 2, 3 and 4 as standards which Ofwat believed to be unreasonable and disproportionate to them due to the fact that they are an organization based solely in England.

The Office for National Statistics expressed their willingness to implement these standards, but that this would be done in accordance with economies of scale, relevance and user demand.

The Charity Commission for England and Wales noted that they only considered standards 1 and 7 to be reasonable, and this was because they maintained relations with charities rather than individuals. They explained that they correspond with charities in their chosen language after this has been established. It should be noted, in this context, that the Welsh Language Standards (No. 1) Regulations 2015⁵ state that "...an "individual" ("*unigolyn*") means a member of the public." When dealing with standards which refer to "the public", directly or indirectly, the Commissioner notes that they will be relevant to:

- legal persons
- corporate bodies, and
- individuals.

The above would include:

- individual members of the public
- proportion of the public⁶, and
- the public as a whole

Activity 2: Telephone calls made and received by a body

Standards relating to telephone calls made and received by a body [8-22]

⁵ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

⁶ Including voluntary bodies and charities as they form part of the public.

All of the relevant persons stated that they undertake the activity in question. Of those, six relevant persons (50%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, an average of 89% had commitments which corresponded, partially or fully, to 46% of the standards relating to telephone calls made and received by a body.

All of the relevant persons in question noted that they considered making these standards specifically applicable to them was unreasonable and disproportionate, with the exception of the Crown Prosecution Service and the Food Standards Agency. However, the Agency noted that they believed they would not be able to comply with standards 18-20, or standard 21. In addition, the Agency did not consider standards 15 and 22 to be relevant to them.

HM Revenue and Customs believe that they can comply, fully or at least partially, with the majority of these standards. However, HM Revenue and Customs stated that they did not predict that they would be able to comply with the exact requirements for standards 13, 16, 21 and 22.

The Competition and Markets Authority stated that members of staff in London are responsible for providing telephone services. The Serious Fraud Office is also based solely in London.

The National Crime Agency explained that, as a rule, they do not deal with members of the public over the phone.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

National Savings and Investments are currently implementing an arrangement in which the Welsh language telephone service is outsourced to another service provider. This is not a full arrangement as the partner does not have access to individual accounts for legal reasons. Despite this, National Savings and Investments believed that this arrangement was proportionate based on the demand for a Welsh language service.

ORR does not have an office or a presence in Wales. However, their response noted alternative methods which would, in their opinion, enable them to comply partially with standards 10 and 18-20.

Ofgem believed that they could comply partially with standards 8 - 16 and 22 in relation to their office in Wales, but that this would be very difficult for the rest of the organization. Ofgem considered standard 21 to be very difficult to implement across the organization. Without a Welsh base, Ofwat considered all of these standards to be disproportionate.

The Office for National Statistics noted that they are not generally a public-facing organization as they deal with other organizations as a rule. It should be noted that the these standards contain no specific reference to members of the public and nor are they limited to them. As previously noted, the Welsh Language Standards (No. 1) Regulations 2015 note that "...an "individual" ("unigolyn") means a member of the public."⁷When dealing with standards which refer to "the public", directly or indirectly, the Commissioner interprets them as being relevant to:⁸

- legal persons
- corporate bodies, and
- individuals.

The above would include:

- individual members of the public
- proportion of the public⁹, and
- the public as a whole.

It was explained in their response that standards 18, 19 and 20 could be implemented; with any specific initiatives (such as census support helplines) also being operated in Welsh.

The Charity Commission for England and Wales believed that it would be possible to implement those standards allowing telephone calls to be transferred to Welsh speakers. However, they predicted difficulty in terms of implementing standard 21.

Activity 3: Meetings held by a body that are not open to the general public **Standards relating to a body holding meetings that are not open to the general public [23-29]**

All of the 13 relevant persons, except for National Savings and Investments, stated that they undertake the activity in question (92%). Of those, five relevant persons (42%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 67% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 57% of the standards relating to meetings held by a body that are not open to the public.

All relevant persons stated that they believed that making these standards specifically applicable to them would be unreasonable and disproportionate.

The Crown Prosecution Service explained that compliance would be possible in cases where the Prosecutor spoke Welsh.

⁷ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

⁸ Based on legal advice sought on this issue.

⁹ Including voluntary bodies and charities as they form part of the public.

HM Revenue and Customs noted that they could comply in terms of providing translation in meetings. However, they did not predict that it would be possible to implement standards 23 and 27CH due to the changes that their implementation would mean to the organization's business conduct model. In their response, the organization noted that they did not hold meetings relating to well-being.

The Competition and Markets Authority believed that it was neither reasonable nor proportionate to implement standards 23 - 26, but that 27 - 29 could be implemented, with a preference for 27C.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

The Food Standards Agency noted that the majority of these standards are not relevant (e.g. personal meetings relating to well-being) or could not be implemented due to lack of internal capacity.

The National Crime Agency expressed the opinion that it would be unreasonable and disproportionate for them to implement the standards as a whole, but that requests for simultaneous translations would be considered on a case by case basis. Similarly, ORR stated that they would consider implementing standards 24 - 24B on a case by case basis. It should be noted that this is not the requirement outlined in the standards.

Ofgem noted that these standards could be implemented for meetings held in their office in Wales.

The Serious Fraud Office believed that these standards are unreasonable and disproportionate due to the fact that it is an organization based solely in London.

Ofwat considered the standards regarding well-being to be irrelevant to them as they do not hold such meetings. This was reinforced by their statement that they considered 27CH to be disproportionate.

The Office for National Statistics noted that it would be possible to comply with standards in relation to field work regarding the 2021 census, but not in a more general manner due to the technical, specialist nature of their work.

The Charity Commission for England and Wales did not believe that they held meetings in relation to well-being. The Commission noted that their ability to comply depended on the nature of the meeting; some of the Commission's teams are based wholly outside of Wales, whilst others are able to conduct their business in Welsh.

Activity 4: Meetings arranged by a body that are open to the public

Standards relating to meetings arranged by a body that are open to the public [30-34]

Six of the 13 relevant persons (46%) noted that they undertake the activity in question (Crown Prosecution Service, HM Revenue and Customs, Food Standards Agency, Office of Rail and Road, Office for National Statistics and The Charity Commission for England and Wales). Of those, four relevant persons (67%) stated that they undertake the activity in question through the medium of Welsh. The Office of Rail and Road and the Charity Commission for England and Wales did not do so.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, all of them had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 78% of the standards relating to meetings arranged by a body that are open to the public.

The six relevant persons who confirmed that they undertake the activity noted that making these standards specifically applicable to them would be reasonable and proportionate. The rest did not agree simply because they did not undertake the activity.

ORR explained that they did not currently undertake the activity in question in Welsh but that they can consider requests for translation on a case by case basis.

Activity 5: Public events organised or funded by a body

Standards relating to public events organised or funded by a body [35-36]

Five of the 13 relevant persons (38%) noted that they undertake the activity in question (Crown Prosecution Service, Competition and Markets Authority, Crown Estate, Food Standards Agency and the Office for National Statistics). Of those, four relevant persons (80%) stated that they undertake the activity in question through the medium of Welsh. The Crown Estate was the exception.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 67% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded to 62% on average of the standards relating to for public events organised or funded by a body.

The four relevant persons who reported that they undertake the activity in Welsh believed that making these standards specifically applicable to them would be reasonable and proportionate. The Crown Estate concluded that they would be unlikely to undertake this activity in Wales regularly, so they felt that making these standards specifically applicable to them would be unreasonable and disproportionate.

Activity 6: A body's publicity and advertising

Standard relating to a body's publicity and advertising [37]

Eight of the 13 relevant persons (62%) noted that they undertake the activity in question (Crown Prosecution Service, HM Revenue and Customs, Competition and Markets Authority, Crown Estate, Food Standards Agency, National Savings and Investments, Ofgem and the Office for National Statistics). Of those, six relevant persons (75%) stated

that they undertake the activity in question through the medium of Welsh. The Crown Estate and National Savings and Investments noted that they did not undertake the activity in Welsh.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 89% had commitments which corresponded to the standards relating to publicity and advertising.

The Crown Prosecution Service, Ofgem and the Office for National Statistics agreed that making these standards specifically applicable to them would be reasonable and proportionate.

HM Revenue and Customs stated that they considered the requirement to be unreasonable as they undertake this activity across the United Kingdom and that changing their approach would not be proportionate to the service demand. The Crown Estate, along with National Savings and Investments, noted a similar opinion.

The Competition and Markets Authority explained that it was possible to comply in relation to their activities in Wales.

Activity 7: A body displaying material in public

Standards relating to a body displaying material in public [38-39]

Seven of the 13 relevant persons (54%) stated that they undertake the activity in question (Crown Prosecution Service, HM Revenue and Customs, The Crown Estate, Food Standards Agency, Ofgem, Office for National Statistics and the Charity Commission for England and Wales). All of the seven relevant persons above stated that they undertake the activity in question in Welsh.

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 89% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded to 100% of the standards relating to displaying material in public.

The Food Standards Agency, Ofgem and the Charity Commission for England and Wales confirmed that they believed that making these standards specifically applicable to them would be reasonable and proportionate. The Crown Prosecution Service agreed they were reasonable and proportionate for displaying material in public in Wales.

HM Revenue and Customs only considered standard 39 to be relevant to them. They noted in their response that they are currently able to comply partly with this standard.

The Crown Estate noted that they undertake the activity, but their response referred to official notices. It should be noted that specific standards have been set within the Welsh Language Standards (No. 1) Regulations 2015 for official notices. The Office for National Statistics referred specifically to recruitment fairs in their response, stating that the technical and specialist nature of the material, along with a lack of language skills within the recruitment teams attending these events, mean that this requirement is unreasonable and disproportionate.

Activity 8: A body producing and publishing documents

Standards for a body producing and publishing documents [40-49]

All one of the 13 relevant persons stated that they undertake the activity in question, except for National Savings and Investments. Of those twelve, nine relevant persons (75%) stated that they undertake the activity in question through the medium of Welsh, with the exception of the Crown Prosecution Service, the National Crime Agency and ORR.

When analyzing the current Welsh language scheme commitments of the persons in question, all of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 61% of the standards relating to a body producing and publishing documents.

The Crown Prosecution Service and the Food Standards Agency agreed that making these standards specifically applicable to them would be reasonable and proportionate. However, the Agency noted that they would not be able to comply with standard 49 in particular.

HM Revenue and Customs proposed alternative means of complying with these standards based on responding to requests for Welsh language services, stating that making the standards, as they stand, specifically applicable to them would be unreasonable and disproportionate due to the organization's customer demography and historical service demand.

The Competition and Markets Authority stated that they considered a selection of standards to be reasonable and proportionate, but that some, such as 40, 43 and 44 should be implemented following the application of a scoring system. However, it should be noted that the regulations do not contain a standard which refers to scoring systems. They did not believe that standards 42 and 45 were relevant to them. In acknowledging that they do not currently undertake the activity in Welsh, ORR's response suggested ways of providing service based on criteria, such as demand and cost, without complying with the exact requirements of these standards.

The National Crime Agency did not consider that making these standards specifically applicable to them would be reasonable or proportionate, due to the resources required to do this. The Agency noted that cases could be considered on a case by case basis.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

Ofgem noted that their work was technical and not usually targeted at members of the public. In light of that, they did not consider that making standards 40, 42 and 44 specifically applicable to them would be reasonable and proportionate. It was also explained, in relation to standard 41, that their meetings were not open to the public, but it was not explained whether or not the associated documentation listed under standard 41 is available to the public.

The Serious Fraud Office referred to wider duties for dealing with suspects. The Office believes that this already ensures that documentation is translated as is appropriate and proportionate in their opinion.

Standards 41 and 42 were the only ones Ofwat felt would be unreasonable and disproportionate were they to be made specifically applicable to them due to resource pressures. They did not believe that standard 45 was relevant to them.

The Office for National Statistics explained that they implement a policy of preparing digital-only material. Material which is relevant to Wales is translated along with all of the material relating to the census. Beyond continuing with this work, the Office did not believe that making the standards specifically applicable to them would be reasonable and proportionate.

The Charity Commission for England and Wales stated that making a selection of the standards specifically applicable to them would be reasonable and proportionate. Internal reports, agendas and meeting minutes along with press releases were all highlighted as issues for concern.

Activity 9: A body producing and publishing forms

Standards relating to a body producing and publishing forms [50-51]

Nine of the 13 relevant persons (69%) stated that they undertake the activity in question (Crown Prosecution Service, HM Revenue and Customs, The Crown Estate, Food Standards Agency, National Savings and Investments, Serious Fraud Office, Ofgem, Office for National Statistics and the Charity Commission for England and Wales). Of those, seven relevant persons (78%) stated that they undertake the activity in question through the medium of Welsh. The Crown Estate and Ofgem were the exceptions.

When analyzing the current Welsh language scheme commitments of the persons in question, all of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 72% of the standards relating to a body producing and publishing forms.

The Crown Prosecution Service, and the Food Standards Agency, to some extent, stated that they accepted that making these standards specifically applicable to them would be reasonable and proportionate. Despite this, the Agency believed that it would not be possible for them to comply fully with the requirements of standards 50A and 50B as they stand.

HM Revenue and Customs noted that they did not consider making standards 50 and 50A specifically applicable to them would be reasonable and proportionate due to their customer demography and historical demand levels. National Savings and Investments argued that making Welsh forms available on request was the proportionate approach for them.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service

demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

Ofgem stated that they could comply if the forms were simple documentation, not produced by a specific software system. In Ofgem's opinion, practical barriers (offices outside Wales for example) and the costs of providing such forms in Welsh would mean that it would be unreasonable.

The Serious Fraud Office explained that they provide one prominent form in Welsh and that otherwise they currently consider the issue on a case by case basis.

The Office for National Statistics is currently transferring to an electronic data collection method which will eventually replace paper-based methods of conducting business. The programme will enable the Office to offer all forms in Welsh, however, in the meantime, only a selection is available, such as work relating to the census.

The Charity Commission for England and Wales stated that they have a minimal number of very specialist and technical forms which are only available to a limited audience and therefore the Commission do not feel that providing these forms in Welsh would be reasonable.

Activity 10: A body's websites and on-line services

Standards relating to a body's websites and on-line services [52-57]

All of the 13 relevant persons stated that they undertake the activity in question. However, the Serious Fraud Office noted that they did not provide on-line services. Of those, 11 relevant persons (85%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 89% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 52% of the standards relating to a body's websites and on-line services.

Only the Food Standards Agency considered that making these standards specifically applicable to them would be reasonable and proportionate, but it was noted that standard 57 was not relevant to them as they did not produce apps.

The Crown Prosecution Service stated that they consider implementing the standards to be reasonable in terms of the Wales website, but that implementing them on the Service's main website would have significant implications.

HM Revenue and Customs explained that GOV.UK are responsible for hosting the content of their website and that GOV.UK are responsible for the mass content of their website, excluding transactional services and specialist content, which account for a minimum of HM Revenue and Customs content. The Charity Commission for England and Wales are in a similar situation, and the Commission stated that they had lost Welsh content by moving to GOV.UK. Despite attempts to retrieve the provision which was previously available, and working with the service responsible for GOV.UK, the Commission do not consider these standards to be reasonable and proportionate due to the lack of control they have over GOV.UK content.

The Competition and Markets Authority only offer Welsh medium pages when the information is specifically of interest to users in Wales. The Authority's representative in Wales decides what should be translated based on criteria and the Authority considered the continuation of this arrangement to be reasonable.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

National Savings and Investments explained that they provide the most popular content in Welsh. Online transactions cannot currently be undertaken on their website, and although they are undertaking developmental work on their systems, they believe that the cost of providing a Welsh interface for transactions would mean that they would not make this service available. Similarly, the National Crime Agency provides a selection of pages which include key information on the Agency in Welsh and they believe that this is proportionate to the demand. This was also the opinion of Ofgem as well as the Serious Fraud Office. ORR stated that they do not currently provide any Welsh content, and they believe that the home page and the five most popular pages are the ones which should be translated.

Ofwat stated that their website was extensive with most of the content targeted towards a specialist, technical audience. They reinforced this by stating that a lack of Welsh resources meant that they considered these standards to be unreasonable and disproportionate. Similarly the Office for National Statistics consider translating all of the organization's websites to be disproportionate considering the nature of the information and the fact that they serve the United Kingdom. Despite this, it was confirmed that general material and content relevant to Wales are available in Welsh.

Activity 11: A body's use of social media

Standards relating to a body's use of social media [58-59]

Twelve of the 13 relevant persons (92%) stated that they undertake the activity in question. The Serious Fraud Office stated that they did not utilise social media. Of those, four relevant persons (33%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, none of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question.

The Food Standards Agency was the only relevant person to state that they considered making these standards specifically applicable to them would be reasonable and proportionate.

The Crown Prosecution Service's Twitter account is used by a variety of officers which, the Service believes makes it impossible to offer a Welsh language service. The Service can respond to Welsh messages in Welsh. Similarly, HM Revenue and Customs and the Competition and Markets Authority stated that they only considered responding to Welsh

contact via social media to be reasonable. Ofgem felt that making standard 58 specifically applicable to them would be disproportionate, as they are an organization working across Britain and the communications team responsible for social media is based in London. Ofgem went on to state that they would endeavour to respond to Welsh messages, but noted that perhaps teams outside of Wales would be best placed to provide responses. The Charity Commission for England and Wales stated that they already comply with standard 59, and respond to Welsh social media messages in Welsh. However, they did not see a way of complying with 58 as the Commission's press team is based in London.

The National Crime Agency has expressed their willingness to consider cases on an individual basis.

National Savings and Investments stated that they have a performance indicator for responding to communication via Twitter, Facebook and YouTube within an hour. They do not believe that this could be possible without considerable investment. A similar opinion was shared by Ofwat and ORR, who referred to the disproportionality of appointing a specific officer in order to implement these standards. The Office for National Statistics referred to specific teams which are responsible for social media, stating that there are currently no Welsh speakers within these teams.

The Crown Estate noted that they concluded that the standards were unreasonable and disproportionate considering the nature of the Crown Estate Commissioners' activities. They explained that only 2% of their activities are undertaken in Wales and that these are commercial activities rather than service provision activities. The cost and lack of service demand were also highlighted. The Crown Estate considered anything beyond their current voluntary activity to be unreasonable and disproportionate.

Activity 12: Self service machines

Standard relating to self service machines [60]

None of the 13 relevant persons stated that they undertake the activity in question.

When analyzing the current Welsh language scheme commitments of the persons in question, none of the relevant persons had commitments which corresponded, partially or fully, to the standard relating to self service machines.

As no relevant person stated that they undertook the activity, none stated that making this standard specifically applicable to them would be reasonable and proportionate.

Activity 13: Signs displayed by a body

Standards relating to signs displayed by a body [61-63]

Nine of the 13 relevant persons stated that they undertake the activity in question. The Competition and Markets Authority, the National Savings and Investments, National Crime Agency and Ofgem stated that they did not undertake the activity. Of those who undertake the activity in question, six relevant persons (67%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 56% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 67% of the standards relating to signs displayed by a body.

Five relevant persons confirmed that making these standards specifically applicable to them would be reasonable and proportionate, namely the Crown Prosecution Service, HM Revenue and Customs, the Food Standards Agency, Ofgem and the Office for National Statistics. The Charity Commission for England and Wales stated that they undertake the activity and do so through the medium of Welsh. However, they did not believe that making these standards specifically applicable to them would be reasonable and proportionate due to standard 62 and the requirement to position the Welsh text so that it is likely to be read first.

Most of the other relevant persons believed that making these standards specifically applicable to them would be unreasonable and disproportionate as they did not undertake the activity, or their offices were located outside Wales (Competition and Markets Authority, ORR, Serious Fraud Office and Ofwat). The Crown Estate noted that Welsh signs are available in the properties they are responsible for in Wales. However, it was noted that these signs were erected voluntarily for commercial reasons and that this is the only proportionate approach in their opinion. The National Crime Agency explained that they were moving to a location managed by South Wales Police and, despite their understanding that bilingual signs would be available at the location, they stated that they were not wholly responsible for resources and the estate.

Activity 14: A body receiving visitors at its buildings

Standards relating to a body receiving visitors at its buildings [64-68]

Ten of the 13 relevant persons (77%) stated that they undertake the activity in question. Of those, four relevant persons (40%) stated that they undertake the activity in question through the medium of Welsh. The remainder included the Crown Prosecution Service, HM Revenue and Customs and the Charity Commission for England and Wales. The Competition and Markets Authority, the Crown Estate and ORR stated that they did not undertake the activity.

When analyzing the current Welsh language scheme commitments of the persons in question, 22% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 25% of the standards relating to a body receiving visitors at its buildings.

No relevant person stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate. It should be noted that the Crown Prosecution Service did not provide any supporting text with their response to explain why making these standards specifically applicable to them would be unreasonable and disproportionate.

HM Revenue and Customs stated that they already comply with the majority of the requirements for these standards. They were concerned about the requirement to comply at all times with standard 64 as they did not believe that it would be possible to ensure the availability of Welsh speakers in all of their locations at all times.

A common theme amongst the responses which noted that making these standards specifically applicable to them would be unreasonable and disproportionate was the fact that they were tenants, with others, in a private building, or a building controlled by another organization. As a result, they depended on others to provide a reception service. The

same opinion was expressed by the Competition and Markets Authority, the Food Standards Agency, the National Crime Agency and Ofgem.

National Savings and Investments, ORR, the Serious Fraud Office nor Ofwat have a presence in Wales.

Despite having a base in Wales, the Office for National Statistics noted that a contracted third party provides their reception and security services. They believe that making these standards specifically applicable would be unreasonable due to the shortage of staff with skills to provide a Welsh language service, along with the comparatively small number of visitors they receive at their base. The Charity Commission for England and Wales noted that they rent office space on lease from the Office for National Statistics, and therefore depend on the Office to provide reception services. However, it was stated that if the Commission are expecting visitors, they ensure that an officer with Welsh language skills is available greet them in reception.

Activity 15: Official notices made by a body

Standards relating to official notices made by a body [69-70]

Seven of the 13 relevant persons (54%) stated that they undertake the activity in question. Of those, five relevant persons (71%) stated that they undertake the activity in question through the medium of Welsh. HM Revenue and Customs, National Savings and Investments, Ofwat, the Food Standards Agency and the Charity Commission for England and Wales undertook the activity in Welsh. ORR and the Serious Fraud Office stated that they undertake the activity, but not through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, all of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 61% of the standards relating to official notices made by a body.

HM Revenue and Customs and Ofwat stated that they agreed that making these standards specifically applicable to them would be reasonable and proportionate.

In their response the Food Standards Agency stated their opinion that further clarification was required regarding the definition of official notices. The following is noted in the Welsh Language Standards (No. 1) Regulations 2015:

For the purposes of standards 7, 69 and 70 an "official notice" means any notice that a body publishes to inform persons about service delivery activities or changes to service delivery activities, but it does not include official notices prescribed by an enactment.¹⁰

The Agency referred to a number of notices for specific audiences which do not meet the specific criteria of the Agency's Welsh language scheme scoring system - for example, due to the audience or the urgent nature of the notice - and are therefore currently prepared in English only. It should be noted that the standard set in the regulations does not refer to any specific criteria.

¹⁰ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

The Charity Commission for England and Wales did not believe that making these standards specifically applicable to them would be reasonable and proportionate as they felt that charities should be able to choose the language in which they receive notices from the Commission. The Commission explained that they provide Welsh or bilingual notices to those charities who wish to receive them.

National Savings and Investments referred to press releases in their response and, despite stating that they did not believe that making these standards specifically applicable to them would be reasonable and proportionate, they explained that these releases are produced bilingually when the press release concerns Wales. It should be noted that the regulations contain other standards which deal with press releases.

Neither ORR nor the Serious Fraud Office considered these standards to be reasonable and proportionate to them. Both referred to a lack of presence in Wales as the reason for their opinion.

Activity 16: A body awarding grants

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

Three of the 13 relevant persons (23%) stated that they undertake the activity in question. Of those, two relevant persons (67%) stated that they undertake the activity in question through the medium of Welsh.

HM Revenue and Customs, the Food Standards Agency and Ofgem undertake the activity and of those, it is only HM Revenue and Customs that does not do so through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 89% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 44% of the standards relating to a body awarding grants.

HM Revenue and Customs stated that they already implement standards 72, 72A, 74 and 75 through the medium of Welsh and that they partially comply with standards 71 and 73. It is those standards which are already being partially implemented which led HM Revenue and Customs to conclude that they did not consider that making these standards specifically applicable to them would be reasonable and proportionate. They did not believe that complying fully would be proportionate due to the resource implications and the supposed service demand.

The Food Standards Agency agreed that making these standards specifically applicable to them would be reasonable and proportionate. However, they explained that invitations for local authorities to apply for grants often included technical appendices, and the Agency does not feel that it would be neither reasonable nor proportionate to translate them.

Ofgem noted that some of the information in relation to applying for the grant scheme is available in Welsh, but that the remainder of the schemes are not open to the public and include technical documentation. However, it should be noted that the standards in the regulations do not refer specifically to members of the public.

Activity 17: A body awarding contracts

Standards relating to a body awarding contracts [76-80]

All of the 13 relevant persons stated that they undertake the activity in question. Of those, one relevant person (8%) stated that they undertook the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 89% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 42% of the standards relating to a body awarding contracts.

None of the relevant persons considered that making these standards specifically applicable to them would be reasonable and proportionate.

The Crown Prosecution Service and HM Revenue and Customs referred to policies and arrangements by the Cabinet Office which enable them to utilise contracts agreed across Government departments. These arrangements, and other arrangements on a British level, also feature in the Office for National Statistics' response.

A number of relevant persons administer their procurement process in offices outside Wales, including the Competition and Markets Authority, Ofgem and the Serious Fraud Office.

The Food Standards Agency stated that they implement some aspects of the contracting process in Wales through the medium of Welsh.

National Savings and Investments referred to the small number of providers they deal with in Wales, and the perceived lack of demand amongst them for undertaking the activity in Welsh. The National Crime Agency also felt that there was a lack of demand.

Cost was the main reason given to explain why ORR and the Charity Commission for England and Wales disagreed with making these standards specifically applicable to them. Ofwat shared the same opinion, adding that there are practical considerations in terms of the number of contracts awarded, along with internal capacity.

Activity 18: Raising awareness about Welsh language services provided by a body

Standards for raising awareness about Welsh language services provided by a body [81-82]

Eight of the 13 relevant persons (62%) stated that they undertake the activity in question. All of those relevant persons stated that they undertake the activity in question through the medium of Welsh. The Competition and Markets Authority, the Crown Estate, the National Crime Agency, ORR and the Office for National Statistics stated that they do not undertake the activity.

When analyzing the current Welsh language scheme commitments of the persons in question, 78% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 93% of the standards for raising awareness about Welsh language services provided by a body.

The Crown Prosecution Service, the Food Standards Agency, ORR, Ofgem and Ofwat believed that making these standards specifically applicable to them would be reasonable and proportionate. ORR does not currently undertake the activity, but their response outlined how they could comply if these standards were made specifically applicable to them.

HM Revenue and Customs stated that they could comply fully with standard 81, but that they could only comply partially with standard 82 at present.

National Savings and Investments explained that they use their website as their main communication method, and that there links on each page which highlight National Savings and Investments' Welsh language website. They believed that this would be sufficient and proportionate.

The Serious Fraud Office stated that they only highlight Welsh language services when that service is available, and that they believe that these standards are disproportionate for an organization based in London.

The Office for National Statistics referred to the fact that they promote the availability of Welsh language services as part of their census campaigns. This is the only promotion work undertaken by the Office. Because of this, the Office does not believe that doing more would be reasonable as the rest of their work is made up of statistical bulletins on a wide range of topics.

The Charity Commission for England and Wales did not consider standard 81 to be relevant as they do not promote services in any language. Otherwise, individuals who contact the Commission are referred to their website where a language choice is available.

Activity 19: A body's corporate identity

Standard relating to a body's corporate identity [83]

Eleven of the 13 relevant persons (85%) stated that they undertake the activity in question. The Crown Estate and National Savings and Investments were the exceptions. Of those who stated that they undertake the activity, all of the relevant persons, except for ORR, (91%) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 78% of the relevant persons - including National Savings and Investments - had commitments which corresponded, partially or fully, to the standard relating to a body's corporate identity.

It should be noted that the supporting text provided by the Crown Estate and National Savings and Investments did not suggest that they did not have a corporate identity. Rather, they both referred to the status persons' status as entities created by British law and the fact that they have no presence in Wales (National Savings and Investments). As a result, the Crown Estate considers the standard to be unreasonable and disproportionate, and National Savings and Investments propose that the standard is not applicable to them.

ORR stated that they could comply with the standard in terms of the identity used in relation to Wales.

Six of the relevant persons who reported that they already undertake the activity in Welsh concluded that making this standard specifically applicable to them would be reasonable and proportionate. The Competition and Markets Authority, the National Crime Agency, the Serious Fraud Office and the Office for National Statistics did not consider making this standard specifically applicable to them to be reasonable and proportionate.

The Competition and Markets Authority referred to their logo and the fact that the Authority is known as CMA in every language. They explained that other aspects of their identity are bilingual.

The National Crime Agency stated that their officers display a bilingual identity, for example, on their clothes, whilst on active duty in Wales, and carry the relevant documentation in both languages. They did not believe that doing this across the United Kingdom would be reasonable and proportionate.

Despite undertaking the activity in Welsh, mainly via the website and press releases, the Serious Fraud Office stated their opinion that this standard is disproportionate, which is consistent with the Office's opinion throughout their response.

The Office for National Statistics specifically highlighted the distinction between them and the UK Statistics Authority, which oversees the Office (who works as the operational branch of the authority). The Office for National Statistics has a corporate identity which is used in Wales, but, the UK Statistics Authority does not have a bilingual corporate identity, and they do not believe that this would be reasonable and proportionate as it is a small establishment based outside Wales.

Activity 20: Courses offered by a body

Standards relating to courses offered by a body [84-86]

Three of the 13 relevant persons (23%) stated that they undertake the activity in question. Of those, one relevant person (33%) stated that they undertake the activity in question through the medium of Welsh, namely HM Revenue and Customs. The Food Standards Agency and the Serious Fraud Office were the two other persons who undertake the activity, but not through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 44% of the relevant persons had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded on average to 75% of the standards relating to courses offered by a body.

None of the relevant persons considered that making these standards specifically applicable to them would be reasonable and proportionate, with the majority stating this was due to the fact that they did not consider that they undertook the activity. However, it should be noted that the Welsh Language Standards (No. 1) Regulations 2015 state the following in relation to these standards:

For the purposes of standards 84, 85 and 86 (courses), an “education course” means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public; but does not

include activities or courses provided as part of the curriculum in accordance with any enactment.¹¹

HM Revenue and Customs noted that they comply partially with these standards at present, but that they do not consider them to be reasonable and proportionate. HM Revenue and Customs conduct visits with Welsh-medium schools in Welsh. Otherwise, a great deal of the provision is on-line and HM Revenue and Customs have concluded that the requirements of the standards are disproportionate considering the supposed service demand and cost.

The Food Standards Agency delivers an education programme in schools and provides bilingual workshops and supporting materials. However, the rest of the Agency's courses and workshops, held across Wales, are not held in Welsh and English. The Agency explained that the number of attendees does not justify holding them in both languages.

According to the Serious Fraud Office, the number of courses held which are not for the Office staff themselves is very small. The Office stated that they are a London-based organization which provides these other courses for the wider Civil Service, and therefore setting these standards would be unreasonable for those reasons.

Activity 21: Public address systems used by a body

Standard relating to public address systems used by a body [87]

One of the 13 relevant persons (8%) stated that they undertake the activity in question. That person - ORR - did not undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the persons in question, 44% of the relevant persons had commitments which corresponded, partially or fully, to the standard relating to public address systems used by a body.

Most relevant persons concluded that making this standard applicable to them would be unreasonable and disproportionate as they did not undertake the activity. However, the Welsh language schemes of the Food Standards Agency, the Competition and Markets Authority, Ofgem and the Office for National Statistics all contain comments in relation to this. The Competition and Markets Authority stated that they would be willing to implement the standard if they undertook the activity.

ORR stated that their reason for concluding that this standard is unreasonable to implement was that they are based in London.

Standards which deal with supplementary matters in relation to the service delivery standards [155-160]

Six relevant persons confirmed that they would be able to comply with these standards and that making them specifically applicable to them would be reasonable and proportionate. Another four relevant persons stated that making a selection of these standards specifically applicable to them would be reasonable and proportionate.

¹¹ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

HM Revenue and Customs were among the persons who considered that making a selection of the standards specifically applicable to them would be reasonable and proportionate. Their response explained that their offices were not open to the public and that therefore, those standards which include a requirement to ensure that documentation is available in those offices which are open to the public are unreasonable. The Office for National Statistics shared the same opinion. Ofwat also noted that it would not be possible for them to comply with this specific element as their offices are neither based in Wales nor open to the public.

The Crown Estate and the Serious Fraud Office reiterated their general opinion regarding the standards being unreasonable and disproportionate. The nature of their work, cost and service demand were amongst the reasons given.

The National Crime Agency noted that they are not obliged to comply with any standards and that they therefore believe that these standards would not be relevant to them. However, it should be noted that the supplementary issues in relation to the service delivery standards are relevant to them, to the extent that a compliance notice requires them to comply with the service delivery standards.

Policy making standards [88-97]

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

When analyzing the current Welsh language scheme commitments of the persons in question¹², 40% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, commitments corresponded to each one of the standards relating to considering the effects of a body's policy decisions on the Welsh language.

Four of the relevant persons (the Crown Prosecution Service, HM Revenue and Customs, National Savings and Investments and the Charity Commission for England and Wales) confirmed that they assess and monitor the impact of policies formulated or reviewed by them in relation to the Welsh language.

The Crown Prosecution Service stated that procedures were in place to ensure that policy decisions made are assessed for any impact on the delivery of their Welsh language services. As a result, they considered making all of these standards specifically applicable to them to be reasonable and proportionate except for standard 94 as they do not implement a grant awarding policy.

Although HM Revenue and Customs confirmed that the Welsh language is a consideration within their equality impact assessment arrangements, they do not consider making these standards specifically applicable to them to be reasonable nor proportionate. The reasons provided for this include a desire to assess the effect on the Welsh language when relevant in their opinion, rather than on every occasion, and also because they have not been financed to do so.

¹² Note that nine of the 13 persons implement a Welsh language scheme that has been approved under the Welsh Language Act 1993.

ORR stated that they would consider the effect of policy decisions on the Welsh language if specific requirements in relation to the language were evident. Despite this, they stated that they considered making these standards specifically applicable to them to be unreasonable and disproportionate due to the cost of translating policy documents.

Six of the relevant persons confirmed that the Welsh language is not a consideration in policy making. The Crown Estate stated that their reason for this was the fact that only around 2% of their activities are relevant to Wales. The Crown Estate, along with a number of other persons within the group, expressed that their policy making ability was limited by their statutory remit and the acts that led to their formation. Two persons, the Serious Fraud Office and the National Crime Agency, went further, expressing that they do not produce policies at all.

Standards that deal with supplementary policy making matters [161-166]

Three relevant persons stated that they considered making all or a selection of these standards specifically applicable to them to be reasonable and proportionate, whilst ten considered this to be unreasonable and disproportionate. The reasons given for this included the irrelevance of the standards when they had already expressed dissatisfaction with the policy making standards. Others noted that these standards were irrelevant to them as the public have no right of entry to their workplaces or they do not have workplaces in Wales.

Operational standards [98-144]

Standards relating to the use of the Welsh language within a body's internal administration [98-111]

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 57% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 7% of the standards relating to a body's internal administration.

None of the relevant persons currently have a policy on the internal use of Welsh. However, the Crown Prosecution Service, HM Revenue and Customs, the Competition and Markets Authority and the Charity Commission for England and Wales stated that such a policy could be made.

The remaining relevant persons explained that it would not be possible for them to make such a policy, or that they considered the requirement to be unreasonable, due to reasons such as a lack of Welsh speakers and the fact that several are based outside Wales.

Regarding the remaining requirements of these standards and the relevant documentation, none of the persons offered any Welsh language documentation. The only exception was the Food Standards Agency, who offered forms to record and authorise flexible working hours. The Authority expressed that it was willing and able to comply with a number of these standards, but not all of them, due to the number of Welsh speakers in the organization. ORR and Ofgem considered making documentation available to officers on request to be reasonable, with Ofgem referring specifically to officers based in Wales. The Crown Prosecution Service also stated that they would be willing to implement the standards if they were required to do so. The remainder of the relevant persons believed the standards to be unreasonable and disproportionate for reasons such as: few, if any, Welsh speakers; location of offices; location of the organization's human resources

departments; and, for the Serious Fraud Office in particular, the perceived workload of implementing the standards.

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

When analyzing the current Welsh language scheme commitments of the relevant persons in question, none of them had commitments which corresponded, partially or fully, to one or more of the standards for complaints made by a member of a body's staff.

Four relevant persons noted that they allowed all members of staff to make and respond to complaints regarding themselves in Welsh, and these were HM Revenue and Customs, the Food Standards Agency, National Savings and Investments and Ofgem. The Food Standards Agency and Ofgem are the only persons which inform staff that this can be done. Only the Food Standards Agency implements some arrangements to offer and hold Welsh medium meetings, with the exception of holding a meeting in Welsh without the support of a translation service.

The Crown Prosecution Service does not currently act in accordance with standards' requirements, but they expressed a willingness to do so. The response given by HM Revenue and Customs was similar, however, it was noted that they would not be able to implement standard 113 and provide a meeting without a translation service. Ofgem noted that they would consider providing for staff if there was demand to do so.

The remaining relevant people considered these standards to be unreasonable and disproportionate. In the majority of cases, this was due to the fact that they were not based in Wales or their human resources departments were outside Wales (for example, the Charity Commission for England and Wales).

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

When analyzing the current Welsh language scheme commitments of the relevant persons in question, none of them had commitments which corresponded, partially or fully, to one or more of the standards relating to a body disciplining staff.

The responses of the relevant persons reflected their response to the standards relating to complaints made by a member of a body's staff. HM Revenue and Customs, the Food Standards Agency, National Savings and Investments and Ofgem allow staff to respond in Welsh to claims made against them via a disciplinary process. The Food Standards Agency is the only person which informs staff that this can be done. National Savings and Investments allow their staff to respond in Welsh to claims made against them via a disciplinary process, but they do not employ any Welsh speakers and therefore this is not applied in practice. The other three persons predicted that they could comply with a selection of the standards, the only exception being that they could not provide meetings without the support of a translation service.

The remaining relevant persons considered these standards to be unreasonable and disproportionate. In the majority of cases, this was due to the fact that they are not based in Wales or a lack of Welsh language skills in their human resources departments, or the fact that those departments were located outside Wales.

Standards relating to a body's information technology and about support material provided by a body, and relating to the intranet [120-126]

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 43% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 14% of the standards relating to a body's information technology and about support material provided by a body, and relating to the intranet.

Seven relevant persons - the Crown Prosecution Service, HM Revenue and Customs, the Food Standards Agency, ORR, Ofgem, the Serious Fraud Office and the Charity Commission for England and Wales, stated that they provided computer software for checking Welsh language spelling and grammar for their employees and workers. The Crown Prosecution Service and the Food Standards Agency confirmed that they provided Welsh language interfaces for staff.

All the relevant persons stated that they provided an intranet, but none stated that they provided an intranet in Welsh. The Crown Prosecution Service explained that they were researching the costs and practicalities complying with the standards, whilst the Office for National Statistics stated that some Welsh content was available on their intranet. However, the Office did not consider these standards to be reasonable and proportionate. This was the opinion of the remaining relevant persons within the Government departments group. It was explained that this was due to a lack of internal capacity and a lack of staff with Welsh-speaking skills which would justify the work of preparing and providing a Welsh intranet.

Standards relating to a body developing Welsh language skills through planning and training its workplace [127-135]

When analyzing the current Welsh language scheme commitments of the relevant persons in question, all of them had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 61% of the standards relating to a body developing Welsh language skills through planning and training its workforce.

Five relevant persons (55%) confirmed that they assessed their employees' Welsh language skills, namely the Crown Prosecution Service, Ofgem, the Serious Fraud Office, the Office for National Statistics and the Charity Commission for England and Wales. Ofgem noted that they undertake assessment when language requirements are attached to a post.

Of the wide range of training listed in standard 128, none of the persons offered Welsh language or bilingual training, except for National Savings and Investments (offered bilingual training on dealing with the public) and the Charity Commission for England and Wales (induction training is available bilingually).

In relation to the requirements for standards 129-131, the majority of the relevant persons stated a willingness to respond positively to requests from staff to learn and develop Welsh language skills. ORR stated that this is already being done with a member of staff who is not based in Wales. However, others noted that they believed these requirements to be unreasonable as they were not based in Wales. None of the persons offered all of the training included under standards 129-131 in Welsh.

Seven relevant persons (54%) noted that they offer some language awareness provision (Crown Prosecution Service, Food Standards Agency, Serious Fraud Office, HM Revenue

and Customs, National Savings and Investments, Ofgem and the Charity Commission for England and Wales), Welsh language awareness training and training on the requirements of implementing the Welsh language scheme, but not on understanding the ways in which Welsh can be used in the workplace. Despite this, they all provided information to raise the awareness of new members of staff of the Welsh language.

Of the six remaining persons, the Competition and Markets Authority and Ofwat provided training on the requirements of the Welsh language scheme only. The Crown Estate, the National Crime Agency, ORR and the Office for National Statistics do not implement any aspect of standards 132 or 133.

The Crown Prosecution Service, HM Revenue and Customs, the Food Standards Agency and the Office for National Statistics (31%) provide wording or a logo for staff e-mail signatures to denote that they are fluent Welsh speakers or learners.

Seven of the relevant persons - the Crown Prosecution Service, HM Revenue and Customs, the Competition and Markets Authority, the Food Standards Agency, the National Crime Agency, Ofgem and the Charity Commission for England and Wales - stated that they provide wording to enable staff to include the Welsh version of their contact details. The National Crime Agency and Ofgem stated that this is specifically undertaken for staff in Wales. The Crown Prosecution Service, the Food Standards Agency, Ofgem and the Charity Commission for England and Wales provide staff with Welsh versions of any out of office e-mails.

Standards relating to recruiting and appointing [136-140]

When analyzing the current Welsh language scheme commitments of the relevant persons in question, all of them had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 44% of the standards relating to recruiting and appointing.

Seven relevant persons stated that they had some form of methodology for assessing the need for Welsh language skills in a new or vacant post. ORR explained that they are developing methodology. The Office for National Statistics only undertakes this when recruiting for posts relating to the census. National Savings and Investments explained that their recruitment work is undertaken by an agency, and despite the fact that they do not currently employ Welsh speakers; they have attempted to recruit staff with Welsh language skills in the past. None of the Crown Estate, the National Crime Agency, the Serious Fraud Office, and Ofwat had any methodology.

The Food Standards Agency offer the documentation listed under standard 137A in Welsh. Ofgem stated that job descriptions are available in Welsh. The remaining relevant persons do not offer any documentation relating to the recruitment process in Welsh.

None of the relevant persons declared that individuals were welcome to apply for a post in Welsh, and that an application submitted in Welsh would not be treated less favourably than an application in English; however, the Food Standards Agency felt that this was implicit in their bilingual recruitment process.

None of the relevant persons offered application forms which provided an opportunity for applicants to indicate whether they would like to be interviewed or assessed in Welsh. Following on from this, none of the relevant persons held interviews or assessments in

Welsh, or with the support of a translation service. Ofgem expressed a willingness to facilitate assessments through the medium of Welsh.

HM Revenue and Customs, the Food Standards Agency, National Savings and Investments and the Charity Commission for England and Wales stated that they inform an individual of their decision in terms of their application for a post in Welsh if the application was made in Welsh.

Standards relating to signs displayed in a body's workplace [141-143]

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 33% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 56% of the standards relating to signs displayed in a body's workplace.

Five of the relevant persons have Welsh language signs in their workplaces, namely Crown Prosecution Service, the Food Standards Agency, the National Crime Agency, the Office for National Statistics and the Charity Commission for England and Wales. The Food Standards Agency is the only relevant person out of those five which positions Welsh language text so that it is likely to be read first. The National Crime Agency is unclear as to the language order signs for its new location, overseen by South Wales Police, before they move there in 2016.

The remaining relevant persons do not display any Welsh signs; with Ofgem noting that they had no signs in their office in Wales as they are leasing office accommodation in a private building.

Standard relating to audio announcements and messages in a body's workplace [144]

When analyzing the current Welsh language scheme commitments of the relevant persons in question, 22% had commitments which corresponded, partially or fully, to one or more of the standards in question. Of those persons, on average, commitments corresponded to 100% of the standards relating to audio announcements and messages in a body's workplace.

Five relevant persons confirmed that they make announcements via audio equipment in their workplaces (HM Revenue and Customs, the Food Standards Agency, ORR, the Office for National Statistics and the Charity Commission for England and Wales). None of these do so in Welsh. The Food Standards Agency explained that the private landlord responsible for the building is also responsible for the audio announcements. The National Crime Agency noted that they are moving to a new location in 2016 and it not yet clear in which language the audio announcements will be made, if at all.

Standards which deal with supplementary matters in relation to the operational standards [167-172]

The Crown Prosecution Service, Ofgem and the Charity Commission for England and Wales stated that they considered making the standards that deal with supplementary matters in relation to the operational standards specifically applicable to them to be reasonable and proportionate. The Competition and Markets Authority explained that they

did not agree that all of the standards are reasonable and proportionate, but that they were committed to agreeing on suitable standards.

Promotion standards [145-146]

Standards relating to a body promoting the Welsh language

None of the relevant persons wished to consent to making the promotion standards applicable to them.

Record keeping standards [147-154]

Standards relating to a body keeping records

When analyzing the current Welsh language scheme commitments of the persons in question¹³, 51% of the relevant persons had commitments which corresponded, fully or completely, to one or more the standards in question. Of those persons, commitments corresponded to all of the standards in relation to keeping records.

Most of the relevant persons stated that they already comply fully or partially with these standards, mainly due to the monitoring arrangements for their language schemes. These eight persons confirmed that they considered making these standards (or a selection of them) specifically applicable to them would be reasonable and proportionate. HM Revenue and Customs expressed concern regarding standard 150 as it was considered an unfair burden, given that only 15,000 people had asked to receive a Welsh language service from them, which is an insufficient number in their opinion. The Food Standards Agency expressed a concern regarding complying with standards 151 and 152 as they do not have a direct impact on the Welsh language in their opinion. National Savings and Investments stated that they considered standards 150-154 to be irrelevant as they do not currently employ any members of staff with Welsh language skills. The Water Services Regulation Authority expressed the same concern as they are based in England.

The Competition and Markets Authority noted that they did not consider making these standards specifically applicable to them to be reasonable nor proportionate despite stating that they already comply as a result of reporting arrangements for their current Welsh language scheme.

Three persons (the Crown Estate, the National Crime Agency and the Serious Fraud Office) stated that they do not currently implement arrangements resembling compliance with the standards and that they consider making them specifically applicable to them to be unreasonable and disproportionate. Their reasons for this included the fact that they are based outside Wales (the Serious Fraud Office) and that there is no statutory requirement for them to provide a service to the public (the Crown Estate).

The Office of Rail and Road stated that they would comply with a duty to keep specific records if such a duty was imposed on them. Despite this, they did not consider some of the standards relevant as their offices are not open to the public.

¹³ It is noted that nine of the 13 persons implement a Welsh language scheme which has been approved under the Welsh Language Act 1993.

Standards which deal with supplementary matters in relation to record keeping [175-176]

Eight of the 13 relevant persons stated that they did not consider making these standards specifically applicable to them would be reasonable or proportionate. However, HM Revenue and Customs, the Food Standards Agency and the Office of Rail and Road expressed that they could comply partially at the moment. The others expressed concern due to the fact that their offices are outside Wales.

Five relevant persons expressed that not complying with both these standards was a cause for concern and that they considered making them specifically applicable to them to be reasonable and proportionate.

Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure

Service delivery standards

Activity 1: Correspondence sent by a body

Standards relating to correspondence sent by a body [1-7]

All of the four relevant persons within the group stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, with 71% of the standards relating to correspondence sent by a body.

ACAS believed that making these standards specifically applicable to them was reasonable and proportionate, but the others did not agree.

HTA stated that they comply with standard 1 and comply partially with a selection of the others. They deal very little with the public and professional members and therefore believed that complying fully with standards 2-7 would be disproportionate. HSE shared this opinion and referred to the costs and practicalities of staff based outside Wales implementing these standards.

HFEA explained that they only regulate two clinics in Wales and based on this, and a lack of demand, they did not believe that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 2: Telephone calls made and received by a body

Standards relating to telephone calls made and received by a body [8-22]

All of the four relevant persons stated that they undertake the activity in question. Of those, one relevant person (ACAS) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 53% of the standards relating to telephone calls made and received by a body.

ACAS believed that making these standards specifically applicable to them would be reasonable and proportionate. The remaining persons believed that these standards are unreasonable and disproportionate due to a lack of presence in Wales; a lack of staff and also in terms of public engagement. HSE staff members who are based in Wales are encouraged to answer the phone bilingually, but staff in England are responsible for dealing with the HSE helpline. Neither HTA nor HFEA have staff in Wales, and stated that they very rarely deal with Wales.

Activity 3: Meetings held by a body that are not open to the general public

Standards in relation to meetings held by a body that are not open to the general public [23-29]

All of the four relevant persons stated that they undertake the activity in question. Of those, one relevant person (ACAS) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 22% of the standards relating to meetings held by a body that are not open to the public.

ACAS stated that they considered making these standards specifically applicable to them would be reasonable and proportionate.

HTA explained that they are a small organization which holds a small number of meetings and, although they would be willing to consider cases individually, they did not consider making these standards specifically applicable to them to be reasonable and proportionate. HSE expressed a very similar opinion, stating that they were willing to endeavour to offer a Welsh language service and use translation services where possible, whilst also referring to the varied and technical nature of their work.

HFEA noted that they very rarely deal with Wales and that they have not yet received a request for Welsh language services. It was explained that a translation service is available on request.

Activity 4: Meetings arranged by a body that are open to the public

Standards relating to meetings arranged by a body that are open to the public [30-34]

All of the four relevant persons stated that they undertake the activity in question. Of those, one relevant person (ACAS) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE on average, commitments corresponded, partially or fully, to 80% of the standards relating to meetings arranged by a body that are open to the public.

HTA noted that they were a small organization and very rarely held meetings which are open to the public, with even fewer meetings being held in Wales. It was noted that advertising material for a specific event in Wales was available bilingually, and it was explained that HTA would consider this in future. However, they believed that making the standards specifically applicable to them would not be reasonable and proportionate.

HSE do not hold a great deal of meetings either and it was explained that translation would be available if a need was identified, but it is not routinely offered at present. HFEA once again noted that they very rarely deal with Wales and that they have not yet received a request for Welsh language services. It was explained that a translation service is available on request.

ACAS considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 5: Public events organised or funded by a body

Standards relating to public events organised or funded by a body [35-36]

All of the four relevant persons stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 50% of the standards relating to public events organised or funded by a body.

HTA noted that they are a small organization and very rarely held meetings which are open to the public, with even fewer meetings being held in Wales. It was noted that advertising material for a specific event in Wales was available bilingually, and it was explained that HTA would consider this in future. However, they believed that making the standards specifically applicable to them would not be reasonable and proportionate.

HSE explained that they offer some bilingual materials and services in public events in Wales. However, due to the small number of events, the lack of demand and resources, they concluded that making these standards specifically applicable to them would be unreasonable and disproportionate.

HFEA once again noted that they very rarely deal with Wales and that they have not yet received a request for Welsh language services. It was explained that a translation service is available on request.

ACAS considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 6: A body's publicity and advertising

Standard relating to a body's publicity and advertising [37]

All of the four relevant persons stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, there were no commitments which corresponded, partially or fully, with 71% to the standard relating to a body's publicity and advertising.

ACAS considered that making this standard specifically applicable to them would be reasonable and proportionate.

HTA noted that very little publicity and advertising is undertaken, but that this is undertaken bilingually in some specific cases. However, they believed that making the standard specifically applicable to them would be unreasonable. Similarly, HSE hold some bilingual campaigns, but considered making all materials for all campaigns bilingual to be disproportionate.

HFEA once again noted that they very rarely deal with Wales and that they have not yet received a request for Welsh language services. It was explained that a translation service is available on request.

Activity 7: A body displaying material in public

Standards relating to a body displaying material in public [38-39]

Three of the four relevant persons stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh. HTA noted that very little material is displayed in public and that bilingual provision is currently considered on a case by case basis.

ACAS considered that making these standards specifically applicable to them would be reasonable and proportionate.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or completely, to 50% of the standards relating to a body displaying material in public.

HSE stated that they undertake the activity and did so in Welsh in specific cases. It was explained that materials are created for use across Britain and not one team in particular is responsible for creating materials.

HFEA once again noted that they very rarely deal with Wales and that they have not yet received a request for Welsh language services. It was explained that a translation service is available on request.

Activity 8: A body producing and publishing documents

Standards relating to a body producing and publishing documents [40-49]

All of the four relevant persons stated that they undertake the activity in question. Of those, three relevant persons (ACAS, HTA and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 100% of the standards relating to a body producing and publishing documents.

ACAS believed that making these standards specifically applicable to them would be reasonable and proportionate. HTA stated that a selection of the standards, implemented in a proportionate manner (i.e. in relation to specific information and audiences) would be reasonable, but that the standards as a whole, applied to the general operation of the organization, are disproportionate.

HSE stated that they publish a substantial volume of material, some of it very technical, to be used across Britain. As a result, and based on their experience in terms of demand,

HSE concluded that assessing the need for translation on a case by case basis would be proportionate, considering also whether or not the material is integral to the business.

Activity 9: A body producing and publishing forms

Standards relating to a body producing and publishing forms [50-51]

All of the four relevant persons stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 100% of the standards relating to a body producing and publishing forms.

ACAS alone considered that making these standards specifically applicable to them would be reasonable and proportionate. HTA and HFEA referred to the fact that very little of their work is undertaken in Wales, and that some services are available on request.

HSE publish a number of key forms bilingually, following an impact assessment, and consider this to be a proportionate approach. Standards 50A, 50B and 51 were considered achievable for existing forms.

Activity 10: A body's websites and on-line services

Standards relating to a body's websites and on-line services [52-57]

All of the four relevant persons stated that they undertake the activity in question. Of those, three relevant persons (ACAS, HTA and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of the person in question, on average, commitments corresponded, partially or fully, to 50% of the standards relating to a body's websites and on-line services.

HTA prepare some bilingual information on their website, depending on its importance and audience. However, they do not consider making these standards specifically applicable to them to be reasonable and proportionate. They expressed a willingness to consider further demand for more Welsh information on the website. They reinforced this by stating that the HTA has not yet produced an app.

HFEA once again noted that they very rarely deal with Wales and that they have not yet received a request for Welsh language services. It was explained that a translation service is available on request.

General information and key publications are available in Welsh on the HSE website. They believe that extending the provision and implementing the standards fully would be disproportionate considering the cost and service demand.

ACAS considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 11: A body's use of social media

Standards relating to a body's use of social media [58-59]

Three of the four relevant persons stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HTA) stated that they undertake the activity in question through the medium of Welsh. HSE stated that they did not undertake the activity, but in their written evidence, they referred to HSE's social media accounts which are used by the press department to communicate with the media. HSE stated that members of the public who communicate with HSE via social media would be encouraged to use other methods of communication.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully to 50% of the standards relating to a body's use of social media.

HFEA once again referred to their lack of activity in Wales and said that a translation service was available on request. They did not believe that making these standards specifically applicable to them would be reasonable and proportionate. HTA shared the same opinion, however, they noted that they had undertaken some Welsh medium social media activity during specific campaigns, and added that they endeavour to provide a Welsh response to anyone who contracts them in Welsh via social media.

ACAS considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 12: Self-service machines

Standard relating to self service machines [60]

None of the four relevant persons stated that they undertake the activity in question.

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to self service machines.

Despite not undertaking the activity, ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 13: Signs displayed by a body

Standards relating to signs displayed by a body [61-63]

All of the four relevant persons stated that they undertake the activity in question. Of those, two relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 67% of the standards relating to signs displayed by a body.

ACAS and HSE considered that making these standards specifically applicable to them would be reasonable and proportionate. HSE stated that this was dependent on limiting the standards to locations under their control in Wales.

Activity 14: A body receiving visitors at its buildings

Standards relating to a body receiving visitors at its buildings [64-68]

Three of the four relevant persons stated that they undertake the activity in question. Of those, ACAS stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 33% of the standards relating to a body receiving visitors at its buildings.

HTA noted that they did not undertake the activity. HFEA explained that they are only responsible for regulating two locations in Wales. HSE does not have a full reception in Wales; their Cardiff office is in a building managed by of HM Revenue and Customs. For this reason, they did not believe that making these standards specifically applicable to them would be reasonable and proportionate.

ACAS considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 15: Official notices made by a body

Standards relating to official notices made by a body [69-70]

Two of the four relevant persons stated that they undertake the activity in question. Of those, neither HTA nor HFEA stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 50% of the standards relating to official notices made by a body.

HTA stated that the majority of their activities are undertaken outside Wales and therefore, they do not consider these standards to be reasonable and proportionate. They explained that notices would be routinely translated on request. HFEA presented similar comments.

Despite not undertaking the activity, ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 16: A body awarding grants

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

None of the four relevant persons stated that they undertake the activity in question.

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to a body awarding grants.

Despite not undertaking the activity, ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 17: A body awarding contracts

Standards relating to a body awarding contracts [76-80]

Three of the four relevant persons stated that they undertake the activity in question. Of those, no relevant person stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to a body awarding contracts.

None of the other three relevant persons who undertake the activity considered that making these standards specifically applicable to them would be reasonable and proportionate. HTA and HFEA stated that this was due to the fact they were located outside Wales, with limited activity in Wales. HSE stated that they contract tenders which are subject to European Union or British directives, and that practical barriers, for example technical issues, along with a lack of staff with Welsh language skills, mean that they do not believe that making these standards specifically applicable to them would be reasonable and proportionate. However, the following is noted in the Welsh Language Standards (No. 1) Regulations 2015:¹⁴

For the purposes of standard 76 (invitation to tender)—

(1) A body is not required to publish an invitation to tender in Welsh in the Official Journal of the European Union.

(2) A reference to treating a Welsh language version no less favourably than an English language version includes, amongst other matters, treating the Welsh language no less favourably as regards -

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

but a body will not be treating the Welsh language less favourably than the English language by not publishing an invitation to tender in Welsh in the Official Journal of the European Union.

Despite not undertaking the activity, ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 18: Raising awareness about Welsh language services provided by a body Standards for raising awareness about Welsh language services provided by a body [81-82]

¹⁴ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

Two of the four relevant persons stated that they undertake the activity in question. Of those, both relevant persons (ACAS and HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards for raising awareness about Welsh language services provided by a body.

ACAS and HSE believed that making these standards specifically applicable to them would be reasonable and proportionate. HSE added that they provide information on their website and that they consider continuing with this practice as a means of complying with these standards.

It should be noted that section 12(2)(b) of the Welsh Language Act 1993 notes that Welsh language schemes should specify the ways in which organizations will ensure that the scheme is publicised. The Commissioner emphasises that this measure is not an optional element within the legislation.

Activity 19: A body's corporate identity

Standard relating to a body's corporate identity [83]

All of the four relevant persons stated that they undertake the activity in question. Of those, one relevant person (HSE) stated that they undertake the activity in question through the medium of Welsh.

When analyzing the current Welsh language scheme commitments of HSE, commitments corresponded fully to the standard relating to a body's corporate identity.

HSE explained that they have a bilingual corporate identity in Wales. ACAS and HSE also stated that they believed that making these standards specifically applicable to them would be reasonable and proportionate.

Activity 20: Courses offered by a body

Standards relating to courses offered by a body [84-86]

All of the four relevant persons stated that they undertake the activity in question. ACAS stated that they undertake the activity in question through the medium of Welsh and considered that making these standards specifically applicable to them would be reasonable and proportionate.

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to courses offered by a body.

It should be noted that the Welsh Language Standards (No. 1) Regulations 2015 state the following in relation to these standards:

For the purposes of standards 84, 85 and 86 (courses), an “education course” means any seminar, training, workshop or similar provision which is provided in order to educate or to improve the skills of members of the public; but does not

include activities or courses provided as part of the curriculum in accordance with any enactment.¹⁵

Therefore, taking this into consideration, along with the independent research conducted by the Welsh Language Commissioner, further consideration is required regarding the extent to which the persons who stated that they did not undertake the activity do so, or could do so easily in future.

Activity 21: Public address systems used by a body

Standard relating to public address systems used by a body [87]

None of the four relevant persons stated that they undertake the activity in question.

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to public address systems used by a body.

Despite not undertaking the activity, ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

Standards which deal with supplementary matters in relation to the service delivery standards [155-160]

ACAS alone believed that making these standards specifically applicable to them would be reasonable and proportionate. ACAS stated that it would be possible for them to comply fully with the standards, resources and funding permitting.

HTA believed that they could comply with the majority of the standards. They were concerned about standard 158 as they already prepare an annual report and complaints report. They believe that doing so bilingually would be disproportionate. HSE shared the same reasoning for concluding that making these standards specifically applicable to them would not be reasonable and proportionate.

HFEA referred to the fact that they only regulate two clinics in Wales and that a specific officer would need to be employed to implement these standards.

Policy making standards [88-97]

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

When analyzing the current Welsh language scheme commitments of HSE, commitments corresponded, partially or fully, to 30% of the standards relating to considering the effects of a body's policy decisions on the Welsh language.

Three of the four relevant persons stated that they considered making these standards specifically applicable to them to be unreasonable and disproportionate as the Welsh language was not currently one of their policy considerations. HSE stated that their

¹⁵ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

policies are formed with all the countries of Britain in mind and that Welsh speakers can discuss any concerns they have about the language during their consultations.

HFEA stated that they had not received a complaint regarding their lack of Welsh provision so far and HTA stated that they hold Welsh-medium consultations but not on the Welsh language.

Although ACAS stated that it was not relevant to them as compliance with these standards was not current practice, they noted that they considered making these standards specifically applicable to them to be reasonable and proportionate.

Standards which deal with supplementary policy making matters [161-166]

Three relevant persons stated that they considered making these standards specifically applicable to them to be unreasonable and disproportionate due to dissatisfaction with the policy-making standards themselves. HFEA went further, stating that they would need to employ a new officer in order to comply with these standards.

ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

Operational standards [98-144]

Standards relating to the use of the Welsh language within a body's internal administration [98-111]

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 57% of the standards relating to the use of the Welsh language within a body's internal administration.

None of the relevant persons have a policy on the internal use of Welsh. ACAS explained that they would be able to comply with standard 98 if it were made specifically applicable to them. HTA and HSE predicted that the standard's requirement would be disproportionate for them, given that they do not have a location in Wales (HTA) or have a minimal number of staff working in Wales (HSE). HFEA did not offer any comments on the standard.

Considering the documentation relating to standards 99-104, neither HFEA nor HSE offer or provide any Welsh language documentation to employees. HFEA was prepared to provide this on request, whilst HSE noted that their main office in Liverpool was responsible for recruitment and that, as a result, complying with these standards would be unreasonable and disproportionate.

HTA does not offer this documentation to staff, but an employment contract or service contract is provided in Welsh. HTA considered continuing with this practice, which complies with standard 99, to be reasonable, but that implementing standards 100-104 would be costly and therefore unreasonable.

ACAS stated that they provide all of the documentation and offer employees a choice as to the language in which they would like to receive the documentation.

In terms of standards 105 - 110, none of the relevant persons offer any Welsh or bilingual documentation. A general willingness was expressed to respond to employee demand for Welsh documentation, but once again, it was noted that they were located outside Wales (HTA) or had a minimal number of staff in Wales (HSE).

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

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to complaints made by a member of a body's staff.

No element of these standards are implemented by HTA, HFEA or HSE. HTA noted that it would be difficult for them to comply as they are an organization based solely in London. HFEA were willing to respond to requests from staff. HSE were also willing to do so, but considered the standards to be unreasonable and disproportionate considering the number of Welsh-speaking staff they have in Wales.

ACAS stated that they already implement these standards and can continue to do so (subject to financial and resource constraints). ACAS do not currently provide a translation service in meetings regarding a complaint by a member of staff due to the fact that they are able to provide meetings without translation support.

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

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to a body disciplining staff.

No element of these standards are operational by the HTA, HFEA or the HSE. The HTA noted that it would be difficult for them to comply as they are an organization based solely in London. HFEA were willing to respond to requests from staff. HSE were also willing to do this, but noted that there have been no requests from staff so far.

ACAS allow staff to respond to claims made against them via an internal disciplinary process in Welsh. However, they do not inform staff of this. In relation to holding meetings regarding a disciplinary case, ACAS' provision is already in line with the standards.

Standards relating to a body's information technology and about support material provided by a body, and relating to the intranet [120-126]

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 14% of the standards relating to a body's information technology and about support material provided by a body, and relating to the intranet.

HTA, HFEA and HSE implement an intranet but there are currently no Welsh language pages available. This was reinforced by their statement that no other aspects of these standards are implemented by them. HTA and HFEA stated that it would be difficult for them to comply, with HTA referring to the fact that they are a London based organization, and HFEA referring to the need to recruit a new member of staff specifically to implement these standards. HSE stated that they considered the standards to be unreasonable and disproportionate when comparing cost and resources against the lack of perceived demand for the service.

ACAS stated that they would work towards complying with standards 120 - 126, subject to financial and resource constraints, despite stating that they have no intranet system.

Standards relating to a body developing Welsh language skills through planning and training its workplace [127-135]

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 44% of the standards relating to a body developing Welsh language skills through planning and training its workforce.

HTA, HFEA nor HSE currently implement any aspect of these standards. HSE referred to the fact that a central 'Civil Service Learning' service provides their training, and that this is provided in English. Staff who start employment with HSE in Wales will receive some information in order to raise awareness of the Welsh language as part of the induction process.

ACAS stated that a selection of the standards were being implemented. The organization assesses the Welsh language skills of employees and provides some Welsh-language training in specific areas (public engagement). They confirmed that they currently implement all requirements relating to standards 130 - 133.

Standards relating to recruiting and appointing [136-140]

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 50% of the standards relating to recruiting and appointing.

Neither HTA, HFEA nor HSE currently implement any aspect of these standards. HTA and HFEA stated that the Welsh language is not a requirement for any post advertised by them. HSE explained that managers are responsible for deciding which skills are required for any post and that they advertise accordingly.

ACAS only implement a small number of the standards at present but they state that applicants can apply for a post in Welsh and that an application in Welsh would not be treated any less favourably than an application presented in English.

Standards relating to signs displayed in a body's workplace [141-143]

When analyzing the current Welsh language scheme commitments of HSE, on average, commitments corresponded, partially or fully, to 33% of the standards relating to signs displayed in a body's workplace.

None of the relevant persons displayed Welsh language signs in their workplaces.

Standard relating to audio announcements and messages in a body's workplace [144]

When analyzing the current Welsh language scheme commitments of HSE, none of the commitments corresponded, partially or fully, to the standards relating to audio announcements and messages in a body's workplace.

HSE alone stated that they made audio announcements in the body's workplace. They do not do so in Welsh.

Standards which deal with supplementary matters in relation to the operational standards [167-172]

ACAS alone considered that making the standards which deal with supplementary matters in relation to the operational standards specifically applicable to them would be reasonable and proportionate.

HTA and HFEA referred to their limited business in Wales as their reason for that opinion. HSE stated that they did not undertake all of the activities in question. Of those undertaken, HSE does not consider that imposing an expectation for them to do so would be reasonable and proportionate for the specific reasons noted against each individual activity.

Promotion standards [145-146]

Standards relating to a body promoting the Welsh language

None of the relevant persons wished to consent to making the promotion standards applicable to them.

Record keeping standards [147-154]

Standards relating to a body keeping records

When analyzing the current Welsh language scheme commitments of HSE, commitments corresponded, partially or fully, to 25% of the standards relating to record keeping.

Despite the fact that they do not have any formal arrangement to comply with the standards at present, ACAS stated that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

HTA stated that they would be able to comply with a selection of the standards, 147-149, but that complying with the remaining standards would be difficult and that they do not currently comply with these standards as they are based in England, as are the majority of the locations they regulate.

HFEA stated that they do not currently comply with these standards and that new record keeping arrangements would need to be produced and implemented. As they only regulate four locations in Wales, they stated that making these standards specifically applicable to them would be unreasonable and disproportionate in their opinion.

HSE expressed concern regarding the requirements of these standards and that they go beyond the reporting requirements for their current Welsh language scheme. They confirmed that they record complaints, undertake an annual self-assessment of their staff's Welsh-language skills and that it may be possible for them to comply in relation to their Welsh offices. It was explained that staff from outside Wales sometimes work in Wales according to their business needs, but that no records would be available for those employees.

Standards which deal with supplementary matters in relation to record keeping [175-176]

ACAS and HSE confirmed that they considered that making these standards specifically applicable to them would be reasonable and proportionate.

HTA and HFEA stated that they did not consider making these standards specifically applicable to them would be neither reasonable nor proportionate. The reasons given for this include the fact that compliance would be difficult and costly and that a new member of staff would need to be employed to implement them.

5 Evidence received from members of the public

172 responses were received from members of the public to the standards investigations carried out by the Welsh Language Commissioner in relation to persons within this standards report. 94 responses to the standards investigation were received by individuals who chose to complete the questionnaire provided for them by the Welsh Language Commissioner on the website.

A further 78 responses were received based on a template of a standard response published by Cymdeithas yr Iaith Gymraeg; in this case, all of the responses were the same. In six cases, responses were received from individuals twice. Two responses were received from other organizations or movements.¹⁶ The Commissioner has noted every response received.

A full list of respondents who were willing for their responses to be published can be seen in Appendix B.

Figure 1 indicates where the respondents came from according to their group and geographical location.

Figure 1 Number of responses to the standards investigation by location¹⁷

Locations	Number	Percentage (%)
Swansea	8	5%
Blaenau Gwent	0	0 %
Vale of Glamorgan	10	6%
Caerphilly	5	3%
Newport	1	1%
Neath Port Talbot	2	1%
Ceredigion	18	10%
Conwy	9	5%
Cardiff	17	10%
Gwynedd	35	20%
Merthyr Tydfil	2	1%
Bridgend	1	1%
Powys	5	3%
Rhondda Cynon Taf	3	2%

¹⁶ A list of those movements/organizations has been included within Appendix B of the standards report.

¹⁷ These statistics include all the responses received via the questionnaire, as well as Cymdeithas yr Iaith Gymraeg’s template.

Pembrokeshire	4	2%
Denbighshire	10	6%
Monmouthshire	2	1%
Carmarthenshire	4	2%
Flintshire	4	2%
Torfaen	2	1%
Wrexham	8	5%
Isle of Anglesey	13	8%
Outside Wales	5	3%
No information	4	2%
Total	172	100%

The public's response to the standards investigation carried out in relation to Public Bodies: Government

Service delivery standards

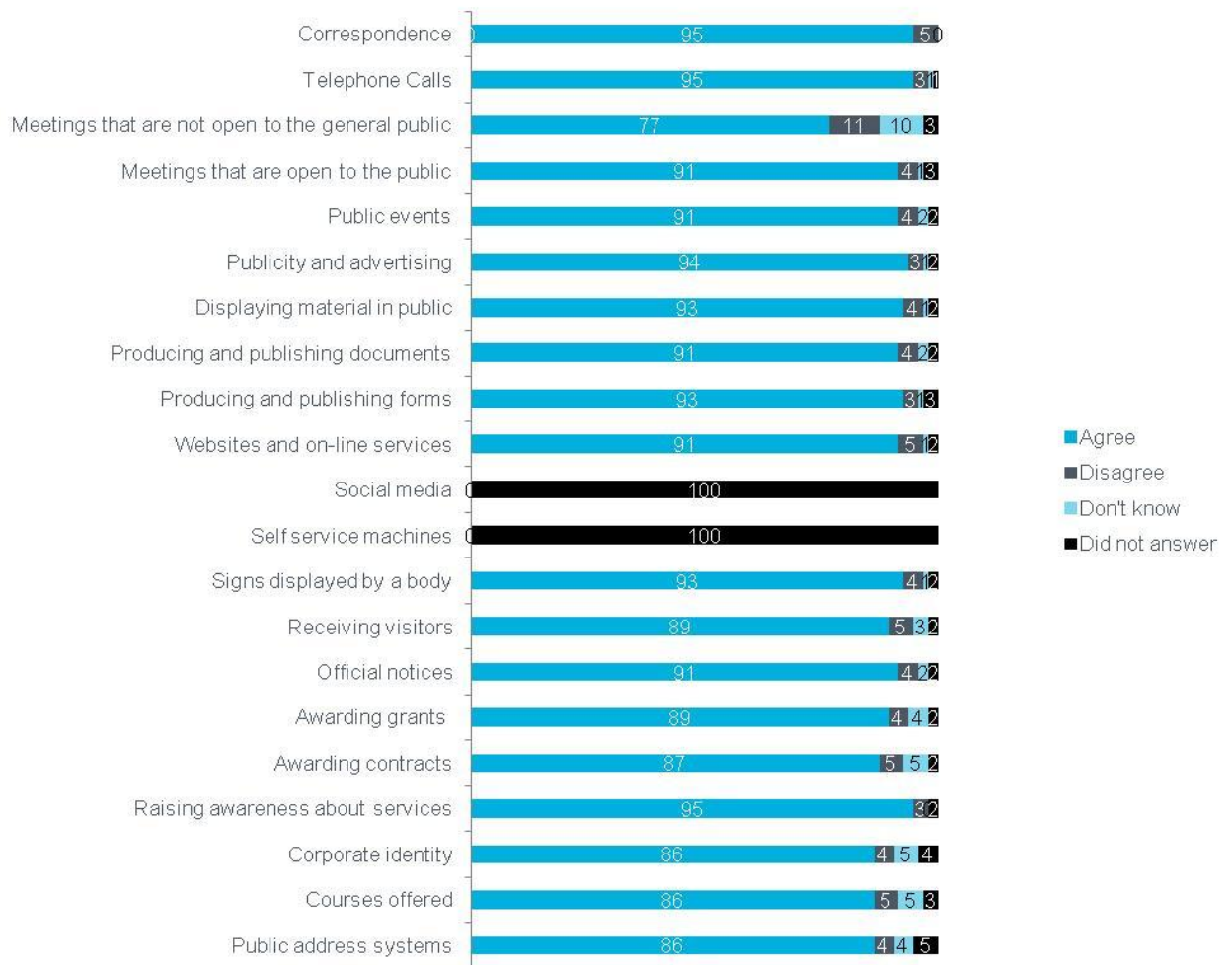
In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the service delivery standards, they were asked to respond to the following question for each activity:

Do you agree or disagree that the organizations in question should carry out service delivery standards activities in the Welsh language, in order to enable you as a member of the public to use the Welsh language in the following situations?

In answering this question, the public were given the opportunity to respond per activity within the scope of the service delivery standards.

Figure 2 indicates the variety of the responses received:

Figure 2 Response to question 1 of the questionnaire – Service delivery standards¹⁸



Policy making standards

In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the policy making standards, they were asked to respond to the following question:

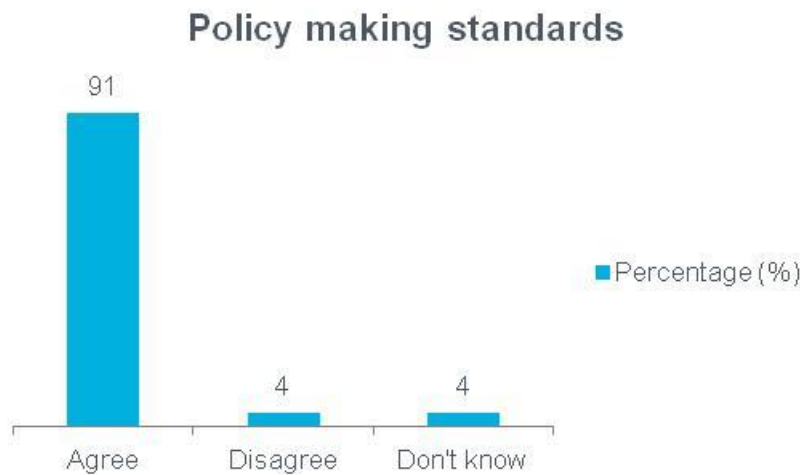
Do you agree or disagree that the policy decisions of the organizations in question should improve the opportunities for you to use the Welsh language and ensure better treatment for the Welsh language?

Of the 94 that responded via the questionnaire on the Welsh Language Commissioner’s website, 97% (91) had answered this question. Of the 91 that responded, 91% (84) agreed with the above.

The figure below indicates how members of the public responded to this question:

¹⁸ Questions were not asked in relation to social media or self-service machines.

Figure 3 Response to question 3 of the questionnaire – Policy making standards¹⁹



Operational standards

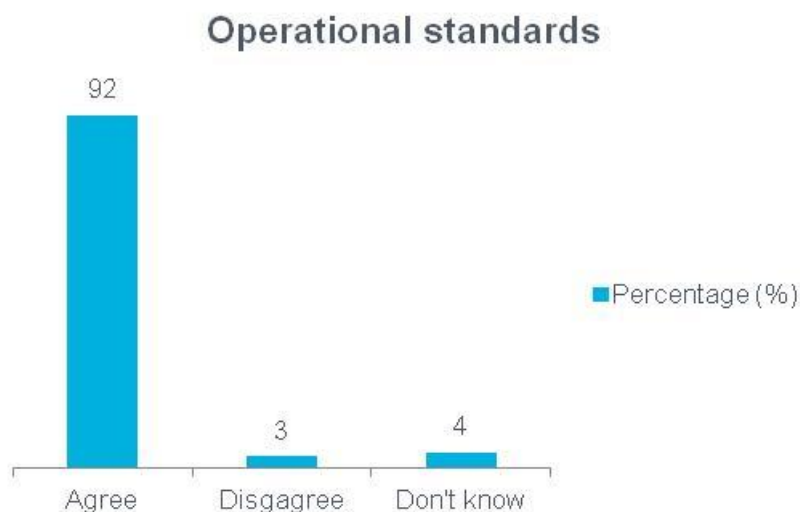
In seeking the public's opinion regarding the reasonableness and proportionality of the requirements attached to the operational standards, they were asked to respond to the following question:

Do you agree or disagree that the organizations in question should have to facilitate the use of the Welsh language in accordance with the operational standards?

Of the 94 that responded via the questionnaire on the Commissioner's website, 98% (92) had answered this question. Of the 92 that responded, 92% (85) agreed with the above.

The figure below indicates how members of the public responded to this question:

Figure 4 Response to question 4 of the questionnaire – Operational standards²⁰



¹⁹ Note that these statistics relate to the respondents who answered this question.

²⁰ Note that these statistics relate to the respondents who answered this question.

Record keeping standards

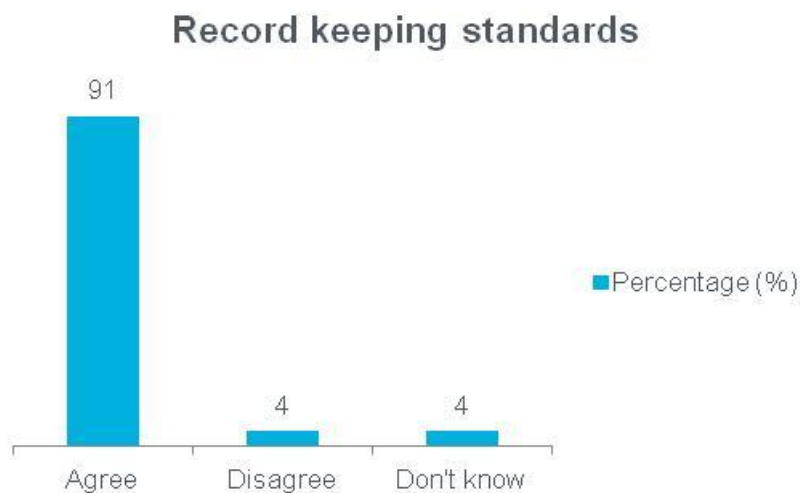
In seeking the public's opinion regarding the reasonableness of the requirements attached to the record keeping standards, they were asked to respond to the following question in the questionnaire:

Do you agree or disagree that the organizations in question should have to keep a record of how they adhere to the Welsh language standards and keep a record of complaints?

Of the 94 that responded via the questionnaire on the Welsh Language Commissioner's website, 98% (92) had answered this question. Of the 92 that responded, 91% (84) agreed with the above.

The figure below indicates how members of the public responded to this question:

Figure 5 Response to question 5 of the questionnaire – Record keeping standards²¹



Further comments

As well as providing responses to specific questions on the subject of the standards investigation, the public were given the opportunity to note any additional standards they believed should be specified and made specifically applicable to the relevant persons in question, together with any further comments relevant to this standards investigation.

Of the 94 that responded via the questionnaire on the Commissioner's website, 54% (51) provided additional comments to be considered by the Welsh Language Commissioner as part of the standards investigation.

²¹ Note that these statistics relate to the respondents who answered this question.

Figure 6 Further comments provided by members of the public



As with the previous rounds, the responses received were generally supportive of the idea of introducing standards, in order to ensure clear rights for Welsh speakers in relation to the Welsh language services provided by all the organizations included in round 3.

Once again, the public expressed a great desire to ensure that the standards introduced are clear, robust and user-friendly. This was echoed by comments stating that this is the only way of ensuring that Welsh speakers' rights are protected.

Outlined below are the main themes of the responses received in favour of making the standards specifically applicable:

- The need to ensure that all organizations delivering services in Wales are subject to the requirements of the Welsh Language Measure (Wales) 2011, thereby avoiding possible inconsistencies created by implementing two statutory regimes.
- The need to ensure that standards ensure that Welsh language services are provided as default, ensuring that the notion of a proactive offer is consistent at all times.
- Ensure that the process of awarding or dealing with a tender or contract does not override the need to impose Welsh language conditions on the grants/contracts distributed by organizations included in round 3.
- The need to ensure that standards in relation to face to face services go beyond the main reception areas and pre-planned personal meetings.
- The need to ensure that the definition of personal meetings includes all face to face contact.
- The need to specify a standard that imposes clear requirements for organizations' recruitment policies.

Some responses were received from members of the public expressing general opposition to language duties. Outlined below are the main themes of the responses received against making the standards specifically applicable:

- The need to consider the current economic climate and how public money is spent in Wales.
- Prioritise other policy areas over the Welsh language.
- The relevance of the Welsh language in Wales.
- Disagreement with the requirement that Welsh should appear or be published first.
- The bureaucracy of the requirements.

6 Evidence received by the Welsh Language Commissioner's Advisory Panel

Evidence was received from the Advisory Panel in accordance with the requirements outlined in section 63(3) of the Welsh Language (Wales) Measure 2011.

The responses received from the Panel showed support for the purpose of the regulations, namely to realise the fundamental objectives of the Welsh Language (Wales) Measure 2011: that Welsh is an official language in Wales and that it should not be treated less favourably than English.

Recognising the concerns which will exist amongst those regulated by the Welsh Language Commissioner, emphasis was placed on ensuring that everyone understands the requirements of the Welsh Language (Wales) Measure 2011; the Legislation which gave rise to these standards.

Similar to that noted in relation to those persons subject to a standards investigation in round 2, the Panel believe that consideration should be given to how certain standards will be implemented in a 'reasonable and proportionate' manner when setting the requirements in compliance notices under section 44 of the Measure.

That was supported, noting that reasonableness and proportionality could be considered in one of two ways, namely: setting different standards for persons in different parts of Wales reflecting the linguistic nature of relevant areas or setting common standards across Wales, with different imposition dates for complying with a standard or standards e.g. when an element of staff training is needed in order to comply with a standard, allowing more time for compliance compared to those where appropriate staff resources are available.

Some Panel members believe that standards should be implemented in accordance with different areas' language patterns. UK Government bodies were mentioned specifically here. Once again, emphasis was placed on ensuring that any requirements imposed on similar persons should identify those circumstances where they will be expected to comply with a standard or standards.

In considering the activities related to service delivery standards, specific reference was made to education courses offered to the public, noting that they believe that there should be a needs assessment, examining any content-related gaps, before requiring a person to meet the requirement.

7 Conclusions of the standards investigation

General comments

The following conclusions were reached on the basis of the evidence received by all relevant persons and the Advisory Panel on the subject matter of the standards investigation, in addition to independent evidence collected by the Welsh Language Commissioner in relation to the relevant persons' Welsh language schemes.

The Explanatory Memorandum accompanying the Welsh Language Measure (Wales) 2011 states that one of the main objectives of the legislation is to modernise and build on the system of Welsh language schemes created under the 1993 Act. Similarly, it is noted that the aim of the Welsh Government in legislating was to secure improved consistency between persons, especially those within the same sector, in terms of providing Welsh language services.

Similarly, we note that section 42 of the Measure imposes a duty on Welsh Ministers to ensure that regulations provide for service delivery standards relating to all of the activities specified in Schedule 9 to be specifically applicable to a person if, and to the extent that, the person carries out those activities.

However, it should be noted that they do not have to do so if the Commissioner indicates in a standards report, or if the Welsh Ministers are of the opinion that it would be unreasonable or disproportionate for service delivery standards to be specifically applicable to a relevant person in relation to that activity. It should be noted that this section in the Measure does not prevent regulations under section 39 from providing for other service delivery standards to be specifically applicable to a person.

In accordance with the above, if the standards investigation identifies that a person carries out the activity²², be that to a lesser or a greater extent, the Welsh Language Commissioner will conclude that all standards relating to that activity should be made specifically applicable. These conclusions were reached due to the fact that the standards designated by the Welsh Government are interdependent on each other within the scope of the activity.

This was reinforced by the Welsh Ministers' response to the Welsh Language Commissioner's reports and conclusions in relation to round 2 of her standards investigations, published in October 2015, which states the following:

The Commissioner also concludes that if at least one organisation within a sector has identified that they undertake an activity, the draft standards relating to that activity should be made specifically applicable to all organisations within that sector. The Welsh Ministers support this approach as it follows a precedent established in the first set of Regulations, which made the same standards specifically applicable to organisations within the same sector.²³

²² Service delivery activity as defined in section 28 of the Welsh Language (Wales) Measure 2011.

²³ <http://gov.wales/topics/welshlanguage/response-to-welsh-language-standards-investigation/?lang=en&ghg>

Note also that the way in which a service is delivered under an activity may change in the future and that it would be necessary to adapt to reflect this by varying the compliance notice, rather than going back to regulations.

However, where evidence exists that a person does not carry out an activity at all, whether by means of evidence acquired as part of the standards investigation, or by other means, the Welsh Language Commissioner will conclude that standards in relation to that activity should not be specifically applicable to them, unless there are valid reasons for doing so.

The Welsh Language Commissioner will consider the evidence provided in order to reach a decision on the content of compliance notices issued to relevant persons under section 44 of the Welsh Language (Wales) Measure 2011.

Standards which should be made specifically applicable to Government Departments and Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure

Service delivery standards

Once again, the Commissioner wishes to note the importance of clearly differentiating between a person's commitments (what is expected of them) and performance (the extent to which they currently comply with those expectations). Every Welsh language scheme is fully authorised by the person in agreeing on content. Not specifying standards that are equal, and making them specifically applicable to the persons in question, would be a step back and contravene the intention of the Welsh Language (Wales) Measure 2011.

It is noted that performance, along with the extent to which a person can comply with a standard for a particular period of time, is a practical matter. The extent to which they can do so may improve, deteriorate or remain the same. The Welsh Language Commissioner is of the opinion that commitments should meet the needs of the Welsh users that they serve, with a reasonable timescale specified for dealing with any existing obstacles. The Welsh Language Commissioner will consider those obstacles when determining the contents of compliance notices issued under section 44 of the Welsh Language (Wales) Measure 2011.

It is acknowledged that the persons identified potential challenges and obstacles in terms of ensuring full compliance with some of the service delivery standards. However, the Commissioner is of the view that commitments proportional to the needs of Welsh users could be achieved with a reasonable timescale for action and dealing with any challenges. Also, it is acknowledged that the persons have noted that they do not carry out all of the activities in question. However, in order to ensure consistency within the sector, where at least one person within the group has identified that they undertake an activity, the Welsh Language Commissioner concludes that the activity should be made specifically applicable to all persons within that group.

It should be noted that section 12(2)(b) of the Welsh Language Act 1993 notes that Welsh language schemes should specify the ways in which organizations will ensure that the scheme is publicised. The Commissioner emphasises that this measure is not an optional element within the legislation.

The nature and location of a number of the relevant persons in the group raise issues for further consideration. Several persons stated that they used services or arrangements relating to the wider Civil Service, sometimes with no alternative. In relation to a body's website and on-line services, HM Revenue and Customs and the Charity Commission for England and Wales explained that GOV.UK is responsible for maintaining the content of their websites. In practice, this means that they have less control over their sections on GOV.UK. Also, based on the evidence of the Charity Commission for England and Wales, it was explained that the transfer from individual sites to GOV.UK had a negative impact on the Welsh language.

HM Revenue and Customs also stated that they utilise arrangements agreed for use across United Kingdom Government departments - which includes organizations considered to be "Ministers of the Crown" - in relation to service agreements. The same was true for the Crown Prosecution Service and the Office for National Statistics.

It should be noted that the Cabinet Office is responsible for both of the above cases on GOV.UK, along with co-ordinating contracts across the UK Government. The Cabinet Office is a body which falls under the "Ministers of the Crown" record in Appendix 6 of the Welsh Language Measure (Wales) 2011. There is currently no agreement in place to make the standards specifically applicable to Ministers of the Crown.

Welsh Ministers should consider this legislative situation and the fact that relevant persons who fall under the "Ministers of the Crown" record limit the ability of persons that fall under the following records to comply with the Welsh language standards:

- Government Departments
- Persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure.

Similarly, HSE highlighted the fact that the Department of Work and Pensions is a parent department, in order to verify whether they should have been included as part of the standards investigations.

HM Revenue and Customs acknowledged in a letter that they are not within the Ministers of the Crown record:

HMRC is not a Minister of the Crown department and therefore is not covered by the different arrangements for standards setting for central government departments provided in the Welsh Language Measure.

However, HM Revenue and Customs noted the following in a letter attached to its evidence:

We have always been clear that HMRC should be treated in the same way as other central Government Departments - HMRC is one of the Chancellor's departments and its core operational activity of tax collection is inextricably linked to the policy responsibility of the Treasury and Treasury ministers.

A standards investigation was held in relation to the Office for National Statistics. In their evidence, the Office noted that they are an operational branch of the UK Statistics Authority and evidence discussing both entities was provided. In practice, the only

consideration raised in relation to this distinction was what was noted in relation to corporate identity.

All members of both groups stated that some of the standards within each activity were unreasonable and disproportionate. Amongst the Government departments, neither the Crown Estate, National Savings and Investments, the National Crime Agency, nor the Serious Fraud Office agreed that making standards in relation to any of the activities specifically applicable to them to be reasonable and proportionate. Of the group of persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure, HTA, HFEA and HSE did not agree that making standards in relation to any of the activities specifically applicable to them would be reasonable and proportionate. Amongst the consistent themes in the responses of the persons listed above were their lack of presence and activity in Wales, along with a lack of public engagement.²⁴ The Welsh Language Commissioner will consider those inconsistencies further when determining the contents of individual compliance notices issued amongst individual organizations under section 44 of the Welsh Language (Wales) Measure 2011.

As a result of carrying out this standards investigation, and based on the evidence received, the Welsh Language Commissioner concludes:

Conclusion 1:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to Government departments:

- **correspondence sent by a body**
- **telephone calls made and received by a body**
- **meetings held by a body that are not open to the public**
- **meetings arranged by a body that are open to the public**
- **public events organised or funded by a body**
- **a body's publicity and advertising**
- **a body displaying material in public**
- **a body producing and publishing documents**
- **a body producing and publishing forms**
- **a body's websites and on-line services**
- **a body's use of social media**
- **signs displayed by a body**
- **a body receiving visitors at its buildings**
- **official notices made by a body**
- **a body awarding grants**
- **a body awarding contracts**
- **raising awareness about Welsh language services provided by a body**
- **a body's corporate identity**
- **courses offered by a body.**
- **public address systems used by a body.**

²⁴ It should be noted that the standards do not refer to members of the public in all cases.

Conclusion 2:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure:

- correspondence sent by a body
- telephone calls made and received by a body
- meetings held by a body that are not open to the public
- meetings arranged by a body that are open to the public
- public events organised or funded by a body
- a body's publicity and advertising
- a body displaying material in public
- a body producing and publishing documents
- a body producing and publishing forms
- a body's websites and on-line services
- a body's use of social media
- signs displayed by a body
- a body receiving visitors at its buildings
- official notices made by a body
- a body awarding contracts
- raising awareness about Welsh language services provided by a body
- a body's corporate identity
- courses offered by a body.

None of the relevant persons within this standards report stated that they provided self-service machines. Also there were no partial or full commitments corresponding to these standards in the Welsh language schemes of any of the persons who had Welsh language schemes.

Conclusion 3:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activity below should to be specifically applicable to Government departments, to the extent that Welsh Ministers consider it an activity that the persons could undertake in the future:

- self-service machines.

Conclusion 4:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activity below to be specifically applicable to persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure, to the extent that Welsh Ministers consider it an activity that the persons could undertake in the future:

○ self-service machines.

Of those relevant persons within the group 'persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure', none had stated that they awarded grants or maintained public address systems used by a body. Also, there were no partial or full commitments corresponding to these standards in the Welsh language schemes of any of the persons who had Welsh language schemes.

In relation to awarding grants, no evidence was received that demonstrated constitutional or legislative reasons that prevented the awarding of grants. It should be noted that section 44 of the Measure allows the Welsh Language Commissioner the flexibility to set out the circumstances under which a person would need to comply with a standard in a compliance notice.

The Welsh Language Commissioner believes that persons could undertake other service delivery activities that are likely to be associated with public address systems: such as meetings that are open to the public or public events. As a result, the Welsh Language Commissioner concludes that this activity could be relevant to persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure.

Conclusion 5:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for service delivery standards in relation to the activities below to be specifically applicable to persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure:

- a body awarding grants
- public address systems used by a body.

Policy making standards

As a result of carrying out this standards investigation, and based on the evidence received, the Welsh Language Commissioner concludes that policy decisions made by organizations falling within the Public Bodies: Government report should enhance opportunities available for persons to use the Welsh language and ensure that the Welsh language is not treated less favourably than the English language.

The Commissioner's reasons for reaching that conclusion are that persons are already expected to assess the linguistic implications of new policies and initiatives during the process of creating and reviewing them. All of this was confirmed in the evidence received from them as part of this standards investigation.

The required measures which form the basis of Welsh language schemes can be found in the form of statutory guidance approved before the House of Commons (Guidance on the Form and Content of Language Schemes was approved by the UK Parliament on 19 July 1995). That guidance states that organizations should have to determine their proposed measures for assessing the impact of new policies, strategies and initiatives and their implementation.

A number of persons within the group expressed that their policy-making ability was limited by their statutory remit and the acts that led to their formation, or that they did not make any policies. However, the following, which is noted in the Welsh Language Standards (No. 1) Regulations 2015, should be considered²⁵:

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.

Considering the above, the Welsh Language Commissioner has reached the following conclusion.

Conclusion 6:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for making policy making standards to be specifically applicable to Government departments.

Conclusion 7:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for policy making standards to be specifically applicable to persons exercising, on behalf of the Crown, functions conferred by or under an Act or Measure.

Operational standards

Section 30 of the Measure states that the meaning of an operational standard is:

a standard that 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.

This means that the purpose of these operational standards is to ensure that a member of staff can use the Welsh language when undertaking their regular activities with others. This could mean with the public in Wales or with another relevant person. These standards

²⁵ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

ensure that staff language skills are sufficient so that individuals who wish to use the Welsh language with that person can do so. It should be emphasised that this objective is just as appropriate to persons located in other areas of the UK, but who deliver services to Wales as it is for persons located in Wales. The above is reinforced by the fact that Schedule 6 of the Welsh Language (Wales) Measure 2011 notes that operational standards are applicable to all persons.

The Welsh Language Commissioner notes that some of these persons (i.e. who are not based in Wales) are included in this standards report:

- The Crown Estate
- National Savings and Investments
- National Crime Agency
- ORR
- Serious Fraud Office
- Ofwat
- HTA
- HFEA.

It should be noted that the National Crime Agency has a presence in Wales, but that this presence is purely operational (in the law enforcement sense). Details such as the location's address and phone number are not made public. Therefore, the majority of activities in relation to the operational standards are not carried out in Wales, and the National Crime Agency has been included in the list above.

On 24 March 2015, the Welsh Language Standards (No. 1) Regulations 2015 were approved in the National Assembly for Wales' Plenary Meeting. These regulations have been developed to impose duties upon county councils and county borough councils, national park authorities and Welsh Ministers. All of those organizations are based in Wales. Welsh Ministers should ensure that the operational standards set in regulations for round 3 achieve the same objectives as above, acknowledging that some persons are not currently based in Wales.

The Welsh Language Commissioner recognises that some aspects of the operational standards are new to a number of the relevant persons falling within this standards report. To that end, some examples were received where there are no current arrangements in place to ensure full compliance with the requirements. The Welsh Language Commissioner will consider this further in determining the contents of compliance notices issued under section 44 of the Welsh Language (Wales) Measure 2011.

Despite this, it should be noted that a number of the requirements are expected of a number of persons under their Welsh language schemes. These include setting measures to ensure that workplaces which engage with the public in Wales attempt to employ a sufficient number of Welsh speakers who have the appropriate skills; measures to designate those posts where the ability to speak Welsh is considered essential and those where it is considered desirable; along with measures to assess the need for training and provide that training to employees.

To that end, and based on the evidence received, the Commissioner concludes that it is reasonable and proportionate for these persons to allow their employees to undertake their relevant activities through the medium of Welsh.

In terms of those aspects not rooted in their Welsh language scheme, or not currently in operation, the Welsh Language Commissioner concludes that allowing sufficient time for them to reach this new policy aim, as well as including other mitigating measures in compliance notices, where appropriate, is reasonable and proportionate.

The Commissioner draws the same conclusion for those persons who have noted that they do not currently have any Welsh speaking members of staff, in order to allow them to implement the other categories of standards.

Persons who are not currently based in Wales:

Conclusion 8:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for operational standards in relation to the issues below to be specifically applicable to Government departments and to persons exercising, on behalf of the Crown, functions conferred by or under an Act who are not based in Wales:

- standards relating to a body developing Welsh language skills through planning and training its workforce
- standards relating to a body recruiting.

Conclusion 9:

The Welsh Language Commissioner concludes that Welsh Ministers should consider setting alternative standards in relation to the issues below for Government departments and persons exercising, on behalf of the Crown, functions conferred by or under an Act who are not based in Wales:

- standards relating to the use of the Welsh language within a body's internal administration
- standards relating to complaints made by a member of a body's staff
- standards relating to a body disciplining staff
- standards relating to a body's information technology and about support material provided by a body, and relating to the intranet
- standards relating to signs displayed in a body's workplace
- standard relating to audio announcements and messages in a body's workplace.

Persons based in Wales:

Conclusion 10:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for operational standards in relation to the issues below to be specifically applicable to Government departments and to persons exercising, on behalf of the Crown, functions conferred by or under an Act who are based in Wales:

- standards for the use of the Welsh language within a body's internal administration
- standards for complaints made by a member of a body's staff
- standards relating to a body disciplining staff
- standards relating to a body's information technology and about support material provided by a body, and relating to the intranet
- standards relating to a body developing Welsh language skills through planning and training its workforce
- standards relating to a body recruiting
- standards relating to signs displayed in a body's workplace
- standard relating to audio announcements and messages in a body's workplace.

Record keeping standards

As a result of carrying out this standards investigation, and based on the evidence received, the Welsh Language Commissioner concludes that the persons falling within the Public Bodies: Government report should keep a record of how they uphold the standards they are expected to comply with, as well as complaints.

Welsh language schemes require the organizations in question to identify the action required to publish information on the organization's performance against the statutory requirements. This was confirmed in the evidence which was received, with every relevant person, on the whole, stating that the record keeping standards, in principle, were operational to a large extent and was current practice. This was reinforced by the vast majority of relevant persons confirming that it would be reasonable and proportionate to make all of the standards, or a selection of them, specifically applicable to them.

Conclusion 11:

The Welsh Language Commissioner concludes that Welsh Ministers should ensure that regulations provide for record keeping standards to be specifically applicable to Government departments and to persons exercising, on behalf of the Crown, functions conferred by or under an Act.

Promotion standards

The relevant persons within this standards report did not wish to consent to making the promotion standards specifically applicable to them.

Standards which deal with supplementary matters

There are provisions in the Measure regarding monitoring arrangements and reporting requirements for the standards system (Section 27 – Supplementary Provisions). Following the approval of The Welsh Language Standards (No. 1) Regulations 2015²⁶ in the National Assembly for Wales' Plenary Meeting on 24 March 2015, standards which deal with supplementary matters were specified under section 26 of the Measure.

²⁶ <http://www.legislation.gov.uk/cy/wsi/2015/996/made/english/data.pdf>

The Welsh Language Commissioner notes that it is required, under Welsh language schemes, to determine actions to be taken to publish information on the organization's performance against the statutory requirements.

The Welsh Government policy document 'Inspection, Audit and Regulation'²⁷, explains that the role of inspectors is to 'investigate independently using professional expertise and legal powers'. This is reinforced by the Crerar Report on inspection in Scotland which notes that the role of external inspectors is to provide independent assurance that services are being managed well and are fit for purpose. According to Crerar, the five main principles of inspection are public focus; independence; proportionality; transparency and accountability. Crerar's proposals are consistent with the principles of Hampton which note that inspection should take place on the basis of risk; that inspections should not be carried out without reason and that regulators should be able to provide authoritative and accessible advice.

Similarly, there is also recognition that it is not possible for inspection bodies to oversee everything that service providers do. In others words, there is increasing there is increased expectation on service providers to ensure that they have robust internal scrutiny and audit arrangements in place. In addition, self-assessment also plays an increasingly important role in external audit arrangements.

Conclusion 12:

Following the standards investigation and considering the information above, the Welsh Language Commissioner concludes that Welsh Ministers should make the standards which deal with supplementary matters specifically applicable to Government departments and to persons exercising, on behalf of the Crown, functions conferred by or under an Act.

²⁷ <http://gov.wales/docs/dpsp/publications/inspectionpolicystatement/090930inspstatementen.pdf>

8 The next steps

In preparing this standards report, the Welsh Language Commissioner has considered all the responses submitted to the standards investigation. This report will be submitted to the following in accordance with section 64(4) of the Measure:

- all relevant persons
- Advisory Panel to the Welsh Language Commissioner
- all persons who participated in the Commissioner's consultation in accordance with section 63
- Welsh Ministers.

Alongside the standards investigations of the Welsh Language Commissioner, Welsh Ministers are expected to carry out regulatory impact assessments in respect of relevant secondary legislation they intend to create, using their own secondary legislation powers.

The Government of Wales Act 2006 notes that a regulatory impact assessment is as follows:

A regulatory impact assessment is an assessment as to the likely costs and benefits of complying with relevant Welsh subordinate legislation.²⁸

In this respect, a regulatory impact assessment may be considered:

- a process to help Welsh Ministers to consider the effect of the proposed regulation on the interests of individuals, groups, organizations etc
- a means of enabling Welsh Ministers to weigh up the costs and benefits of all the options available to them before implementing a policy; and
- a means of submitting the relevant evidence on the positive and negative effects of such interventions for the purposes of scrutinizing that evidence.²⁹

Welsh Ministers will be expected to consider the evidence they collected for the purposes of the regulatory impact assessment, alongside the Welsh Language Commissioner's conclusions in a standards report in deciding whether or not to exercise the powers granted to them under Part 4 of the Measure.

The Rt Hon. Carwyn Jones AM, First Minister of Wales confirmed in a Plenary Meeting of the National Assembly for Wales on 20 October 2015 that it would not be possible to develop the third round of regulations before the end of this Assembly term, and therefore that would be a matter for the next Assembly.

As a result, there is no timetable for introducing regulations in relation to the person(s) that fall within this standards report.

²⁸ Section 76(2)(a) Government of Wales Act 2006.

²⁹ <http://gov.wales/docs/legislation/guidance/091020riacodeen.doc>

Appendix A – General comments received from members of the public in relation to round 3 of the standards investigations

As with the previous rounds, the responses received were generally supportive of the idea of introducing standards, in order to ensure clear rights for Welsh speakers in relation to the Welsh language services provided by all the organizations included in round 3.

Once again, the public expressed a great desire to ensure that the standards introduced are clear, robust and user-friendly. This was echoed by comments stating that this is the only way of ensuring that Welsh speakers' rights are protected.

Outlined below are the main themes of the responses received in favour of making the standards specifically applicable:

- The need to ensure that all organizations delivering services in Wales are subject to the requirements of the Welsh Language Measure (Wales) 2011, thereby avoiding possible inconsistencies created by implementing two statutory regimes.
- The need to ensure that standards ensure that Welsh language services are provided as default, ensuring that the notion of a proactive offer is consistent at all times.
- Ensure that the process of awarding or dealing with a tender or contract does not override the need to impose Welsh language conditions on the grants/contracts distributed by organizations included in round 3.
- The need to ensure that standards in relation to face to face services go beyond the main reception areas and pre-planned personal meetings.
- The need to ensure that the definition of personal meetings includes all face to face contact.
- The need to specify a standard that imposes clear requirements for organizations' recruitment policies.

Some responses were received from members of the public expressing general opposition to language duties.

Outlined below are the main themes of the responses received against making the standards specifically applicable:

- The need to consider the current economic climate and how public money is spent in Wales.
- Prioritise other policy areas over the Welsh language.
- The relevance of the Welsh language in Wales.
- Disagreement with the requirement that Welsh should appear or be published first.
- The bureaucracy of the requirements.

Service delivery standards

A number of responses were received stating that all of the organizations in round 3 should correspond with the public in Wales in Welsh. Some respondents went on to state the importance of ensuring that Welsh addresses and forms are used when corresponding with an individual in Welsh. They believed that this would be a significant step towards promoting the language and encouraging citizens to use the Welsh place names.

When considering the standards relating to public meetings or events, a significant number of respondents felt that it should be ensured that Welsh speakers have the right to express themselves in Welsh and that it therefore should be ensured that there is a requirement to provide simultaneous translation services or conduct the meeting in Welsh. Others believed that such a service should be ensured when there was sufficient demand for it.

The importance of ensuring a complete reception service in Welsh was emphasised. Some expressed frustration with the service provided at present, with a number of reception areas providing greetings in Welsh but failing to deal fully with enquiries. Others believed that this requirement could pose a significant challenge to a number of organizations who operate a number of reception areas outside their main reception. These comments were echoed in relation to the phone service provided by a number of the organizations in round 3.

In the context of the standards relating to producing documents and forms, a number of respondents considered it to be more than reasonable to expect the organizations in round 3 to ensure that those publications are available in Welsh. One respondent went on to state that documents and forms may now be published as bilingual on-line documents only, thereby ensuring that production costs are significantly lower. However, others felt that strong emphasis should be placed on prioritisation here, based on the target audience, and others felt that these documents should only be produced in Welsh on request.

A number of responses were received from the public highlighting the importance of ensuring that the organizations in question provide bilingual signs at all times. Some of those respondents went on to state the importance of ensuring that the Welsh language was given priority, in order to ensure linguistic consistency across Wales. However, some comments were received against adopting such an approach, in order to avoid confusion for non-Welsh speakers and visitors to Wales.

With regard to websites and on-line services provided by round 3 organizations, there was broad support in general for bilingual websites, given the increase in services offered through this medium by now, with some cases where those services are only available through that medium. Specific attention was drawn to the websites of organizations operating on a British level e.g. UK government departments operating within the gov.uk system.

This was reinforced by drawing attention to the fact that the Cabinet Office, a body which has responsibility for that system, cannot be required to comply with standards if Welsh Ministers have not received the consent of the Secretary of State. The respondents felt that this could cause major problems in the long run, with an individual's experience of a service dependent on which regime governs that organization. One respondent emphasised the importance of placing standards on non-devolved bodies and departments, in order to raise awareness of the status and importance of the Welsh language in service delivery.

Some went on to discuss the problems caused when organizations use the Royal Mail Group's address file, due to the lack of consistency in that database in terms of Welsh place names. This means that a number of forms or letters received by them have English only addresses meaning that they do not comply with the standards.

Policy making standards

A number of respondents emphasised that the policies of the organizations in question should adhere to the principle of equality, ensuring that they employ sufficient Welsh speakers to be able to provide services in that language.

Operational standards

Evidence was received from many who felt that it was entirely reasonable and proportionate for the highest level of operational standards to be imposed on those bodies in round 3, given that these bodies receive significant public money or are companies that should operate for the benefit of the public.

However, one respondent believed that the operational standards as drafted for the first round did not achieve the objective of ensuring that more organizations work internally in Welsh only.

Record keeping standards

A number of comments were received supporting the need for organizations to keep records, in order to be able to monitor and examine compliance with the other standards. However, some believed that elements of the requirements were bureaucratic for organizations that are administrated internally through the medium of Welsh, whilst others felt that record keeping is not an effective way to improve the quality and range of Welsh medium services.

Appendix B – List of the respondents to the standards investigations

Below is a list of the relevant person(s) in respect of which a standards investigation was carried out, the Advisory Panel, together with the members of the public who were willing for us to publish their comments.

Relevant persons

- Crown Prosecution Service
- HM Revenue and Customs
- Competition and Markets Authority
- The Crown Estate
- Food Standards Agency
- National Savings and Investments
- National Crime Agency
- The Office of Rail Regulation (ORR)
- Office for Gas and Electricity Markets (Ofgem)
- Serious Fraud Office
- Water Services Regulation Authority (Ofwat)
- Office for National Statistics
- The Charity Commission for England and Wales
- The Advisory Conciliation and Arbitration Service (ACAS)
- The Human Tissue Authority (HTA)
- The Human Fertilisation and Embryology Authority (HFEA)
- The Health and Safety Executive (HSE).

Members of the public

- Aaron Jones
- Angharad Rhys
- Aled Cottle
- Aled Edwards
- Aled Lewis Evans
- Aled Powell
- Alfred S Nathan
- Alison Cummins
- Alwyn Gruffydd
- Andrew Shurey
- Anna Williams
- Annette Williams
- Anwen Evans
- Bedwyr Griffiths
- Ben Screen
- Bethan Rowlands
- Bethan Williams
- Bethan Wyn Jones
- Bob Gaffey
- Brian Dafis
- Bryn Moseley
- Carl Morris
- Carys Evans
- Catrin Stevens
- Cathryn Griffith
- Celt Roberts
- Cen Llwyd
- Ceri Owen
- Ciaran Spooner
- Colin Nosworthy
- Connor Keyes
- Curon Wyn Davies
- Councillor Jeff Smith
- Dafydd Chilton
- Dafydd Frayling
- Dafydd Williams
- David Davies
- David Jones
- David Williams
- Delyth Wotherspoon
- Dorothy Williams
- Dr T H Thomas
- Eifion Glyn
- Eirian Conlon
- Elin Mair
- Enfys Jones
- Eurfyl Lewis
- Euros Jones
- Evie Wyn Jones
- Gareth Clubb
- Gareth Dobson
- Geraint Lovgreen
- Geraint Parri
- Gethin Kurtis Sugar
- Glenn Wall
- Goronwy Evans
- Gwen Bevan
- Gwydion Davies
- Gwyn Morris
- Huw Roberts
- Hynek Janoušek
- Iago ap Steffan
- Iago Sion
- Ifan Alun Puw
- Ifor Glyn Efans
- Iwan Standley
- Iwan Williams
- Jackie Owens
- James Merchant
- Jamie Bevan
- John Christopher Williams
- Jon Hicks
- Jonathan Brown
- Judith Bartley
- Judith Griffith
- Julia Burns
- Kevin Williams
- Lauren Evans
- Lisabeth Miles
- Liz Saville Roberts
- Lleucu Roberts
- Llinos Parri
- Mair Nutting
- Manon Elin
- Manon James
- Manon Owen
- Mari Evans
- Mari Gwilym
- Mary Williams
- Meic Haines
- Meinir James
- Meirion Powell
- Menna Machreth
- Miriam Collard
- Mr K Jones
- Myrddin Williams
- Nest Efans
- Neville Evans
- Nia Lloyd
- Nia Wyn Jones
- Osian Rhys
- Paul Pritchard

- Petroc ap Seisyllt
- Randal Isaac
- Richard Vale
- Robat Idris
- Ruth Evans
- Ruth Williams
- Rhian Jones
- Rhiannon Mair
- Rhisiart Morgan
- Rhobet Williams
- Rhodri Glyn
- Rhys Llwyd
- Sandra McKenzie
- Sarah Parry
- Selwyn Lloyd - Jones
- Siân Cwper
- Siân Roberts
- Sion Morris
- Sion Pennant
- Siwan Evans
- Steffan Bryn
- Stephen Taylor
- Stephen Turner
- Stephen Vaughan Thomas
- Susan Jeffries
- Tegwyn Jones
- Tim Barrell
- Tudor Williams
- Thomas Gareth Jones
- Thomas Shaw
- Wendy Lewis
- William Schleising

Organizations/Movements

- Cymdeithas yr Iaith Gymraeg
- Dyfodol i'r Iaith

Advisory Panel to the Welsh Language Commissioner

- Bethan Jones Parry
- Carl Cooper
- Dr Heledd Iago
- Meinir Davies
- Nick Speed