

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

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2017 No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
([Water and Sewerage])
Regulations 2017**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations specify standards in relation to the conduct of water and sewerage undertakers set out in Schedule 4 to the Regulations (which are referred to in the Regulations as “bodies”). Water and sewerage undertakers are appointed under section 6 or by a variation of an appointment under section 7 of the Water Industry Act 1991(1).

The Regulations also authorise the Commissioner to give a compliance notice to those bodies, in relation to standards specified by the Regulations. This is referred to in the 2011 Measure as making a standard ‘specifically applicable’ to a body.

(1) 1991 c. 56.

Because the bodies which these standards relate to are within Schedule 8 to the 2011 Measure, section 37 of the 2011 Measure provides that only service delivery standards and record keeping standards can be made specifically applicable to them. A service delivery standard only applies to the extent that it relates to the provision by the body of a service specified in column 2 of the body's entry in Schedule 8 of the 2011 Measure. In the case of the water and sewerage undertakers listed in Schedule 4 to these Regulations, the specified services are services provided to the public in the exercise of the functions of water undertaker or sewerage undertaker (as appropriate)_for the whole or any part of Wales.

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

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

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

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

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

Schedule 2 to the Regulations specifies **record keeping standards**. Section 32 of the 2011 Measure provides that a “record keeping standard” is a standard relating to the keeping of records about other specified standards, records about complaints concerning compliance with other specified standards, or records about other complaints concerning the Welsh language.

Schedule 3 to the Regulations specifies **standards that deal with supplementary matters**. These are specific forms of service delivery standards and record keeping standards that deal with the matters referred to in section 27(4) of the 2011 Measure (which are supplementary to the matters dealt with in Schedules 1 and 2).

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

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

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2017 No. (W.)

WELSH LANGUAGE

**The Welsh Language Standards
([Water and Sewerage])
Regulations 2017**

Made ***

Coming into force ***

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

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Welsh Language Standards ([Water and Sewerage]) Regulations 2017.

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

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

a “body” (“*corff*”) means a person falling within one of the groups of persons listed in Schedule 4;

a “member of staff” (“*aelod o staff*”) means an employee of a body or an individual working for a body (and “staff” (“*staff*”) must be construed accordingly).

(5) In these Regulations—

(a) references to any activity being carried out by a body, or to any service being provided by a

(1) 2011 nawm 1.

body, are to be read as including a reference to that activity being carried out on the body's behalf or to that service being provided on the body's behalf by a third party under arrangements made between the third party and the body;

- (b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

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

Standards specified

2.—(1) In Schedule 1—

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

(2) In Schedule 2—

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

(3) Schedule 3 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 and 2 and, in particular—

- (a) Part 1 specifies service delivery standards that deal with supplementary matters;
- (b) Part 2 specifies record keeping standards that deal with supplementary matters;
- (c) Part 3 makes provision about interpreting the supplementary standards.

Standards that are specifically applicable

3. The Welsh Ministers authorise the Welsh Language Commissioner to give a compliance notice to a body requiring it to comply with any of the

standards specified under regulation 2 and Schedules 1 to 3.

Name

Minister for Lifelong Learning and Welsh Language,
under the authority of the Cabinet Secretary for
Education, one of the Welsh Ministers

Date

SCHEDULE 1 Regulation 2(1)
Service Delivery Standards

PART 1

THE STANDARDS

1 **Standards relating to
correspondence sent by a body**

*(1) When a body replies to
correspondence*

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

*(2) When a body initiates
correspondence*

*(a) When a body corresponds with
a person*

Standard 2: Unless you send all system generated correspondence in Welsh to a person (“P”), when you send system generated correspondence to P for the first time, you must ask P whether P wishes to receive system generated correspondence from you in Welsh, and if P responds to say that P wishes to receive system generated correspondence in Welsh you must—

- (a) keep a record of P’s wish,
- (b) send any system generated correspondence you send to P from then onwards in Welsh.

*(b) When a body corresponds with
several persons (for example, when
it sends a circular, or sends the
same letter to a number of homes)*

Standard 3: When you send the same correspondence to several persons, you must send a Welsh language version of the correspondence at

the same time as you send any English language version.

(3) General standards relating to correspondence

Standard 4: If you don't know whether a person wishes to receive system generated correspondence from you in Welsh, when you send system generated correspondence to that person you must provide a Welsh language version.

Standard 5: If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

Standard 6: You must state —

- (a) in correspondence, and
- (b) in publications and notices that invite persons to respond to you or to correspond with you,

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

2 Standards relating to telephone calls made by a body

(1) Telephone calls made to a body's main contact number and to any helplines or call centres

Standard 7: When a person contacts you on your account enquiry helpline numbers or your service helpline numbers and a Welsh language service is available, you must inform the person that a Welsh language service is available.

Standard 8: When a person contacts you on

your account enquiry helpline numbers, you must deal with the call in Welsh in its entirety if that is the person's wish (where necessary by transferring the call to a member of staff who is able to deal with the call in Welsh).

Standard 9: When a person contacts you on your service helpline numbers between 9am and 5pm on a working day, you must deal with the call in Welsh if that is the person's wish until such point as—

- (a) it is necessary to transfer the call to a member of staff who does not speak Welsh who can provide a service on a specific subject matter; and
- (b) no Welsh speaking member of staff is available to provide a service on that specific subject matter.

Standard 10: When you advertise telephone numbers, helpline numbers or call centre services, you must not treat the Welsh language less favourably than the English language.

Standard 11: When you publish your account enquiries helpline numbers and your service helpline numbers, you must state (in Welsh) that you welcome calls in Welsh.

Standard 12: If you have performance indicators for dealing with telephone calls, you must ensure that those performance indicators do not treat telephone calls made in Welsh any less favourably than calls made in English.

Standard 13: Your main telephone call answering service (or services) must inform persons calling, in Welsh, that they can leave a message in Welsh.

Standard 14: When there is no Welsh language service available on your account enquiries helpline numbers or your

service helpline numbers, you must inform persons calling in Welsh (by way of an automated message or otherwise), when a Welsh language service will be available.

(2) A body dealing with telephone calls using an automated system

Standard 15: Any automated telephone systems that you have must provide the complete automated service in Welsh.

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

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

Standard 16: If you invite one person only (“P”) to a meeting you must ask P whether P wishes to use the Welsh language at the meeting, and inform P that you will, if necessary, provide a translation service from Welsh to English for that purpose.

Standard 16A: If you have invited one person only (“P”) to a meeting and P has informed you that P wishes to use the Welsh language at the meeting, you must arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

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

Standard 17: If you invite more than one person to a meeting, you must ask each person whether they wish to use the Welsh language at the meeting.

Standard 17A: If you have invited more than one person to a meeting, and at least 10% (but less than 100%) of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must

arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting.

Standard 17B: If you have invited more than one person to a meeting, and at least 20% (but less than 100%) of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting.

Standard 17C: If you have invited more than one person to a meeting, and at least 30% (but less than 100%) of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting.

Standard 17CH: If you have invited more than one person to a meeting, and all of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous or a consecutive translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).

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

Standard 18: If you arrange a meeting that is open to the public you must state on any material advertising it, and on any invitation to it, that anyone attending is welcome to use the Welsh language at the meeting.

Standard 19: When you send invitations to a meeting that you arrange which is open to the public, you must send the invitations in Welsh.

- Standard 20:** If you invite persons to speak at a meeting that you arrange which is open to the public you must —
- (a) ask each person invited to speak whether he or she wishes to use the Welsh language, and
 - (b) if that person (or at least one of those persons) has informed you that he or she wishes to use the Welsh language at the meeting, provide a simultaneous or a consecutive translation service from Welsh to English for that purpose (unless you conduct the meeting in Welsh without a translation service).

- Standard 21:** If you arrange a meeting that is open to the public, you must ensure that a simultaneous or a consecutive translation service from Welsh to English is available at the meeting, and you must orally inform those present in Welsh —
- (a) that they are welcome to use the Welsh language, and
 - (b) that a simultaneous or consecutive translation service (as appropriate) is available.

- Standard 22:** If you display any written material at a meeting that you arrange which is open to the public, you must ensure that the material is displayed in Welsh, and you must not treat any Welsh language text less favourably than the English language text.

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

- Standard 23:** If you organise a public event, or fund at least 50% of a public event, you must ensure that, in promoting the event, the Welsh language is treated no less favourably than the English language (for example, in

the way the event is advertised or publicised).

Standard 24: If you organise a public event, or fund at least 50% of a public event, you must ensure that the Welsh language is treated no less favourably than the English language at the event (for example, in relation to services offered to persons attending the event, in relation to signs displayed at the event and in relation to audio announcements made at the event).

6 Standard relating to a body's publicity and advertising

Standard 25: Any publicity or advertising material that you produce must be produced in Welsh, and if you produce the material in Welsh and in English, you must not treat the Welsh language version less favourably than you treat the English language version.

7 Standards relating to a body displaying material in public

Standard 26: Any material that you display in public must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than the English language version.

Standard 27: Any material that you display at a public exhibition organised by you must be displayed in Welsh, and you must not treat any Welsh language version of the material less favourably than you treat an English language version.

8 Standards relating to a body producing documents

Standard 28: If you produce a document which is available to the public, you must produce it in Welsh —

- (a) if the subject matter of the document suggests that it should be produced in Welsh, or

- (b) if the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.

Standard 29: If you produce a document in Welsh and in English (whether separate versions or not), you must not treat any Welsh language version less favourably than you treat the English language version.

Standard 30: If you produce a Welsh language version and a separate English language version of a document, you must ensure that the English language version clearly states that the document is also available in Welsh.

9 Standards relating to a body producing and publishing forms

Standard 31: When you send a form to a person (“P”) for the first time, you must ask P whether P wishes to receive forms in Welsh, and if P responds to say that P wishes to receive forms in Welsh you must—

- (a) keep a record of P’s wish,
- (b) send any forms you send to P from then onwards in Welsh.

Standard 32: Any form that you make available to the public must be produced in Welsh.

Standard 32A: If you produce a Welsh language version and a separate English language version of a form, you must ensure that the English language version clearly states that the form is also available in Welsh.

Standard 32B: If you produce a form in Welsh and in English (whether separate versions or not), you must ensure that the Welsh language version is treated no less favourably than the English language version, and you must not differentiate between the Welsh and English versions in relation to any requirements that

are relevant to the form (for example in relation to any deadline for submitting the form, or in relation to the time allowed to respond to the content of the form).

Standard 33: If you pre-enter information on a Welsh language version of a form (for example, before sending it to a member of the public in order for him or her to check the content or to fill in the remainder of the form), you must ensure that the information that you pre-enter is in Welsh.

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

(1) Websites published by a body

Standard 34: You must ensure that —

- (a) the text of each page of your website is available in Welsh,
- (b) every Welsh language page on your website is fully functional, and
- (c) the Welsh language is not treated less favourably than the English language on your website.

Standard 35: You must ensure that —

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

Standard 36: You must ensure that when you publish a new page on your website or amend a page —

- (a) the text of that page is

available in Welsh,

- (b) any Welsh language version of that page is fully functional, and
- (c) the Welsh language is treated no less favourably than the English language in relation to that page.

Standard 37: If you have a Welsh language web page that corresponds to an English language web page, you must state clearly on the English language web page that the page is also available in Welsh, and you must provide a direct link to the Welsh page on the corresponding English page.

Standard 38: You must provide the interface and menus on every page of your website in Welsh.

Standard 39: You must designate and maintain a page (or pages) on your internet which provides information (in Welsh) on—

- (a) the services you provide and the activities you undertake in Wales, and
- (b) the Welsh language services you provide and how each of those Welsh language services can be accessed.

(2) Apps published by a body

Standard 40: All apps that you publish must function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that app.

(3) Online chat facility

Standard 41: If you have a live chat facility, you must provide it in Welsh.

Standard 41A: You must state (in Welsh) on your website that your live chat facility is available in Welsh and how it can be accessed.

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

Standard 42: When you use social media you must not treat the Welsh language less favourably than the English language.

Standard 43: If a person contacts you by social media in Welsh, you must reply in Welsh (if an answer is required).

12 Standard relating to self service machines

Standard 44: You must ensure that any self service machines that you have function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine.

13 Standards relating to signs displayed by a body

Standard 45: When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign); and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

Standard 46: When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh-language text must be positioned so that it is likely to be read first.

Standard 47: You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

14 Standards relating to a body receiving visitors at its buildings

Standard 48: Any reception service you make

available in English must also be available in Welsh, and any person who requires a Welsh language reception service must not be treated less favourably than a person who requires an English language reception service.

Standard 49: If you have no face to face Welsh language reception service available and a person wishes to receive a Welsh language reception service, you must—

- (a) ask the person whether he or she wishes for you to arrange for a Welsh speaking member of staff to attend the reception, and
- (b) if that person has informed you that he or she wishes a Welsh speaking member of staff to attend the reception, you must arrange for a Welsh speaking member of staff to attend the reception to provide a service equivalent to a Welsh language reception service .

Standard 50: If you have no face to face Welsh language reception service available at your reception, you must ensure that a Welsh language reception service is available over a phone in your reception.

Standard 51: You must display a sign in your reception which states (in Welsh) that persons are welcome to use the Welsh language at the reception.

15 Standards relating to notices made by a body

Standard 52: Any notice that you publish or display must be published or displayed in Welsh, and you must not treat any Welsh language version of a notice less favourably than an English language version.

Standard 53: When you publish or display a

notice that contains Welsh language text as well as English language text, the Welsh language text must be positioned so that it is likely to be read first.

16 Standards relating to a body awarding grants

Standard 54: Any documents that you publish which relate to applications for a grant must be published in Welsh, and you must not treat a Welsh language version of such documents less favourably than an English language version.

Standard 55: When you invite applications for a grant, you must state in the invitation that applications may be submitted in Welsh and that any application submitted in Welsh will be treated no less favourably than an application submitted in English.

Standard 55A: You must not treat applications for a grant submitted in Welsh less favourably than applications submitted in English (including, amongst other matters, in relation to the closing date for receiving applications and in relation to the time-scale for informing applicants of decisions).

Standard 56: If you receive an application for a grant in Welsh and it is necessary to interview an applicant as part of your assessment of the application, you must offer to conduct that interview in Welsh and, if the applicant so wishes, you must conduct the interview in Welsh (without the assistance of a simultaneous or consecutive translation service).

Standard 57: If you receive an application for a grant in Welsh and it is necessary to interview the applicant as part of your assessment of the application you must —

- (a) offer to provide a translation service from Welsh to English to

enable the applicant to use the Welsh language at the interview, and

- (b) if the applicant wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).

Standard 58: When you inform an applicant of your decision in relation to an application for a grant, you must do so in Welsh if the application was submitted in Welsh.

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

Standard 59: You must promote any Welsh language service that you provide, and advertise that service in Welsh.

Standard 60: If you provide a service in Welsh that corresponds to a service you provide in English, any publicity or document that you produce, or website that you publish, which refers to the English service must also state that a corresponding service is available in Welsh.

Standard 61: You must make available to members of staff who provide face to face services to the public and who are able to speak Welsh a badge for them to convey that they speak Welsh.

Standard 61A: You must promote to members of staff who provide face to face services to the public the wearing of a badge that conveys that a member of staff is able to speak Welsh.

18 **Standard relating to a body's corporate identity**

Standard 62: When you form, revise or present your corporate identity, you must

not treat the Welsh language less favourably than the English language.

19 Standards relating to courses offered by a body

Standard 63: If you offer an education course that is open to the public, you must offer it in Welsh.

Standard 64: If you offer an education course that is open to the public and which is aimed specifically at persons aged 18 or under, you must offer it in Welsh.

Standard 65: If you develop an education course that is to be offered to the public, you must assess the need for that course to be offered in Welsh; and you must ensure that the assessment is published on your website.

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

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

TABLE 1

<i>Row</i>	<i>Column 1</i> <i>Main standard</i>	<i>Column 2</i> <i>Reliant standard</i>
(1)	Replying to correspondence	

	Standard 1	Standard 6
(2)	Corresponding with several persons Standard 3	Standard 5 Standard 6
(3)	General standards relating to correspondence Standard 4	Standard 5 Standard 6
(4)	Raising awareness about corresponding in Welsh Standard 6	Standard 1
(5)	Receiving telephone calls Standard 7	One or more of the following: Standard 8 Standard 9
(6)	Receiving telephone calls Standard 8 or 9	Standard 7 Standard 11
(7)	Raising awareness about telephone services in Welsh Standard 11	One or more of the following: Standard 8 Standard 9 and also Standard 13, and Standard 14
(8)	Meetings with one person Standard 16	Standard 16A
(9)	Meetings with one person	

	Standard 16A	Standard 16
(10)	Meetings with more than one person Standard 17	One or more of the following: Standard 17A Standard 17B Standard 17C and also Standard 17CH
(11)	Meetings with more than one person Standard 17A, 17B, 17C or 17CH	Standard 17
(12)	Public meetings Standard 18	Standard 21
(13)	Public meetings Standard 21	Standard 18
(14)	Documents Standard 28	Standard 29 Standard 30
(15)	Forms Standard 32	Standard 32A Standard 32B
(16)	Websites Standard 34, 35 or 36	Standard 37
(17)	Live chat facility Standard 41	Standard 41A
(18)	Live chat facility Standard 41A	Standard 41
(19)	Signs Standard 45 or 46	Standard 47
(20)	Reception Standards 48, 49 or 50	Standard 51

(21)	Raising awareness of Welsh-language services in a reception Standard 51	One or more of the following: Standard 48 Standard 49 Standard 50
(22)	Grants Standard 55	Standard 55A Standard 58
(23)	Grants Standard 56 or 57	Standard 55 Standard 55A
(24)	Raising awareness of Welsh language Standard 61	Standard 61A
(25)	Raising awareness of Welsh language Standard 61A	Standard 61

PART 3

INTERPRETING THE STANDARDS

- 21** The standards specified in Part 1 of this Schedule must be interpreted as follows.
- 22** The standards only apply to the extent that a body —
- (a) delivers services to a person, or
 - (b) deals with any other person in connection with delivering services—
 - (i) to that other person, or
 - (ii) to a third person.
- 23** The standards only apply to the extent that the standards relate to the provision by a body of a service provided to the public in the exercise of the body's functions as a water undertaker or a sewerage undertaker

for the whole or any part of Wales.

24 A body is not required to produce, to publish, to display or to send material in Welsh to the extent that another enactment has specified the wording of a document, a sign or a form which would run contrary to that requirement.

25 For the purposes of the standards —

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

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

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

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

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

(4) In this paragraph—

- (a) “Welsh Language Scheme” means a Welsh language scheme produced in accordance with Part 2 of the Welsh Language Act 1993⁽¹⁾;
- (b) “a duty to comply with standards” means a duty to comply with a standard under section 25 of the Welsh Language (Wales) Measure 2011;
- (c) “the 2006 Act” means the Government of Wales Act 2006⁽²⁾;
- (ch) “Standing Orders of the Assembly” means standing orders made under section 31 of the 2006 Act;
- (d) “the Assembly Commission's Official Languages Scheme” means the Scheme adopted and published under paragraph 8 of Schedule 2 to the 2006 Act.

27

(1) If the conditions in sub-paragraphs (a) to (c) are met or the condition in paragraph (2) is met, a body is not required to comply with any of the standards in respect of an activity or a service referred to in sub-paragraph (b)—

- (a) The first condition is that an emergency has occurred, is occurring or is about to occur.
- (b) The second condition is that the activity being carried out or the service being provided by the body is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of an emergency.
- (c) The third condition is that

(1) 1993 c. 38.

(2) 2006 c.32.

the need for the activity or the service referred to in sub-paragraph (b) is urgent.

(2) The condition is that the body is undertaking an emergency drill.

(3) If the condition in paragraph (2) is met, then the reference to “an emergency” in sub-paragraph (1)(b) is to be read as “the simulated emergency situation”.

- 28** For the purposes of standards 2 and 31, a body corresponds with a person or sends a form to a person for the first time when it corresponds or sends a form for the first time after the date on which a compliance notice has required the body to comply with the standard.
- 29** For the purposes of standards 2 and 4 “system generated correspondence” means bills, meter reading requests, new account correspondence and account closure correspondence.
- 30** For the purposes of standards 7, 9, 11 and 14 “service helpline” means a telephone helpline dealing with water services or sewerage services but not account enquiries.
- 31** In standard 9 “working day” means a day which is not a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971⁽¹⁾.
- 32** In standard 15 an “automated” telephone system means a system that answers telephone calls and guides persons through a set procedure with a recorded message which, for example, asks a person to press different keys in order to choose different options.
- 33** Standards 16 to 17CH do not apply when the meeting is held at short notice (for example, when a body

(1) 1971 c.80.

makes door to door enquiries).

- 34** Standard 24 does not apply to—
- (a) performances of music;
 - (b) artistic or dramatic productions;
 - (c) seminars or oral presentations relating to the performance or production;
 - (ch) any recording of the performance, production, seminar or oral presentation.
- 35** Standard 24 does not apply when the message that you announce over a public address system is made during an emergency or an emergency drill.
- 36** Where a standard refers to material that is to be produced in Welsh (with the exception of standards 34 to 40 (websites and apps) and 42 and 43 (social media)), references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —
- (a) the visual presentation of material (for example in relation to the colour or font of any text);
 - (b) the size of the material;
 - (c) the position and prominence of the material in any public place;
 - (ch) when and how the material is published, provided or exhibited;
 - (d) the publication format of material.
- 37** For the purposes of standards 28 and 32, references to documents or other materials being available to the

public do not include documents or materials that are only available to the public by virtue of the Freedom of Information Act 2000⁽¹⁾.

- 38** Standard 28 does not apply to an enactment made by a body or to a draft enactment prepared by a body.
- 39** Standards 28 and 29 do not apply to any advertising material contained in a document, brochure, leaflet, pamphlet or card.
- 40** (1) Standards 31, 32, 32A and 32B do not apply to the forms referred to in sub-paragraph (2).
(2) For the purposes of standard 31, a body is not required to send a Welsh language version of the forms used when applying for grant assistance from a body (see standards 54 to 58 in relation to applications for grants).
- 41** Standards 34 to 39 (websites) do not apply to —
- (a) documents to which a link is provided on a website, advertising material on a website, or to video and audio clips on a website (see standards 28 to 30 for specific provision in relation to documents, and standard 25 in relation to advertising material produced by a body);
 - (b) information presented by persons (other than the body) on an interactive page published on a body's website (for example on a section for comments or on a discussion forum);
 - (c) a live chat facility (see standards 41 and 41A for specific provision in relation to live chat).
- 42** (1) For the purpose of standard 40 an 'app' is a software application

(1) 2000 c. 36

designed to undertake a specific task on an electronic device.

(2) Standard 40 does not apply to any advertising material on an app (see standard 25 in relation to advertising material produced by a body).

(3) Standard 40 does not apply to a live chat facility (see standards 41 and 41A for specific provision in relation to live chat).

43

For the purpose of standards 34 to 40 (websites and apps) and standards 42 and 43 (social media), references to treating the Welsh language no less favourably than the English language include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards —

- (a) the visual presentation of the material (for example in relation to the colour, size, font and format of any text), or
- (b) when material is published on the website, app or social media;

but it does not mean that Welsh language material must appear on the same page as English language material, or on a page that a person is likely to find before the English language page when searching.

44

(1) For the purpose of standards 41 and 41A and paragraphs 41, 42 and 46 ‘live chat facility’ means an application designed specifically to provide immediate online assistance to users of a website.

(2) Standard 41 does not apply to any advertising material on a live chat facility (see standard 25 in relation to advertising material produced by a body).

(3) Standard 41 (live chat facility) does not apply to documents to which a link is provided through the live chat facility, or to video and audio clips provided through the live

chat facility (see standards 28 to 30 for specific provision in relation to documents, and standard 25 in relation to advertising material produced by a body).

- 45** Standards 42 and 43 (social media) do not apply to —
- (a) documents to which a link is provided through social media, or to video and audio clips provided through social media (see standards 28 to 30 for specific provision in relation to documents, and standard 25 in relation to advertising material produced by a body);
 - (b) information presented by persons (other than the body) on a body's social media account (for example on a section for comments).

- 46**
- (1) Standards 1 to 6 (correspondence) do not apply to correspondence sent by social media or live chat facility (see standards 42 and 43 in relation to social media and standards 41 and 41A in relation to live chat facility).
 - (2) Standards 34 to 40 (websites and apps) do not apply to social media (see standards 42 and 43 in relation to social media).

- 47** For the purpose of standard 44 (self service machines) reference to treating the Welsh language no less favourably than the English language includes, amongst other matters, treating the Welsh language no less favourably as regards the visual presentation of the material (for example in relation to the colour, size, font and format of any text), but it does not mean that Welsh language material must appear on screen at the same time as English language material.

- 48** For the purposes of standards 48 to 51 (receiving visitors) —
- (a) “reception” means an area

in a body's offices where a reception service is provided ;

- (b) "reception service" means a service for welcoming persons to the body's offices by staff who are made available for that purpose.

49 Standards 48 to 51 (receiving visitors) do not apply when the reception is located outside of Wales.

50 For the purposes of standards 6, 52 and 53 a "notice" means any notice that a body publishes, but it does not include notices prescribed by an enactment.

51 (1) For the purposes of standard 62, the reference to a body forming or presenting its "corporate identity" includes, amongst other things, the way a body presents itself by means of visual statements, the name or names used by a body, and a body's branding and slogans (for example, branding and slogans printed on its stationery).

(2) Standard 62 does not apply to the extent that an enactment requires a body to use a legal name.

52 For the purposes of standards 63 to 65 (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—

- (a) activities or courses provided as part of the curriculum in accordance with any enactment; or
- (b) seminars or oral presentations relating to a performance or production.

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

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

SCHEDULE 2 Regulation 2(2)
Record Keeping Standards

PART 1
THE STANDARDS

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

Standard 66: You must keep a record, in relation to each financial year, of the number of complaints you receive relating to your compliance with standards.

Standard 67: You must keep a copy of any written complaint that you receive that relates to your compliance with the standards with which you are under a duty to comply.

Standard 68: You must keep a copy of any written complaint that you receive concerning the Welsh language that relate to the provision by you of specified services (whether or not that complaint relates to the standards with which you are under a duty to comply).

PART 2
INTERPRETING THE STANDARDS

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

3 For the purposes of standard 66, “financial year” means the body's own financial year.

4 For the purposes of standard 68, “specified service” means services provided to the public in the exercise of the functions of water undertaker or sewerage undertaker for the whole or any part of Wales.

SCHEDULE 3 Regulation 2(3)

Standards which deal with
Supplementary Matters

PART 1

SERVICE DELIVERY STANDARDS

1 A body publicising service delivery standards

Standard 69: You must ensure that a document which records the service delivery standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

2 A body publishing a complaints procedure

Standard 70: You must—

- (a) ensure that you have a complaints procedure that deals with the following matters—
 - (i) how you intend to deal with complaints relating to your compliance with the service delivery standards with which you are under a duty to comply, and
 - (ii) how you will provide information to your staff in relation to dealing with those complaints,
- (b) publish a document that records that procedure on your website.

3 A body publishing arrangements for oversight, promotion etc.

Standard 71: You must—

- (a) ensure that you have arrangements for—

- (i) overseeing the way you comply with the service delivery standards with which you are under a duty to comply,
 - (ii) promoting the services that you offer in accordance with those standards, and
 - (iii) facilitating the use of those services,
- (b) publish a document that records those arrangements on your website.

4 A body producing an annual report regarding service delivery standards

Standard 72: (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, to be called the “Welsh Language Standards Annual Report” which deals with the way in which you have complied with the service delivery standards with which you were under a duty to comply during that year.

(2) The annual report must include the number of complaints that you received during that year which related to your compliance with the service delivery standards with which you were under a duty to comply.

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

(4) You must publicise the fact that you have published an annual report.

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

5 A body publicising the way it intends to comply with service delivery standards

Standard 73: You must publish a document on your website which explains how

you intend to comply with the service delivery standards with which you are under a duty to comply.

6 A body providing information to the Welsh Language Commissioner

Standard 74: You must provide any information requested by the Welsh Language Commissioner which relates to your compliance with the service delivery standards with which you are under a duty to comply.

PART 2

RECORD KEEPING STANDARDS

7 A body publicising record keeping standards

Standard 75: You must ensure that a document which records the record keeping standards with which you are under a duty to comply, and the extent to which you are under a duty to comply with those standards, is available on your website.

8 A body providing information to the Welsh Language Commissioner

Standard 76: You must provide any records you have kept in accordance with the record keeping standards with which you are under a duty to comply to the Welsh Language Commissioner, if the Commissioner asks for those records.

PART 3

INTERPRETING THE STANDARDS

9 The standards specified in Parts 1 and 2 must be interpreted as follows.

10 For the purposes of standard 72, “financial year” means the body’s own financial year.

11 For the purpose of the standards, a requirement to produce or publish any written material in Welsh does not mean that material should be produced or published in Welsh only, nor does it mean that the material should be produced in Welsh first (unless that is specifically stated in the standard).

SCHEDULE 4 Regulation 3

Qualifying persons(1)—

- (a) who provide the public with water services (including supply or distribution), and
- (b) who, by virtue of an appointment under section 6 of the Water Industry Act 1991(2), or by virtue of a variation of such an appointment under section 7 of that Act, are water undertakers for the whole or any part of Wales.

Qualifying persons—

- (a) who provide the public with sewerage services (including disposal of sewage), and
- (b) who, by virtue of an appointment under section 6 of the Water Industry Act 1991, or by virtue of a variation of such an appointment under section 7 of that Act, are sewerage undertakers for the whole or any part of Wales.

(1) 'Qualifying person' means a person who is not within Schedule 6 to the Measure (*See* paragraph 2 of Schedule 7 and paragraph 1(1) of Schedule 8 to the Measure).

(2) 1991 c. 56.